

FULLERTON SCHOOL DISTRICT

STUDENTS

Policy No.: 5144.1

Suspension and Expulsion/Due Process – Page 1

Board Adopted: June 10, 2005

Revised: September 5, 2006

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

Suspended or expelled students shall be excluded from all school-related extracurricular activities during the period of suspension or expulsion and may not be on the grounds or property of any District school or facility.

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.

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 and for acts mandated by law, 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.

The Board authorizes the Superintendent/designee to establish and form an Administrative Review Committee (ARC) to hear cases involving behaviors that might warrant expulsion from the District. The ARC will have the authority to make recommendations for expulsion directly to the Board in the form of written findings of fact. The Board will consider the recommendations for expulsion made by the ARC and will decide the outcome of the case in closed session. The Board further authorizes the ARC to take all other action, short of recommending expulsion, that it feels is appropriate in dealing with the discipline cases that may come before it. Those cases not appropriately heard by the ARC will be heard directly by the Board of Trustees. The determination of appropriateness will be made by the Superintendent/designee. The ARC will regularly report its actions/recommendations to the Board.

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

Zero Tolerance

The Board supports a zero tolerance approach to serious offenses. This approach makes the removal of potentially dangerous students from the classroom a top priority. It ensures fair and equal treatment of all students and requires that all offenders be punished to the fullest extent allowed by law. Staff shall immediately report to the Superintendent or designee any incidence of offenses specified in law, Board policy and administrative regulation as cause for suspension or expulsion.

The Superintendent/designee shall immediately suspend and recommend expulsion of any student found at school, at a school activity or on the way to or from school or a school activity to be:

1. Possessing, as verified by a District employee, or selling or otherwise furnishing a firearm, unless the student had obtained prior written permission to possess the item from a certificated school employee, with Superintendent or designee's concurrence
2. Brandishing a knife at another person
3. Unlawfully selling a controlled substance

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4. Committing or attempting to commit a sexual assault or committing a sexual battery as defined in item #14 under “Grounds for Suspension and Expulsion” above
5. Possession of an explosive

Upon finding that the student committed any of the above acts, the Board shall expel the student. Any student who is expelled for violation of #1 above, having brought or possessed a firearm at school or a school activity (E.C. 48916[a]), shall be expelled for at least one year from the date of the expulsion. The Board of Trustees may set an earlier date for readmission on a case-by-case basis.

The Board directs the administration to immediately report all cases involving unauthorized possession or use of firearms, weapons, or other dangerous objects at school, school activities, or on the way to or from school or school activities to the appropriate law enforcement agency.

The Superintendent or designee shall notify staff, students and parents/guardians about the District's zero tolerance policy and the consequences which may result from student offenses. He/she shall also ensure strict enforcement of this policy.

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.

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 and may fall behind in the coursework. The board believes that, in many cases, it would be better to manage the student's behavior by keeping the student at school and providing him/her with supervision that is separated from the regular classroom.

The Superintendent or designee shall 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.

The Superintendent or designee shall 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 suspensions.

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.

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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 Superintendent or designee.

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 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.

Parental attendance may be requested on the day the student returns to class or within one week thereafter. The Superintendent 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 release time from work.

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

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.

Legal Reference:	Education Code
	212.5 Sexual Harassment
	233 Hate Violence Reduction
	1981 Enrollment of Students
	17292.5 Program for Expelled Students
	35146 Closed Sessions (Re: Suspensions)
	35291 Rules (For Government and Discipline of Schools)
	35291.5 Rules and Procedures on School Discipline
	48660-48666 Community Day Schools
	48900-48926 Suspension and Expulsion
	48950 Speech and Other Communication
	49073-49079 Privacy of Student Records
	Civil Code
	48.8 Defamation Liability

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Legal Reference: (cont.)

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

230.7 Discharge or Discrimination Against Employee for Taking Time Off to Appear in School on Behalf of a Child

Penal Code

31 Superintendent Defined

240 Assault Defined

241.2 Assault Fines

242 Battery Defined

243.2 Battery Fines

243.4 Sexual Battery

245 Assault with a Deadly Weapon

261 Rape Defined

266c Unwanted 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

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