

## VENTURA COUNTY BOARD OF EDUCATION

**BOARD POLICY NO. 5144.1**

**ADOPTED: 02/24/97**

**CLASSIFICATION: Students**

**REVISED: 05/29/12  
11/25/13  
09/25/23**

**SUBJECT: Suspension/Due Process**

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The Ventura County Board of Education and the County Superintendent desire to provide students in the Ventura County Office of Education (VCOE) schools and programs 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 County Superintendent, or designee shall develop rules and regulations setting the standards of behavior expected of students in VCOE schools and programs and the disciplinary processes and procedures for addressing violations of those standards, including suspension.

The grounds for suspension and the procedures for considering, recommending and/or implementing suspension 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 only when the behavior is related to a school activity or school attendance occurring within any VCOE school or program or a school district, regardless of when it occurs, including, but not limited to, the following:

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
4. During, going to, or coming from a school-sponsored activity

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

## 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: Grades K-12" of the accompanying administrative regulation, or when the student's presence causes a danger to others, suspension shall be used only when other means of correction have failed to bring about proper conduct.

No student may be suspended for disruption or willful defiance, except by a teacher pursuant to Education Code 48910.

## DUE PROCESS

The County Superintendent shall provide for the fair and equitable treatment of students facing suspension by affording them their due process rights under the law. The County Superintendent or designee shall comply with procedures for notices and appeals as specified in law and administrative regulation.

## 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 at school, the County 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.

## MAINTENANCE AND MONITORING OF OUTCOME DATA

VCOE staff shall maintain outcome data related to student suspensions in accordance with Education Code 48900.8. Suspension data shall be reported to the County Superintendent annually and to the California Department of Education when so required.

In presenting the report to the County Superintendent or designee, data on suspensions 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 shall be disaggregated. Based on the data, the County Superintendent shall address any identified disparities in the imposition of student discipline and shall determine

whether and how the VCOE schools and programs are meeting their goals for improving school climate as specified in its local control and accountability plan.

Legal References:

EDUCATION CODE

212.5	Sexual harassment
233	Hate violence
1981-1983	Enrollment of students in community school
32260-32262	Interagency School Safety Demonstration Act of 1985
35145	Open board meetings
35146	Closed sessions (re suspensions)
35291	Rules (for government and discipline of schools)
35291.5	Rules and procedures on school discipline
48645.5	Former juvenile court school students; enrollment
48853-48853.5	Foster youth
48900-48927	Suspension and expulsion
48950	Speech and other communication
48980	Parent/Guardian notifications
49073-49079	Privacy of student records
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	Production of evidence; means of production
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GOVERNMENT CODE

11455.20	Informal hearing procedures
54950-54963	Ralph M. Brown Act

HEALTH AND SAFETY CODE

11014.5	Drug paraphernalia
11053-11059	Controlled substances; standards and schedules

LABOR CODE

230.7	Employee time off to appear in school on behalf of a child
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### 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
287	Oral Copulation
288	Lewd or lascivious acts with child under age 14
289	Penetration of genital or anal openings
417.27	Laser pointers
422.55	Definition of hate crime
422.6	Crimes; harassment
422.7	Aggravating factors for punishment
422.75	Enhanced penalties for hate crimes
626.10	Dirks, daggers, knives, razors, or stun guns
626.2	Entry upon campus after written notice of suspension or dismissal without permission
626.9	Gun-Free School Zone Act of 1995
868.5	Supporting person; attendance during testimony of witness

### WELFARE AND INSTITUTIONS CODE

224.1	Indian child; definition
729.6	Counseling