

Students

SUSPENSION AND EXPULSION: SPECIAL EDUCATION STUDENTS

The Board of Trustees recognizes that maintaining an environment which promotes learning and protects the health, safety and welfare of all students may require the suspension or expulsion of a student. Further, it is recognized that an Individual Education Plan (IEP) governs the placement of a special education student.

The Board shall provide for fair treatment of special education students in regards to suspension and expulsion by affording them the due process rights under law and under special education regulations.

Philosophically, the Board believes all students - both regular education and special education - should be disciplined equally for serious misbehavior that might result in suspension or expulsion.

The Board delegates to the Superintendent the enforcement of appropriate special education student discipline on campuses and enforcement of appropriate special education discipline due process required by law.

Legal Reference:

EDUCATION CODE

35146 Closed sessions (re suspensions)

35291 Rules (of governing board)

48900-48925 Suspension and expulsion

56320 Educational needs; requirement

56321 Development or revision of individualized education program

56340-56347 Individual education program teams

56505 State hearing

GOVERNMENT CODE

54950 (re closed sessions)

PENAL CODE

626.2 Entry upon campus after written notice of suspension or dismissal without permission

UNITED STATES CODE, TITLE 20

1415 Procedural Safeguards

CODE OF FEDERAL REGULATIONS, TITLE 34

104.35 Evaluation and Placement

300.345 Parent participation Honig v. Doe (1988) 484 US 305

Doe v. Maher (1986) 793 F.2d 1470, 1487

WESTMINSTER SCHOOL DISTRICT

Westminster, California

Policy Adopted: January 4, 1996