

ALAMEDA COUNTY OFFICE OF EDUCATION

**TO: Alameda County Board of Education
c/o Superintendent's Office
ATTN: Board Secretary
313 W. Winton Ave., Rm. 150
Hayward, CA 94544-1136**

**REQUEST FOR APPEAL
(Pupil Expulsion)**

(Please print or type all material except signature)

In accordance with Education Code Section 48919 and Alameda County Office of Education Bylaws, we hereby request a hearing for the purpose of an Expulsion Appeal.

(NOTE: This Notice of Appeal shall be received by the Secretary for the Alameda County Board of Education within 30 calendar days following the date of expulsion.)

1. _____ 2. _____
Name of Pupil Birthdate

3. _____ 4. _____
Street Address City Zip Code Grade

5. _____
School District School

6. _____
Name of Parents Home Phone Work Phone

7. _____
Street Address City Zip Code

OR

8. _____
Guardian Home Phone Work Phone

9. _____
Street Address City Zip Code

10. _____
Attorney/Counsel Phone

11. _____
Street Address City Zip Code

12. Appellant's (pupil/parent/guardian) understanding of reason(s) given by the local board for expulsion (attach copy of notice of expulsion, if possible).

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An appeal before the County Board is not a rehearing, but rather a procedural review of the transcript of the hearing before the district board of hearing panel to determine if all concerned have received a fair hearing. An expulsion may be appealed only on one or more of the grounds listed in Section 13. (NOTE: You may wish to review, for helpful explanations, the section on “Scope and Limitations of the Hearing” from the *Expulsion Appeal Handbook*.)

13. Why should the expulsion be overturned? (Attach documentation, if any.)

A. Explain how the governing board acted without or in excess of its jurisdiction. (Was the district within its rights to conduct the hearing at all? For example, were all the timelines set forth in the Education Code and school district policy complied with, or was an expellable offense committed?)

B. Explain how the hearing before the governing board was not fair. (For example, was the hearing conducted fairly, allowing for evidence on both sides to be presented?)

C. Explain if there was a prejudicial abuse of discretion in the hearing as such abuse is described in Education Code 48922(c). (For example, did the hearing body act reasonably in conducting the hearing and in reaching a decision, or does the evidence support the conclusion reached?)

D. Explain if there is new relevant evidence which could not have been produced at the time of the hearing or if there was relevant evidence which was improperly excluded at the hearing. (For example, how was it improperly excluded, why couldn't it be provided, what is the nature of the new evidence?)

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14. Expulsion hearings are closed to the public unless you request a session open to the public.

____ I am requesting an open (public) session

15. a. I hereby certify that I have requested that the district superintendent prepare a transcript of this expulsion hearing on _____
Date

at _____ (or attach copy of a written request)

b. I hereby certify that this information is true and correct to the best of my knowledge.

Signature of Parent/Guardian or Adult Pupil Filing Appeal

Date

**REQUEST FOR TRANSCRIPT AND SUPPORTING DOCUMENTS
FROM DISTRICT**

(This letter must be received by the district superintendent on or before
filing the Request for Appeal)

Date _____

Dear _____, Superintendent

This is to inform you that I am filing a "Request for Appeal" on the expulsion of my daughter/son, _____, with the Alameda County Board of Education. Education Code §48919 requires that I request from you a transcript of the expulsion hearing and supporting documents certified by you or by the Clerk of the Board to be a true and complete copy.

I understand that these documents will be prepared within ten (10) schooldays of this request and the filing of the Request for Appeal with the Alameda County Board of Education, provided my request is within 30 days of the school board's decision to expel. Alameda County Board of education policy requires that either your office will send a copy of the transcript and supporting documents directly to the Alameda County Board of Education, upon our mutual consent, or that I take responsibility for the delivery of the transcript and documents within one (1) day of completion by your office. I am requesting that:

- You send a copy of the documents directly to the Alameda County Board of Education and a copy to me at the following address:

OR

- I be informed immediately when these documents are ready. I will arrange for their pick up at your office, duplication of a second copy, and receipt at the Alameda County Board of Education office within one (1) working day of their availability from your office.

You may contact me regarding this request at _____
Telephone Number

Sincerely,

Signature

Print Name