

VENTURA COUNTY BOARD OF EDUCATION

**ADMINISTRATIVE
REGULATION NO. 5144.1**

ADOPTED: 02/24/97

CLASSIFICATION: Students

REVISED:

SUBJECT: Suspension

A. Grounds for Suspension

1. A student may be suspended, including an individual with exceptional needs, for the following:
 - (a) Caused, attempted to cause or threatened to cause physical injury to another person;
 - (b) Possessed, sold or otherwise furnished any firearm, knife, explosive, or other dangerous object, unless, in the case of possession of any objects of this type, the student had obtained written permission to possess the item from a certificated school employee, which has been approved by the principal or the designee or the principal;
 - (c) Unlawfully possessed, used, sold or otherwise furnished or been under the influence of any controlled substance, as defined in Section 11053 of the Health and Safety Code, an alcoholic beverage or an intoxicant of any kind;
 - (d) Unlawfully offered, arranged or negotiated to sell any controlled substance, as defined in Section 11053 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;
 - (e) Committed or attempted to commit robbery or extortion.
 - (f) Caused or attempted to cause damage to school property or private property;
 - (g) Stolen or attempted to steal school property or private property;

- (h) Possessed or used tobacco, or any products containing tobacco or nicotine products, except this section does not prohibit use or possession by a student or his/her own prescription products;
- (i) Committed an obscene act or engaged in habitual profanity or vulgarity;
- (j) 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.
- (k) Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, paraeducators, administrators, school officials, or other school personnel engaged in the performance of their duties;
- (l) Knowingly received stolen school property or private property;
- (m) 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.
- (n) Committed sexual harassment as defined by Education Code Section 212.5 and referenced in Education Code Section 48900.2. This section does not apply to K-3 students.
- (o) The pupil has caused, attempted to cause, threatened to cause, or participated in an act of, hate violence, as defined in the subdivision (e) of Section 33032.5. This section does not apply to K-3 students.
- (p) The pupil has 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. This section does not apply to K-3 students.

B. Limitations

- 1. No student shall be suspended for any of the acts enumerated above unless such act is related to school activity or school attendance. The act could occur any time, including but not limited to:
 - (a) While on school grounds;
 - (b) While going to or coming from school;

- (c) During lunch period, whether on or off the campus;
 - (d) During, or while going to or coming from a school sponsored activity.
- 2. Suspension shall usually be imposed only when other means of correction fail to bring about proper conduct. A student, including one with exceptional needs, may be suspended for a first offense of 4 (a)-(e) listed above or, for any of the other grounds listed above if the principal or superintendent determines that the student's presence causes a danger to persons or property or threatens to disrupt the instructional process. Alternatives to suspension should be imposed against students who are tardy, truant, or otherwise absent from school activities.
- 3. The total number of days for which a student may be suspended from school shall not exceed twenty (20) school days in any school year unless for purposes of adjustment, a student enrolls in or is transferred to another regular school, an Opportunity School or class, or a Continuation Education School or class, in which case the total number of school days for which the student may be suspended shall not exceed thirty (30) days in any school year. After thirty (30) days of suspension, a student may be referred for expulsion.
- 4. The principal of the school or the principal's designee may suspend a student from the school for no more than five (5) consecutive school days.

C. Notification of Law Enforcement

The principal of the school or the principal's designee shall, prior to the suspension of any student, notify the appropriate law enforcement authorities of the county or city in which the school is situated, of any acts of the student likely to produce great bodily injury upon the person of another with a deadly weapon or instrument or by any means of force, and shall notify the appropriate law enforcement authorities within one (1) school day after the suspension of any student for the acts set forth above in Parts A (c) and (d).

Whenever an employee is attacked, assaulted, or menaced by any student, it shall be the duty of such employee, and the duty of any person under whose direction or supervision such employee is employed, who has knowledge of such incident, to promptly report the incident to the appropriate law enforcement authorities of the county or city in which the incident occurred. Pursuant to Education Code Section 44014, it is a misdemeanor to fail to make such report.

D. Suspension by Teacher

1. Limits

- (a) Teachers may suspend a student from his/her class for any of the acts enumerated above, for the remainder of the period, and for the day following. A teacher with a contained classroom may suspend for any of the acts enumerated above, for the remainder of the day and the day following.

2. Procedure

- (a) The teacher shall immediately report the suspension to the principal and send the student to the principal or principal's designee for appropriate action;
- (b) As soon as possible, the teacher shall ask the parent or guardian of the student to attend a parent-teacher conference regarding the suspension. Whenever practical, a school counselor or school psychologist shall attend the conference. A school administrator shall attend the conference if the teacher or the parent or guardian so requests;
- (c) The student shall not be returned to the class from which he or she was suspended during the period of suspension without the concurrence of the teacher of the class and the principal;
- (d) A student suspended for a class shall not be placed in another regular class during the period of suspension. However, if the student is assigned to more than one class per day, this shall apply only to other regular classes scheduled at the same time as the class from which the student was suspended;
- (e) The teacher may also refer a student to the principal for consideration of suspension from the school for any of the acts enumerated above in Parts A;
- (f) The teacher of any class from which a student is suspended may require the suspended student to complete any assignments and tests missed during the suspension;

- (g) The parent or guardian of a student suspended by a teacher for commission of an act enumerated above in Parts A (c) and (k), may be required to attend a portion a school day in the classroom from which his/her child/ward was suspended. The attendance by parents/guardians under this section shall be limited to the class from which the student was suspended.

The principal shall send written notice to the parent/guardian that his/her attendance is required. The notice shall also tell the parent/guardian when his/her presence is expected and by what means he/she may arrange any reasonably necessary change. The notice shall also describe the protections afforded to the parent/guardian as an employee under Labor Code Section 230.7. The notice shall state that if the parent/guardian does not have a means of transportation to school, he/she may ride the school bus with the student.

The teacher shall remind the parent/guardian to meet with the principal or designee after completing the classroom visit and before leaving the school premises.

F. Suspension by Principal

1. Suspension by the principal, designee or the superintendent, shall be preceded by an informal conference between the student, the principal or the principal's designee or the superintendent, and whenever practical, the teacher or supervisor or school employee who referred student to the principal or designee. At the conference, the student shall be informed of the reason for the disciplinary action and the evidence against him or her. The student shall also be given the opportunity to present his/her version and evidence in his/her defense.
2. A principal or designee may suspend a student without affording the student an opportunity for a conference only if the principal or designee determines that an emergency situation exists. The term "emergency situation" as used in this section means a situation determined by the principal or designee or superintendent to constitute a clear and present danger to the lives, 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, but not limited to, incarceration or hospitalization. The conference shall then be held as soon as the student is physically able to return to school for the conference.

3. At the time of suspension, a school employee shall make a reasonable effort to contact the student's parent or guardian in person or by telephone. Whenever a student is suspended from school, the parent or guardian shall be notified in writing of the suspension. The notice shall be, insofar as is practicable, in the primary language of the student's parent or guardian.
4. The principal or designee may request the parent or guardian of a suspended student to attend a meeting to discuss the causes, the duration, the school policy involved, and other pertinent matters. No penalties may be imposed on a student for failure of the student's parent or guardian to attend a conference with school officials. Reinstatement of the suspended student shall not be contingent upon attendance by the student's parent or guardian at such conference.
5. The teacher of any class from which a student is suspended may require the suspended student to complete any assignments and tests missed during the suspension.
6. The principal shall report the suspension of such student, including the cause, to the Superintendent.
7. The "principal's designee" is any one or more administrator at the school site specifically designated by the principal in writing, to assist with disciplinary procedures. If there is no other administrator at that school site, one and only one certificated person at the school site may be specifically designated by the principal, in writing, as a designee to assist with disciplinary procedures. When both principal and designee are absent from the school site, an additional person may be designated by the principal. The names of all persons designated as "principal's designee" shall be on file in the principal's office.

G. Individuals with Exceptional Needs

1. A student with exceptional needs may be suspended for up to, but not more than, ten (10) consecutive school days if he/she poses an immediate threat to the safety of himself/herself or others. (i.e., five (5) school days by a principal and five (5) additional school days if the suspension is extended by the superintendent or designee). In the case of a truly dangerous child, a superintendent may exceed ten (10) consecutive school days, or the student's placement may be changed, or both, if either:
 - (a) The student's parent/guardian agrees; or
 - (b) A court order so provides.

2. If a special education student is being suspended from school and the student has previously been suspended for three days or more during the semester, the following additional procedures will be followed:
 - (a) The student's IEP team will meet;
 - (b) The IEP team will decide:
 - (1) Whether the current problem is part of the handicapping condition;
 - (2) Whether the current problem is the result of an inappropriate program;
 - (3) Whether the cumulative effect of all short-term suspensions that year has adversely affected the student's program; and
 - (4) Whether a functional analysis assessment will be conducted for the student.
3. The student may be suspended for more than 10 consecutive days, or a total of 10 days of short term suspension which adversely affect the student's programs, if:
 - (a) The student's placement is appropriate;
 - (b) The current problem is not caused by his/her handicapping condition;
 - (c) An appropriate behavior plan has not succeeded;
 - (d) The student is provided with ongoing educational services; and
 - (e) Provisions of State law regarding long term suspension are complied with.