

**Policy 5144.1 Suspension and Expulsion/Due Process**

**Status: ADOPTED**

**Original Adopted Date:** 02/1998

**Last Revised Date:** 08/28/2024

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.

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

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

**Appropriate Use of Suspension Authority**

Except when a student's act violates Education Code 48900(a)-(e), as listed in Items #1-5 under "Grounds for Suspension and Expulsion: Grades K-12" of the accompanying administrative regulation, or when the student's presence causes a danger to others, suspension shall be used only when other means of correction have failed to bring about proper conduct. (Education Code 48900.5, 48900.6)

A student's parents/guardians shall be notified as soon as possible when there is an escalating pattern of misbehavior that could lead to on-campus or off-campus suspension. No student may be suspended for disruption or willful defiance. (Education Code 48900)

Students shall not be suspended or expelled for truancy, tardiness, or absenteeism from assigned school activities.

### **On-Campus Suspension**

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 may 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)

### **Authority to Expel**

A student may be expelled only by the Board. (Education Code 48918(j))

As required by law, the Superintendent or principal shall recommend expulsion and the Board shall expel any student found to have committed any of the following "mandatory recommendation and mandatory expulsion" acts at school or at a school activity off school grounds: (Education Code 48915)

1. Possessing a firearm which is not an imitation firearm, as verified by a certificated employee, unless the student had obtained prior written permission to possess the item from a certificated school employee, with the principal or designee's concurrence
2. Selling or otherwise furnishing a firearm
3. Brandishing a knife at another person
4. Unlawfully selling a controlled substance listed in Health and Safety Code 11053-11058
5. Committing or attempting to commit a sexual assault as defined in Penal Code 261, 266c, 286, 287, 288, or 289, or former 288a, or committing a sexual battery as defined in Penal Code 243.4
6. Possessing an explosive as defined in 18 USC 921

For all other violations listed in the accompanying administrative regulation, the Superintendent or principal shall have the discretion to recommend expulsion of a student. If expulsion is recommended, the Board shall order the student expelled only if it makes a finding of either or both of the following: (Education Code 48915(b) and (e))

1. That other means of correction are not feasible or have repeatedly failed to bring about proper conduct

2. That due to the nature of the violation, the presence of the student causes a continuing danger to the physical safety of the student or others

A vote to expel a student shall be taken in an open session of a Board meeting.

The Board may vote to suspend the enforcement of the expulsion order pursuant to the requirements of law and the accompanying administrative regulation. (Education Code 48917)

No student shall be expelled for disruption or willful defiance. (Education Code 48900)

No child enrolled in a preschool program shall be expelled except under limited circumstances as specified in AR 5148.3 - Preschool/Early Childhood Education.

### **Due Process**

The Board shall provide for the fair and equitable treatment of students facing suspension and/or 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, 48918)

### **Maintenance and Monitoring of Outcome Data**

The Superintendent or designee shall maintain outcome data related to student suspensions and expulsions in accordance with Education Code 48900.8 and 48916.1, including, but not limited to, the number of students recommended for expulsion, the grounds for each recommended expulsion, the actions taken by the Board, the types of referral made after each expulsion, and the disposition of the students after the expulsion period. For any expulsion that involves the possession of a firearm, such data shall include the name of the school and the type of firearm involved, as required pursuant to 20 USC 7961. Suspension and expulsion data shall be reported to the Board annually and to the California Department of Education when so required.

In presenting the report to the Board, the Superintendent or designee shall disaggregate data on suspensions and expulsions by school and by numerically significant student subgroups, including, but not limited to, ethnic subgroups, socioeconomically disadvantaged students, English learners, students with disabilities, foster youth, and homeless students. Based on the data, the Board shall address any identified disparities in the imposition of student discipline and shall determine whether and how the district is meeting its goals for improving school climate as specified in its local control and accountability plan.

02/1998  
02/1999  
11/2001  
07/24/2002  
11/2004  
09/14/2005  
07/2012

04/2013  
05/15/2015  
04/11/2018  
11/13/2019  
10/13/2021  
08/28/2024

### **Policy Reference Disclaimer**

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

#### **State**

Civ. Code 47  
Civ. Code 48.8  
Code of Civil Procedure 1985-1997  
Ed. Code 17292.5  
Ed. Code 1981-1983  
Ed. Code 212.5  
Ed. Code 233  
Ed. Code 32260-32262  
Ed. Code 35145  
Ed. Code 35146  
Ed. Code 35291  
Ed. Code 35291.5  
Ed. Code 48645.5  
Ed. Code 48660-48666  
Ed. Code 48853-48853.5  
Ed. Code 48900-48927  
Ed. Code 48950  
Ed. Code 48980  
Ed. Code 49073-49079  
Ed. Code 52052  
Ed. Code 52060-52077  
Ed. Code 64000-64001  
Ed. Code 8489-8489.1  
Gov. Code 11455.20  
Gov. Code 54950-54963  
H&S Code 11014.5  
H&S Code 11053-11059  
Lab. Code 230.7  
Pen. Code 240  
Pen. Code 241.2  
Pen. Code 242  
Pen. Code 243.2  
Pen. Code 243.4  
Pen. Code 245  
Pen. Code 245.6  
Pen. Code 261  
Pen. Code 266c  
Pen. Code 286  
Pen. Code 287  
Pen. Code 288

#### **Description**

[Privileged communication](#)  
[Defamation liability](#)  
[Production of evidence; means of production](#)  
[Program for expelled students; facilities](#)  
[Enrollment of students in community school](#)  
[Sexual harassment](#)  
[Hate violence](#)  
[Interagency School Safety Demonstration Act of 1985](#)  
[Open board meetings](#)  
[Closed sessions regarding suspensions](#)  
[Rules for government and discipline of schools](#)  
[Rules and procedures on school discipline](#)  
[Former juvenile court school students; enrollment](#)  
[Community day schools](#)  
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[Suspension and expulsion](#)  
[Speech and other communication](#)  
[Parent/Guardian notifications](#)  
[Privacy of student records](#)  
[Numerically significant student subgroups](#)  
[Local control and accountability plan](#)  
[Consolidated application](#)  
[Prohibition against expulsion of preschool student](#)  
[Informal hearing procedures](#)  
[The Ralph M. Brown Act](#)  
[Drug paraphernalia](#)  
[Controlled substances; standards and schedules](#)  
[Employee time off to appear in school on behalf of a child](#)  
[Assault defined](#)  
[Assault fines](#)  
[Battery defined](#)  
[Battery on school property](#)  
[Sexual battery](#)  
[Assault with deadly weapon](#)  
[Hazing](#)  
[Rape defined](#)  
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[Sodomy defined](#)  
[Oral Copulation](#)  
[Lewd or lascivious acts with child under age 14](#)

Pen. Code 289	<a href="#">Penetration of genital or anal openings</a>
Pen. Code 31	<a href="#">Principal of a crime; defined</a>
Pen. Code 417.27	<a href="#">Laser pointers</a>
Pen. Code 422.55	<a href="#">Definition of hate crime</a>
Pen. Code 422.6	<a href="#">Crimes; harassment</a>
Pen. Code 422.7	<a href="#">Aggravating factors for punishment</a>
Pen. Code 422.75	<a href="#">Enhanced penalties for hate crimes</a>
Pen. Code 626.10	<a href="#">Dirks, daggers, knives, razors, or stun guns</a>
Pen. Code 626.2	<a href="#">Entry upon campus after written notice of suspension or dismissal without permission</a>
Pen. Code 626.9	<a href="#">Gun-Free School Zone Act of 1995</a>
Pen. Code 868.5	<a href="#">Supporting person; attendance during testimony of witness</a>
W&I Code 224.1	<a href="#">Indian child; definition</a>
W&I Code 729.6	<a href="#">Counseling</a>
<b>Federal</b>	<b>Description</b>
18 USC 921	Definitions; firearms and ammunition
20 USC 1415(K)	Students with disabilities; placement in alternative educational setting
20 USC 7961	Gun-Free Schools Act
42 USC 11431-11435	Education of homeless children and youths
<b>Management Resources</b>	<b>Description</b>
Attorney General Opinion	80 Ops.Cal.Atty.Gen. 348 (1997)
Attorney General Opinion	80 Ops.Cal.Atty.Gen. 85 (1997)
Attorney General Opinion	80 Ops.Cal.Atty.Gen. 91 (1997)
Attorney General Opinion	84 Ops.Cal.Atty.Gen. 146 (2001)
Court Decision	Board of Education of Sacramento City Unified School District v. Sacramento County Board of Education and Kenneth H. (2001) 85 Cal.App.4th 1321
Court Decision	Fremont Union High School District v. Santa Clara County Board (1991) 235 Cal. App. 3d 1182
Court Decision	Garcia v. Los Angeles Board of Education (1981) 123 Cal. App. 3d 807
Court Decision	John A. v. San Bernardino School District (1982) 33 Cal. 3d 301
Court Decision	T.H. v. San Diego Unified School District (2004) 122 Cal. App. 4th 1267
Court Decision	Woodbury v. Dempsey (2003) 108 Cal. App. 4th 421
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter on the Nondiscriminatory Administration of School Discipline, January 2014
Website	<a href="#">CSBA District and County Office of Education Legal Services</a>
Website	<a href="#">U.S. Department of Education, Office of Safe and Healthy Students</a>
Website	<a href="#">California Attorney General's Office</a>
Website	<a href="#">California Department of Education</a>
Website	<a href="#">CSBA</a>
Website	<a href="#">U.S. Department of Education, Office for Civil Rights</a>
<b>Cross References</b>	
<b>Code</b>	<b>Description</b>
0450	<a href="#">Comprehensive Safety Plan</a>
0450	<a href="#">Comprehensive Safety Plan</a>
0460	<a href="#">Local Control And Accountability Plan</a>
0460	<a href="#">Local Control And Accountability Plan</a>
1114	<a href="#">District-Sponsored Social Media</a>

1114	<a href="#">District-Sponsored Social Media</a>
1312.3	<a href="#">Uniform Complaint Procedures</a>
1312.3	<a href="#">Uniform Complaint Procedures</a>
1312.3-E(1)	<a href="#">Uniform Complaint Procedures</a>
1312.3-E(2)	<a href="#">Uniform Complaint Procedures</a>
1313	<a href="#">Civility</a>
3513.3	<a href="#">Tobacco-Free Schools</a>
3513.3	<a href="#">Tobacco-Free Schools</a>
3513.4	<a href="#">Drug And Alcohol Free Schools</a>
3515	<a href="#">Campus Security</a>
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3515.21	<a href="#">Unmanned Aircraft Systems (Drones)</a>
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3515.3	<a href="#">District Police/Security Department</a>
3515.31	<a href="#">School Resource Officers</a>
3515.4	<a href="#">Recovery For Property Loss Or Damage</a>
3515.4	<a href="#">Recovery For Property Loss Or Damage</a>
3516.2	<a href="#">Bomb Threats</a>
4158	<a href="#">Employee Security</a>
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5112.1	<a href="#">Exemptions From Attendance</a>
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5116.2	<a href="#">Involuntary Student Transfers</a>
5117	<a href="#">Interdistrict Attendance</a>
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5131.4	<a href="#">Student Disturbances</a>
5131.4	<a href="#">Student Disturbances</a>
5131.5	<a href="#">Vandalism And Graffiti</a>
5131.6	<a href="#">Alcohol And Other Drugs</a>
5131.6	<a href="#">Alcohol And Other Drugs</a>
5131.62	<a href="#">Tobacco</a>
5131.62	<a href="#">Tobacco</a>
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5145.71	<a href="#">Title IX Sexual Harassment Complaint Procedures</a>
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6173.4	<a href="#">Education For American Indian Students</a>
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6184	<a href="#">Continuation Education</a>
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6185	<a href="#">Community Day School</a>
9000	<a href="#">Role Of The Board</a>
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