

STUDENT DISCIPLINE: Suspension

Contents:

[When May a Student be Suspended?](#)

[Examples of "Disruptive Acts"](#)

[Maximum Length of Suspension](#)

[Notification of Law Enforcement Authorities](#)

SUSPENSION

(Sections 48900, 48900.2, 48900.3, 48900.4, 48900.7, 48915)

1. When May a Student be Suspended?
 - a. Acts Related to School Activity or Attendance. No student may be suspended or expelled unless the prohibited conduct is related to a school activity or school attendance. A student may be suspended or expelled for acts that occur at any time, including, but not limited to:
 1. while on school grounds;
 2. while going to or coming from school;
 3. during the lunch period whether on or off the campus;
 4. during, or while going or coming from, a school sponsored activity;
 5. while on any other school district's grounds.
 - b. Suspension Upon First Offense. Suspension may only be imposed when other means of correction fail to bring about proper conduct.
 1.
 - a. caused, attempted to cause, or threatened to cause *physical injury* to another person; or
 - b. willfully used *force or violence* upon the person of another, except in self-defense.
 2. possessed, sold, or otherwise furnished any *firearm, knife, explosive, or other dangerous object*, unless, in the case of possession of any object of this type, the pupil had obtained written permission to possess the item from a certificated school employee, which is concurred in by the principal or the designee of the principal;
 3. unlawfully *possessed, used, sold, or otherwise furnished*, or been *under the influence* of, any *controlled substance* listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind;
 4. unlawfully *offered, arranged, or negotiated to sell* any *controlled substance* listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind, and then either sold, delivered, or otherwise furnished to any person another liquid, substance, or material and represented the liquid, substance, or material as a controlled substance, alcoholic beverage, or intoxicant;
 5. committed or attempted to commit *robbery or extortion*;
 6. caused or attempted to cause *damage* to school *property* or private property;
 7. *stolen or attempted to steal* school property or private property;
 8. *possessed or used tobacco*, or any products containing tobacco or any products containing tobacco or nicotine products including, but not limited to, cigarettes, cigars, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew

packets, and betel. However, this section does not prohibit use or possession by a student of his or her own prescription products;

9. committed an *obscene act* or engaged in *habitual profanity* or *vulgarity*;
10. unlawfully *possessed* or unlawfully *offered, arranged, or negotiated to sell* any *drug paraphernalia*, as defined in Section 11014.5 of the Health and Safety Code;
11. *disrupted* school activities or otherwise *willfully defied* the valid authority of supervisors, teachers, administrators, school officials, or other school personnel engaged in the performance of their duties;
12. knowingly *received stolen* school *property* or private property;
13. *possessed an imitation firearm*. As used in this section, "imitation firearm" means a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm;
14. committed or attempted to commit a *sexual assault* as defined in Section 261, 266(c), 286, 288, 288(a), or 289 of the Penal Code or committed a sexual battery as defined in Section 243.4 of the Penal Code;
15. *harassed, threatened, or intimidated a pupil* who is a complaining *witness* or witness in a school disciplinary proceeding for the purpose of either preventing that pupil from being a witness or retaliating against that pupil for being a witness, or both;
16. Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma;
17. Engaged in, or attempted to engage in, hazing as defined in Section 32050;
18. A pupil who aids or abets, as defined in Section 31 of the Penal Code, the infliction or attempted infliction of physical injury to another person may suffer suspension, but not expulsion, pursuant to the provisions of this section. Except that a pupil who has been adjudged by a juvenile court to have committed, as an aider and abettor, a crime of physical violence in which the victim suffered great bodily injury or serious bodily injury shall be subject to discipline pursuant to subdivision (1);

48900.2 committed *sexual harassment* as defined in Section 212.5.

48900.3 caused, attempted to cause, threatened to cause, or participated in an act of, *hate violence*, as defined in subdivision (e) of Section 233.

48900.4 intentionally engaged in *harassment, threats, or intimidation*, directed against a *pupil or group* of pupils, that is sufficiently severe or pervasive to have the actual and reasonably expected effect of materially disrupting classwork, creating substantial disorder, and invading the rights of that pupil or group of pupils by creating an intimidating or *hostile educational environment*.

48900.7 made *terroristic threats* against school officials or school property, or both.

48915. (a) shall recommend the expulsion of a pupil for any of the following acts *unless* the principal or superintendent finds that expulsion is *inappropriate, due to the particular circumstance*:

19. Causing *serious physical injury* to another person, except in self-defense.
20. Possession of any *knife, explosive, or other dangerous object* of no reasonable use to the pupil.

(g) As used in this section, "knife" means any dirk, dagger, or other weapon with a fixed, sharpened blade fitted primarily for stabbing, a weapon with a blade fitted primarily for stabbing, a weapon with a blade longer than 3 1/2 inches, a folding knife with a blade that locks into place, or a razor with an unguarded blade.

21. Unlawful *possession* of any *controlled substance* listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, except for the first offense for the possession of not more than one avoirdupois ounce of marijuana, other than concentrated cannabis.
22. *Robbery or extortion*.
23. *Assault or battery*, as defined in Sections 240 and 242 of the Penal Code, upon any school employee.

48915. (c) The principal or superintendent of schools shall *immediately suspend*, and shall *recommend expulsion* of a pupil that he or she determines has committed any of the following:

24. Possessing, selling, or otherwise furnishing a *firearm*.
 25. *Brandishing a knife* at another person.
 26. Unlawfully *selling a controlled substance* listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code.
 27. Committing or attempting to commit a *sexual assault* as defined in subdivision (n) of Section 48900 or committing a sexual battery as defined in subdivision (n) of Section 48900
 28. Possession of an explosive.
2. Examples of "Disruptive Acts". The following are examples of "disruptive acts" within the meaning of section 48900(k):
- a. verbal abuse and/or defiance of a supervisor, teacher, administrator, or other District employee engaged in the performance of his or her duties;
 - b. intentionally falsifying or misrepresenting material information provided to a District employee or on District records, or altering, defacing, or destroying District records without proper authorization;
 - c. gambling or hazing;
 - d. immoral behavior, possession/possession for sale of pornographic materials;
 - e. leaving school without permission of school authority or being in a restricted area;
 - f. violation of a governmental statute, ordinance, or regulation;
 - g. violation of the Dress Code, Closed Campus, Computer Use Contract, or any other District Governing Board Policy and/or school regulation;
 - h. an act of hate-motivated behavior;
 - i. engaging in any form of communication that is obscene, libelous, or slanderous;
 - j. challenging, provoking, or engaging in unlawful fighting;
 - k. sexual harassment;
 - l. prohibited possession of an electronic signaling device.
3. Maximum Length of Suspension (Sections 48903, 48911).
- a. Regular education students: 5 consecutive school days per offense, except as provided in c.3 below.
 - b. Special education students: 10 consecutive school days where students pose an immediate threat to themselves or others. (A "danger hearing" is still required to extend suspension from 5 to 10 school days.)
 - c. No student may be suspended for more than 20 days during the course of a single school year except that:

1. A student who has transferred to another school mid-year for the purposes of adjustment may be suspended for 30 days.
 2. The Governing Board may suspend a student enrolled in a continuation school for the remainder of the semester in which the offense occurred.
 3. A student may be placed on extended suspension pending an expulsion proceeding.
4. Student/Parent Due Process Rights.
- a. Pre-suspension Conference. Suspension by the principal, the principal's designee, or the Superintendent shall be preceded by an informal conference conducted by the principal, the principal's designee, or the Superintendent, between the student, and, whenever practicable, the teacher or supervisor or school employee who referred the student to the principal, the principal's designee, or the Superintendent. At the conference the student shall be informed of the reason(s) for the disciplinary action and the evidence against him or her and shall be given the opportunity to present his or her version and evidence in his or her defense.
 - b. Emergency Suspension. A principal, the principal's designee, or the Superintendent may suspend a student without affording the student an opportunity for a conference only if the principal, the principal's designee, or the Superintendent determines that the student constitutes a clear and present danger to the life, safety, or health of students or school personnel.

If a student is suspended without a conference prior to suspension, both the parent and the student shall be notified of the student's right to a conference and the student's right to return to school for the purpose of a conference. The conference shall be held within two (2) school days, unless the student waives this right or is physically unable to attend for any reason, including incarceration or hospitalization. The conference shall then be held as soon as the student is physically able to attend the conference.
 - c. Notice to Parent. At the time of suspension, a school employee shall make a reasonable effort to contact the student's parent in person or by telephone. In addition, whenever a student is suspended from school, the parent should be notified in writing of the suspension.
 - d. Report of Suspension. A school employee shall report the suspension of the student, including the cause for the suspension, to the Superintendent.
 - e. Suspension Meeting (48914). Upon the parent's request, the Superintendent may meet with the parent of a suspended student to discuss the causes, the duration, the school policy involved, and other matters pertinent to the suspension.
5. Notification of Law Enforcement Authorities (48902).

The principal or the principal's designee shall, prior to the suspension for any student, notify the appropriate law enforcement authorities of any acts of the student which may violate section 245 of the Penal Code (relating to assault with a deadly weapon or force likely to produce great bodily injury).