

Suspension

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.

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

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 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.

## 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)

## Supervised Suspension Classroom

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 classroom suspension program which meets the requirements of law for students suspended for any of the reasons enumerated in Education 48900 and 48900.2, 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.

#### 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 COCDE

212.5	Sexual harassment
1981	Enrollment of students in community school
17292.5	Program for expelled students
32050	Hazing
35146	Closed sessions (re suspensions)
35291	Rules (for government and discipline of schools)
35291.5	Rules and procedures on school discipline
48660-48667	Community day schools
48900-48927	Suspension and expulsion
489950	Speech and other communication
49073-49079	Privacy of students record

##### CIVIL CODE

47	Privileged communication
48.8	Defamation liability

##### CODE OF CIVIL PROCEDURE

1985-1997	Subpoenas; means of production
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##### GOVERNMENT CODE

1145.20	Contempt
54950-54963	Ralph M. Brown Act

##### 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
626.10	Dirks, daggers, knives, razors or stun guns
868.5	Supporting person; attendance during testimony of witness

##### PENAL CODE

31	Principal of a crime, define
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
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

WELFARE AND INSTITUTIONS CODE

- 729.6 Counseling
- UNITED STATES CODE, TITLE 18
- 921 Definitions, firearm
- UNITED STATES CODE, TITLE 20
- 7151 Gun Free schools

COURT DECISIONS

- T.H. v. San Diego Unified School District (32004) 122 Cal. App, 4<sup>th</sup> 1267
- Woodbury v. Dempsey (2003) 108 Cal. App. 4<sup>th</sup> 421
- Board of Education of Sacramento City Unified School District v. Sacramento County Board of Education and Kenneth H., (2001) 85 Cal. App, 4<sup>th</sup> 1321
- Garcia v. Los Angeles Board of Education (1991) 123 Cal. App. 3<sup>rd</sup> 807
- Fremont Union High School District v. Santa Clara County Board (1991) 235 Cal. App. 3<sup>rd</sup> 1182
- John A. v. San Bernardino School District (1982) 33 Cal. 3<sup>rd</sup> 301

ATTORNEY GENERAL OPINIONS

- 84 Os.Cal.Atty.Gen 146 (2001)
- 80 Ops.Cal.Atty.Gen.91 (1997)
- 80 Ops.Cal.Atty.Gen.85 (1997)

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>

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LONG BEACH UNIFIED SCHOOL DISTRICT