

**SUSPENSION AND EXPULSION/DUE PROCESS**

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 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

*(cf. 5112.5 – Open/Closed Campus)*

4. During, going to, or coming from a school-sponsored activity

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 5144.1 - Discipline.

*(cf. 1020 - Youth Services)*  
*(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)*

Alternatives to suspension or expulsion also shall be used with students who are truant, tardy, or otherwise absent from assigned school activities.

## **SUSPENSION AND EXPULSION/DUE PROCESS (continued)**

*(cf. 5113 - Absences and Excuses)*

*(cf. 5113.1 - Chronic Absence and Truancy)*

Except for single acts of a grave nature or offenses for which suspension or expulsion is required by law, suspension or expulsion shall be used only when other means of correction have failed to bring about proper conduct or the student's presence causes a continuing danger to himself/herself or others.

*(cf. 5131.7 – Weapons and Dangerous Instruments)*

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 administrative regulation.

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

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

### **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. (Education Code 48911, 48915, 48915.5)

*(cf. 5119 - Students Expelled from Other Districts)*

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

### **Removal from Class by a Teacher and Parental Attendance**

When suspending a student from class for committing an obscene act, engaging in habitual profanity or vulgarity, disrupting school activities, or otherwise willfully defying valid staff authority, the teacher of the class may require any parent/guardian who lives with the student to attend a portion of the school day in the class from which the student is being suspended, to assist in resolving the classroom behavior problems. (Education Code 48900.1)

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 teacher and the student and his/her parents/guardians and to improve the student's behavior.

Any teacher requiring parental attendance pursuant to this policy shall apply the policy uniformly to all students within the classroom. (Education Code 48900.1)

## **SUSPENSION AND EXPULSION/DUE PROCESS (continued)**

When a teacher requires parental attendance, the principal shall send a written notice to the parent/guardian stating that his/her attendance is required pursuant to law. (Education Code 48900.1)

*(cf. 5145.6 – Parental Notifications)*

A parent/guardian who has received a written notice shall attend class as specified in the notice. After completing the classroom visit and before leaving school premises, the parent/guardian also shall meet with the principal or designee. (Education Code 48900.1)

At the meeting with the student's parent/guardian, the principal or designee shall explain the district's and school's discipline policies, including the disciplinary strategies that may be used to achieve proper student conduct.

When a parent/guardian does not respond to the request to attend school, the principal or designee shall contact him/her by telephone, mail, or other method that maintains the confidentiality of the student's records.

*(cf. 5125 - Student Records)*

District regulations and school-site rules for student discipline shall include procedures for implementing parental attendance requirements. Parents/guardians shall be notified of this policy prior to its implementation. (Education Code 48900.1)

### **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**

On a case-by-case basis, the enforcement of an expulsion order may be suspended by the Board pursuant to the requirements of law and administrative regulation. (Education Code 48917)

**SUSPENSION AND EXPULSION/DUE PROCESS (continued)**

**Monitoring the Use of Suspension and Expulsion**

At the end of each school year, the Superintendent or designee shall present a report to the Board regarding the use of suspension and/or expulsion in district schools. The report shall include, but is not limited to, outcome data which the district is required by law to collect and data related to the effect of suspension and/or expulsion on the district's minority student populations or groupings.

*(cf. 9320 – Meetings and Notices)*

*(Legal Reference: See next page)*

**SUSPENSION AND EXPULSION/DUE PROCESS (continued)**

*Legal Reference:*

*EDUCATION CODE*

*212.5 Sexual harassment*  
*233 Hate violence*  
*1981 Enrollment of students in community school*  
*17292.5 Program for expelled students*  
*32261 Interagency School Safety Demonstration Act of 1985*  
*35145 Open board meetings*  
*35146 Closed sessions (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 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*  
*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*

*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*  
*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*

**SUSPENSION AND EXPULSION/DUE PROCESS (continued)**

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

**UNITED STATES CODE, TITLE 42**

11432-11435 Education of homeless children and youths

**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

*Board of Education of Sacramento City Unified School District v. Sacramento County Board of Education and Kenneth H.*, (2001) 85 Cal.App.4th 1321

*Garcia v. Los Angeles Board of Education* (1991) 123 Cal.App.3d 807

*Fremont Union High School District v. Santa Clara County Board* (1991) 235 Cal. App. 3d 1182

*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)

**Management Resources:**

**CSBA PUBLICATIONS**

*Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011*

**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.oag.ca.gov>

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:

<http://www.ed.gov/about/offices/list/osdfs>

Policy

**VACAVILLE UNIFIED SCHOOL DISTRICT**

Adopted: September 1, 2005;

Vacaville, California

Revised: July 19, 2012, April 18, 2013; April 16, 2015