



ADMINISTRATIVE PROCEDURE

CATEGORY: **Students, Discipline**

SUBJECT: **Suspension**

A. PURPOSE AND SCOPE

1. To outline district policies and procedures governing suspension of students.
2. **Related Procedures:**
 - Independent Study..... 4316
 - Expulsion 6295
 - Alcohol, Tobacco, and Other Drugs 6298
 - Student-to-Student Bullying, Harassment, and Intimidation 6381
 - Student Records, Retention and Destruction 6520
 - Release of Directory-Type Student Information 6525

B. LEGAL AND POLICY BASIS

1. **Reference:** Board policies A-3700, F-6000, H-2100, H-5000, H-6000, H-6800, H-6940, H-6950, I-1370, and I-4400; Board action of 7-29-14 regarding discipline, zero tolerance and restorative justice practices; Penal Code §243.4 and §245.6, Subdivision (b); California Education Code §46300, 48900 *et seq.*, 48911, 48915.5, and 49079; 20 U.S.C. §1415(k); California Assembly Bill 420 of 2014.
2. All students shall comply with the regulations, pursue the required course of study, and submit to the authority of the teachers of the schools (Education Code §48908). The Board of Education supports school principals, vice principals, counselors, teachers, and students in maintaining positive, safe and productive cultures in our schools and at all school-sponsored activities. All students have a right to a high quality education supported by disciplinary practices that do not exclude students from school or otherwise deprive them from such an education unless it is necessary to preserve the safety of students and staff. Whenever possible, principals are encouraged to utilize multiple interventions to address negative behavior prior to issuing a suspension. Schools shall implement positive intervention strategies as needed to correct student misbehavior.

C. GENERAL

1. **Originating Office.** Suggestions or questions concerning this procedure should be directed to the Placement and Appeal Office, Integrated Student Services Division.
2. **Definitions:**
 - a. **Principal’s designee:** An administrative employee designated by the principal, in writing, to assist with disciplinary procedures. A second person also shall be designated by the principal, in writing, to serve as designee when the principal and the primary designee are absent from the school site. These names must be on file in the principal’s office. The principal must annually record designations.
 - b. **Superintendent’s designee:** For purposes of this procedure, the lead official of the Placement and Appeal Office, unless specified otherwise in this procedure.

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- c. **Serious offense:** Includes possession of a real firearm, knife, explosive, causing serious physical injury to another person (except in self-defense), sexual assault, sexual battery (as defined by PC 243.4), assault or battery upon any school employee.
- d. **Dangerous object:** Any object used in a threatening manner even if it is not ordinarily used as a weapon.
- e. **Suspension:** Temporary removal of a student from ongoing instruction at the school site for purposes of adjustment. The following do *not* constitute formal suspension:
- (1) Reassignment or referral to another educational program or class at the same school.
 - (2) Referral to a district employee designated by the principal to advise students.
 - (3) Reassignment to an independent study program (Administrative Procedure 4316).
- f. **Expulsion:** Removal of a student from the immediate supervision and control, or general supervision, of school personnel as outlined in Administrative Procedure 6295. An expelled student may not participate in any district program or activity, including any independent study program; however, the student may be eligible to attend a district or county community day school program.
- g. **Day:** One calendar day unless specified otherwise.
- h. **School day:** A day when schools of the district are in session, or weekdays during summer recess.
3. Suspension from school is a serious and, by its very nature, controversial act to be applied with prudence and restraint after careful investigation and *in the absence of reasonable alternatives*. It is not only a necessary tool to maintain order, but a valuable educational device. At the same time, students involved must be afforded due process. In *Goss v. Lopez* (419 U.S. 565 [1975]) the United States Supreme Court held that students have a constitutional right to due process of law in connection with imposition of a short-term suspension from school. Specific procedures required by the Supreme Court are embodied in California law. Strict compliance with this procedure will ensure that students are not denied their constitutional rights.
- It is incumbent upon the suspending authority to ensure that both the letter and spirit of the law are strictly observed, including time limits within each specified task must be accomplished.
4. **Grounds for Suspension.** A student shall not be suspended from school or recommended for expulsion unless the superintendent or principal of the school in which the student is enrolled determines that the student has committed any of the following acts:

	Offense	Description	Code*
a.	Assault / Battery	Includes caused, attempted to cause physical injury, or threatened to cause physical injury to another person (including school employees); willfully used force or violence upon the person of another, except in self-defense; also includes attempted sexual assault, sexual assault, and sexual battery.	01
b.	Weapons	Possessed, sold, or otherwise furnished any firearm, replica firearm, knife, explosive, or other dangerous object or used any object in a threatening manner.	02
c.	Alcohol / Intoxicants / Controlled Substances	Includes unlawfully possessed, used, sold, or furnished or under the influence of alcohol intoxicants, or controlled substances.	03
d.	Substance in Lieu of Alcohol / Intoxicants / Controlled Substances	Delivered, furnished, and/or sold items that were claimed to be alcohol, intoxicants, or controlled substances, but were not such items.	04
e.	Robbery / Extortion	Committed or attempted to commit robbery or extortion.	05
f.	Damage to Property	Caused or attempted to cause damage to school property or private property.	06
g.	Theft of Property	Stole or attempted to steal school property or private property, or received stolen property.	07
h.	Tobacco or Nicotine Products	Possessed, furnished, or used tobacco, or any item containing tobacco or nicotine products. A fourth offense requires an expulsion referral.	08
i.	Obscenity / Profanity / Vulgarity	Committed an obscene act or engaged in habitual profanity or vulgarity.	09
j.	Controlled Substance Paraphernalia	Possessed, offered, arranged or negotiated to sell any drug paraphernalia.	10
k.	Disruption/Defiance (Grades 4 to 12)	Disrupted school activities or willfully defied the authority of school personnel. (Per AB 420, students in Grades K-3 cannot be suspended for disruption/defiance.)	11
l.	Sexual Harassment (Grades 4 to 12)	Made unwelcomed sexual advances, requests for sexual favor, and other verbal, visual, or physical conduct of a sexual nature sufficiently severe or pervasive to have a negative impact upon the individual's academic performance or to create an intimidating, hostile, or offensive educational environment.	13
m.	Hate Violence (Grades 4 to 12)	Caused, threatened to cause, attempted to cause, or participated in acts of hate against persons or property.	14
n.	Threats and Intimidation	Harassed, intimidated, or threatened a student who is a witness in a disciplinary proceeding to prevent the student from being a witness or as retaliation against the student for being a witness; written or verbal threat against school	15

	Offense	Description	Code*
		official; or threats to cause major property damage; bullying (including electronic acts). Also see Administrative Procedure 6381.	
o.	Harassment (Grades 4 to 12)	Harassed, intimidated, or threatened a student or group of students or school personnel with the actual or expected effect of disrupting class work, or creating substantial disorder or creating an intimidating or hostile educational environment.	17
p.	Hazing	Engaged in, or attempted to engage in, hazing as defined in Penal Code §245.6, Subdivision (b).	18

**Refers to Report on Suspension form*

5. A student may be suspended for those acts listed above and related to school activity or attendance that occur at any time, but not limited to, any of the following:
 - a. While on school grounds
 - b. While going to or from school
 - c. During lunch period, on or off campus
 - d. During, or while going to or from, a school-sponsored activity

Note: If a student is arrested off campus, he/she may be suspended at that time or upon return to campus.

6. **Substance-Related Suspensions.** Under certain circumstances, some portion or all of a suspension involving alcohol, tobacco, or other drugs (C.4.c., d., h., and j.) may be waived by the principal if the student and his/her parent/guardian agree to the student’s participation in specified substance intervention programs (Administrative Procedure 6298).
7. **Truancy, Tardiness, and Absence.** Truancy, tardiness and other absence from assigned school activities are **not** cause for suspension; alternatives to suspension should be considered.
8. **Disruption/Defiance.** Effective January 1, 2015, AB 420 eliminates both in-school and out of school suspension of students in Grades K-3 and no student may be expelled for disruption/defiance.

D. IMPLEMENTATION

1. **Teacher’s Authority to Suspend** (Education Code §48910)
 - a. A teacher may suspend any student from the teacher’s class for any of the acts specified in Section C.4., for the day of the suspension and the day following.
 - (1) Teacher shall:

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- (a) Immediately report suspension to principal of school and send student to principal or designee for appropriate action. (If that action requires continued presence of a student at the school site, student shall be under appropriate supervision.)
 - (b) Immediately consult with principal or designee concerning due process conference.
- (2) As soon as possible, teacher or principal shall ask parent/guardian of student to attend a parent-teacher conference about the suspension. Whenever practicable, a school counselor or school psychologist shall attend conference; school administrator shall attend conference if teacher or parent/guardian so requests.
 - (3) Principal or designee ensures that during period of suspension student shall not be returned to the class from which he/she was suspended without concurrence of teacher of class and principal.
 - (4) Principal or designee ensures that a student suspended from a class shall not be placed in another regular class during period of suspension. However, if a student is assigned to more than one class per day, suspension shall apply only to other regular classes scheduled at the same time as the class from which student was suspended.
 - (5) Principal or designee determines whether the requirements under Section D.1. have been met. In addition, the principal or designee shall plan for the completion and distribution of the regular suspension form and assign duties as necessary.
- b. A teacher also may refer a student to principal or designee for consideration of suspension from school for any of the acts specified in Section C.4. Should the principal or designee decide to suspend the student from school, the procedures specified in Section D.2. must be followed.

Note: An informal suspension has no status and cannot be recognized; all suspensions require completion of the Report on Suspension form.

2. Suspension by Principal or Designee

- a. If a student or students is/are suspected of committing an act specified in Section C.4. prior to issuing a suspension, the principal or designee must conduct an investigation, which includes, but is not limited to, interviewing the student or students in question, interviewing witnesses, and gathering appropriate evidence.
- b. Principal or designee may suspend a student from school for a maximum of five consecutive school days. Guidelines for the number of days of suspension for specific violations are specified in the Uniform Discipline Plan (pp 9-14). With proper documentation, the school principal maintains the authority to adjust the days of suspension within the guidelines, district policy, and Education Code.

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- c. Suspension by principal or designee shall be preceded by a conference conducted by principal or designee between student and, whenever practicable, teacher, supervisor, or school employee who referred student to principal or designee. At this conference, student shall be informed of reason for disciplinary action and evidence against him/her and shall be given opportunity to present his/her version and evidence in his/her defense.
 - d. Principal or designee may elect to waive some portion or all of a suspension for substance abuse (Section C.6.) if student and parent/guardian agree to participate in a substance abuse intervention program.
 - e. Principal or designee may suspend a student without affording student an opportunity for a conference *only* if the principal, principal's designee, or superintendent determines that an "emergency situation" exists.
 - (1) "Emergency situation" means a situation determined by the principal, principal's designee, or superintendent to constitute a clear and present danger to the lives, safety, or health of students or school personnel.
 - (2) If a student is suspended without a conference prior to suspension, both parent/guardian and student shall be notified of student's right to a conference and of student's right to return to school for purpose of a conference.
 - (3) A conference shall be held within two school days unless student waives this right or is physically unable to attend for any reason, including, but not limited to, incarceration or hospitalization. The conference then shall be held as soon as student is physically able to return to school for the conference.
 - f. When any student is recommended for suspension for any reason requiring police notification as specified on the Report on Suspension form, principal or designee shall:
 - (1) Investigate the incident as indicated in Section D.2.a.
 - (2) Call School Police at 619-291-7678 for further direction.
 - (3) Detain the student at school, when feasible and without physical force, until a police officer arrives. Following the investigation, if the police officer determines a criminal act occurred and an arrest is warranted, the police officer will determine an appropriate disposition for student. Disposition may include releasing the student back to the school, releasing the student to a parent/guardian, or placing the student into protective custody.
 - (4) If a student is arrested by a police officer, the principal or designee may suspend the student at that time or upon his/her return to campus.
 - g. If, upon hearing student's version of events and after receiving any evidence he/she wishes to present, principal or designee determines that suspension is unwarranted, he/she may return student to his/her regular class or schedule.
 - h. At the time of suspension, a school employee shall make a reasonable effort to contact student's parent/guardian in person or by telephone.

- i. Within one school day of the beginning of any suspension, principal or designee:
 - (1) Completes and signs Report on Suspension and enters suspension in the district student information database under discipline history.
 - (2) In case of waiver of all or part of a substance abuse suspension, completes Substance Use Intervention Contract (Administrative Procedure 6298) and enters additional data in the district student information database under discipline history.
 - (3) Mails a notice to parent/guardian of suspended student (Report on Suspension). Insofar as is practicable, the notice shall be in the primary language of the student's parent/guardian. The notice shall include:
 - (a) A statement of facts leading to decision to suspend.
 - (b) Date and time when student will be allowed to return to school.
 - (c) A statement of right of student or parent/guardian to request an appeal of the suspension by contacting the Placement and Appeal Office at 619-725-5660.
 - (d) A statement of rights of parent/guardian or student to have access to the student's records.
 - (e) A request that parent/guardian meet with school officials on or before the third consecutive day of any period of suspension, at which time, causes, duration, relevant school policy, and other matters pertinent to the suspension shall be discussed. A notice that state law requires parents/guardians to respond to such requests without delay is incorporated on Report on Suspension.
- j. Parent/guardian of any student shall respond without delay to any request from school officials to attend a conference regarding his/her child's behavior.
- k. In a case where suspension for the balance of the semester from a continuation school (independent learning center) is being reviewed by the Board of Education, superintendent or designee, in writing, may extend a suspension until such time as the Board of Education makes a decision on the action or an interim alternative school placement is made.
 - (1) An extension may be granted only if the superintendent or designee determines, following a meeting in which the student and the student's parent/guardian are invited to participate, that the presence of the student at the school or in an alternative school placement would cause a danger to persons or property or a threat of disrupting the instructional process.
 - (2) If the student or the student's parent/guardian has requested a meeting to challenge the original suspension, the superintendent or designee also may

decide upon the extension of suspension order in conjunction with the initial meeting on the merits of suspension.

- I. **Suspension for first offense.** Suspension shall be imposed only when other means of correction fail to bring about proper conduct. However, upon a first offense, a student may be suspended for reasons specified in Section C.4. if principal or superintendent determines that:
- (1) Student violated offense described in Section C.4.a.-e.; *or*
 - (2) Student's presence causes a danger to persons or property; *or*
 - (3) Student's presence threatens to disrupt the instructional process.
- m. **Elementary students.** In accordance with Education Code §48900.2, 48900.3 and 48900.4, students in Grades K through 3 may not be suspended for sexual harassment (C.4.l.), hate violence (C.4.m.) or harassment (C.4.o.). In accordance with AB 420, students in Grades K through 3 may not be suspended for defiance/disruption (C.4.k.). Principals shall ensure that multiple interventions have been enacted and monitored prior to issuing a suspension.

All elementary students who commit a serious offense described in Section C.2.c., but are not recommended for expulsion, may be suspended in accordance with Section D.2.b. In addition, elementary principals shall convene a multi-disciplinary team at the school to determine if specific interventions are necessary to address the student's conduct. A report of the multi-disciplinary team's determinations must be made available by the principal to the Placement and Appeal Office and the respective Area Superintendent. The Placement and Appeal Office will make an annual report to the Board of Education with information concerning the number of students suspended under this procedure at each elementary school.

- n. **Students with disabilities or students eligible for services under Section 504 of the Rehabilitation Act of 1973.**
- (1) May not be suspended for more than ten (10) consecutive school days; a student with disabilities may be suspended again in the same year with each suspension period limited to ten (10) days or less, as long as the suspension does not constitute a change of placement.
 - (a) A change of placement occurs if the removal is for more than 10 consecutive school days, or the student has been subjected to a series of removals that constitute a pattern.
 - i. A pattern occurs if the series of removals total more than 10 school days in a school year; the student's behavior is substantially similar to the behavior in the incidents that resulted in the series of suspensions; taken cumulatively, is determined to be a manifestation of the student's disability; and because of additional factors such as the length of each removal, the total amount of time the student has been removed, and the proximity of the removals to one another.

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- (2) An individualized education program (IEP) team or instructional study team should be convened when a student's cumulative days of suspension in a school year approaches 10 school days to determine the relationship of the behavior to the disability. The team must consider whether the conduct in question was caused by, or had a direct and substantial relationship to the student's disability; or if the conduct in question was the direct result of the district's failure to implement the IEP or ISP.
- (a) If the team determines the behavior was not related to the disability, discipline is applied as with any other student.
- (b) If the team determines the behavior was caused by the disability or was the direct result of the district's failure to implement the IEP, a Functional Behavioral Assessment must be conducted and a Behavioral Intervention Plan must be developed.
- (3) If a student with disabilities is suspended more than once in a school year, the total number of days that the student is suspended can be more than 10 days. However, if the total number of days of suspension in a school year is more than 10 days, services must be provided to enable the student to continue to participate in the general curriculum, although in another setting, and to progress toward meeting the goals in his/her IEP. School personnel must consult with at least one of the student's teachers to determine the extent to which services are needed during the time of removal and ensure that the services are provided.
- o. **Completion of work missed by suspended student.** The teacher of any class from which a student is suspended may require that student to complete assignments and tests during the period of suspension. Any student on suspension may request class assignments and tests during suspension.

3. **Appeal of Initial Suspension.**

- a. During the parent conference required under Section D.1.a.(2), the principal or designee shall inform the student and parent/guardian of their right to appeal a suspension and advise the student or parent/guardian that they may pursue the appeal process by contacting the Placement and Appeal Office at 619-725-5660.
- b. Student or parent/guardian may initiate the appeal process by contacting the Placement and Appeal Office in writing within three weeks of the conference with principal or designee.
- c. The Placement and Appeal Office will mail Request for Suspension Appeal to the student and parent/guardian with instructions that this form must be completed and returned so that it is received no later than three weeks after the date of the principal's decision.
- d. The Placement and Appeal Office will determine from the information provided whether or not the principal or designee suspended the student properly and followed all applicable procedures in regard to the suspension. Placement and Appeal personnel, as they may deem necessary, may contact either of the parties for the purpose of clarifying information provided.

- e. Based on the information submitted or requested, Placement and Appeal personnel have the authority as the superintendent's designee, to make the following determinations regarding the suspension:
 - (1) Uphold the suspension.
 - (2) Uphold the suspension, but expunge suspension records at the end of the semester in which the offense occurred if the student has no further discipline/behavior problems in the district.
 - (3) Determine that the suspension was not within district guidelines, overturn the suspension and order that all records and documents regarding the disciplinary proceedings and suspension be immediately destroyed. No information regarding the suspension shall be placed in the student's permanent record or file, or communicated to any person not directly involved in the disciplinary proceedings.
 - (4) Determine that the penalty imposed was inappropriate for the violation, and order that all records and documentation concerning the suspension shall be revised to indicate only those facts leading to the penalty imposed by the school.
- f. The Placement and Appeal Office will mail a copy of the decision to the student and/or parent/guardian within five days of issuing the decision. A copy of this decision will also be mailed to the school principal.

4. Long-Term Suspension Not Pending Expulsion.

- a. The Board of Education may suspend a student from school for any of the acts specified in Section C.4., for any number of school days within the following limits:
 - (1) Except as provided in Education Code §48911.g and 48912, the total number of days for which a student may be suspended from school shall not exceed 20 school days in any school year, unless for purposes of adjustment, a student enrolls in, or is transferred to, another regular school, 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 30 days in any school year.
 - (2) The Board of Education may suspend a student enrolled in a continuation school (independent learning center) or class for a period not longer than the remainder of the semester.
- b. Unless a request has been made pursuant to Section D.3.c., if the Board of Education is considering suspension of, disciplinary action against, or any other action (except expulsion) against any student, the board shall hold closed sessions if a public hearing upon that question would violate the privacy of student records.
- c. Before calling a closed session to consider these matters, the Board of Education shall, in writing and by registered or certified mail or by personal service, notify student and

student's parent/guardian, or student if student is an adult, of the intent to call and hold a closed session.

- (1) The hearing to consider these matters shall be conducted by the Board of Education in closed session unless student or student's parent/guardian requests, in writing and within 48 hours of receipt of written notice of the board's intention, that the hearing be held as a public meeting.
- (2) If a written request is submitted to the clerk or secretary of the Board of Education, the meeting shall be public, *except* that any discussion at that meeting which may be in conflict with the right to privacy of *any student other than the student requesting the public meeting* shall be in closed session.

5. Notification to Teacher of Students Whose Actions are Grounds for Suspension.

- a. The principal or designee shall inform the teacher of each student who has engaged in, or is reasonably suspected to have engaged in, any of the acts described in Section C.4., including at other schools. The principal or designee shall provide the information to the teacher based upon any records that the district maintains in its ordinary course of business, or receives from a law enforcement agency, regarding a student described in this paragraph.
- b. The district, or district officer or employee, is not civilly or criminally liable for providing information in conformance with Section D.5.a., unless it is proven that the information was false and that the district, or district officer or employee, knew or should have known that the information was false, or the information was provided with reckless disregard for its truth or falsity.
- c. An officer or employee of the district who knowingly fails to provide information about a student who has engaged in, or who is reasonably suspected to have engaged in, the acts referred to in Section C.4., is guilty of a misdemeanor.
- d. Any information received by a teacher pursuant to Section D.5.a., shall be received in confidence for the limited purpose for which it was provided and shall not be further disseminated by the teacher.

E. FORMS AND AUXILIARY REFERENCES

1. Report on Suspension (Attachment 1)
2. Substance Use Intervention Contract (refer to Administrative Procedure 6298)
3. Student Discipline Policies, including the Uniform Discipline Plan, available on the district website at <http://www.sandi.net/page/2668>
4. Request for Suspension Appeal

SUBJECT: **Suspension**

NO: **6290**

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EFFECTIVE: **1-29-62**

REVISED: **10-21-16**

F. REPORTS AND RECORDS

1. School sites must immediately process Report on Suspension, send a copy to the parent/guardian, and enter suspension data in the district student information database under discipline history.
2. School sites shall retain short-term suspension records and information.
3. Notation of suspension is *not* retained on student's transcript.

G. APPROVED BY



General Counsel, Legal Services
As to form and legality

H. ISSUED BY



Chief of Staff