

Board Policy - Suspension

Board Policy – 5144

BRIDGES School Board believes that all students have the right to be educated in a positive learning environment free from disruptions. Students shall be expected to exhibit appropriate conduct that does not infringe upon the rights of others or interfere with the school program while on school grounds, while going to or coming from school, while at school activities, and while on school sponsored field trips.

This Pupil Suspension and Expulsion Policy has been established in order to promote learning and protect the safety of all students. When the Policy is violated, it may be necessary to suspend or expel a student from regular classroom instruction. This policy shall serve as the Charter School's policy and procedures for student suspension and expulsion and it may be amended from time to time without the need to amend the charter so long as the amendments comport with legal requirements.

Staff shall enforce disciplinary rules and procedures fairly and consistently among all students. Discipline includes but is not limited to advising and counseling students, conferring with parents/guardians, detention during and after school hours, and the use of alternative educational environments, suspension and expulsion.

Corporal punishment shall not be used as a disciplinary measure against any student. Corporal punishment includes the willful infliction of, or willfully causing the infliction of, physical pain on a student. For purposes of the policy, corporal punishment does not include an employee's use of force that is reasonable and necessary to protect the employee, students, staff or other persons or to prevent damage to school property.

The Charter School administration shall ensure that students and their parents/guardians are notified in writing upon enrollment of all discipline policies and procedures. The notices shall state that these Policy and Administrative Procedures are available on request at the Director of Education's office.

Suspended or expelled students shall be excluded from all school and school-related activities unless otherwise agreed during the period of suspension or expulsion.

A student identified as an individual with disabilities or for whom the School has a basis of knowledge of a suspected disability pursuant to the Individuals with Disabilities in Education Act (IDEA) or who is qualified for services under Section 504 of the Rehabilitation Act of 1973 (Section 504) is subject to the same grounds for suspension and expulsion and is accorded the same due process procedures applicable to regular education students except when federal and state law mandates additional or different procedures. The School will follow Section 504 of the

Disabilities Act, Individuals with Disabilities in Education Act (IDEA), the Americans with Disabilities Act (ADA) of 1990 and all federal and state laws when imposing any form of discipline on a student identified as an individual with disabilities or for whom the School has a basis of knowledge of a suspected disability or who is otherwise qualified for such services or protections in accordance with due process for such students.

Administrative Procedures For Pupil Suspension And Expulsion

A. Definitions (as used in this policy)

1. "Board" means governing body of the Charter School.
2. "Expulsion" means disenrollment from the Charter School.
3. "School day" means a day upon which the Charter School is in session or weekdays during the summer recess.
4. "Suspension" means removal of a pupil from ongoing instruction for adjustment purposes. However, "suspension" does not mean the following:
 - a. Reassignment to another education program or class at the charter school where the pupil will receive continuing instruction for the length of day prescribed by the Charter School Board for pupils of the same grade level.
 - b. Referral to a certificated employee designated by the Director to advise pupils.
 - c. Removal from the class but without reassignment to another class for the remainder of the class period without sending the pupil to the Director or designee.
5. "Pupil" includes a pupil's parent or guardian or legal counsel or other Representative.
6. "School" means the Charter School.

DISCIPLINE (Education Code, Sections 48900-48926)

A pupil will be suspended or expelled for acts which are enumerated in this section and related to school activity or attendance that occur at any time, including but not limited, to any of 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 campus.
- (4) During, or while going to or coming from, a school sponsored activity.

Grounds for Disciplinary Action as defined by Education Code, Section 48900:

- a. Caused, attempted to cause, or threatened to cause physical

- injury to another person
- a.2 Willfully used force or violence upon the person of another, except in self-defense. The term “use of violence” upon another includes “offensive touching”, such as spitting on another person. The contact does not have to involve physical injury.
 - b. Possessed, sold or otherwise furnished any firearm, knife, explosive, or other dangerous object unless, in the case of possession of any such object, the pupil had obtained written permission to possess the item from a certificated school employee, which is concurred in by the principal or the designee of the principal.
 - c. Unlawfully possessed, used, sold, or otherwise furnished, or been under the influence of any controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind.
 - d. Unlawfully offered or arranged or negotiated to sell any controlled substance, (commencing with Section 11053) of Division 10 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, including, but not limited to, cigarettes, cigars, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel. However, this section does not prohibit use of possession by a pupil of his or her own prescription products
 - i. Committed an obscene act or engaged in habitual profanity or vulgarity
 - j. Had unlawful possession of, 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, 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 or attempted to commit a sexual assault as defined in Section 261, 266, 286, 288, 288a, or 289 of the Penal Code or committed a sexual battery as defined in Section 243.4 of the Penal Code
 - o. Harassed, threatened, or intimidated a pupil who is a complaining witness or witness in a school disciplinary proceeding for the purpose of either preventing that pupil from being a witness or retaliating against that pupil for being a witness or both.
 - p. Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.

- q. Engaged in, or attempted to engage in, hazing as defined in Section 32050.
- r. Engaged in an act of bullying, including, but not limited to, bullying committed by means of an electronic act, as defined in subdivisions (f) and (g) of Section 32261, directed specifically toward a pupil or school personnel.
- t. A pupil who aid or abets, as defined in Section 31 of the Penal Code, the infliction or attempted infliction of physical injury to another person may suffer suspension, but not expulsion, pursuant to the provisions of this section, except that a pupil who has been adjudged by a juvenile court to have committed, as an aider and abettor, a crime of physical violence in which the victim suffered great bodily injury or serious bodily injury shall be subject to discipline pursuant to subdivision(a).

48900.2 Committed sexual harassment as defined in Section 212.5. (Grades 4-12)

- The conduct described in Section 212.5 must be considered by a reasonable person of the same gender as the victim to be 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. This section shall not apply to pupils enrolled in kindergarten and grades 1 to 3, inclusive.
- Section 212.5, defines “sexual harassment” as unwelcome sexual advances, requests for sexual favors, and other verbal, visual or physical conduct of a sexual nature.

48900.3 Caused, attempted to cause, threatened to cause, or participated in an act of hate violence as defined in subdivision9e) of Section 233. (Grades 4-12)

- As used in this section, “hate violence” means any act punishable under Section 422.6, 422.7, or 422.75 of the Penal Code. (Education Code Section 233)
- This section applies to pupils enrolled in grades 4 to 12, inclusive.
- Hate violence is the commission of any crime, which is accompanied by an expression of hostility against a person or property or institution because of the victim’s real or perceived race, color, religion, ancestry, national origin, disability, gender, or sexual orientation. Specifically prohibited is the use of force or the threatened use of force to willfully injure, intimidate, interfere with, or oppress any person in the free exercise of enjoyment of any right or privilege secured to him or her by the Constitution or laws of this state and this nation.

48900.4 (Grades 4-12) Intentionally engaged in harassment, threats, or intimidation directed against school district personnel or pupils, that is sufficiently severe or pervasive to have the actual and reasonably expected effect of materially disrupting class work, creating substantial disorder, and invading the rights of either school personnel or pupils by creating an intimidating or hostile educational environment.

- This section applies to pupils enrolled in grades 4 to 12, inclusive.

48900.7 (a) A pupil may be suspended from school or recommended for expulsion if the superintendent or the principal of the school in which the pupil is enrolled determined that the pupil has made terroristic threats against school officials or school property, or both. (b) For the purposes of this section, “terroristic threat” shall include any statement,

whether written or oral, by a person who willfully threatens to commit a crime which will result in death, great bodily injury to another person, or property damage in excess of one thousand dollars (\$1,000), with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out, which, on its face and under the circumstances in which it is made, is so unequivocal, unconditional, immediate, and specific as to convey to the person threatened, a gravity of purpose and an immediate prospect of execution of the threat, and thereby causes that person reasonably to be in sustained fear for his or her own safety or for his or her immediate family's safety, or for the protection of school district property, or the personal property of the person threatened or his or her immediate family.

- 48915.a(1) Causing serious physical injury to another person, except in self-defense.
- 48915.a(2) Possession of any knife or other dangerous object of no reasonable use to the pupil.
- 48915.a(3) Unlawful possession of any controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, except for the first offense for the possession of not more than one avoirdupois ounce of marijuana, other than concentrated cannabis.
- 48915.a(4) Robbery or extortion.
- 48915.a(5) Assault or battery, as defined in Sections 240 and 242 of the Penal Code, upon any school employee.
- 48915.c(1) Possessing, selling, or otherwise furnishing a firearm – unless pupil had prior written permission by principal or designee.
- 48915.c(2) Brandishing a knife at another person. (*Brandish – to wave or flourish menacingly*)
- 48915.c(3) Unlawfully selling a controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health & Safety Code.
- 48915.c(4) Committing or attempting to commit a sexual assault as defined in subdivision (n) of Section 48900 or committing a sexual battery as defined in subdivision (n) of Section 48900.
- 48915.c(5) Possession of an explosive.

*** Electronic/Internet bullying can be used in conjunction with above 48900 & 48915 – Ed. Code 32271 states an “electronic act” as “transmission of a communication, including, but not limited to, a message, text, sound, or image by means of an electronic device... [such as] a telephone, wireless telephone, or other wireless communication, device, computer, or pager.” (Assembly Bill 86

AB 1729 (Chapter 425/2012) expands the definition of **electronic bullying and authorizes** alternative methods of correction to be used before a student is suspended or expelled. These other means include, but are not limited to:

- A positive behavior support approach with tiered interventions that occur during the school day
- A conference between school personnel, the pupil's parent or guardian, and the pupil
- The use of intervention-related teams to develop and implement individualized behavioral plans
- Participation in a restorative justice program
- After-school programs that address specific behavioral issues or expose pupils to positive activities and behaviors

AB 2537 (Chapter 431/2012) **modifies suspension and expulsion regulations,** including:

- Specifies that the "possession of any controlled substance" does not include the possession of over-the-counter or prescription medications prescribed for the student
- Specifies that possessing, selling, or furnishing a firearm does not include an imitation firearm, making it an offense that may, but does not require, a student's suspension or expulsion
- Encourages a principal or superintendent to make an expulsion determination as quickly as possible to ensure that a pupil does not lose instructional time

