



ADMINISTRATIVE PROCEDURE

SAN DIEGO UNIFIED SCHOOL DISTRICT

NO: 6290

PAGE: 1 OF 14

CATEGORY: **Students, Discipline**

EFFECTIVE: **1-29-62**

SUBJECT: **Suspension**

REVISED: **3-20-06**

A. PURPOSE AND SCOPE

1. To outline district policies and procedures governing suspension of students.
2. **Related Procedures:**

Expulsion	6295
Alcohol, tobacco, and other drugs	6298
Release of student information	6525
Short-term contract independent study	4316

B. LEGAL AND POLICY BASIS

1. **Reference:** Board policy: A-3700, F-6000, H-2100, H-5000, H-6000, H-6800, H-6940, H-6950, I-1370, I-4400; Education Code Sections 46300, 48900 *et seq.*, 48911, 48915.5, 49079; 20 U.S.C. Section 1415(k).
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 Section 48908).

C. GENERAL

1. **Originating Office.** Suggestions or questions concerning this procedure should be directed to the Placement and Appeal Office, Student Services Division, Office of the Deputy Superintendent.
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 record designations annually.
 - b. **Superintendent's designee:** For purposes of this procedure, the legal specialist/program manager, Placement and Appeal Office, Student Services Division, Office of the Deputy Superintendent.
 - c. **Serious Offense:** Includes possession of firearms, knife, explosive, or any other dangerous object in school; a third incident of fighting that inflicts injury in one year; causing serious physical injury to another person, except in self-defense; a third incident of possession and/or use of any controlled substance;

robbery or extortion; assault or battery upon any school employee. “Dangerous object” is defined as any object used in a threatening manner even if it is not ordinarily used as a weapon.

- d. **Suspension:** Temporary removal of a student from ongoing instruction at the school site for the purposes of adjustment and calling attention to the seriousness of his/her behavior. The following *do not* constitute formal suspension:
- (1) Reassignment to another educational program or class at the same school.
 - (2) Referral to a district employee designated by the principal to advise students.
 - (3) Removal from the class, but without reassignment to another class or program, for the remainder of the class period without sending the student to the principal or designee for appropriate action. Removal from a particular class shall not occur more than once every five (5) school days. (Education Code Section 48910)
 - (4) Reassignment to an independent study program pursuant to Procedure 4316.
- e. **Expulsion:** Removal of a student from the immediate supervision and control, or general supervision, of school personnel as outlined in 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 community day school program.
- f. **Day:** One calendar day unless specified otherwise.
- g. **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 which specified tasks must be accomplished.*

4. **Causes 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:

	Code No.*
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 included are 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 Substance. 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 to 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. **Drug Paraphernalia.** Possessed, offered, arranged, or negotiated to sell any drug paraphernalia. 10
- k. **Disruption/Defiance.** Disrupted school activities or willfully defied the authority of school personnel. 11
- l. **Sexual Harassment (Grades 4 to 12).** Made unwelcomed sexual advances, requests for sexual favors, 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 of Witness.** Harassed, intimidated, or threatened a pupil who is a witness in a disciplinary proceeding to prevent the pupil from being a witness or as retaliation against the pupil for being a witness; written or verbal threat against school official, or threats to cause major property damage. 15
- o. **Harassment (Grades 4 to 12).** Harassed, intimidated, or threatened a pupil or group of pupils 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.** Any method of initiation into a student organization or pastime which causes, or is likely to cause, bodily danger, physical harm, or personal degradation or disgrace resulting in physical or mental harm. 18

* Numbers used on "Report on Suspension" (E.1.) to indicate cause for suspension.

5. **A student may be suspended** for those acts listed above and related to school activity or attendance that occur at any time, including, 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., C.4.d., C.4.h., and C.4.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 (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.

D. IMPLEMENTATION

1. **Teacher's Authority to Suspend** (Education Code Section 48910)
- a. A teacher may suspend any student from the teacher's class for any of the acts enumerated in C.4., for the day of the suspension and the day following.
 - (1) Teacher shall:
 - (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 student at 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 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 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 this subsection (D.1.) have been met. In addition, the principal or designee shall plan for the completion and distribution of the regular suspension form and assigns 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 enumerated in C.4. Should the principal or designee decide to suspend the student from school, the procedures under D.2. must be met.

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

2. **Suspension by Principal or Designee**

- a. Principal or designee may suspend a student from school for a maximum of five (5) consecutive school days for any single cause enumerated in C.4.
- b. Suspension by principal or designee shall be preceded by an informal 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.*

- c. Principal or designee may elect to waive some portion or all of a suspension for substance abuse (see C.5.) if student and parent/guardian agree to participate in substance abuse intervention program.
- d. Principal or designee may suspend a student without affording student an opportunity for a conference *only* if principal, principal's designee, or superintendent determines that an emergency situation exists.
 - (1) "Emergency situation" means a situation determined by 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 (2) 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.
- e. When any student is recommended for suspension for any reason requiring police notification as specified by "Report on Suspension" form, principal or designee shall:
 - (1) Call School Police ([619] 291-7678) and request an officer be dispatched to investigate incident and obtain event number.
 - (2) Detain student at school, when feasible and without physical force, until a police officer arrives. Following investigation, if police officer determines a criminal act occurred and an arrest is warranted, police officer will determine an appropriate disposition for student. Disposition may include releasing student back to school, releasing student to a parent/guardian, or placing student into protective custody.
 - (3) If student is arrested by police officer, may suspend student at that time or upon his/her return to campus.

- f. 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 placement or refer student to an alternative placement.
- g. At the time of suspension, a school employee shall make a reasonable effort to contact student's parent/guardian in person or by telephone.
- h. Within one school day of the beginning of any suspension, principal or designee:
 - (1) Initiates and signs "Report on Suspension" and enters suspension on SIS Discipline History Screen.
 - (2) In case of waiver of all or part of a substance abuse suspension, completes "Substance Use Intervention Contract" (E.2.--formerly "Alternative to Suspension Contract") and enters additional data on SIS Discipline History Screen.
 - (3) Mails a notice to parent/guardian of suspended student ("Report on Suspension"). Insofar as is practicable, the notice shall be in primary language of 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."

- i. 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.
- j. In a case where expulsion or suspension for the balance of the semester from a continuation school (independent learning center) is being processed 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 in 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 student and student's parent/guardian are invited to participate, that presence of student at that 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 student or student's parent/guardian has requested a meeting to appeal original suspension, superintendent's designee also may decide upon extension of suspension order in conjunction with initial meeting on merits of suspension.
- k. **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 set forth in C.4., *if principal or the superintendent determines that:*
 - (1) Student violated C.4.a., C.4.b., C.4.c., C.4.d., or C.4.e.; *or*
 - (2) Student's presence causes a danger to persons or property; *or*
 - (3) Student's presence threatens to disrupt the instructional process.
- l. **Suspension of elementary school students who commit a serious offense but not recommended for expulsion.** All elementary school students who commit a serious offense, but are not recommended for expulsion, must be suspended in accordance with the suspension guidelines for the specific offense. In addition, elementary school principals must convene a multi-disciplinary team at the elementary school to determine if additional interventions are necessary to address the student's conduct or behavior. A report of the multi-disciplinary team's determinations must be made by the principal to the assistant superintendent.

Assistant superintendents must monitor compliance with these procedures by each elementary school. A quarterly report will be made to the Board of Education by the Placement and Appeal Office with information concerning the number of students suspended under this section at each elementary school.

m. Students with exceptional needs or eligible for services under Section 504 of the Rehabilitation Act of 1973

- (1) A student with previously identified exceptional needs or eligible for services under Section 504 of the Rehabilitation Act of 1973 may be suspended for not more than ten (10) consecutive school days. A special education pupil may be suspended again in the same school year, with each suspension period limited to ten (10) consecutive days or less, as long as the suspension does not constitute a change of placement. A change of placement occurs if (a) the removal is for more than 10 consecutive school days, or (b) the student has been subjected to a series of removals that constitute a pattern. A pattern occurs if (a) the series of removals total more than 10 school days in a school year; (b) 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 (c) 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
- (2) An individualized education program team (IEP) or instructional study team (IST) should be convened when a student's cumulative days of suspension in a school year approaches ten (10) school days to determine the relationship of the behavior to the disability. The team must consider (a) whether the conduct in question was caused by, or had a direct and substantial relationship to, the student's disability; or (b) if the conduct in question was the direct result of the District's failure to implement the IEP or ISP. If the team determines the behavior was not related to the disability, discipline is applied as with any other student. 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 special education pupil is suspended more than once in a school year, the total number of days that the pupil is suspended can be more than ten

(10) days. However, if the total number of days of suspension in a school year is more than ten (10) days, services must be provided to enable the child to continue to participate in the general curriculum, although in another setting, and to progress toward meeting the goals in the 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.

- n. **Completion of work missed by suspended student.** The teacher of any class from which a student is suspended may require that student complete assignments and tests during period of suspension. Any student on suspension may request class assignments and tests during suspension.

3. **Appeal of Initial Suspension**

- a. During required parent conference under D.2.b., principal or designee shall inform 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 (3) weeks of the information school conference with the principal or designee.
- c. The Placement and Appeal Office will mail to the student or parent/guardian the "Request for Suspension Appeal" with instruction that this form must be completed and returned so that it is received no later than three (3) weeks after the date of the principal's decision.
- d. The Placement and Appeal Legal Specialist/Program Manager 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. The Placement and Appeal Legal Specialist/Program Manager will also consider the reasons the student/parent/guardian feel that the suspension was incorrect or inappropriate. The Placement and Appeal Legal Specialist/Program Manager, as he/she may deem necessary, may contact either of the parties for the purpose of clarifying information provided.
- e. Based on the information submitted or requested, the Placement and Appeal Legal Specialist/Program Manager has the authority as the superintendent's designee to make the following decisions regarding the suspension:

- (1) May uphold the suspension.
 - (2) May uphold the suspension but expunge the 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) May determine that the suspension was not within district guidelines and 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) May 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 Legal Specialist/Program Manager will mail a copy of the decision to the student and/or parent/guardian within five (5) 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 enumerated in C.4., for any number of school days within the following limits:
 - (1) Except as provided in subdivision (g) of Section 48911 and in Section 48912 of the California Education Code, the total number of days for which a pupil may be suspended from school shall not exceed twenty (20) school days in any school year, unless for purposes of adjustment, a pupil 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 pupil may be suspended shall not exceed thirty (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 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 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 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 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 a 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 C.4. is guilty of a misdemeanor.

- d. Any information received by a teacher pursuant to 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, Inventory Item 22-R-2220; Spanish version, Inventory Item 22-R-2222
2. Substance Use Intervention Contract, Inventory Item 22-A-4500; Spanish version, Inventory Item 22-A- 4522
3. Discipline brochure for parents and students, available from the Communications Department

F. REPORTS AND RECORDS

1. Schools immediately process "Report on Suspension" form; send copy to parent/guardian; enter suspension data on SIS Discipline History Screen.
2. Short-term suspension records and information shall be maintained by each school.
3. Notation of suspension is not retained on student's permanent record.

G. APPROVED BY

Kerry B. Flanagan

Chief of Staff, Kerry Flanagan
For the Superintendent of Schools