

Board Policy - Expulsion

Board Policy – 5144.20

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
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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.

Expulsion

Expulsion is the removal of a pupil from enrollment in a school or the District as ordered by the
Governing Board. Expulsion is required under certain circumstances, and/or may be ordered by
the Board when other means of corrections have repeatedly failed to result in acceptable conduct
or if the continued presence of the student causes danger to the safety of others. Pupils may be
expelled only for those reasons for which they also may be suspended.

State law provides for full due process, including an evidentiary hearing, and rights to appeal any order of expulsion. This process is outlined in further detail in Board Policy.

Mandatory Expulsion

The Director shall recommend a pupil's expulsion for any of the following acts:

POSSESSING, SELLING, OR OTHERWISE FURNISHING A FIREARM: This subdivision applies to an act of possessing a firearm only if the possession is verified by an employee of a school district (E.C. 48915).

1st Offense: Five (5) day suspension, recommendation for expulsion and notification of appropriate law enforcement agency. Threat evaluation should be conducted.

Note: Administrative Panel Hearing must recommend the expulsion. School Board must enforce the expulsion (E.C. 48915). Expulsion is required for one (1) calendar year unless the Governing Board sets an earlier review date on a case-by-case basis.

BRANDISHING A KNIFE AT ANOTHER PERSON (E.C. 48915):

1st Offense: Five (5) day suspension, recommendation for expulsion, and notification of appropriate law enforcement agency. Referral to appropriate counseling services. Assessment for potential or continued violence must be conducted.

Note: Administrative Panel Hearing must recommend the expulsion. School Board must enforce the expulsion. (E.C. 48915)

Note: Referrals to appropriate counseling services should also be made for the victim.

FURNISHED OR SOLD ANY CONTROLLED SUBSTANCE (as defined in Section 11053 of the Health and Safety Code), an alcoholic beverage, or an intoxicant of any kind. (E.C. 48915 and E.C. 48900(c)).

1st Offense: Five (5) day suspension, recommendation for expulsion, and notification of law enforcement agency.

Note: Administrative Panel Hearing may alter recommendation for student who furnished but did not sell based on evidence and procedural requirements (E.C. 48915). School Board may alter recommendations for students who furnished but did not sell based on evidence and procedural requirements (E.C. 48915)

Note: Administrative Panel Hearing must recommend the expulsion for any student who sold a controlled substance. School Board must enforce the expulsion (E.C. 48915).

Note: Furnishing, or possessing an imitation controlled substance (look-a-likes) with the intent to distribute will result in a recommendation for expulsion. Imitation controlled substances are considered “dangerous objects”. This offense is also a violation of Health and Safety Code 11680.

COMMITTED OR ATTEMPTED TO COMMIT A SEXUAL ASSAULT OR SEXUAL BATTERY(as defined in Sections 243-244, 261, 266c, 286, 288, 288a, or 289 of the Penal Code. (E.C. 48915 and E.C. 48900(n))

1st Offense: Five (5) day suspension, recommendation for expulsion, and notification of appropriate law enforcement agency. Assessment for potential or continued violence must be completed.

Note: Administrative Panel Hearing must recommend the expulsion. School Board must enforce the expulsion (E.C. 48915)

Note: Referrals to appropriate counseling services should also be made for the victim.

POSSESSION OF AN EXPLOSIVE (E.C. 48915):

An explosive is defined as: A chemical substance that undergoes a rapid chemical change (with the production of gas) on being heated or struck, tending or serving to explode or characterized by explosion or sudden outburst.

1st Offense: Five (5) day suspension, recommendation for expulsion, and notification of appropriate law enforcement agency. Assessment for potential or continued violence must be completed.

Note: Administrative Panel Hearing must recommend the expulsion. School Board must enforce the expulsion (E.C. 48915)

QUASI MANDATORY RECOMMENDATION FOR EXPULSION

E.C. 48915: The Principal or Superintendent shall recommend expulsion unless the principal or superintendent finds that due to a particular circumstance that the expulsion is inappropriate. If this exclusion is being considered it must be considered at the Danger Hearing, unless otherwise directed. In a particular circumstance a 5-day suspension may be inappropriate. If the

suspension is reduced due to a particular circumstance, the reason for the reduction and alternative consequences being used must be outlined in a letter. A copy of the letter should be sent to Child Welfare and Attendance.

CAUSED SERIOUS PHYSICAL INJURY to another person except in self-defense (E.C. 48915 and 48900(a)).

1st Offense: Five (5) day suspension, recommendation for expulsion, and notification of appropriate law enforcement agency. Referral to appropriate counseling should be made. Threat evaluation should be conducted.

Serious physical injury is defined as a:

- 1) Loss of consciousness
- 2) Concussion
- 3) Bone fracture
- 4) Wound requiring any sutures or hospitalization
- 5) Disfigurement

Note: Principal or Superintendent may not recommend expulsion due to a particular circumstance. This determination must be made at the Danger Hearing unless otherwise directed.

Note: Administrative Panel Hearing may alter recommendation based on evidence and procedural requirements (E.C. 48915). School Board may alter recommendations based on evidence and procedural requirements (E.C. 48915).

Note: Referrals to appropriate counseling services should also be made for the victim.

POSSESSION OF ANY KNIFE OR OTHER DANGEROUS OBJECT OF NO REASONABLE USE TO THE PUPIL 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. (E.C. 48915 and 48900(b))

1st Offense: Five (5) day suspension, recommendation for expulsion, and notification of appropriate law enforcement agency. Threat evaluation should be conducted.

Note: Look-a-like (imitation) toy guns are considered objects of a dangerous nature. (E.C. 48900(m))

Note: Possession of tear gas/tear gas weapon/pepper spray is considered a dangerous object. (Penal Code Section 12401, 12402) (E.C. 49330)

Note:The Director may not recommend expulsion due to a particular circumstance. This determination must be made at the Danger Hearing unless otherwise directed.

Note: Administrative Panel Hearing may alter recommendation based on evidence and procedural requirements (E.C. 48915). School Board may alter recommendations based on evidence and procedural requirements (E.C. 48915).

Note: According to E.C. 48915(g), as used in this section, “knife” means any dirk, dagger, or other weapon with a fixed, sharpened blade fitted primarily for stabbing, a weapon with a blade fitted primarily for stabbing, a weapon with a blade longer than 3.5 inches, a folding knife with a blade that locks into place, or a razor with an unguarded blade.

Note: Students who voluntarily turn in items covered in this section shall not be subject to punitive measures. A student who turns in a weapon in order to avoid possible expulsion or transfer to an alternative site will not be allowed. The assistance being sought must be legitimate as determined by a site administrator, by a Danger Hearing Panel, or Administrative Hearing Panel.

POSSESSED ANY CONTROLLED SUBSTANCE(as defined in Section 11053 of the Health and Safety Code), except for the first offense of possession of not more than one ounce of marijuana, other than concentrated cannabis. (E.C. 48915 and E.C. 48900(c))

1st Offense: Five (5) day suspension, recommendation for expulsion, and notification of appropriate law enforcement agency. Appropriate counseling referrals should be made.

Note: Principal or Superintendent may not recommend expulsion due to a particular circumstance. This determination must be made at the Danger Hearing unless otherwise directed.

Note: Administrative Panel Hearing may alter recommendation based on evidence and procedural requirements (E.C. 48915). School Board may alter recommendations based on evidence and procedural requirements (E.C. 48915).

POSSESSED WITH INTENT 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 (E.C. 48900(c)).

1st Offense: Five (5) day suspension, recommendation for expulsion, and notification of appropriate law enforcement agency. Referral to appropriate counseling services should be made.

Note: Principal or Superintendent may not recommend expulsion due to a particular circumstance. This determination must be made at the Danger Hearing unless otherwise directed.

Note: Administrative Panel Hearing may alter recommendation based on evidence and procedural requirements (E.C. 48915). School Board may alter recommendations based on evidence and procedural requirements (E.C. 48915).

OFFERED, ARRANGED, OR NEGOTIATED TO SELL ANY CONTROLLED SUBSTANCE

(as defined in Section 11053 of the Health and Safety Code) alcoholic beverage, or intoxicant and then sold delivered, or furnished look-a-likes or in lieu substances (E.C. 48900(d)).

1st Offense: Five (5) day suspension, recommendation for expulsion, and notification of appropriate law enforcement agency. Appropriate counseling referral should be made.

Note: Principal or Superintendent may not recommend expulsion due to a particular circumstance. This determination must be made at the Danger Hearing unless otherwise directed.

Note: Administrative Panel Hearing may alter recommendation based on evidence and procedural requirements (E.C. 48915). School Board may alter recommendations based on evidence and procedural requirements (E.C. 48915).

COMMITTED OR ATTEMPTED TO COMMIT ROBBERY OR EXTORTION (Penal Code 211, 510, E.C. 48915 and 48900(e))

1st Offense: Five (5) day suspension, recommendation for expulsion, and notification of appropriate law enforcement agency. Threat evaluation should be conducted.

Note: Principal or Superintendent may not recommend expulsion due to a particular circumstance. This determination must be made at the Danger Hearing unless otherwise directed.

Note: Administrative Panel Hearing may alter recommendation based on evidence and procedural requirements (E.C. 48915). School Board may alter recommendations based on evidence and procedural requirements (E.C. 48915).

Note: Referrals to appropriate counseling services should also be made for the victim.

THREATENED, ATTACKED, OR COMMITTED ASSAULT OR BATTERY ON SCHOOL PERSONNEL (Penal Code Section 240, 242) (E.C. 48915 and E.C. 48900(a), E.C. 44014)

1st Offense: Five (5) day suspension, recommendation for expulsion, and notification of appropriate law enforcement agency. Threat evaluation should be conducted.

Note: Principal or Superintendent may not recommend expulsion due to a particular circumstance. This determination must be made at the Danger Hearing unless otherwise directed.

Note: Administrative Panel Hearing may alter recommendation based on evidence and procedural requirements. (E.C. 48915) School Board may alter recommendations based on evidence and procedural requirements (E.C. 48915).

Note: Referrals to appropriate counseling services should also be made for the victim.

COMMITTED A TERRORIST OR TERRORISTIC THREAT including, but not limited to, a bomb threat. (E.C. 48900.7)

1st Offense: Five (5) day suspension, recommendation for expulsion, and notification of appropriate law enforcement agency. Referral to appropriate counseling services. Threat evaluation should be conducted.

Note:The Director may not recommend expulsion due to a particular circumstance. This determination must be made at the Danger Hearing unless otherwise directed.

Note: Administrative Panel Hearing may alter recommendation based on evidence and procedural requirements (E.C. 48915). School Board may alter recommendations based on evidence and procedural requirements (E.C. 48915).

MAKING FALSE ACCUSATIONS AGAINST SCHOOL EMPLOYEES(E.C. 48900(k))

1st Offense:Five (5) day suspension, recommendation for expulsion, and notification of appropriate law enforcement agency. Threat evaluation should be conducted.

Note: Principal or Superintendent may not recommend expulsion due to a particular circumstance. This determination must be made at the Danger Hearing unless otherwise directed.

Note: Administrative Panel Hearing may alter recommendation based on evidence and procedural requirements (E.C. 48915). School Board may alter recommendations based on evidence and procedural requirements (E.C. 48915).

Suspension (Education code, Section 48925)

Suspension is the temporary removal of the pupil from ongoing instruction for adjustment purposes.

Students may be suspended for violation of school or district rules. Where possible, an informal conference will be held with the student prior to the suspension in order to allow the student the opportunity to present his/her version of the incident and evidence in his/her defense and advise the student of the reason for disciplinary action. Such a conference may be held within 2 school days following the incident, giving rise to the suspension where emergency circumstances warrant.

Parents shall be given written notice of a suspension within 24 hours. A reasonable attempt will be made to reach parents by telephone on the date of suspension.

A student may be suspended for up to 5 consecutive school days, unless such suspension is extended pending an expulsion. Suspensions shall not exceed 20 school days in one school year, unless otherwise permitted by law. Suspended students are not to be on any school campus or attend school activities for the duration of the suspension.

When "suspension" is indicated, the site administrator will determine whether the consequence should include, but not be limited to, home suspension/on campus suspension/Saturday School/intervention group/detention/community service. Community service may include, but is not limited to, work performed on school grounds during non-school hours in the areas of outdoor beautification, campus betterment, and teacher or peer assistance programs (E.C. 48900.6)

Law enforcement agencies may be notified at the discretion of the administration.

A suspension may be appealed to the Supervisor of Child Welfare and Attendance in accordance with Board Policy.