Santa Barbara Unified School District
Board Policy

Students BP 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 responses to behavior for addressing violations of those standards, including suspension and/or expulsion.

(cf. 5131 - Conduct)
(cf. 5131.1 - Bus Conduct)
(cf. 5131.2 - Bullying)

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, in this policy, and in 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 or school attendance occurring within any district school or another school district, regardless of when it occurs, including, but not limited to, the following: (Education Code 48900(s))

1. While on school grounds
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 Authority
Except when a student's act violates Education Code 48900(a)-(e), as listed in items #1-5 under "Grounds for Suspension and Expulsion: Grades K-12" of the accompanying administrative regulation, or when 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. (Education Code 48900.5, 48900.6)

(cf. 5138 - Conflict Resolution/Peer Mediation)
(cf. 5144 - Discipline)
A student's parents/guardians shall be notified as soon as possible when there is an escalating pattern of behavior that could lead to on-campus or off-campus suspension.

No student in grades K-3 may be suspended for disruption or willful defiance, except by a teacher pursuant to Education Code 48910. (Education Code 48900)

Students shall not be suspended or expelled for truancy, tardiness, or absenteeism from assigned school activities.

On-Campus Suspension
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)

Authority to Expel
A student may be expelled only by the Board. (Education Code 48918(j))

As required by law, the Superintendent or principal shall recommend expulsion and the Board shall expel any student found to have committed any of the following "mandatory recommendation and mandatory expulsion" acts at school or at a school activity off school grounds: (Education Code 48915)

1. Possessing a firearm which is not an imitation firearm, as verified by a certificated employee, unless the student had obtained prior written permission to possess the item from a certificated school employee, with the principal or designee's concurrence

   (cf. 5131.7 - Weapons and Dangerous Instruments)

2. Selling or otherwise furnishing a firearm

3. Brandishing a knife at another person

4. Unlawfully selling a controlled substance listed in Health and Safety Code 11053-11058

5. Committing or attempting to commit a sexual assault as defined in Penal Code 261, 266c, 286, 288, 288a, or 289, or committing a sexual battery as defined in Penal Code 243.4

6. Possessing an explosive as defined in 18 USC 921

For all other violations listed in the accompanying administrative regulation under "Grounds for Suspension
and Expulsion: Grades K-12” and "Additional Grounds for Suspension and Expulsion: Grades 4-12," the Superintendent or principal shall have the discretion to recommend expulsion of a student. If expulsion is recommended, the Board shall order the student expelled only if it makes a finding of either or both of the following: (Education Code 48915(b) and (e))

1. That other means of correction are not feasible or have repeatedly failed to bring about proper conduct
2. That due to the nature of the violation, the presence of the student causes a continuing danger to the physical safety of the student or others

A vote to expel a student shall be taken in an open session of a Board meeting.

The Board may vote to suspend the enforcement of the expulsion order pursuant to the requirements of law and the accompanying administrative regulation. (Education Code 48917)

When a decision is made by the Board to suspend an expulsion order, the student is required to complete the assigned rehabilitation prior to the final day of the term of the suspended expulsion order. Failure to complete the rehabilitation plan may result in enforcement of the full expulsion with placement outside the Santa Barbara Unified School District until the end of the semester in which the rehabilitation plan is completed.

No student shall be expelled for disruption or willful defiance. (Education Code 48900)

No child enrolled in a preschool program shall be expelled except under limited circumstances as specified in AR 5148.3 - Preschool/Early Childhood Education.

(cf. 5148.3 - Preschool/Early Childhood Education)

Due Process
The Board shall provide for the fair and equitable treatment of students facing suspension and/or 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, 48918)

(cf. 5119 - Students Expelled from Other Districts)
(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))

Maintenance and Monitoring of Outcome Data
The Superintendent or designee shall maintain outcome data related to student suspensions and expulsions in accordance with Education Code 48900.8 and 48916.1, including, but not limited to, the number of students recommended for expulsion, the grounds for each recommended expulsion, the actions taken by the Board, the types of referral made after each expulsion, and the disposition of the students after the expulsion period. For any expulsion that involves the possession of a firearm, such data shall include the name of the school and the type of firearm involved, as required pursuant to 20 USC 7961. Suspension and expulsion data shall be reported to the Board annually and to the California Department of Education when so required.

In presenting the report to the Board, the Superintendent or designee shall disaggregate data on suspensions and expulsions by school and by numerically significant student subgroups, including, but not limited to, ethnic subgroups, socioeconomically disadvantaged students, English learners, students with disabilities,
foster youth, and homeless students. Based on the data, the Board shall address any identified disparities in
the imposition of student discipline and shall determine whether and how the district is meeting its goals
for improving school climate as specified in its local control and accountability plan.

(cf. 0460 - Local Control and Accountability Plan)

Legal Reference:

**EDUCATION CODE**
- 212.5  Sexual harassment
- 233  Hate violence
- 1981-1981.5  Enrollment of students in community school
- 8239.1  Prohibition against expulsion of preschool student
- 17292.5  Program for expelled students
- 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
- 48660-48666  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
- 52052  Numerically significant student subgroups
- 52060-52077  Local control and accountability plan
- 64000-64001  Consolidated application

**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  Employee 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
Lewd or lascivious acts with child under age 14
Oral copulation
Penetration of genital or anal openings
Laser pointers
Hate crime defined
Interference with exercise of civil rights
Aggravating factors for punishment
Enhanced penalties for hate crimes
Entry upon campus after written notice of suspension or dismissal without permission
Gun-Free School Zone Act of 1995
Dirks, daggers, knives, razors, or stun guns
Supporting person; attendance during testimony of witness

WELFARE AND INSTITUTIONS CODE

Counseling

UNITED STATES CODE, TITLE 18

Definitions, firearm

UNITED STATES CODE, TITLE 20

Placement in alternative educational setting

UNITED STATES CODE, TITLE 42

Education of homeless children and youths

COURT DECISIONS


ATTORNEY GENERAL OPINIONS


Management Resources:

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS
Dear Colleague Letter on the Nondiscriminatory Administration of School Discipline, January 2014

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 of Safe and Healthy Students: http://www2.ed.gov/about/offices/list/oese/oshs

SANTA BARBARA UNIFIED SCHOOL DISTRICT
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