

Students

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. 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 sever 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)

To correct the behavior of students who are subject to discipline, the Superintendent or designee, to the extent allowed by law, shall use alternative disciplinary measures that keep students in school during the school day.

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

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)

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

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

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.

Board Policy 5144.1(b)

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)

Removal from Class by a Teacher and 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 from which the student is being suspended to assist in resolving the classroom behavior problems. 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)

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. 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) The principal or designee shall contact any parents/guardians who do not respond to the request to attend school by telephone, mail, or other means that maintains the confidentiality of the student's records. 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.

Board Policy 5144.1(c)

(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)

Decision Not to Enforce Expulsion Order

In cases where expulsion is mandatory pursuant to Education Code 48915(c), the enforcement of an expulsion order shall not be suspended by the Board. In all other cases of expulsion, the order for expulsion may be suspended by the Board, on case-by-case basis, pursuant to the requirements of law and administrative regulations.

Legal Reference

EDUCATION CODE

32050 Hazing

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

Woodbury v. Dempsey (2003) 108 Cal. App. 4th 421

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Sebastopol, California