

~~Santa Rosa City Schools~~

CSBA Sample

Board Policy

Suspension And Expulsion/Due Process

BP 5144.1

Students

~~Translation of Board Policy~~

~~This Board Policy shall be given to a student and his/her parent/guardian that is facing an expulsion hearing, as well as upon request. Such policy shall be translated into the primary language of the student and his/her parent/guardian, in so far as practicable in accordance to State and Federal Law(s).~~

~~Suspension from School~~

~~1. Definitions~~

~~a. Suspension from school means removal of a student from ongoing instruction for adjustment purposes. (Education Code 48925)~~

~~b. Day means a calendar day unless otherwise specifically provided. (Education Code 48925)~~

~~c. Schoolday means a day upon which the schools of the district are in session or weekdays during the summer recess. (Education Code 48925)~~

~~d. Student includes a student's parent/guardian or legal counsel.~~

~~e. Student with Previously Identified Exceptional Needs means a student who meets the requirements of Education Code 56026 and who, at the time the alleged misconduct occurred, was enrolled in a special education program. (See AR 5144.2)~~

~~f. Principal's designee means one or more administrators at a school site specifically designated by the principal, in writing, to assist with disciplinary procedures.~~

~~In the event there is not an administrator besides the principal at a school site, the principal may specifically designate, in writing, a certificated employee at the school site to assist with disciplinary procedures. Only one such certificated employee at a time may be designated as the principal's primary designee for the school year.~~

~~An additional certificated person may be designated by the principal, in writing, to assist with~~

~~disciplinary procedures when both the principal and principal's primary designee are absent from the school site. The name of the additional person and the person(s) designated as principal's designee shall be on file in the principal's office. (Education Code 48911(h))~~

~~g. Habitual means a frequent repetition.~~

~~h. Terroristic Threat shall include any statement, whether written or oral, by a person who willfully threatens to commit a crime which will result in death, great bodily injury to another person, or property damage in excess of \$1,000, with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out, which, on its face and under the circumstances in which it is made, is so unequivocal, unconditional, immediate, and specific as to convey to the person threatened, a gravity of purpose and an immediate prospect of execution of the threat, and thereby causes that person reasonably to be in sustained fear for his/her own safety or for his/her immediate family's safety, or for the protection of school district property, or the personal property of the person threatened or his/her immediate family. (Education Code 48900.7(b))~~

~~i. Ineligibility to participate in co-curricular and extracurricular activities shall occur pursuant to Board Policy 6145.1 if a student is suspended for any violation of Education Codes 48900, 48900.2, 48900.3, 48900.4 and 48900.7~~

~~2. Suspension: Authority to Suspend~~

~~Suspension shall be imposed only when other means of correction fail to bring about proper conduct. However, a student, including a student with previously identified exceptional needs, may be suspended from the school for not more than five consecutive school days for any of the reasons in Education Code 48900 upon a first offense, if the principal or Superintendent determines the student has committed any of the acts enumerated in Education Code 48900 or that the student's presence causes a danger to persons or property or threatens to disrupt the instructional process. (Education Code 48900.5)~~

~~3. Suspension: Grounds for Suspension or Expulsion (Education Codes 48900, 48900.2, 48900.3, 48900.4, 48901.5)~~

~~a. A student may be suspended for any of the acts listed in Education Code 48900, 48900.2, 48900.3, 48900.4~~

The Governing Board 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.

(cf. 5131 - Conduct)

(cf. 5131.1 - Bus Conduct)

(cf. 5131.2 - Bullying)

The grounds for suspension and expulsion and the procedures for considering, recommending, and/or implementing suspension and expulsion shall be only those specified in law, in this policy, and 48900.7 or 48901.5 if in the accompanying administrative regulation.

Except when otherwise permitted by law, a student may be suspended or expelled only when the behavior is related to a school activity or school attendance occurring within a school under the jurisdiction of the Superintendent or the principal or occurring within any other school any district(s), a student may be suspended or expelled for acts that are related to school activity or attendance that occur at any time school or another school district, regardless of when it occurs, including, but not limited to, the following circumstances: (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.~~

~~(cf. 5112.5 - Open/Closed Campus)~~

~~4) During or going to, or coming from a school-sponsored school-related activity. (Education Code 48900(r))~~

~~b. A student may not be suspended or recommended for expulsion unless the Superintendent or the principal of the school in which the student is enrolled determines that the student has:~~

~~(1) Caused, attempted to cause, or threatened to cause physical injury to another person; or willfully used force or violence upon the person of another, except in self-defense.~~

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

(cf. 0410 - Nondiscrimination in District Programs and Activities)

Appropriate Use of Suspension Authority

Except when a student's act violates Education Code 48900}

~~(2) — Possessed, sold, or otherwise furnished any firearm, knife, explosive, or other dangerous object unless, in the case of possession of any object of this type, the student had obtained written permission from a certificated school employee, which is concurred in by the principal or the principal's designee. (Education Code 48900(b))~~

~~(3) — Unlawfully possessed, used, said, or otherwise furnished, or been under the influence of, any controlled substance (a)-(c), as listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind. (Education Code 48900(c))~~

~~(4) — Unlawfully offered or arranged or negotiated to sell any controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind; and then either sold, delivered, or otherwise furnished to any person another liquid substance, or material and represented the liquid, substance, or material as a controlled substance, alcoholic beverage, or intoxicant. (Education Code 48900(d))~~

~~(items #1-5) — Committed or attempted to commit robbery or extortion. (Education Code 48900(e))~~

~~(6) — Caused or attempted to cause damage to school property or private property. (Education Code 48900 (f))~~

~~(7) — Stolen or attempted to steal school property or private property. (Education Code 48900 (g))~~

~~(8) — Possessed or used tobacco, or any products containing tobacco or nicotine products, including, but not limited to, cigarettes, cigars, miniature cigars, clover cigarettes, smokeless tobacco, snuff, chew packets, and betel. However, this does not prohibit use or possession by a student of his/her own prescription products. (Education Code 48900 (h))~~

~~(9) — Committed an obscene act or engaged in habitual profanity or vulgarity. (Education Code 48900 (i))~~

~~(10) — Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Section 11014.5 of the Health and Safety Code. (Education Code 48900 (j))~~

~~(11) — Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, school officials, or other school personnel engaged in the performance of their duties. (Education Code 48900 (k))~~

~~(12) — Knowingly received stolen school property or private property. (Education Code 48900-
(l))~~

~~(13) — Possessed an imitation firearm. As used in this section, "imitation firearm" means a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm. (Education Code 48900 (m))~~

~~(14) — Committed or attempted to commit a sexual assault as defined in Section 261, 266c, 286, 288, 288a, or 289 of the Penal Code or committed a sexual battery as defined in Section 243.4 of the Penal Code. — (Education Code 48900 (n))~~

~~(15) — Harassed, threatened, or intimidated a student who is a complaining witness or witness in a school disciplinary proceeding for the purpose of either preventing that student from being a witness or retaliating against that student for being a witness, or both. Education Code 48900 (o)~~

~~(16) — Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug— Soma. (Education Code 48900 (p))~~

~~(17) — Engaged in, or attempted to engage in hazing as defined in subdivision (b) of Section 245.6 of the Penal Code (Education Code 48900 (q))~~

~~(18) — Used any electronic signaling device, including, but not limited to, paging and signaling equipment while on campus, while attending any school sponsored activity, or while under the supervision and control of any district employee, except for a high school student, who may use the above mentioned devices during break or lunch and except when a student at any grade level has the prior consent of the principal or the principal's designee. The use of cell phones or other electronic devices whether for the purpose of voice or text communication or other purposes, i.e. photo taking, shall be considered disruptive if done during class time or during other school events and in other designated school settings. (Education Code 48901.5)~~

~~(19) — Committed sexual harassment as defined in Education Code 212.5. — This conduct must be considered by a reasonable person of the same gender as the victim to be sufficiently severe or pervasive to have a negative impact upon the individual's academic performance or to create an intimidating, hostile, or offensive educational environment. This sub section shall not apply to students enrolled in kindergarten and grades 1 to 3, inclusive. (Education Code 48900.2)~~

~~(20) — Caused, attempted to cause, threatened to cause, or participated in an act of hate violence as defined in subdivision (e) of Education Code 233. This subsection applies to students enrolled in any of grades 4 to 12, inclusive. (Education Code 489003)~~

~~(21) — Intentionally engaged in harassment, threats, or intimidation, directed against a student or group of students, that is sufficiently severe or pervasive to have the actual and reasonably expected effect of materially disrupting class work, creating substantial disorder, and invading the rights of that student or group of students by creating an intimidating or hostile education environment. This sub section applies to students enrolled in any of the grades 4 to 12, inclusive. (Education Code 48900.4)~~

~~(22) — Making terroristic threats, as defined, against school officials or school property, or both. (Education Code 48900.7)~~

~~4. — Alternatives to Suspension~~

~~a. — Alternatives to suspension or expulsion will be used against students who are truants, tardy, or otherwise absent from assigned school activities. (Education Code 48900 (v))~~

~~Instead of disciplinary action prescribed by this policy, the principal of a school, the principal's designee, the Superintendent, or the Board may require a student to perform community service on school grounds during nonschool hours. For purposes of this subsection "community service" may include, but is not limited to, work performed on school grounds in the areas of outdoor beautification, campus betterment, and teacher or peer assistance programs. This sub-section does not apply if suspension or expulsion is required by this policy or the Education Code.~~

~~5. — under "Grounds for Suspension: Procedures~~

~~a. — Suspension by Teacher (Education Code 48910)~~

~~(1) — A teacher may suspend any student from his/her class, for any of the acts enumerated in Education Code 48900 for the day of the suspension and the day following.~~

~~(2) — The teacher shall immediately report the suspension to the principal of the school and send the student to the principal or designee for appropriate action.~~

~~(3) — As soon as possible, the teacher shall telephone or write to the parent/guardian of the student asking him/her to attend a parent/teacher conference regarding the suspension. Whenever practicable, a school counselor or a school psychologist shall attend the conference. A school administrator shall attend the conference if the teacher or the parent/guardian so requests.~~

~~(4) — The student shall not be returned to the class from which he/she was suspended, during the period of the suspension, without the concurrence of the teacher and the principal.~~

~~(5) — A student suspended from a class shall not be placed in another regular class during the period of suspension. However, if the student is assigned to more than one class per day, this paragraph shall apply only to other regular classes scheduled at the same time as the class from which the student was suspended.~~

~~(6) — A teacher may also refer a student, for any of the acts enumerated in Education Codes 48900, 48900.2, 48900.3, 48900.4, 48900.7 and 48901.5, to the principal for consideration of a suspension from the school.~~

~~(7) — A teacher may require the parent/guardian of a student suspended by the teacher for violating sub-section (i) or (k) of Education Code 48900 to attend a portion of a schoolday in his/her child's or ward's classroom. (Education Code 48900.1)~~

~~b. — Suspension by Superintendent, Principal or Principal's Designee (Education Code 48911)~~

~~(1) — The principal of the school, the principal's designee, or the Superintendent may suspend a student from the school for any of the acts enumerated in Education Codes 48900, 48900.2, 48900.3, 48900.4, 48900.7 and 48901.5, and pursuant to Education Code 48900.5, for not more than five consecutive school days.~~

~~(2) — Pre-Suspension Conference~~

~~Suspension shall be preceded by an informal conference conducted by the principal or his designee or the Superintendent between the student, and whenever practicable, the teacher or supervisor or school employee who referred the student to the principal or his designee or the Superintendent. At the conference, the student shall be informed of the reason for the disciplinary action and the evidence against him/her and shall be given the opportunity to present his/her version and evidence in support of his/her defense. — (Education Code 48911 (b))~~

~~Exception: Emergency Situation~~

~~This pre-suspension conference may be omitted only if the principal or principal's designee or Superintendent determines that an emergency situation exists. Emergency situation means a situation determined by the principal, the principal's designee, or the Superintendent to constitute a clear and present danger to the lives, safety, or health of students or school personnel. If the pre-suspension conference is not held, both the parent/guardian and student shall be notified of the student's right to return to school for the purpose of a conference. — The conference shall be held within two school days, unless the student waives his/her right to it, or is physically unable to attend for any reason; in such case the student is physically able to return to school. — (Education Code 48911(e))~~

~~(3) — Notice to Parents~~

~~(A) — At the time of the suspension, a school employee shall make a reasonable effort to contact the parent/guardian in person or by telephone.~~

~~(B) — A notice of the suspension shall be mailed to the parent/guardian of the suspended student. The notice shall be in the primary language of the parent/guardian insofar as is practicable. The notice shall include the following:~~

~~(I) — A statement of the facts leading to the decision to suspend.~~

~~(II) — The date and time and Expulsion: Grades K-12" of the accompanying administrative regulation, or when the student will be allowed to return to school.~~

~~(III) — A statement of the right of the student or parent/guardian to request a meeting with the Superintendent or Superintendent's designee pursuant to this policy.~~

~~(IV) — A statement of the parent/guardian's or the student's right presence causes a danger to others, suspension shall be used only when other means of correction have access failed to the student's record as provided by bring about proper conduct. (Education Code 49069.48900.5, 48900.6)~~

~~(V) — A request that the parent/ guardian attend the informal conference with school officials regarding the (cf. 5138 - Conflict Resolution/Peer Mediation) (cf. 5144 - Discipline) (cf. 6142.4 - Service Learning/Community Service Classes) (cf. 6164.2 - Guidance/Counseling Services) (cf. 6164.5 - Student Success Teams)~~

~~A student's behavior, including notice that state law requires parent/guardian to respond to such request without delay.~~

~~(VI) — Parentsparents/guardians shall be notified of the student's ineligibility to participate in co- and extracurricular activities as defined in AR 6145.1.~~

~~(C) — While the parent/guardiansoon as possible when there is required to respond without delay to a request for a conference regarding his/her child's behavior, no penalties may be imposed on the student for the failure of the parent/guardian to attend such conference, nor may the readmission of the student be contingent on the attendance by the student's parent/guardian at such conference. — (Education Code 48911 (f))~~

~~(D) — A school employee shall report the suspension of the student, including the cause therefore, to the district Superintendent or designee. — (Education Code 48911(e))~~

~~(E) — Notice to Parents Upon Release of Minor Pupil to Peace Officer:~~

~~When a principal or other school official releases a student to a peace officer in order to remove the minor from the school premises, with the exception of cases involving suspected child abuse, the school official shall take immediate steps to notify the parent/guardian or responsible relative of the student that the student has been released to the officer, and the place to which the student is reportedly being taken. In cases involving suspected child abuse, the school official shall provide the peace officer with the address and telephone number of the student's parent or guardian. (Education Code 48906)~~

~~(4) — Notice to Law Enforcement Authorities~~

~~The principal of a school or the principal's designee shall, prior to the suspension or expulsion of any student, notify the appropriate law enforcement authorities of the county or city in which the school is situated, of any acts of the student which may be violative of Section 245 of the Penal Code, relating to assault with a deadly weapon or force likely to produce great bodily harm. — (Education Code 48902(a))~~

~~The principal of a school or the principal's designee shall within one schoolday of the suspension or expulsion of any student by telephone or other appropriate method chosen by the school, notify the appropriate law enforcement authorities of the county or city in which the school is situated, of any acts of the student which may violate subdivision (c) or (d) of Education Code 48900.—(Education Code 48902(b))~~

~~The principal or the principal's designee shall notify the appropriate law enforcement authorities of the county or city in which the school is located of any acts of the student which may involve the possession or sale of a controlled substance or a violation of Section 626.9 or 626.10 of the Penal Code relating to bringing or possessing on school grounds a firearm, a knife having a fixed blade longer than 2-1/2 inches, folding knife with a blade that locks into place, a razor with an unguarded blade, a taser, a stun gun, or any instrument that expels a metallic projectile such as a BB or pellet, through the force of air pressure, CO₂ pressure, or spring action, or any spot-marker gun.—(Education Code 48902(c))~~

~~(5) — Appeal of School Suspension to Superintendent or Superintendent's Designee (Education Code 48914)~~

~~If suspension is ordered by a principal or a principal's designee, the student or the student's parent/guardian shall have the right to request a meeting with the Superintendent or Superintendent's designee to discuss the causes, the duration, the school policy involved and other matters pertinent to the suspension.~~

~~If, after the meeting, the Superintendent or Superintendent's designee determines that no violation occurred, all records and documentation regarding disciplinary proceedings and suspension shall be destroyed immediately, and no information regarding the meeting shall be placed in the student's permanent record file or communicated to any person not directly involved in the disciplinary proceedings. If the determination is that the penalty imposed was inappropriate for the violation, the records and documentation concerning the suspension shall be revised to indicate only the facts leading to any other disciplinary action imposed by the Superintendent or the Superintendent's designee.—(Education Code 48914)~~

~~c. — Suspension by Board of Education (Education Code 48912)~~

~~(1) — The Board may suspend a student from school for any of the acts listed under Education Codes 48900, 48900.2, 48900.3, 48900.4, 48900.7 and 48901.5 for any number of school days not to exceed 20 school days in any school year, unless for purposes of adjustment a student enrolls in or is transferred to another regular school, an opportunity school or class, or continuation education school or class, in which case suspension shall not exceed thirty school days in any school year.—(Education Code 48912(a))~~

~~(2) — Hearing by Governing Board/Closed Session~~

~~If the Board is considering a suspension, disciplinary action, or any other action, except expulsion, against any student, it shall hold closed sessions if a public hearing would escalate~~

~~pattern of misbehavior that could lead to disclosure of information which would violate a student's right to privacy under Education Code 49073. The student may request, however, a public meeting and the request shall be granted if made in writing and served upon the clerk or secretary of the governing board within 48 hours after receipt of the board's notice of closed session, except any discussion at the meeting that may be in conflict with any other student's right to privacy, shall be in closed session.—(Education Code 48912(b)-(e))~~on-campus or off-campus suspension.

~~d.——~~ **Board Notice of Closed Session**

~~Before calling a closed session to consider suspension of, disciplinary action against, or any other action against a student except expulsion, the governing board shall, in writing, by registered or certified mail or by personal service, notify the student and the student's parent/guardian of the intent of the Board to call and hold a closed session.—(Education Code 48912(e))~~

~~e.——~~ **Suspension: Limitations on Suspensions**

~~(1)——A student may be suspended for no more than five consecutive school days for any of the reasons enumerated above under grounds for suspension, unless the student is suspended by the Board which may suspend for any number of consecutive school days not to exceed twenty school days in a school year, unless for purposes of adjustment a student enrolls in or is transferred to another regular school, an opportunity school or class, or continuation education school or class, in which case suspension by the governing board shall not exceed thirty consecutive school days in any school year.—(Education Codes 48911(a), 48912(a))~~

~~(2)——A student shall be suspended for no more than twenty school days in a school year, unless for purpose of adjustment a student is enrolled or transferred to another regular school, an opportunity school or class, or a continuation education school or class, in which case suspension shall not exceed thirty school days of suspension in one school year. Suspensions that occur while a student is enrolled in another school district are not counted in calculating the maximum number of days of suspension.—(Education Code 48903)~~

~~(3)——Notwithstanding paragraphs above, if an expulsion of the suspended student is being processed by the governing board, the suspension may be extended by the Superintendent, or a person designated by the Superintendent, in writing, until such time as the governing board has rendered a decision.—(Education Code 48911(g))~~

~~Before acting to extend the suspension, the Superintendent or Superintendent's designee shall notify the student and the student's parent/guardian of the proposed extension with an offer to hold a conference concerning the extension to give the student and the student's parent/guardian an opportunity to be heard on the extension. Following the meeting in which the student and the student's parent/guardian are invited to participate, the Superintendent may extend the suspension only upon first determining that the presence of the student at the school or in an alternative school placement would cause a danger to persons or property or a threat of disrupting the instructional process.~~

~~If the student or the student's parent/guardian requested a meeting to challenge the original suspension by a principal or principal's designee pursuant to paragraph above that meeting may be held to decide both the merits of the suspension and the extension of the suspension order under this paragraph. (Education Code 48911(g))~~

~~Notwithstanding subdivisions 1 and 3, an individual with exceptional needs may be suspended for up to, but not more than, 10 consecutive schooldays if he or she poses an immediate threat to the safety of himself or herself or others. In the case of a truly dangerous child, a suspension may exceed 10 consecutive schooldays, or the student's placement may be changed, or both, if either of the following occurs:~~

- ~~i. The student's parent/guardian agrees.~~
- ~~ii. A court order so provides. (~~

No student in grades K-8 may be suspended for disruption or willful defiance, except by a teacher pursuant to Education Code 48910. (Education Code 48900)

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

(cf. 5113 - Absences and Excuses)

(cf. 5113.1 - Chronic Absence and Truancy)

On-Campus Suspension

To ensure the proper supervision and ongoing learning of students who are suspended for any of the reasons enumerated in Education Code 48911(h))

~~f. Suspension: Supervised Suspension Classroom~~

~~(1) A student suspended from a school for any of the reasons enumerated in paragraphs above in this policy may be assigned, by the principal or the principal's designee, to a supervised suspension classroom for the entire period of suspension if the student poses 48900 and 48900.2, but who pose no imminent danger or threat to the campus, students or staff, or if an action to~~

expel the student has 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.

~~(2) — Students assigned to Except where a supervised classroom shall be separated from other students at the school site for the period of suspension in a separate classroom, building, or site for students under suspension.~~

~~(3) — Each student in the suspension is permitted by law for a student's first offense, supervised suspension classroom is responsible for contacting his/her teacher or teachers to receive assignments to be completed while the student is assigned to the classroom. The teacher shall provide all assignments and tests that the student will miss while suspended. If no classroom work is assigned, the person supervising the suspension classroom shall assign schoolwork. shall be imposed only when other means of correction have failed to bring about proper conduct. (Education Code 48900.5)~~

~~(4) — Time a student is assigned to a supervised suspension classroom, a school employee shall notify, in person or by telephone, the student's parent/guardian. Whenever a student is assigned to a supervised suspension classroom for longer than one class period, a school employee shall notify the student's parent/guardian in writing. (Education Code 48911.1)~~

~~g. — Expulsion: Procedures for Stipulated Expulsions~~

~~As outlined in California Education Code Section 48900 et seq., and Administrative Regulation 5144.1, the District shall hold expulsion hearings for students. Based upon the discretion of the Superintendent, or designee, the District may offer a stipulated expulsion to a student and his/her family that is facing an expulsion hearing. If the student and parent/guardian agree, the expulsion hearing shall be waived. The student and parent/guardian would also make a voluntary waiver of the following rights, including but not limited to: all expulsion hearing notice and timelines, to question all witnesses and evidence, to present witnesses and exhibits, and to inspect and obtain copies of documents related to the expulsion of said student.~~

~~The stipulated expulsion hearing agreement would be signed by the student and parent/guardian~~
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

(cf. 5131.7 - Weapons and Dangerous Instruments)

2. Selling or otherwise furnishing a firearm

3. ~~well~~ 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, the Superintendent or designee. ~~The stipulated expulsion agreement would then be sent to the Board of 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, at its next regularly scheduled~~ Code 48915(b) and (e))

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 an open session of a Board meeting ~~for ratification.~~ ~~The Board of,~~

The Board may vote to suspend the enforcement of the expulsion order pursuant to the requirements of law and the accompanying administrative regulation. ~~(Education would have final authority to accept or reject the stipulated~~ Code 48917)

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

No child enrolled in a preschool program shall be expelled except under limited circumstances as specified in AR 5148.3 - Preschool/Early Childhood Education.

(cf. 5148.3 - Preschool/Early Childhood Education)

Due Process

The Board shall provide for the fair and equitable treatment of students facing suspension and/or

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. (Education Code 48911, 48915, 48915.5, 48918)

(cf. 5119 - Students Expelled from Other Districts)

(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))

Maintenance and Monitoring of Outcome Data

The Superintendent or designee shall maintain outcome data related to student suspensions and expulsions in accordance with Education Code 48900.8 and 48916.1, including, but not limited to, 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-~~agreement, and the disposition of the students after the expulsion period. For any expulsion that involves the possession of a firearm, such data shall include the name of the school and the type of firearm involved, as required pursuant to 20 USC 7961. Suspension and expulsion data shall be reported to the Board annually and to the California Department of Education when so required.

In presenting the report to the Board, the Superintendent or designee shall disaggregate data on suspensions and expulsions by school and by numerically significant student subgroups, including, but not limited to, ethnic subgroups, socioeconomically disadvantaged students, English learners, students with disabilities, foster youth, and homeless students. Based on the data, the Board shall address any identified disparities in the imposition of student discipline and shall determine whether and how the district is meeting its goals for improving school climate as specified in its local control and accountability plan.

(cf. 0460 - Local Control and Accountability Plan)

Legal Reference:

EDUCATION CODE

212.5 Sexual harassment

233 Hate violence

1981-1981.5 Enrollment of students in community school

8239.1 Prohibition against expulsion of preschool student

17292.5 Program for expelled students

32261 Interagency School Safety Demonstration Act of 1985

35145 Open board meetings

35146 Closed sessions (~~re~~regarding 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-~~48667~~48666 Community day schools

48853.5 Foster youth

48900-48927 Suspension and expulsion

48950 Speech and other communication

48980 Parental notifications

49073-49079 Privacy of student records

52052 Numerically significant student subgroups

52060-52077 Local control and accountability plan

64000-64001 Consolidated application

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

HEALTH AND SAFETY CODE

11014.5 Drug paraphernalia

11053-11058 Standards and schedules

LABOR CODE

230.7 ~~Discharge or discrimination against employee for taking~~Employee 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

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 exercise of civil rights

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

[71511415\(K\) Placement in alternative educational setting](#)

[7961 Gun-free schools](#)

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[11432-11435 Education of homeless children and youths](#)

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Management Resources:

[U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS](#)
[Dear Colleague Letter on the Nondiscriminatory Administration of School Discipline, January 2014](#)

WEB SITES

CSBA: <http://www.csba.org>

California Attorney General's Office: <http://www.caag.stateoag.ca.usgov>

California Department of Education: <http://www.cde.ca.gov>

[U.S. Department of Education, Office for Civil Rights:](#)

<http://www.ed.gov/about/offices/list/ocr/docs/crdc-2012-data-summary.pdf>

U.S. Department of Education, Office of Safe and ~~Drug-Free Schools~~ [Healthy Students:](#)

<http://www2.ed.gov/about/offices/list/osdfs/index.html#ose/oshs>

~~Policy SANTA ROSA CITY SCHOOLS~~

~~adopted: June 11, 2008 — Santa Rosa, California~~

~~revised: May 26, 2010~~

| revised: ~~April 12, 2017~~ (12/17 10/18) 3/20