

Winston Secures Dismissal of Expulsion Recommendation and Right for Client to Return to School

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A Winston & Strawn San Francisco and Silicon Valley pro bono team represented a 13-year-old eighth grade student in her expulsion hearing, and successfully defended her right to return to middle school. The Northern California school district recommended the student's expulsion after two concurrent suspensions stemming from alleged school violations that took place during the first two weeks of the school year in September 2018.

The Winston team worked with the student, her parents, and the school district to obtain and review the student cumulative records and learn more about the client's educational experience. The student had transferred to the middle school less than two years prior. At the middle school, the student had struggled academically; however, at her previous school she earned high marks and was identified as a Gifted and Talented Education student. In light of her educational and personal experiences, the team defended the student's right to return to school and argued that the school administrators did not meet their burden of attempting alternative means of addressing or correcting the student's behavior, as required by the Education Code, in order to recommend expulsion. Winston vigorously defended the student by refuting allegations by the school administrators that there was nothing that could be done to support the student and her continued academic and socio-emotional growth.

After the hearing, the Administrative Hearing Panel quickly reached the conclusion that the school did not have sufficient evidence to substantiate an expulsion recommendation. As a result, the Panel agreed with the Winston team that the expulsion recommendation should be dismissed and the student won the right to return to school. The student successfully returned to her middle school and the Winston team is working with the student and her mom to facilitate a successful transition back on campus, including advocating for academic supports and interventions.

The Winston team was under the supervision of Partner Kathi Vidal, who provided invaluable guidance during the expulsion hearing.

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