

## (8.22) If my child is expelled, what are the rules governing admission of my child to a new school district?

Your child may be admitted to school in another district only if:

1. He establishes legal residence in the jurisdiction of the new district;  
or
2. His current district grants him an inter-district transfer.

[Cal. Ed. Code Secs. 46600(c) (transfer for expelled students), 46601 (appeals) & 46603 (provisional admission).]

The new district may request information and/or a recommendation from the former district and will then hold a hearing to determine whether your child poses a continuing danger to the students or employees of the new district. [Cal. Ed. Code Secs. 48915.1(a)-(b).] The hearing is conducted under the same rules and procedures as regular expulsion hearings. [Cal. Ed. Code Sec. 48918.] If, after the hearing, the district determines that your child *does* pose a continuing danger, it may condition enrollment on attendance in a specified program or may *deny* the request for admission. [Cal. Ed. Code Secs. 48915.1(c)-(d).] If the district determines that your child does not pose a continuing danger, it must admit him to one of its schools for the remainder of the expulsion period, provided he has established residence in the new district or has obtained an inter-district transfer. [Cal. Ed. Code Sec. 48915.1(e).] If you have not informed the new district of the expulsion from the former district and the new district finds out, the fact of nondisclosure must be recorded and may be discussed at the readmission hearing described above.

However, if your child was expelled for any of the following reasons, he cannot enroll in any other California district during the period of his expulsion, unless it is a *county community school or juvenile court school*:

1. Causing serious physical injury to another person (except in self-defense);
2. Possessing a knife, explosive or other dangerous object of no reasonable use to him at school or at a school activity off campus;
3. Possession of a controlled substance;
4. Engaging in robbery or extortion;
5. Assault or battery;
6. Possession or sale of a firearm;
7. Brandishing a knife;
8. Sale of a controlled substance; or
9. Sexual assault.

[Cal Ed. Code Secs. 48915.1, 48915(a) & (c), 48915.2(a).]

After the period of expulsion (for any of the above reasons) is over, your child may be admitted to the new district if he meets the residence or inter-district transfer requirements. The admission would only be considered if, after a hearing, the new district determines that he does not pose a continuing danger.

If your child is expelled and is re-enrolled in a new school district, the new school district must continue to provide special education and related services to your child comparable to your student's current IEP.