

The Board of Trustees offers a program of education to prepare youth for citizenship and to create an awareness of the individual's responsibility for his/her own actions in accordance with the rules of socially accepted conduct.

Rules of discipline exist to ensure orderly, healthy, and productive environments in school and classroom, and should be designed and administered so that they promote self-discipline, civility, safety, and respect for self and others.

Generally, suspension is to be used only when other means of correction fail to bring about proper conduct, or for serious disruption of school activities. Suspension is considered a means of pointing out to parents or guardians and the pupil the seriousness of the pupil's misconduct.

The Board of Trustees shall prescribe rules not inconsistent with regulations prescribed by the State Board of Education, for the governance and discipline of the schools under its jurisdiction.

SUSPENSION: In accordance with the district's positive concept of discipline, the suspension of pupils is to be educational in nature and designed to enhance the pupil's adjustment and achievement in school.

"Suspension" means removal of a pupil from ongoing instruction for adjustment purposes. However, "suspension" does not mean any of the following (Education Code 48925):

- (1) Reassignment to another education program or class at the same school where the pupil will receive continuing instruction for the length of day prescribed by the governing board for pupils of the same grade level.
- (2) Referral to a certificated employee designated by the principal to advise pupils.
- (3) Removal from the class, but without reassignment to another class or program, for the remainder of the class period, without sending the pupil to the principal or principal's designee as provided in Section 48910, provided that such removal from a particular class occurs no more than once every five (5) school days.

"School day" means a day upon which the schools of the district are in session or weekdays during the summer session (Education Code 48925).

1.0 Reasons for Suspension

Suspension shall be imposed only when other means of correction fail to bring about proper conduct. However, a pupil, including an individual with exceptional needs, as defined in Section 56026, may be suspended for any of the reasons enumerated in Section 48900 upon a first offense, if the principal or superintendent of schools determines that the pupil violated subdivision (a) to (s) inclusive of Section 48900 or that the pupil's presence causes a danger to persons or property or threatens to disrupt the instructional process (Education Code 48900.5).

A pupil shall not be suspended from school or recommended for expulsion unless the superintendent or the principal of the school in which the pupil enrolled determines that the pupil has:

- (a)(1) Caused, attempted to cause, or threatened to cause physical injury to another person; or

- (a)(2) Willfully used force or violence upon the person of another, except in self-defense.
- (b) 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 pupil had obtained written permission to possess the item from a certificated school employee, which is concurred in by the principal or the designee of the principal.
- (c) Unlawfully possessed, used, sold, or otherwise furnished, or been under the influence of, 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.
- (d) Unlawfully offered, 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.
- (e) Committed or attempted to commit robbery or extortion.
- (f) Caused or attempted to cause damage to school property or private property.
- (g) Stolen or attempted to steal school property or private property.
- (h) Possessed or used tobacco, or any products containing tobacco or nicotine products, including, but not limited to, cigarettes, cigars, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel. However, this section does not prohibit use or possession by a pupil of his or her own prescription products.
- (i) Committed an obscene act or engaged in habitual profanity or vulgarity.
- (j) 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.

- (k) 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.
- (l) Knowingly received stolen school property or private property.
- (m) 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.
- (n) 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.
- (o) Harassed, threatened, or intimidated a pupil who is a complaining witness or witness in a school disciplinary proceeding for the purpose of either preventing that pupil from being a witness or retaliating against that pupil for being a witness, or both.
- (p) Unlawfully offered, arranged to sell, or sold the prescription drug Soma.
- (q) Engaged in, or attempted to engage in, hazing as defined in Section 32050.
- (s) A pupil who aids or abets, as defined in Section 31 of the Penal Code, the infliction or attempted infliction of physical injury to another person may suffer suspension, but not expulsion, pursuant to the provisions of this section. Except that a pupil who has been adjudged by a juvenile court to have committed, as an aider and abettor, a crime of physical violence in which the victim suffered great bodily injury or serious bodily injury shall be subject to discipline pursuant to subdivision (a).

SUSPENSION FOR SEXUAL HARASSMENT

In addition, a pupil may be suspended from school or recommended for expulsion if the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has committed sexual harassment as defined in Section 212.5. For the purposes of this chapter, the conduct described in Section 212.5 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 (Education Code 48900.2).

SUSPENSION FOR HATE VIOLENCE

In addition, a pupil may be suspended from school or recommended for expulsion if the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has caused, attempted to cause, threatened to cause, or participated in an act of hate violence, as defined in subdivision (e) of Section 233 of the Education Code (Education Code 48900.3).

SUSPENSION FOR HARASSMENT

In addition, a pupil may be suspended from school or recommended for expulsion if the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has intentionally engaged in harassment, threats, or intimidation, directed against school district personnel or pupils, that is sufficiently severe or pervasive to have the actual and reasonable expected effect of materially disrupting classwork, creating substantial disorder, and invading the rights of either school personnel or pupils by creating an intimidating or hostile educational environment (Education Code 48900.4).

SUSPENSION FOR TERRORISTIC THREAT

In addition, a pupil may be suspended from school or recommended for expulsion if the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has made terroristic threats against school officials or school property, or both. For the purposes of this section, "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 one thousand dollars (\$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 or her own safety or for his or her immediate family's safety, or for the protection of school district property, or the personal property of the person threatened or his or her immediate family (Education Code 48900.7).

Pupils may not be suspended for any of the acts enumerated above unless such act is related to school activity or school attendance occurring within a school under the jurisdiction of the superintendent or principal or occurring within any other school district. A pupil may be suspended for acts which are enumerated above and related to school activity or attendance which occur at any time, including but not limited to: (a) while on school grounds, (b) while going to or coming from school, (c) during the lunch period, whether on or off the campus, or (d) during or while going to or coming from a school-sponsored activity. Suspensions are not to be imposed against any pupil who is truant, tardy, or otherwise absent from assigned school activities.

Special Education Students: Individuals with exceptional needs enrolled in a special education program, i.e., having a current Individualized Education Program (IEP), are subject to suspension on the same grounds as regular education pupils (Education Code Sections 48900, 48900.2., 48900.3, 48900.4 and 48900.7). As with regular education pupils, suspension shall be imposed only when other means of correction fail to bring about proper conduct. The site administrator shall document efforts made to modify the unacceptable behavior (written documentation to confidential file).

ADDITIONAL REASONS FOR SUSPENSION/EXPULSION

Education Code 48915(a): Except as provided in subdivisions (c) and (e), the principal or the superintendent of schools shall recommend the expulsion of a pupil for any of the following acts committed at school or at a school activity off school grounds, unless the principal or superintendent finds that expulsion is inappropriate, due to the particular circumstance:

- (1) Causing serious physical injury to another person, except in self-defense.
- (2) Possession of any knife or other dangerous object of no reasonable use to the pupil.
- (3) Unlawful possession of any controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, except for the first offense for the possession of not more than one avoirdupois ounce of marijuana, other than concentrated cannabis.
- (4) Robbery or extortion.
- (5) Assault or battery, as defined in Sections 240 and 242 of the Penal Code, upon any school employee.

Education Code 48915(c): The principal or superintendent of schools shall immediately suspend, pursuant to Section 48911, and shall recommend expulsion of a pupil that he or she determines has committed any of the following acts at school or at a school activity off school grounds:

- (1) Possessing, selling, or otherwise furnishing a firearm. This subdivision does not apply to an act of possessing a firearm if the pupil had obtained prior written permission to possess the firearm from a certificated school employee, which is concurred in by the principal or the designee of the principal. This subdivision applies to an act of possessing a firearm only if the possession is verified by an employee of a school district.

- (2) Brandishing a knife at another person.
- (3) Unlawfully selling a controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code.
- (4) Committing or attempting to commit a sexual assault as defined in subdivision (n) of Section 48900 or committing a sexual battery as defined in subdivision (n) of Section 48900.
- (5) Possession of an explosive.

2.0 Class Suspension by Teachers

A teacher may suspend any pupil from his/her class, for any of the acts enumerated in 1.0 of this policy (Education Code 48900) for the day of the suspension and the day following. The teacher shall immediately report the suspension to the principal, or the principal's designee, of the school and send the pupil to the principal, or the principal's designee, for appropriate action. As soon as possible, the teacher shall ask the parent or guardian of the pupil 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 or guardian so requests. The pupil shall not be returned to the class from which s/he was suspended, during the period of suspension, without the concurrence of the teacher of the class and the principal, or the principal's designee (Education Code 48910).

A pupil suspended from a class shall not be placed in another regular class during the period of suspension. However, if the pupil is assigned to more than one class per day, this subdivision shall apply only to other regular classes scheduled at the same time as the class from which the pupil was suspended (Education Code 48910).

A teacher may also refer a pupil, for any of the acts enumerated in 1.0 of this policy, (Education Code 48900) to the principal, or the principal's designee, for consideration of a suspension from the school.

- 2.1 The teacher will complete a referral form documenting the circumstances, stating that the teacher has suspended the pupil.
- 2.2 The pupil will remain under the administrator's supervision until the end of the period.

- 2.3 On the day of the suspension, the teacher will attempt to set up a conference with the parent or guardian of the pupil regarding the suspension. The attempt(s) to set up the conference will be continued until the conference is accomplished.
- 2.4 The principal or his/her representative will mail a letter to the parent stating that the pupil was suspended from a specific class at the request of a specific teacher for a specified period of time and the reason for suspension.
- 2.5 The principal or his/her designee or the teacher may request a meeting following the conference to discuss the case.
- 2.6 Teachers who suspend a student from the teacher's class for committing an obscene act or engaging in habitual profanity pursuant to Education Code Section 48900(i) or for disrupting school activities or otherwise willfully defying the authority of a school employee pursuant to Education Code Section 48900(k) may suspend a student for the day of the offense and the day following. If the teacher wishes to require the parent or guardian of the pupil to attend the student's class upon the student's return or within ten (10) school days of when the student returns pursuant to Education Code Section 48900.1, the teacher shall notify the principal or the principal's designee in writing that the teacher wishes to require the attendance of the parent or guardian on the date of the student's return from suspension or within ten (10) days of the student's return from suspension in addition to the parent/teacher conference.
 - 2.6.1 Upon receiving written notice from the teacher that the teacher requests the attendance of the parent or guardian in the student's class following suspension, the principal shall, within two (2) school days, send written notice to the parent or guardian stating that pursuant to Education Code Section 48900.1, the teacher may require the parent or guardian to attend the student's class upon the student's return or within ten (10) school days of the student's return. The notice should also state that the parent or guardian after completing the classroom visitation and before leaving the school site, shall meet with the school principal or the principal's designee regarding the suspension.

2.6.2 The principal or the principal's designee shall also contact the parent or guardian by telephone requesting the parent or guardian to attend school upon the date of the student's return from suspension or within ten (10) school days from the student's return from suspension. The teacher of any class from which a student is removed shall require the student to complete any assignment and tests missed during the removal (Education Code 48913(a)).

3.0 School Suspension by Principal or Designee

The principal of the school, the principal's designee, or the superintendent, may suspend a pupil from the school for any of the reasons enumerated in Sections 48900, 48900.2, 48900.3, 48900.4 and 48900.7 and pursuant to Section 48900.5, for no more than five (5) consecutive school days.

3.1 Suspension by the principal, the principal's designee, or the superintendent, shall be preceded by an informal conference which is conducted by the principal, or the principal's designee, or the superintendent, between the pupil, and whenever practicable, the teacher or supervisor or school employee who referred the pupil to the principal, or the principal's designee, or the superintendent. At the conference the pupil 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 his/her defense.

3.2 A principal, or the principal's designee, or the superintendent, may suspend a pupil without affording the pupil an opportunity for a conference only if the principal, or the principal's designee determines that an emergency situation exists. The term "emergency situation" as used in this article, means a situation determined by the principal, or the principal's designee, to constitute a clear and present danger to the lives, safety, or health of pupils or school personnel. If a pupil is suspended without a conference prior to suspension, both the parent and the pupil shall be notified of the pupil's right to such a conference, and the pupil's right to return to school for such purpose. The conference shall be held within two (2) school days, unless the pupil who waives this right is physically unable to attend for any reason including, but not limited to, incarceration or hospitalization. The conference shall then be held as soon as the pupil is physically able to return to school for the conference.

- 3.3 At the time of suspension, a school employee shall make a reasonable effort to contact the pupil's parent or guardian in person or by telephone. A school employee shall notify, in writing, the parent or guardian of the suspended pupil. The notice shall be, insofar as is practicable, in the primary language of the pupil's parent or guardian. The notice shall contain each of the following:
- 3.3.1 a statement of the facts leading to the decision to suspend;
 - 3.3.2 the date when the pupil will be allowed to return to school;
 - 3.3.3 a statement of the right of the pupil or parent to request a meeting with the superintendent, or the superintendent's designee, pursuant to Section 48914;
 - 3.3.4 a statement of the parent's or the pupil's right to have access to the pupil's records as provided by Section 49069;
 - 3.3.5 a request that the parent or guardian attend a conference with school officials regarding the pupil's behavior, including notice that state law requires parents or guardians to respond to such request without delay.
- 3.4 A school employee shall report the suspension of such pupil, including the cause therefore, to the Board of Trustees of the school district or to the district superintendent in accordance with the regulations of the Board of Trustees.
- 3.5 The parent or guardian of any pupil shall respond without delay to any request from school officials to attend a conference regarding his/her child's behavior. No penalties may be imposed on a pupil for failure of the pupil's parent or guardian to attend a conference with school officials. Reinstatement of the suspended pupil shall not be contingent upon attendance by the pupil's parent or guardian at such conference.

- 3.6 Except as provided in Section 48903, subdivision (g) of Section 48911 and in Section 48912 the total number of days of suspension from school for any pupil shall be limited to 20 school days in one school year, provided that, if a pupil for adjustment purposes is transferred to, or enrolled in, another regular school, an opportunity class in his/her school of residence, an opportunity school or class, or a continuation education school or class, additional days of suspension from school following such reassignment are limited to ten in one school year, for a total of no more than 30 days of suspension in one school year. However, this restriction on the number of days of suspension does not apply when the suspension is extended pending an expulsion (Education Code 48903 and 48912).

Individuals with exceptional needs and students with disabilities pursuant to Section 504 of the Rehabilitation Act are also subject to the procedures and limitations set forth in Section 3.11 of these regulations.

- 3.7 In case where expulsion from any school or suspension for the balance of the semester from continuation school is being processed by the Board of Trustees, the school district superintendent or other person designated by her/him in writing may extend the suspension until such time as the Board of Trustees has rendered a decision in the action pursuant to Section 48918; provided, that Local School Placement Committee (LSPC), acting on behalf of the superintendent, has determined, following a meeting in which the pupil and the pupil's parent or guardian are invited to participate, that the presence of the pupil 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 pupil, or the pupil's parent or guardian, has requested a meeting to challenge the original suspension pursuant to Section 48914, the purpose of the meeting shall be to decide upon the extension of the suspension order under this section and may be held in conjunction with the initial meeting on the merits of the suspension. Individuals with exceptional needs and students with disabilities pursuant to Section 504 of the Rehabilitation Act are subject to the procedures and limitations set forth in Section 3.11 of these regulations. The procedures provided for in Section 3.0 *et. seq.* of AUHSD Board Policy 8705 for individuals with exceptional needs must be completed prior to the commencement of expulsion proceedings or suspensions for more than 10 consecutive school days, or where a significant change of placement may occur.

- 3.8 A suspended pupil shall be allowed to complete all assignments and tests missed during the suspension which can be reasonably provided and, upon satisfactory completion, shall be given full credit therefore. The teacher of any class from which a pupil is suspended shall determine what assignments the pupil must make up and what period of time the pupil will have to complete such assignments. The tests and assignments shall be reasonably equivalent to, but not necessarily identical to, the tests and assignments which the pupil missed during the suspension.
- 3.9 Review of the principal's decision to suspend
- 3.9.1 If suspension is ordered by a principal, or a principal's designee, pursuant to Section 48911, the pupil or the pupil's parent or guardian shall have the right, no later than five (5) school days after the discipline has been assigned, to make a written request, after conferencing with the principal, for meeting with the superintendent or designee to review the principal's decision to suspend. The meeting shall be held within three (3) to five (5) school days of the time such request is received in the Assistant Superintendent of Administrative Services' Office (AUHSD Board Policy 8700, Section G, Appeal Process).
- 3.9.2 The meeting with the District Administrative Panel shall be conducted in the following manner:
- 3.9.2.1 The panel shall review all written documents in the case.
- 3.9.2.2 A pupil may designate a representative to be present at the meeting, but such representative shall not act as legal counsel for the pupil unless legal counsel is present to represent the school district.
- 3.9.2.3 The pupil may address the panel on the evidence and the appropriateness of the penalty.
- 3.9.2.4 The panel shall determine if there was sufficient evidence to find that the alleged violation occurred and whether the penalty imposed was appropriate for the violation.
- 3.9.2.5 The panel shall render their decision in writing.

3.9.2.6 If the panel determines that the pupil has not committed an act set forth in 1.0, all records and documentation regarding the disciplinary proceedings and suspension shall be immediately destroyed, and no information regarding the meeting shall be placed in the pupil's record or file or communicated to any person not directly involved in the disciplinary proceedings.

3.9.2.7 If the panel determines that the penalty imposed was inappropriate for the violation, all records and documentation concerning suspension shall be revised to indicate only the facts leading to the penalty imposed.

3.10 Review of the District Administrative Panel's decision to suspend

3.10.1 A review of the District Administrative Panel's decision may be made, in writing, to the Board of Trustees. Once an appointment is made to meet with the Board, failure to attend or arrival after the set time will result in an automatic denial of the appeal. The decision of the Board of Trustees is final.

3.11 For the purpose of this section, a "principal's designee" is any one or more administrators, or if there is not a second administrator at a school site, a certificated person, specifically designated by the principal, in writing, to assist with disciplinary procedures. The principal may designate only one such person at a time as the principal's primary designee for the school year. The name of such person shall be on file in the principal's office and at the District office.

A second person meeting the requirements of this subdivision may be designated by the principal, in writing, to act for the purposes of this article when both the principal and the principal's primary designee are absent from the school site. The name of the person shall be on file in the principal's office and at the District Office.

3.12 Special Education Students. Individuals with exceptional needs and students with disabilities pursuant to Section 504 of the Rehabilitation Act and Title II of Americans with Disabilities Act of 1990 are subject to suspension on the same grounds and in conformance with the same procedures as non-disabled students, with the following exceptions:

3.12.1 Individuals with exceptional needs and students with disabilities may not be suspended from school for more than 10 consecutive school days nor may they be suspended through a series of suspensions of ten days or more which create a pattern or practice which constitutes a significant change in placement unless the student first receives the procedural protections outlined in this section. The determination of whether a series of suspensions constitutes a significant change in placement must be made on a case-by-case basis. Among the factors that should be considered in determining whether a series of suspensions has resulted in a significant change in placement are the length of each suspension, the proximity of the suspensions to one another, and the total amount of time the student is suspended from school.

3.12.1.1 Individuals with exceptional needs may be suspended for up to, but not more than, 10 consecutive school days 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 pupil's placement may be changed, or both, if either of the following occurs: (1) The pupil's parent or guardian agrees. (2) A court order so provides (Education Code 48911(b)).

3.12.1.2 Suspensions which constitute a significant change in placement must be preceded by the following:

3.12.1.2.1 Notice to the parent(s) or guardian(s) of the intent to complete an evaluation or pre-expulsion assessment of the student.

3.12.1.2.2 Complete an evaluation of the student in accordance with Title 34 of the Code of Federal Regulations, Section 104.35.

- 3.12.1.2.3 Conduct a meeting to interpret the evaluation and review other sources of information pursuant to Title 34 of the Federal Code of Regulations, Section 104.35(c). The purpose of the meeting shall be to determine if the misconduct was caused by, or was a direct manifestation of, the pupil's identified disability, and the appropriateness of the student's placement. If the meeting determines that the misconduct was caused by, or was a direct manifestation of the student's disability, then the team must determine whether the student's current educational placement was appropriate. If the determination is that the placement was not appropriate, the student may not be suspended and must be provided an appropriate educational placement. If the meeting determines that the misconduct was not caused by, nor was a direct manifestation of the student's disability, the student may be suspended from school in the same manner as similarly situated non-disabled students.
- 3.12.2 When a suspension occurs which constitutes a significant change in the placement of a disabled student, the student and his or her parent or guardian are entitled to the procedural protections set forth in Title 34 of the Code of Federal Regulations, Section 104.36, including, notice, an opportunity to examine records, an impartial hearing, and a review procedure.
- 3.13 A student identified as an individual with disabilities pursuant to the Individuals With Disabilities Education Act is subject to the same grounds for suspension and expulsion which apply to regular education students. The district provides procedural safeguards to "non-identified" students if it is determined the district has knowledge that the student was disabled before the behavior occurred (Title 20 of the United States Code, Section 1415 (k)).

If it is determined that the district did not have knowledge that the student was disabled, then the student shall be disciplined in accordance with procedures established for students without disabilities (Title 20 of the United States Code, Section 1415).

When traditional disciplinary measures such as counseling, detention or restriction of privileges fail to diffuse a dangerous or disruptive special education student, school officials can suspend the student for up to, but not more than, ten (10) consecutive days to the extent such alternatives would be applied to students without disabilities (Title 20 of the United States Code, Section 1415).

The superintendent or designee may suspend a student with disabilities for up to five (5) schooldays for a single incident of misconduct, and for up to twenty (20) schooldays in a school year. If the student is transferred to another school or alternative education program, the student may be suspended for up to thirty (30) schooldays in a school year, but still no more than five (5) days for a single incident of misconduct, unless the student is suspended by the governing board pursuant to Education Code 48912 (Expellable Offenses) (Education Code 48903 and 48911).

If the student poses an immediate threat to the safety of himself/herself or others, the superintendent or designee may suspend the student for up to, but not more than, ten (10) consecutive days (Education Code 48911).

A student with a disability may be placed in an appropriate interim alternative education setting when he/she commits one of the following acts (Title 20 of the United States Code, Section 1415):

1. Carries a weapon to school or to a school function.
2. Knowingly possesses or uses illegal drugs while at school or a school function.
3. Sells or solicits the sale of a controlled substance while at school or a school function.

The student may not be placed in the interim educational setting for more than forty-five (45) days, or until the conclusion of any due process hearing proceedings requested by the parent/guardian (Title 20 of the United States Code, Section 1415).

Either before or not later than ten (10) days after a student has been suspended for more than ten (10) days or placed in an alternative education setting, the district shall convene an IEP team meeting to conduct a functional behavior assessment and complete a behavioral intervention plan. If the student already has a behavioral intervention plan, the IEP team shall review the plan and modify it as necessary to address the behavior (Title 20 of the United States Code, Section 1415).

A "manifestation determination" is required when a district wishes to remove a student from his or her educational placement for more than ten (10) schooldays. The district will conduct both a "manifestation determination" (IEP hearing) and a "pre-expulsion assessment" before expelling a special education student.

Cross References:

Anaheim Union High School District Board Policy
8700 Student Discipline

Legal References:

Education Code

48900 *et.seq.* Suspension and Expulsion
48900.1 Parental Attendance
48900.2 Suspension for Sexual Harassment
48900.3 Suspension for Hate Violence
48900.4 Suspension and Expulsion (for Harassment)
48900.5 Suspension
48900.7 Suspension and Expulsion (for Terroristic Threat)
48902 Reporting Crimes to Law Enforcement
48903 Suspension; Maximum Number of Days
48910 Teacher's Right to Suspend Student from Class
48911 Suspension; Notifications
48912 Governing Board Suspension
48913 Completion of missed assignments
48914 Meeting with Parents
48918 Expulsion
48925 Definitions
49069 Rights of Parents
56026 Special Education

Health and Safety Code, Chapter 2, Division 10.
11014.5 California Uniform Controlled Substances Act
11053 Controlled Substances List
Rehabilitation Act of 1973
Section 504
Code of Federal Regulations, Title 34
104.35 Evaluation and Placement
104.36 Procedural Safeguards
American's With Disabilities Act of 1990, Title II
United States Code, Title 20
1415 Procedural Safeguards
Penal Code
243.4 Sexual Offenses
245 Assault With a Deadly Weapon
261 Rape
266 Prostitution
286 Sodomy
288 Lewd or Lascivious Acts
289 Sexual Acts Against Person's Will
626.9 Gun-Free School Zone Ace of 1995
626.10 Weapons on School Grounds

Board of Trustees

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A

STUDENT SUSPENSION

8704-R

APPENDIX I

GUIDELINES FOR CLASS SUSPENSION BY TEACHER

Suspended Teacher		Date	Student	Grade
Class		Period	Home Phone	Work Phone
Class Behavioral Report				
Date	Teacher	Offense	Action Taken	Results
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Class suspension by teacher--for the day of offense plus following day. The pupil shall not be returned to the class from which s/he was suspended during the period of suspension, without the concurrence of the teacher of the class and the principal.

_____ Student to remain under supervision of _____ for appropriate action. (Counselor) (A.P.)

_____ Teacher contacted parent or guardian for conference regarding infraction. Attempts to set up conference will continue until conference is accomplished.

_____ Letter mailed to parent stating class student was suspended from, by whom, reason, and duration of suspension.

_____ Parent conference set up for _____, _____ (Date) (Time).

Results of Conference:

SAMPLE LETTER
FOR
TEACHER REQUESTING A PARENT
TO ATTEND SON/DAUGHTER'S CLASS

Parent Name
Street Address
City, State, Zip

Re: (Student Name), Grade _____

Dear Mrs. Doe:

On _____, 20__, (teacher's name), your child's (subject) teacher, suspended your student for that day and the following day for (i.e., habitual profanity or willfully defying the authority of a school employee).

(Teacher's name) has requested that you attend a parent/teacher conference regarding the suspension. (Teacher's name), pursuant to Education Code Section 48900.1 has requested that you attend your student's (subject) class on _____, 20__, or within ten (10) school days thereafter.

Pursuant to Education Code Section 48900.1, a teacher has the authority to require a parent or guardian to attend the child's class. The employer of the parent is prohibited by law from retaliating or discriminating against a parent who attends the child's class.

It is also requested that you meet with me (or the principal's designee) following your classroom visitation to discuss the suspension.

Please contact (teacher's name) to arrange a parent/teacher conference and your attendance in his/her classroom.

Thank you very much.

Very truly yours,

(Principal)

STUDENT SUSPENSION

8704-R

APPENDIX III

CHECKLIST FOR SCHOOL SUSPENSION BY ADMINISTRATORS

_____	_____	_____	_____
Student	Date	Home Phone	Work Phone
_____	_____	_____	_____
Referring Teacher	Administrator	Date of Suspension	
_____		_____	
Offense or Infraction:		Prior Suspension – Number of Days	
_____		_____	
_____		_____	

Date and Initial

- _____ 1. Conference with student held informing student of reason for action, evidence against him/her, and opportunity given to present his/her version and evidence in his/her defense.
- _____ 2. Suspension without student conference if "emergency situation" exists. (A clear and present danger to the lives, safety, or health of pupils or school personnel.)
- _____ 3. If student is suspended under emergency situation, a conference shall be held as soon as practicable but no later than 2 schooldays from the time the suspension is ordered. (Pupil may waive this right or may be physically unable to attend for any reason, including but not limited to, incarceration or hospitalization. In this event, the conference shall be held as soon as the pupil is physically able to return to school for the conference.)
- _____ 4. Attempt to contact parent made and documented. If contact cannot be made, pupil shall remain at school until the end of his/her regular day.
- _____ 5. A school employee shall notify, in writing, the parent or guardian of the suspended pupil.
- _____ 6. At the time of suspension, reasonable effort to contact parents in person or by telephone to communicate directly the information contained in written notice. The notice shall contain the following:

- _____ 7. Statement of facts leading to decision to suspend pupil.
- _____ 8. Date pupil is allowed to return to school.
- _____ 9. Statement of rights to request meeting with the Superintendent or his/her designee regarding suspension (Education Code Section 48914).
- _____ 10. Statement of rights to have access to the pupil's records (Education Code 49069).
- _____ 11. Notice that state law requires parents or guardians to attend, without delay, a conference with school officials regarding pupil's behavior.
- _____ 12. A suspended pupil shall be allowed to complete all assignments and tests missed during suspension, which can be reasonably provided, and upon satisfactory completion shall be given full credit therefore.
- _____ 13. Within 24 hours a report of the suspension, including the cause therefore, shall be forwarded to the office of the Assistant Superintendent of Administrative Services.
- _____ 14. The principal or designee shall notify by telephone or in writing the appropriate law enforcement authorities of any acts of the student which may violate subdivision (c) or (d) of Education Code Section 48900; which involves possession or sale of narcotics/controlled substances or a violation of Section 626.9, possession of firearms, or 626.10, possession of weapons, of the Penal Code.
- _____ 15. Prior to suspension of any pupil for committing acts which may violate Section 245 of the Penal Code (assault with a deadly weapon or by force likely to produce great bodily injury, the principal or designee shall notify appropriate law enforcement authorities.

Suspensions shall not exceed 5 consecutive schooldays or to the end of the semester, whichever comes first, unless an expulsion is being processed. Suspensions shall not exceed a maximum of 20 days for the school year, unless the student is transferred to another school, then the maximum is 30 days for the school year.

CHECKLIST FOR SUSPENSION/EXPULSION OF STUDENTS WITH DISABILITIES

- _____ 1. For special education students additional due process procedures are followed in addition to the usual district procedures for expulsion.
- _____ 2. Students with disabilities are not suspended for more than 10 consecutive days.
- _____ 3. A pre-expulsion IEP meeting is held for special education students who are being considered for expulsion.
- _____ 4. A pre-expulsion assessment is conducted, either with or without the written consent of the parent.
- _____ 5. A student with disabilities is only considered for expulsion if: the IEP team first determines that the student is in an appropriate education placement and that the misconduct is not a direct manifestation of the student's disability.
- _____ 6. If a student with disabilities poses a serious, direct threat to the safety of others, the student's placement is changed either with parent permission or by means of a court order obtained by the district.
- _____ 7. When the number of days of suspension for a student exceeds 10 days the IEP team is convened to consider providing related services such as counseling, behavior intervention strategies, and a possible change of program.
- _____ 8. Parent requests for an extension of up to 3 school days for the pre-expulsion IEP meeting are granted.
- _____ 9. Once the IEP team determines that a special education student can be considered for expulsion, the expulsion process used is exactly the same as for other students in the district.
- _____ 10. An expelled student with disabilities receives special education and related services designed by the IEP team to meet his/her unique needs outside the public school setting. (Such schooling may occur in a community school, in the home or in another setting as the IEP team may designate.)
- _____ 11. Students with disabilities are not suspended for more than 20 cumulative school days in a single school year (except under certain, specific circumstances).

Anaheim Union High School District
Notice of Suspension

Date of Incident:
School:

Parent/Guardian Name:
Address:
Student Name:
Date of Birth:
Grade:

Your student is suspended for _ days for an incident violating Section _ of Education Code 48900:
violating Education Code 48900.2:
violating Education Code 48900.3:
violating Education Code 48900.4:
violating Education Code 48900.7:
-
-

Your student may return to school on mm/dd/yy.

Reason for suspension (narrative):
-

Date of informal conference prior to suspension: mm/dd/yy.

State law requires parental participation in conference and that parents or guardians are to respond to such request without delay; therefore, a conference is requested on or before: mm/dd/yy.

If you have questions, please call:

Administrator's Name:
Title:
Phone:

Signature of Administrator: _____

Signature of Principal or Designee: _____

We would like to advise you that it is the policy of the Board of Trustees that a suspended pupil:

1. Shall have the right to request a hearing before the District Administrative Hearing Panel.
2. Shall have the right to have access to his/her records.
3. Shall not be allowed to loiter on or around any school grounds.
4. Shall not be allowed to participate in any school activities.

EC 48900 (r) A pupil may not be suspended or expelled for any of the acts enumerated unless that act is related to school activity or school attendance occurring within a school under the jurisdiction of the superintendent or principal or occurring within any other school district. A pupil may be suspended or expelled for acts that are enumerated in this section and related to school activity or attendance that occur at any time, including, but not limited to, any of the following:

1. While on school grounds.
2. While going to or coming from school.
3. During the lunch period whether on or off the campus.
4. During, or while going to or coming from, a school sponsored activity.

EC 48900 (t) As used in this section, "school property" includes, but is not limited to, electronic files and databases.

EC 48900 (u) A superintendent or principal may use their discretion to provide alternatives to suspension or expulsion, including, but not limited to, counseling and an anger management program, for a pupil subject to discipline under this section.

EC 48900 (v) It is the intent of the Legislature that alternatives to suspensions or expulsions be imposed against any pupil who is truant, tardy, or otherwise absent from school activities.

Form 583-Revised 7/03