

Suspension and Expulsion/Due Process

The Governing Board recognizes that maintaining an environment which promotes learning and protects the health, safety, and welfare of all students may require the suspension or expulsion of a student from regular classroom instruction. District policies and school site rules shall clearly identify district behavior standards.

(cf. 5144 – Discipline)

Except in cases 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 action taken by the Board for severe or prolonged breaches of discipline by a student. Except for single acts of a grave nature, expulsion is usually 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 other students. (Education Code 48915)

The grounds for suspension and expulsion and the procedures for considering, recommending and/or implementing suspension and expulsion shall be specified in administrative regulation. These specifications shall include compliance with all State and Federal laws, including a mandatory recommendation and a mandatory expulsion for one calendar year of any student found at school or at a school activity "possessing, selling, or otherwise furnishing a firearm." If a student possesses, sells, or otherwise furnishes a firearm at school or at a school event, the principal or designee must notify the appropriate local law enforcement authorities.

Each principal shall annually inform all students and parents/guardians of the school's discipline rules and procedures and of the availability of all district policies and regulations dealing with student discipline, suspension and expulsion. (Education Code 35291, 35291.5)

Suspended or expelled students shall be excluded from all school-related extracurricular activities during the suspension or expulsion.

Student Due Process

The Board shall provide for the fair treatment of students facing suspension and expulsion by affording them their due process rights under the law. The administration and staff shall comply with procedures for notices and appeals as specified in regulation. Procedures governing student due process shall conform in all aspects to provisions in law. (Education Codes 48911, 48915 and 48915.5)

Whenever a student is suspended, school officials may (but are not required to) meet with the parent/guardian to discuss the causes and duration of the suspension, the school policy involved, and any other pertinent matters. (Education Code 48914)

(cf. 3514 – Safety)

(cf. 5119 – Students Expelled from Other Districts)

(cf. 5144.2 – Suspension and Expulsion/Due Process – Individuals with Exceptional Needs)

Required Parental Attendance

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

Whenever a student is suspended from a class because he/she committed an obscene act, engaged in habitual profanity or vulgarity, disrupted school activities or otherwise willfully defied valid staff authority, the teacher of the class from which the student was suspended may require the student's parent/guardian to attend a portion of a school day in that class. After completing the classroom visit and before leaving school premises, the

Policy

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parent/guardian also shall meet with the principal or designee. (Education Code 48900.1)

The Board encourages teachers, before requiring parental attendance, to make reasonable efforts to have the parent/guardian visit the class voluntarily. The teacher also may consider informing the parent/guardian about available resources which may provide help in parenting skill development. Teachers should reserve the option of required parental attendance for cases in which they have determined that it is the best strategy to promote positive interaction between the student and the parent/guardian and to improve classroom behavior.

Parental attendance may be required on the day the student returns to class or within one week thereafter. The principal or designee shall contact any parents/guardians who do not respond to the request to attend school. The Board recognizes that parental compliance with this policy may be delayed, modified or prevented by serious illness/injury/disability, absence from town, or inability to get certain release time from work.

The teacher shall apply this policy uniformly to all students within the classroom. This policy shall apply only to a parent/guardian who actually lives with the student. (Education Code 48900.1)

District regulations and school site rules for student discipline shall include procedures for implementing parental attendance requirements.

(cf. 5144 – Discipline)

Parents/guardians shall be notified of this policy before it is implemented and at the beginning of each subsequent school year. (Education Code 48900.1, 35291, 48980)

Legal References:**EDUCATION CODE**

35146 Closed sessions (re suspensions)
 35291 Rules (for government and discipline of schools)
 35291.5 Rules and procedures on school discipline
 48900-48925 Suspension and expulsion

GOVERNMENT CODE

54950 (re closed sessions)

PENAL CODE

626.2 Entry upon campus after written notice of suspension or dismissal without permission

STATUTES OTHER THAN CODE

Ch. 1306, 1989, as amended by Ch. 363, 1990

Montoya v. Sanger Unified School District, 502

F. Supp. 209 (E.D. Calif. 1980) (re extension of suspension)

John A. v. San Bernardino School District

(1982) 33 Cal.3d 301