

## Students

### SUSPENSION AND EXPULSION/DUE PROCESS

SR 5243.01

**Purpose:**

**Timeline:**

### Definitions

Suspension from school means removal of a student from ongoing instruction for adjustment purposes. However, suspension does not mean any of the following: (Education Code 48925)

1. Reassignment to another education program or class at the same school where the student will receive continuing instruction for the length of day prescribed by the County Board for students of the same grade level.
2. Referral to a certificated employee designated by the principal to advise students.
3. Removal from the class, but without reassignment to another class or program, for the remainder of the class period without sending the student to the principal or designee as provided in Education Code 48910. Removal from a particular class shall not occur more than once every five (5) school days.

Expulsion means removal of a student from the immediate supervision and control, or the general supervision, of school personnel. (Education Code 48925)

Day means a calendar day unless otherwise specifically provided. (Education Code 48925)

School day means a day upon which the schools of the County Office are in session or weekdays during the summer recess. (Education Code 48925)

Student includes a student's parent/guardian or legal counsel. (Education Code 48925)

Principal's designee means one or more administrators or, if there is not a second administrator at one school site, a certificated person specifically designated by the principal, in writing, to assist with disciplinary procedures. Only one such person may be designated at any time as the principal's primary designee and only one such person may be designated as secondary designee for the school year. The names of such persons shall be on file in the principal's office. (Education Code 48911)

### Notice of Regulations

At the beginning of each school year, the principal of each school shall ensure that all students and parents/guardians are notified in writing of all school rules related to discipline, suspension and expulsion. Transfer students and their parents/guardians shall be notified at the time of enrollment. (Education Code 35291.5, 48900.1, 48980)

Notification shall include information about the availability of individual school rules and all County Office policies and regulations pertaining to student discipline. (Education Code 35291)

**Suspension by County Superintendent, Principal or Principals Designee** The County Superintendent, principal or principal's designee may suspend a student from a school for not more than five (5) consecutive school days unless the suspension is extended pending expulsion. (Education Code 48911)

The County Superintendent or designee shall immediately suspend any student found at school or at a school activity to be: (Education Code 48915)

1. Possessing, as verified by a County Office 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 the principal or designees concurrence.
2. Brandishing a knife, as defined in Education Code 48915(g), at another person.
3. Unlawfully selling a controlled substance listed in Health and Safety Code 11053-11058.
4. Committing or attempting to commit a sexual assault or committing a sexual battery.

Suspension may also be imposed upon a first offense if the County Superintendent, principal or designee determines the student's presence causes a danger to persons or property or threatens to disrupt the instructional process. (Education Code 48900.5)

A student may be suspended from school for not more than twenty (20) school days in any school year, unless for purposes of adjustment a student enrolls in or is transferred to another regular school, an opportunity school, or continuation school or class, in which case suspension shall not exceed thirty (30) days in any school year. However, this restriction on the number of days of suspension does not apply when the suspension is extended pending an expulsion. (Education Code 48903, 48912)

### **Post-Expulsion Placements**

Education Code 48915 requires the County Board to refer all expelled students to a program of study that is prepared to accommodate students with discipline problems and that is not located at the school the student currently attends or at any regular elementary, middle, junior or senior high school. However, students expelled for the less serious acts described in Education Code 48900(f) through (m) or Education Code 48900.2, 48900.3, 48900.4 may be referred to a program of study that is at another elementary, comprehensive middle, junior or senior high school if the County Superintendent of Schools certifies that an alternative program is not available at a site away from such a school. Education Code 48915.01, added by AB 2834 (Ch. 937, Statutes of 1996), states that if the County Board has established a community day school pursuant to Education Code 48661 on the same site as an elementary,

comprehensive middle, junior or senior high school, expelled students may be referred to the community school at that site.

Although Education Code 48663 prohibits the use of independent study in community day schools, Education Code 48916.1 as amended by AB 2834 (Ch. 937, Statutes of 1996) does not in any way restrict the County Office from offering independent study as a voluntary alternative placement option for expelled students.

The County Board shall refer expelled students to a program of study that meets all the following conditions: (Education Code 48915, 48915.01)

1. Is appropriately prepared to accommodate students who exhibit discipline problems.
2. Is not provided at a comprehensive middle, junior or senior high school or at any elementary school, unless the program is offered at a community day school established at such a site.
3. Is not housed at the school site attended by the student at the time of suspension.

## **MENDOCINO COUNTY OFFICE OF EDUCATION**

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**Date Adopted:** 06/23/1998

**Date Revised:**