

Students

Suspension and Expulsion/Due Process

The Board of Education desires to provide District students access to educational opportunities in an orderly school environment that protects their safety and security, ensures their welfare and well-being, and promotes their learning and development. The Board shall develop rules and regulations setting the standards of behavior expected of District students and the disciplinary processes and procedures for addressing violations of those standards, including suspension and/or expulsion.

Except when otherwise permitted by law, a student may be suspended or expelled only when his/her behavior is related to a school activity or school attendance occurring within any District school or other school District, regardless of when it occurs, including, but not limited to, the following: (Education Code 48900(s))

1. While on school grounds
2. While going to or coming from school
3. During the lunch period, whether on or off the school campus
4. During, going to, or coming from a school-sponsored activity

District staff shall enforce the rules concerning suspension and expulsion of students fairly, consistently, equally, and in accordance with the District's nondiscrimination policies.

Appropriate Use of Suspension and Expulsion

Except when a student commits an act that violates Education Code 48900(a)-(e) or his/her presence causes a danger to others, suspension shall be used only when other means of correction have failed to bring about proper conduct.

Except when a student commits an act listed in Education Code 48915(c), the Superintendent or designee shall have the discretion to determine whether to recommend to the Board that the student be expelled.

To correct the behavior of any student who is subject to discipline, the Superintendent or designee shall, to the extent allowed by law, first use alternative disciplinary strategies specified in AR 5144 - Discipline. (Education Code 48900.5, 48900.6)

Students shall not be suspended or expelled for truancy, tardiness, or absenteeism from assigned school activities.

**BP 5144.1(b)**

District staff shall not suspend any student for disruption or willful defiance, unless the suspension is warranted by documented repetitive behavior of the student or the disruption or willful defiance occurred in conjunction with another violation for which the student may be suspended.

No student in grades K-3 may be suspended for disruption or willful defiance, except by a teacher pursuant to Education Code 48910. (Education Code 48900)

A student's parents/guardians shall be notified as soon as possible when there is an escalating pattern of misbehavior that could lead to classroom or school removal.

Authority to Expel

A student may be expelled only by the Board. (Education Code 48918(j))

As required by law, the Superintendent or principal shall recommend expulsion and the Board shall expel any student found to have committed any of the following "mandatory recommendation and mandatory expulsion" acts at school or at a school activity off school grounds: (Education Code 48915)

1. Possessing a firearm which is not an imitation firearm, as verified by a certificated employee, unless the student had obtained prior written permission to possess the item from a certificated school employee, with the principal or designee's concurrence
2. Selling or otherwise furnishing a firearm
3. Brandishing a knife at another person
4. Unlawfully selling a controlled substance listed in Health and Safety Code 11053-11058
5. Committing or attempting to commit a sexual assault as defined in Penal Code 261, 266c, 286, 288, 288a, or 289, or committing a sexual battery as defined in Penal Code 243.4
6. Possessing an explosive as defined in 18 USC 921

For all other violations listed in the accompanying administrative regulation under "Grounds for Suspension and Expulsion: Grades K-12" and "Additional Grounds for Suspension and Expulsion: Grades 4-12," the Superintendent or principal shall have the discretion to recommend expulsion of a student. If expulsion is recommended, the Board shall order the student expelled only if it makes a finding of either or both of the following: (Education Code 48915(b) and (e))

## **BP 5144.1(c)**

1. That other means of correction are not feasible or have repeatedly failed to bring about proper conduct
2. That due to the nature of the violation, the presence of the student causes a continuing danger to the physical safety of the student or others

A vote to expel a student shall be taken in a public session.

The Board may vote to suspend the enforcement of the expulsion order pursuant to the requirements of law and the accompanying administrative regulation. (Education Code 48917)

No student shall be expelled for disruption or willful defiance. (Education Code 48900)

### Due Process

The Board shall provide for the fair and equitable treatment of students facing suspension and expulsion by affording them their due process rights under the law. The Superintendent or designee shall comply with procedures for notices, hearings and appeals as specified in law and administrative regulation. (E.C. 48911, 48915, 48915.5)

### Supervised Suspension Classroom

To ensure the proper supervision and ongoing learning of students who are suspended for any of the reasons enumerated in Education Code 48900 and 48900.2, but who pose no imminent danger or threat to anyone at school and for whom expulsion proceedings have not been initiated, the Superintendent or designee shall establish a supervised suspension classroom program which meets the requirements of law.

Except where a supervised suspension is permitted by law for a student's first offense, supervised suspension shall be imposed only when other means of correction have failed to bring about proper conduct. (Education Code 48900.5)

### Decision Not to Enforce Expulsion Order

Upon voting to expel a student, the Board may suspend enforcement of the expulsion order pursuant to the requirements of law and administrative regulation. (Education Code 48917)

### Maintenance and Monitoring of Outcome Data

The Superintendent or designee shall annually present to the Board a report of the outcome data which the District is required to collect pursuant to Education Code 48900.8 and 48916.1, including the number of students recommended for expulsion, the grounds for each recommended expulsion, the actions taken by the Board, the types of referral made after each expulsion, and the disposition of the students after the expulsion period.

**BP 5144.1(d)**

The report shall be disaggregated by school and by numerically significant student subgroups, including, but not limited to, ethnic subgroups, socioeconomically disadvantaged students, English learners, foster youth, and students with disabilities. The report also shall include information about whether and how the District is meeting its goals for improving school climate as specified in its local control and accountability plan

Legal Reference:

EDUCATION CODE

212.5	Sexual harassment
<b>233</b>	Hate violence reduction
1981	Enrollment of students
17292.5	Program for expelled students
32261	Interagency School Safety Demonstration Act of 1985
35145	Open Board Meetings
35146	Closed sessions (re suspensions)
35291	Rules (for government and discipline of schools)
35291.5	Rules and procedures on school discipline
48645.5	Readmission; contact with juvenile justice system
48660-48666	Community day schools
48853.5	Foster Youth
48900-48925	Suspension and expulsion
48950	Speech and other communication
48980	Parental notifications
49073-49079	Privacy of student records
52060-52077	Local control and accountability plan

CIVIL CODE

47	Privileged communication
48.8	Defamation liability

CODE OF CIVIL PROCEDURE

1985-1997	Subpoenas; means of production
-----------	--------------------------------

GOVERNMENT CODE

11455.20	Contempt
54950-54963	Ralph M. Brown Act (re closed sessions)

HEALTH AND SAFETY CODE

11014.5	Drug paraphernalia
11053-1058	Standards and schedules

LABOR CODE

230.7	Discharge or discrimination against employee for taking time off to appear in school on behalf of a child
-------	---

PENAL CODE

31	Principal defined
240	Assault defined
241.2	Assault fines
242	Battery defined
243.2	Battery fines
243.4	Sexual battery
245	Assault with deadly weapon
245.6	Hazing
261	Rape defined
266c	Unlawful sexual intercourse
286	Sodomy defined
288	Lewd or lascivious acts with child under age 14
288a	Oral copulation
289	Penetration of genital or anal openings
417.27	Laser pointers
422.55	Hate crime defined
422.6	Interference with civil rights; damaging property
422.7	Aggravating factors for punishment
422.75	Enhanced penalties for hate crimes
626.2	Entry upon campus after written notice of suspension or dismissal without permission
626.9	Gun-Free School Zone Act of 1995
626.10	Dirks, daggers, knives, razors or stun guns
868.5	Supporting person; attendance during testimony of witness

WELFARE AND INSTITUTIONS CODE

729.6 Counseling

UNITED STATES CODE, TITLE 18

921 Definitions, firearm

UNITED STATES CODE, TITLE 20

1415(K) Placement in alternative educational setting

7151 Gun-free schools