

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.

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 in the accompanying administrative regulation.

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 another 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.

When a parent/guardian of a student in grades 1-12 who has been suspended for two or more school days requests homework that the student would otherwise have been assigned, the student's teacher must provide such homework; see BP 6154 - Homework/Makeup Work.

A. Appropriate Use of Suspension Authority

Except when a student's act violates Education Code 48900(a)-(e), as listed in items #1-5 under "Grounds for Suspension and Expulsion: Grades K-12" of the accompanying administrative regulation, or when the student's presence causes a danger to others, suspension shall be used only when other means of correction have failed to bring about proper conduct. (Education Code 48900.5, 48900.6)

A student's parents/guardians shall be notified as soon as possible when there is an

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escalating pattern of misbehavior that could lead to on-campus or off-campus suspension.

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.

B. 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 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)

C. 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.

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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))

- a) That other means of correction are not feasible or have repeatedly failed to bring about proper conduct.
- b) 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.

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)

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

D. 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)

E. Maintenance and Monitoring of Outcome Data

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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, 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 suspension and expulsion 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.

Legal Reference: Education Code, Sections 212.5; 233; 1981-1981.5; 8239.1; 17292.5; 32261; 35145; 35146; 35291; 35291.5; 48645.5; 48660-48666; 48853.5; 48900-48927; 48950; 48980; 49073-49079; 52052; 52060-52077; 64000-64001
Civil Code, Sections 47; 48.8
Code of Civil Procedure, Sections 1985-1997
Government Code, Sections 11455.20; 54950-54963
Health and Safety Code, Sections 11014.5; 11053-11058
Labor Code, Section 230.7
Penal Code, Sections 31; 240; 241.2; 242; 243.2; 243.4; 245; 245.6; 261; 266c; 286; 288; 288a; 289; 417.27; 422.55; 422.6; 422.7; 422.75; 626.2; 626.9; 626.10; 868.5
Welfare and Institutions Code, Section 729.6
United States Code, Title 18, Section 921
United States Code, Title 20, Sections 1415(K); 7961
United States Code, Title 42, Sections 11432-11435
Court Decisions:
T.H. v. San Diego Unified School District (2004) 122 Cal. App. 4th 1267
Woodbury v. Dempsey (2003) 108 Cal. App. 4th 421

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Board of Education of Sacramento City Unified School District v.
Sacramento County Board of Education and Kenneth H. (2001) 85
Cal.App.4th 1321
Fremont Union High School District v. Santa Clara County Board (1991)
235 Cal. App. 3d 118
Garcia v. Los Angeles Board of Education (1991) 123 Cal. App. 3d 807
John A. v. San Bernardino School District (1982) 33 Cal. 3d 301
Attorney General Opinions:
84 Ops.Cal.Atty.Gen. 146 (2001)
80 Ops.Cal.Atty.Gen. 348 (1997)
80 Ops.Cal.Atty.Gen. 91 (1997)
80 Ops.Cal.Atty.Gen. 85 (1997)

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07/17/2001; 01/14/2003; 03/07/2017; 04/17/2018; 12/11/2018; 05/19/2020

Formerly BP 5124