

STUDENTS – SUSPENSION AND EXPULSION/DUE PROCESS

The Fullerton Joint Union High School District has established policies and standards of behavior in order to promote learning and protect the safety and well-being of all students. When these policies and standards are violated, it may be necessary to suspend or expel a student from regular classroom instruction.

Suspended or expelled students shall be denied the privilege of participation in all extracurricular activities during the period of suspension or expulsion.

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/or administrative regulation.

Zero Tolerance

The Board supports a zero tolerance approach to serious offenses in accordance with State and Federal law. This approach makes the removal of potentially dangerous students from the classroom a top priority and ensures the standardized yet individualized treatment of all students. Staff members shall immediately report to the Superintendent or designee any incidence of offenses specified in law, Board Policy, and Administrative Regulation as cause for suspension or expulsion.

Student Due Process

The Board shall provide for the fair and equitable treatment of students facing suspension and expulsion by affording all students due process rights under the law. The Superintendent or designee shall comply with procedures for notices and appeals as specified in Administrative Regulation and/or law. (Education Code Sections 48900, 48911, 48915, 48915.5)

Required Parental/Guardian Attendance

The Board believes that parental/guardian involvement plays an important role in the resolution of classroom and school behavior problems by students. The Board expects that teachers will communicate with parents/guardians when behavior problems arise.

Whenever a student is suspended from class by a teacher because the student committed an obscene act, engaged in habitual profanity or vulgarity, disrupted school activities, or otherwise willfully defied valid staff authority, the teacher of the class from which the student was removed may provide that the student's parent/guardian attend a portion of a school day in the class from which the student was suspended. (Education Code Section 48900.1)

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Before requiring parental/guardian attendance, the teacher shall make reasonable efforts to have the parent/guardian visit the class voluntarily. The teacher also may inform the parent/guardian about available resources and parent education opportunities. Teachers should reserve the option of required parental attendance for cases in which teachers have determined that it is the best strategy to promote positive interaction between the student and the parent/guardian and to improve classroom behavior.

The teacher shall apply this policy uniformly to all students within the classroom. This policy shall apply only to a parent/guardian who lives with the student. (Education Code Section 48900.1)

When a teacher requires parental attendance, the principal shall send a written notice to the parent/guardian stating that the parent/guardian's attendance is pursuant to law. (Education Code Section 48900.1)

The notice shall specify that the attendance may be on either the date the student is scheduled to return to class or within one week thereafter.

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 Section 48900.1)

The principal or designee shall contact a parent/guardian who does not respond to the request to attend school. The Board recognizes that parent/guardian compliance with this policy may be delayed, modified, or prevented for reasons such as serious illness/injury/disability, absence from town, or inability to get release time from work.

District administrative 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 Section 48900.1)

Decision Not to Enforce Recommended Order

A. OPTION 1

In cases where expulsion is mandatory pursuant to Education Code Section 48915(c), the enforcement of an expulsion order shall not be suspended by the Board. In all other cases of expulsion, the order for expulsion may or may not be suspended by the Board, on a case-by-case basis, pursuant to the requirements of law.

B. OPTION 2

On a case-by-case basis, the enforcement of an expulsion order may be suspended by the Board pursuant to the requirements of law.

The Superintendent or designee shall develop administrative regulations to implement this Policy.

References: Education Code Sections 212.5, 1981, 17292.5, 32050, 35146, 35291, 35291.5, 48660-48667, 48900-48927, 48950, 49073-49079; Civil Code 47, 48.8; Code of Civil Procedure 1985-1997; Government Code 11455.20, 54950-54963; Health and Safety Code 11014.5, 11053-11058; Labor Code 230.7; Penal Code 31, 240, 241.2, 242, 243.2, 243.4, 245, 261, 266c, 286, 288, 288a, 289, 626.2, 626.9, 626.10, 868.5; Welfare and Institutions Code 729.6; United States Code, Title 18 921; United States Code, Title 20 715

Policy adopted: September 20, 1976; January 4, 1977; January 24, 1978; February 21, 1978; November 6, 1978; December 9, 1981; February 4, 1983; August 5, 1985; January 5, 1987; May 2, 1989; June 7, 1994; May 21, 1996; November 3, 1998; September 9, 2003; June 7, 1994; May 21, 1996; November 3, 1998; September 9, 2003; August 15, 2006; February 2, 2009; January 12, 2010