

Students

SUSPENSION AND EXPULSION/DUE PROCESS

SP 5243.00

This policy applies only to those students over whom the Mendocino County Office of Education has jurisdiction to suspend and expel. Typically, the County Office does not have jurisdiction over Regional Occupational Program (ROP) and Court/Community School (CCS) students.

The County Superintendent recognizes that maintaining a quality learning environment that protects the health, safety and welfare of all students may require the suspension or expulsion of students, who may be a danger to themselves and others, from instruction. County Office policies and school site/program rules shall clearly identify behavior standards.

Except in cases 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 County Board and the County Superintendent of Schools for severe or prolonged breaches of discipline by a student. Except for single acts of a grave nature, expulsion is usually 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 other students. (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.

Each program administrator shall annually inform all students and parents/guardians of the school/programs discipline rules and procedures and of the availability of all County Office of Education policies and regulations dealing with student discipline, suspension and expulsion. (Education Codes 35291 and 35291.5)

Student Due Process

The County Board and the County Superintendent shall provide for the fair treatment of students facing suspension and expulsion by affording them their due process rights under the law. The administration and staff shall comply with procedures for notices and appeals as specified in regulation. Procedures governing student due process shall conform in all aspects to provisions in law. (Education Codes 48911, 48915 and 48915.5)

Whenever a student is suspended, school/program officials may (but are not required to) meet with the parent/guardian to discuss the causes and duration of the suspension, the school/program policy involved, and any other pertinent matters. (Education Code

48914)

Required Parental Attendance

The County Board and County Superintendent believe that parental involvement plays an important role in the resolution of classroom/ program behavior problems. The County Board and County Superintendent expect that teachers will communicate with parents/ guardians when behavior problems arise. The County Board and County Superintendent recognize, however, that initial efforts sometimes fail to bring about improvement and that current law enables parents/guardians to be absent from work without endangering their employment status in order to attend a portion of their child's school day at a teacher's request. Besides furthering improved classroom behavior, such attendance can promote positive parent-child interactions. When appropriate, the school may inform parents/guardians of available school/program and community resources and counseling which may assist them in developing more effective parenting skills.

Whenever a student is suspended 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/program from which the student was suspended may require the student's parent/guardian to attend a portion of a school day in that class. After completing the classroom visit and before leaving school/ program premises, the parent/guardian also shall meet with the program administrator or designee. (Education Code 48900.1)

Parental attendance may be required on the day the student returns to class or within one week thereafter. The program administrator or designee shall contact any parents/guardians who do not respond to the request to attend school/program. The County Board and County Superintendent recognize that parental compliance with this policy may be delayed, modified or prevented by serious illness/injury/disability, absence from town, or inability to get certain release time from work.

The teacher/program administrator shall apply this policy uniformly to all students with the classroom. (Education Code 48900.1)

The County Office of Education regulations and school site program rules for student discipline shall include procedures for implementing parental attendance requirements.

This policy shall apply only to a parent/guardian who actually lives with the student. (Education Code 48900.1) Parents/guardians shall be notified of this policy before it is implemented and at the beginning of each subsequent school year. (Education Codes 48900.1, 35291 and 48980)

Legal Reference:

EDUCATION CODE

35146 Closed sessions (re suspensions)
35291 Rules (for government and discipline of schools)
35291.5 Rules and procedures on school discipline
48900-48925 Suspension and expulsion

GOVERNMENT CODE

54950 (re closed sessions)

PENAL CODE

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

STATUTES OTHER THAN CODE

Ch. 1306, 1989, as amended by Ch. 363, 1990

MONTOYA VS. SANGER UNIFIED SCHOOL DISTRICT, 502 F. Supp. 209 (E.D. Calif. 1980)(re extension of suspension)

JOHN A. VS. SAN BERNARDINO SCHOOL DISTRICT (1982) 33 Cal. 3d 301

MENDOCINO COUNTY OFFICE OF EDUCATION

Date Adopted: 06/23/1998

Date Revised: