Students

SUSPENSION AND EXPULSION/DUE PROCESS

The Governing Board has established policies and standards of behavior in order to promote learning and protect the safety and well-being of all students. When these policies and standards are violated, it may be necessary to suspend or expel a student from regular classroom instruction.

(cf. 5144 - Discipline)

Suspended or expelled students shall be denied the privilege of participation in all school sponsored extracurricular activities during the period of suspension or expulsion.

Except where suspension for a first offense is warranted in accordance with law, suspension shall be imposed only when other means of correction fail to bring about proper conduct. (Education Code 48900.5)

Expulsion is an act taken by the Board for severe or prolonged breaches of discipline by a student. Except for single acts of a grave nature, expulsion shall be used only when there is a history of misconduct, when other forms of discipline, including suspension, have failed to bring about proper conduct, or when the student’s presence causes a continuing danger to self or others. (Education Code 48915)

The grounds for suspension and expulsion and the procedures for considering, recommending, and/or implementing suspension and expulsion shall be those specified in law and/or the administrative regulation.

Student 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 and appeals as specified in administrative regulation and/or law. (Education Code 48911, 48915, 48915.5)

(cf. 5119 - Students Expelled from Other Districts)
(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities)

Supervised Suspension

The Board recognizes that students who are suspended from school often have no supervision or guidance during the school hours when they are off campus and may fall
Students

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

behind in the coursework. The Board believes that, in many cases, it would be better to manage the student’s behavior by keeping the student at school and providing him/her with supervision that is separated from the regular classroom.

The Superintendent or designee shall establish a supervised suspension program which meets the requirements of law for students suspended from a classroom for any of the reasons enumerated in Education Code 48900 and 48900.2, who pose no imminent danger or threat at school, and for whom an expulsion action has not been initiated.

The Superintendent or designee shall examine alternatives to off-campus suspension and may establish a suspension program which involves progressive discipline during the school day on campus; use of conferences among staff, parents/guardians, and students; detention; Student Study Teams or other assessment-related teams; and/or referral to school support services staff. The use of such alternatives does not preclude off-campus suspensions.

The Board believes that parental involvement plays an important role in the resolution of classroom behavior problems. The Board expects that teachers and administrators will communicate with parents/guardians when behavior problems arise.

Decision Not to Enforce Expulsion Order

On a case-by-case basis, the enforcement of an expulsion order may be suspended by the Board pursuant to the requirements of law.

Legal Reference:

EDUCATION CODE
212.5 Sexual harassment
1981 Enrollment of students in community day school
17292.5 Program for expelled students
32050 Hazing
35146 Closed sessions (re suspensions)
35291 Rules (for government and discipline of schools)
35291.5 Rules and procedures on school discipline
48660-48667 Community day schools
48900-48927 Suspension and expulsion
48950 Speech and other communication
49073-49079 Privacy of student records
CIVIL CODE
47 Privileged communication
48.8 Defamation liability
Students

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

CODE OF CIVIL PROCEDURE
1985-1997 Subpoenas; means of production
GOVERNMENT CODE
11455.20 Contempt
54950-5496 Ralph M. Brown Act (re closed sessions)
HEALTH AND SAFETY CODE
11014.5 Drug paraphernalia
11053-11058 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 of a crime, defined
240 Assault defined
241.2 Assault fines
242 Battery defined
243.2 Battery on school property
243.4 Sexual battery
245 Assault with deadly weapon
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
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
7151 Gun free schools
COURT DECISIONS
ATTORNEY GENERAL OPINIONS
SUSPENSION AND EXPULSION/DUE PROCESS (continued)

Management Resources:
WEB SITES
CSBA: http://www.csba.org
California Attorney General’s Office: http://www.caag.state.ca.us
California Department of Education: http://www.cde.ca.gov
U.S. Department of Education, Office of Safe and Drug-Free Schools:
http://www.ed.gov/about/offices/list/osdfs/index.html