

# Santa Barbara Unified School District

## Board Policy

BP 5144.1

### 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.

*(cf. 5144 - Discipline)*

Suspended or expelled students shall be denied the privilege of participation in all extracurricular activities during the period of suspension or expulsion.

*(cf. 6145 - Extracurricular and Cocurricular Activities)*

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 shall be 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 self or others.

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

#### Zero Tolerance

The Board supports a zero tolerance approach to serious offenses in accordance with state and federal law. This approach makes the removal of potentially dangerous students from the classroom a top priority and ensures the standardized treatment of all students. 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.

#### 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/or law. (Education Code 48911, 48915, 48915.5)

*(cf. 5119 - Students Expelled from Other Districts)*

*(cf. 5144.2 - Suspension and Expulsion/Due Process (Individuals with Disabilities))*

#### 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 suspended from class by a teacher 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 the class from which the student was suspended. (Education Code 48900.1)

Before requiring parental attendance, the teacher shall 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. (Education Code 48900.1)

When a teacher requires parental attendance, the principal shall send a written notice to the parent/guardian stating that his/her attendance is pursuant to law. (Education Code 48900.1)  
The notice shall specify that the attendance may be on either the date the student is scheduled to return to class or within one week thereafter.

A parent/guardian who has received a written notice shall attend class as specified in the notice. 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 principal or designee shall contact a parent/guardian who does not respond to the request to attend school. The Board recognizes that parent/guardian 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. Parents/guardians shall be notified of this policy prior to its implementation. (Education Code 48900.1)

### **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       | <i>Sexual harassment</i>                                   |
| 1981        | <i>Enrollment of students in community school</i>          |
| 17292.5     | <i>Program for expelled students</i>                       |
| 32261       | <i>Interagency School Safety Demonstration Act of 1985</i> |
| 35146       | <i>Closed sessions (re suspensions)</i>                    |
| 35291       | <i>Rules (for government and discipline of schools)</i>    |
| 35291.5     | <i>Rules and procedures on school discipline</i>           |
| 48660-48667 | <i>Community day schools</i>                               |
| 48900-48927 | <i>Suspension and expulsion</i>                            |
| 48950       | <i>Speech and other communication</i>                      |
| 49073-49079 | <i>Privacy of student records</i>                          |

##### CIVIL CODE

|      |                                 |
|------|---------------------------------|
| 47   | <i>Privileged communication</i> |
| 48.8 | <i>Defamation liability</i>     |

##### CODE OF CIVIL PROCEDURE

|           |                                       |
|-----------|---------------------------------------|
| 1985-1997 | <i>Subpoenas; means of production</i> |
|-----------|---------------------------------------|

##### GOVERNMENT CODE

|   |   |
|---|---|
| 11455.20  | Contempt  |
| 54950-54963   | Ralph M. Brown Act  |
| <u>HEALTH AND SAFETY CODE</u>   |   |
| 11014.5   | Drug paraphernalia  |
| 11053-11058   | Standards and schedules   |
| <u>LABOR CODE</u>   |   |
| 230.7   | Discharge or discrimination against employee for taking time off to appear in school on behalf of a child |
| <u>PENAL CODE</u>   |   |
| 31  | Principal of a crime, defined   |
| 240   | Assault defined   |
| 241.2   | Assault fines   |
| 242   | Battery defined   |
| 243.2   | Battery on school property  |
| 243.4   | Sexual battery  |
| 245   | Assault with deadly weapon  |
| 245.6   | Hazing  |
| 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   |
| 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   |
| <u>WELFARE AND INSTITUTIONS CODE</u>  |   |
| 729.6   | Counseling  |
| <u>UNITED STATES CODE, TITLE 18</u>   |   |
| 921   | Definitions, firearm  |
| <u>UNITED STATES CODE, TITLE 20</u>   |   |
| 7151  | Gun free schools  |
| <u>COURT DECISIONS</u>  |   |
| <i>T.H. v. San Diego Unified School District (2004) 122 Cal. App. 4th 1267</i>  |   |
| <i>Woodbury v. Dempsey (2003) 108 Cal. App. 4th 421</i>   |   |
| <i>Board of Education of Sacramento City Unified School District v. Sacramento County Board of Education and Kenneth H., (2001) 85 Cal.App.4th 1321</i> |   |
| <i>Garcia v. Los Angeles Board of Education (1991) 123 Cal.App.3d 807</i>   |   |
| <i>Fremont Union High School District v. Santa Clara County Board (1991) 235 Cal. App. 3d 1182</i>  |   |
| <i>John A. v. San Bernardino School District (1982) 33 Cal. 3d 301</i>  |   |
| <u>ATTORNEY GENERAL OPINIONS</u>  |   |
| <i>84 Ops.Cal.Atty.Gen 146 (2001)</i>   |   |
| <i>80 Ops.Cal.Atty.Gen. 91 (1997)</i>   |   |
| <i>80 Ops.Cal.Atty.Gen. 85 (1997)</i>   |   |

Management Resources:

WEB SITES

CSBA: <http://www.csba.org>

California Attorney General's Office: <http://www.caag.state.ca.us>

California Department of Education: <http://www.cde.ca.gov>

U.S. Department of Education, Office of Safe and Drug-Free Schools:

<http://www.ed.gov/about/offices/list/osdfs/index.html>

Policy: SANTA BARBARA UNIFIED SCHOOL DISTRICT

Adopted: May 5, 2009 Santa Barbara, California