

**South Pasadena USD**  
**Board Policy 5144.1**  
**Suspension And Expulsion/Due Process**

The Governing Board desires to provide district students access to educational opportunities in an orderly school environment that protects their safety and security, ensures their welfare and well-being, and promotes their learning and development. The Board shall develop rules and regulations setting the standards of behavior expected of district students and the disciplinary processes and procedures for addressing violations of those standards, including suspension and/or expulsion.

(cf. [5131](#) - Conduct)

(cf. [5131.1](#) - Bus Conduct)

(cf. [5131.2](#) - Bullying)

~~To correct the behavior of any student who is subject to discipline, the Superintendent or designee shall, to the extent allowed by law, first use alternative disciplinary strategies specified in AR 5144.1 – Discipline. (Education Code [48900.5](#))~~

~~(cf. [1020](#) – Youth Services)~~

~~(cf. [5138](#) – Conflict Resolution/Peer Mediation)~~

~~(cf. [5144](#) – Discipline)~~

~~(cf. [6142.4](#) – Service Learning/Community Service Classes)~~

~~(cf. [6164.2](#) – Guidance/Counseling Services)~~

~~(cf. [6164.5](#) – Student Success Teams)~~

~~Alternatives to suspension or expulsion also shall be used with students who are truant, tardy, or otherwise absent from assigned school activities.~~

~~(cf. [5113](#) – Absences and Excuses)~~

~~(cf. [5113.1](#) – Chronic Absence and Truancy)~~

**The grounds for suspension and expulsion and the procedures for considering, recommending and/or implementing suspension and expulsion shall be only those specified in law and the accompanying administrative regulation.**

**Except when otherwise permitted by law, a student may be suspended or expelled only when his/her behavior is related to a school activity of school attendance occurring within any district school or other school district, regardless of when it occurs, including, but not limited to, the following:**

- 1. While on school grounds**

**South Pasadena USD  
Board Policy 5144.1  
Suspension And Expulsion/Due Process**

- 2. While going to or coming from school**
- 3. During the lunch period, whether on or off the school campus**  
*(cf. 5112.5 – Open/Closed Campus)*
- 4. During, going to, or coming from a school-sponsored activity**

**District staff shall enforce the rules concerning suspension and expulsion of students fairly, consistently, equally, and in accordance with the district’s nondiscrimination policies.**

*(cf. 0410 – Nondiscrimination in District Programs and Activities)*

**Appropriate Use of Suspension and Expulsion**

**Except when a student commits an act that violates Education Code 48900(a)-(e) or his/her presence causes a danger to others, suspension shall be used only when other means of correction have failed to bring about proper conduct.**

**Except when a student commits an act listed in Education Code 48915(c), the Superintendent or designee shall have the discretion to determine whether to recommend to the Board that the student be expelled.**

*(cf. 5131.7 – Weapons and Dangerous Instruments)*

**To correct the behavior of any student who is subject to discipline, the Superintendent or designee shall, to the extent allowed by law, first use alternative disciplinary strategies specified in AR 5144 – Discipline. (Education Code 48900.5, 48900.6)**

*(cf. 1020 – Youth Services)*

*(cf. 5138 – Conflict Resolution/Peer Mediation)*

*(cf. 5144 – Discipline)*

*(cf. 6142.4 – Service Learning/Community Service Classes)*

*(cf. 6164.2 – Guidance/Counseling Services)*

*(cf. 6164.5 – Student Success Teams)*

Except for single acts of a grave nature or offenses for which suspension or expulsion is required by law, suspension or expulsion shall be used only when other means of correction have failed to bring about proper conduct or the student's presence causes a continuing danger to himself/herself or others.

*(cf. [5131.7](#) - Weapons and Dangerous Instruments)*

**South Pasadena USD**  
**Board Policy 5144.1**  
**Suspension And Expulsion/Due Process**

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 administrative regulation.

District staff shall enforce the rules concerning suspension and expulsion of students fairly, consistently, and in accordance with the district's nondiscrimination policies.

(cf. [0410](#) - *Nondiscrimination in District Programs and Activities*)

**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, hearings, and appeals as specified in law and administrative regulation. (Education Code [48911](#), [48915](#), [48915.5](#))

(cf. [5119](#) - *Students Expelled from Other Districts*)

(cf. [5144.2](#) - *Suspension and Expulsion/Due Process (Students with Disabilities)*)

**Removal from Class by a Teacher and Parental Attendance**

When suspending a student from class for committing an obscene act, engaging in habitual profanity or vulgarity, disrupting school activities, or otherwise willfully defying valid staff authority, the teacher of the class may require any parent/guardian who lives with the student to attend a portion of the school day in the class from which the student is being suspended, to assist in resolving the classroom behavior problems. (Education Code [48900.1](#))

Teachers should reserve the option of required parental attendance for cases in which they have determined that it is the best strategy to promote positive interaction between the teacher and the student and his/her parents/guardians and to improve the student's behavior.

Any teacher requiring parental attendance pursuant to this policy shall apply the policy uniformly to all students within the classroom. (Education Code [48900.1](#))

~~When a teacher requires parental attendance, the principal shall send a written notice to the parent/guardian stating that his/her attendance is required pursuant to law. (Education Code [48900.1](#))~~

**When a teacher requires parental attendance, the principal shall send a written notice to the parent/guardian stating that his/her attendance is required pursuant to law and that, if there are reasonable factors that may prevent the parent/guardian from complying with the requirement, he/she should contact the school. (Education Code [48900.1](#))**

**South Pasadena USD**  
**Board Policy 5144.1**  
**Suspension And Expulsion/Due Process**

(cf. [5145.6](#) - Parental Notifications)

A parent/guardian who has received a written notice shall attend class as specified in the notice. After completing the classroom visit and before leaving school premises, the parent/guardian also shall meet with the principal or designee. (Education Code [48900.1](#))

At the meeting with the student's parent/guardian, the principal or designee shall explain the district's and school's discipline policies, including the disciplinary strategies that may be used to achieve proper student conduct.

When a parent/guardian does not respond to the request to attend school, the principal or designee shall contact him/her by telephone, mail, or other method that maintains the confidentiality of the student's records.

(cf. [5125](#) - Student Records)

District regulations and school-site rules for student discipline shall include procedures for implementing parental attendance requirements. Parents/guardians shall be notified of this policy prior to its implementation. (Education Code [48900.1](#))

### **Supervised Suspension Classroom**

To ensure the proper supervision and ongoing learning of students who are suspended for any of the reasons enumerated in Education Code [48900](#) and [48900.2](#), but who pose no imminent danger or threat to anyone at school and for whom expulsion proceedings have not been initiated, the Superintendent or designee shall establish a supervised suspension classroom program which meets the requirements of law.

Except where a supervised suspension is permitted by law for a student's first offense, supervised suspension shall be imposed only when other means of correction have failed to bring about proper conduct. (Education Code [48900.5](#))

### **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 and administrative regulation. (Education Code [48917](#))

*Legal Reference:*

*EDUCATION CODE*

[212.5](#) *Sexual harassment*

[233](#) *Hate violence*

[1981](#) *Enrollment of students in community school*

[17292.5](#) *Program for expelled students*

**South Pasadena USD**  
**Board Policy 5144.1**  
**Suspension And Expulsion/Due Process**

[32261](#) *Interagency School Safety Demonstration Act of 1985*

[35145](#) *Open board meetings*

[35146](#) *Closed sessions (regarding suspensions)*

[35291](#) *Rules (for government and discipline of schools)*

[35291.5](#) *Rules and procedures on school discipline*

[48645.5](#) *Readmission; contact with juvenile justice system*

[48660-48667](#) *Community day schools*

[48853.5](#) *Foster youth*

[48900-48927](#) *Suspension and expulsion*

[48950](#) *Speech and other communication*

[48980](#) *Parental notifications*

[49073-49079](#) *Privacy of student records*

**CIVIL CODE**

[47](#) *Privileged communication*

[48.8](#) *Defamation liability*

**CODE OF CIVIL PROCEDURE**

[1985-1997](#) *Subpoenas; means of production*

**GOVERNMENT CODE**

[11455.20](#) *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*

**PENAL CODE**

[31](#) *Principal of a crime, defined*

[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*

[245.6](#) *Hazing*

[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*

[417.27](#) *Laser pointers*

[422.55](#) *Hate crime defined*

[422.6](#) *Interference with exercise of civil rights*

[422.7](#) *Aggravating factors for punishment*

[422.75](#) *Enhanced penalties for hate crimes*

[626.2](#) *Entry upon campus after written notice of suspension or dismissal without permission*

[626.9](#) *Gun-Free School Zone Act of 1995*

[626.10](#) *Dirks, daggers, knives, razors, or stun guns*

**South Pasadena USD  
Board Policy 5144.1  
Suspension And Expulsion/Due Process**

868.5 Supporting person; attendance during testimony of witness  
WELFARE AND INSTITUTIONS CODE

729.6 Counseling

UNITED STATES CODE, TITLE 18

921 Definitions, firearm

UNITED STATES CODE, TITLE 20

1415(K) Placement in alternative educational setting

7151 Gun-free schools

COURT DECISIONS

*T.H. v. San Diego Unified School District* (2004) 122 Cal. App. 4th 1267

*Woodbury v. Dempsey* (2003) 108 Cal. App. 4th 421

*Board of Education of Sacramento City Unified School District v. Sacramento County Board of Education and Kenneth H.* (2001) 85 Cal.App.4th 1321

*Garcia v. Los Angeles Board of Education* (1991) 123 Cal. App. 3d 807

*Fremont Union High School District v. Santa Clara County Board* (1991) 235 Cal. App. 3d 1182

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

ATTORNEY GENERAL OPINIONS

84 Ops.Cal.Atty.Gen. 146 (2001)

80 Ops.Cal.Atty.Gen. 91 (1997)

80 Ops.Cal.Atty.Gen. 85 (1997)

*Management Resources:*

CSBA PUBLICATIONS

*Safe Schools: Strategies for Governing Boards to Ensure Student Success*, 2011

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

*Civil Rights Data Collection Summary*, March 2012

WEB SITES

CSBA: <http://www.csba.org>

California Attorney General's Office: <http://www.oag.ca.gov>

California Department of Education: <http://www.cde.ca.gov>

U.S. Department of Education, Office for Civil Rights:

<http://www.ed.gov/about/offices/list/ocr/docs/crdc-2012-data-summary.pdf>

U.S. Department of Education, Office of Safe and Drug-Free Schools:

<http://www.ed.gov/about/offices/list/osdfs>

Policy SOUTH PASADENA UNIFIED SCHOOL DISTRICT  
adopted: May 28, 2013 South Pasadena, California

DRAFT: October 2 2014