

Students

SUSPENSION AND EXPULSION/DUE PROCESS

The Governing Board has established policies and standards of behavior in order to promote learning and protect the safety and well-being of all students. When these policies and standards are violated, it may be necessary to suspend or expel a student from regular classroom instruction.

Except 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 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 him/herself or others. (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 5144.1.

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

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.

Student 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 and appeals as specified in administrative regulation and law. (Education Code 48911, 48915, 48915.5)

On-Campus Suspension Program

The Board recognizes that students who are suspended from school often have no supervision or guidance during the school hours when they are off campus. The Board believes that in many cases, it would be better to address the student's misconduct by keeping the student at school and providing him/her with supervision that is separated from the regular classroom.

The Superintendent or designee may establish a supervised in-house suspension program which meets the requirements of law for suspended students who pose no imminent danger or threat at school and for whom an expulsion action has not been initiated. (Education Code 48900.5.)

The Superintendent or designee may examine alternatives to off-campus suspension and may establish a suspension program which involves progressive discipline during the school day on campus; use of conferences between staff, parents/guardians and students; detention; student study

teams or other assessment-related teams; and/or referral to school support services staff. The use of such alternatives does not preclude off-campus suspension. (Education Code 48911.2)

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 removed 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 removed may provide that the student’s parent/guardian attend a portion of a school day in that class. 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 may also inform the parent/guardian about available resources and parent education opportunities. 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.

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

Parental attendance may be requested 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 for reasons such as serious illness/injury/disability, absence from town, or inability to get certain release time from work.

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

Legal Reference: EDUCATION CODE

- 212.5.....Sexual harassment
- 233Hate violence reduction
- 1981Enrollment of students
- 17292.5Program for expelled students
- 35146Closed sessions (re suspensions)
- 35291Rules (for government and discipline of schools)
- 35291.5Rules and procedures on school discipline
- 48660-48666.....Community day schools
- 48900-48926.....Suspension and expulsion
- 48950Speech and other communication
- 49073-49079.....Privacy of student records

CIVIL CODE

- 48.8Defamation liability

CODE OF CIVIL PROCEDURE

1985-1997.....Subpoenas; means of production

GOVERNMENT CODE

11455.20.....Contempt

54950-54962.....Ralph M. Brown Act (re closed sessions)

HEALTH AND SAFETY CODE

11014.5.....Drug paraphernalia

11053-11058.....Standards and schedules

LABOR CODE

868.5 Discharge or discrimination against employee for taking time off to appear in school on behalf of a child

PENAL CODE

31.....Principal defined

240.....Assault defined

241.2.....Assault fines

242.....Battery defined

243.2.....Battery fines

243.4.....Sexual battery

245.....Assault with deadly weapon

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

417.25-417.27.....Laser scope

422.6.....Interference with civil rights; damaging property

422.7.....Aggravating factors for punishment

422.75.....Protected classes

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

UNITED STATES CODE, TITLE 20

6301-8962.....Improving America's Schools Act, especially:

8921-8922.....Gun-Free Schools Act of 1994

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COTATI-ROHNERT PARK
UNIFIED SCHOOL DISTRICT