

**STUDENTS**

**Suspension and Expulsion/Due Process**

The County Office of Education 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.

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.

Expulsion is an action taken by the County Office of Education for severe or prolonged breaches of discipline by a student. Except for single acts of a serious nature, expulsion is generally 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 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/program's discipline rules and procedures and of the availability of all County Office of Education policies and regulations dealing with student discipline, suspension and expulsion.

Suspended or expelled students shall be excluded from all school-related extracurricular activities during the suspension or expulsion.

**Student Due Process**

The County Office of Education 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 Code 48911, 48915, 48915.5)

Whenever a student is suspended, school/program officials shall make a reasonable effort 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.

The County Office of Education 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 County Office of Education believes that parental involvement plays an important role in the resolution of classroom/program behavior problems. The County Office of Education expects that teachers will communicate with parents/guardians when behavior problems arise. The County Office of Education recognizes 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 schoolday 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 and the administrator of the class/program from which the student was suspended may require the student's parent/guardian to attend a portion of a schoolday 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.

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 Office of Education recognizes 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 within the classroom. This policy shall apply only to a parent/guardian who actually lives with the student.

Parents/guardians shall be notified of this policy before it is implemented and at the beginning of each subsequent school year.

Legal Reference:

EDUCATION CODE

212.5 Sexual harassment

233-233.8 Hate violence prevention act

1981 Enrollment of students

17292.5 Expelled pupils program; operation of program

35146 Closed sessions (re suspensions)

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Policy Approved: June 11, 2002

El Dorado County Office of Education

35291 Rules (for the government and discipline of schools)

35291.5 Rules and procedures of school discipline

48660-48667 Community day schools

48900-48926 Suspension and expulsion

48950 Freedom of speech; students' remedies

49073-49079 – Privacy of student records

GOVERNMENT CODE

11525 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

240 Assault defined

241.2 Assault on school or park property

241.4 Assault; punishment; peace officer of school district

241.6 Assault on school employee; retaliation for performance of duty

242 Battery defined

243.2 Battery on school or park property

243.4 Sexual battery

243.6 Battery against school employee; retaliation for performance of duties

245 Assault with deadly weapon

261 Rape defined

266c Unlawful sexual intercourse

286 Sodomy defined

288 Lewd or lascivious acts with child under age 14

288a Oral copulation

289 Forcible acts of sexual penetration

422.6 Interference with exercise of civil rights; damaging property

422.7 Aggravating factors of punishment

422.75 Protected classes

626.2 Unauthorized entry upon campus or facility after of suspension or dismissal

626.7 Failure to leave campus or facility; wrongful return

626.8 Disruptive presence at schools; specified sex offenders

626.85 Drug offenders; presence on school grounds

626.9 Gun-Free School Zone Act of 1995

626.10 Bringing or possessing weapons on school grounds

868.5 Supporting person; attendance during testimony of witness

UNITED STATES CODE, TITLE 20

6301-8962 Improving America's Schools Act, especially:

No Child Left Behind Act of 2001, PL 107-110 (HR1) (Jan. 8, 2002)

*John A. v. San Bernardino School District* (1982) 33 Cal. 3d 301, 308.

*Fremont Union High School District v. Santa Clara County Board of Education*  
235 Cal. App. 3d 1182)

Management Resources:

CDE PROGRAM ADVISORIES

0306.96 Expulsion Policies and Educational Placements, SPB 95/96-04