

Suspensions: Let the Games Begin



Johns & Patrick

Presentation Expectations

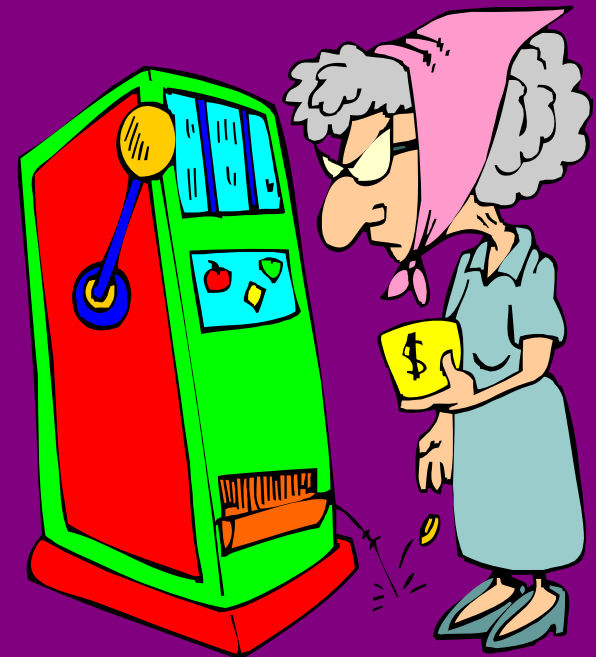


- Honor each other's time
- Actively listen:
turn off laptops, iPods,
cell phones; avoid side
conversations; put aside
work
- Interact professionally:
avoid sarcasm, eye-rolling,
blaming students and families
for systemic failures

Suspension by Teacher: E.C. 48910

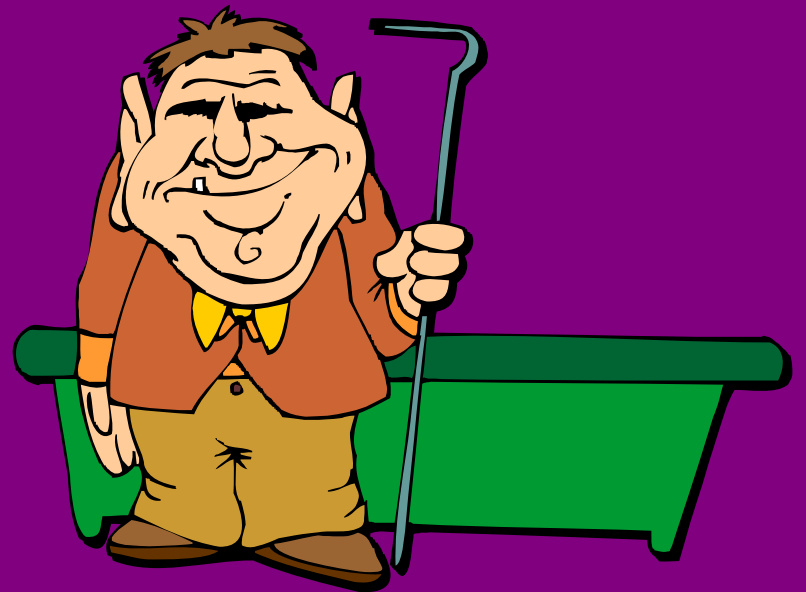
a) *A teacher may suspend any pupil from class, for any of the acts enumerated in Section 48900, for the day of the suspension and the day following.*

The teacher shall immediately report the suspension to the principal of the school and send the pupil to the principal or the designee of the principal for appropriate action...



Suspension by Teacher: E.C. 48910 (continued)

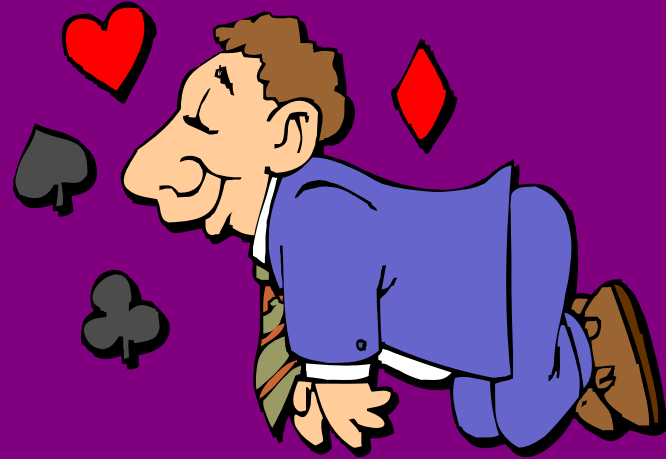
...If the action requires the continued presence of the pupil at the school-site, the pupil shall be under appropriate supervision, as defined in policies and related regulations adopted by the governing board of the school district...



Suspension by Teacher: E.C. 48910 (continued)

...As soon as possible, the teacher shall ask the parent or guardian of the pupil to attend a parent-teacher conference regarding the suspension.

If practicable, a school counselor or a school psychologist may attend the conference. A school administrator shall attend the conference if the teacher or the parent/guardian so requests. The pupil shall not be returned to the class from which he or she was suspended, during the period of suspension, without the concurrence of the teacher/principal.



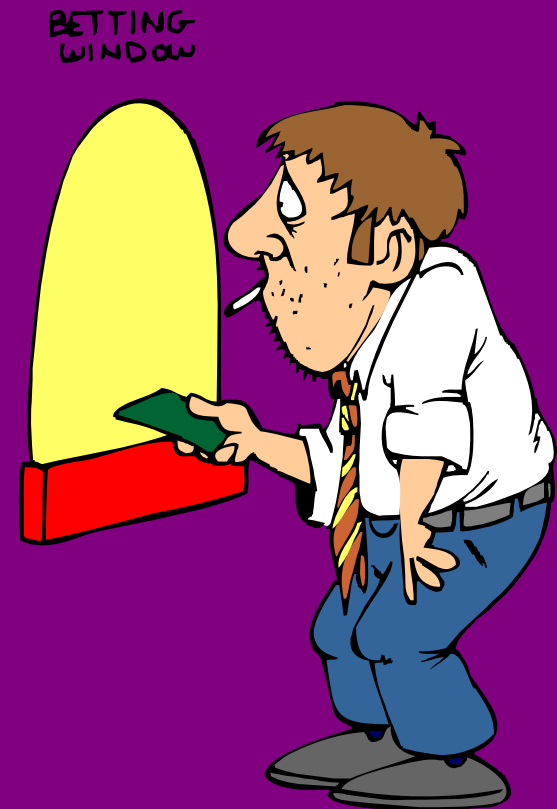
Suspension by Teacher: E.C. 48910 (continued)

- b) A pupil suspended from a class shall not be placed in another regular class during the period of suspension. However, if the pupil is assigned to more than one class per day this subdivision shall apply only to other regular classes scheduled at the same time as the class from which the pupil was suspended.*



Suspension by Teacher: E.C. 48910 (continued)

c) A teacher may also refer a pupil, for any of the acts enumerated in Section 48900, to the principal or the designee of the principal for consideration of a suspension from the school.



Teacher Suspensions: SBCUSD District Policy Article XXIII

Section 3: Student Behavior.

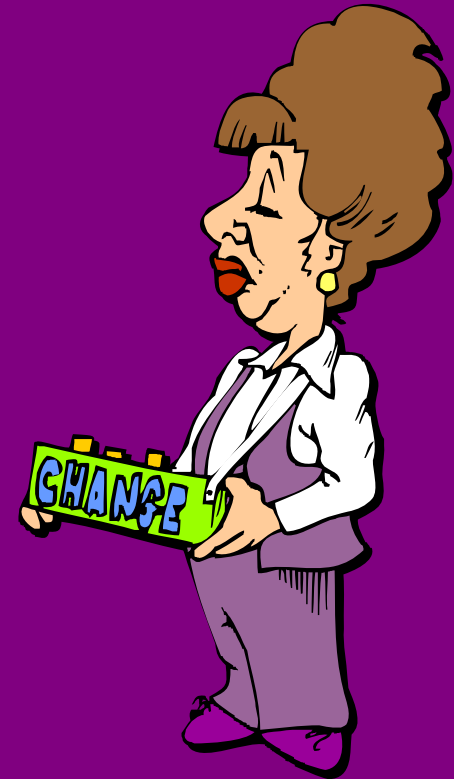
a) Pursuant to Education Code

§48910, a teacher may suspend a student from his/her class for the day of the suspension and the day following for reasons set forth in Education Code §48900. He/She shall, send the student with the suspension form to the principal for appropriate action. Prior to the end of the suspension period, the unit member shall provide...



Teacher Suspensions: SBCUSD District Policy Article XXIII

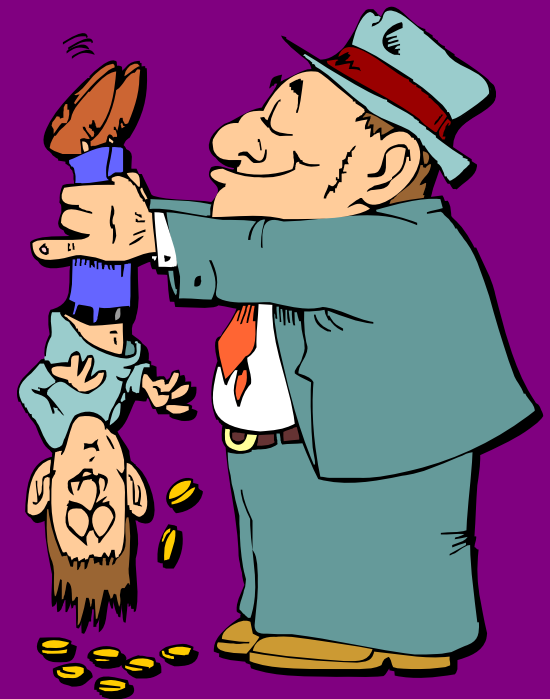
...documentation reflecting that he/she has followed due process and implemented progressive discipline when appropriate. Pursuant to Education Code §48910, the pupil shall not be returned to the class from which he/she was suspended, during the term of the suspension, without the concurrence of the suspending unit member and the site administrator. The pupil shall not be sent to another classroom during the term of the suspension.



Teacher Suspensions: SBCUSD District Policy Article XXIII

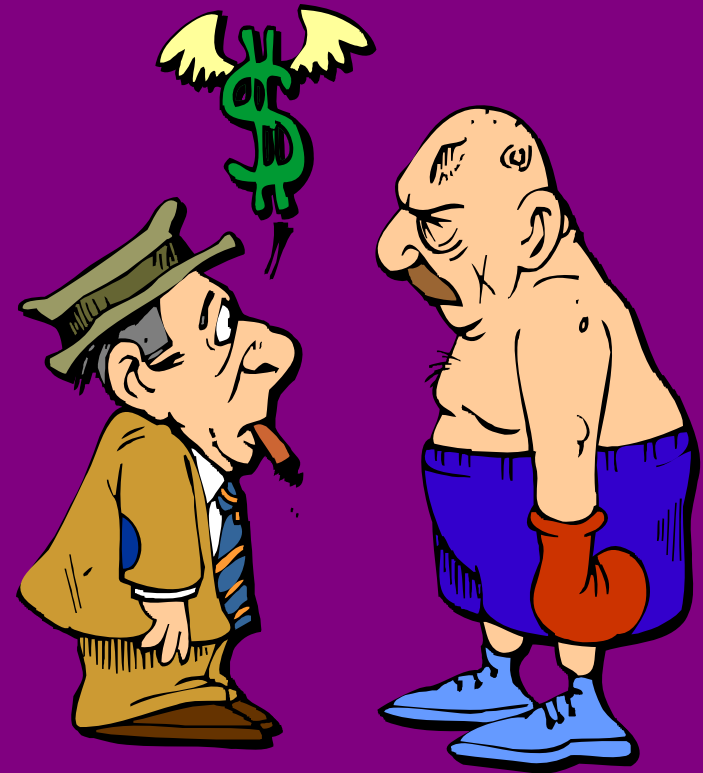
Section 3: Student Behavior.

b) A unit member may exercise, during performance of his/her duties, the same degree of physical control over a pupil that a parent would be legally privileged to exercise; but in no event shall it exceed the amount of physical control reasonably necessary to maintain order, protect property, or protect the health and safety of...



Teacher Suspensions: SBCUSD District Policy Article XXIII

...pupils, or to maintain proper and appropriate conditions conducive to learning. A unit member is not required to place himself/herself in imminent danger of serious bodily injury in order to protect another employee or student from an assault.



Suspension by Administrator: E.C. 48900.5

Suspension shall be imposed only when other means of correction fail to bring about proper conduct. However, a pupil, including an individual with exceptional needs, as defined in Section 56026, may be suspended for any of the reasons enumerated in Section 48900 upon a first offense, if the principal or superintendent of schools determines that the pupil violated subdivision (a), (b), (c), (d), or (e) of section 48900 or that the pupil's presence causes a danger to persons or property or threatens to disrupt the instructional process.



Suspension by Administrator: E.C. 48911

a) The principal of the school, the principal's designee, or the superintendent of schools may suspend a pupil from the school for any reasons enumerated in Section 48900, and pursuant to Section 48900.5, for no more than five consecutive schooldays.



Suspension by Administrator: E.C. 48911 (continued)

b) Suspension by the principal/designee/superintendent shall be preceded by an informal conference conducted by the principal/designee/superintendent between the pupil and, whenever practicable, the teacher, supervisor or school employee who referred the pupil to the principal/designee/superintendent. At the conference the pupil shall be informed of the reason for the disciplinary action and the evidence against him/her and shall be given the opportunity to present his/her version and evidence in his/her defense.



Suspension by Administrator: E.C. 48911 (continued)

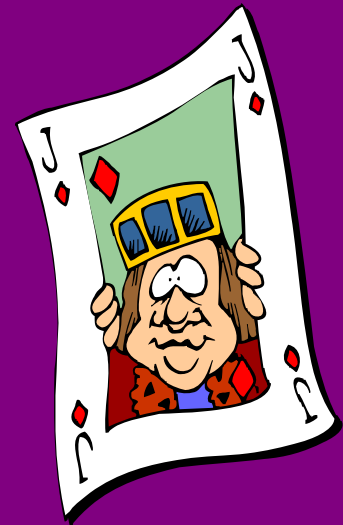
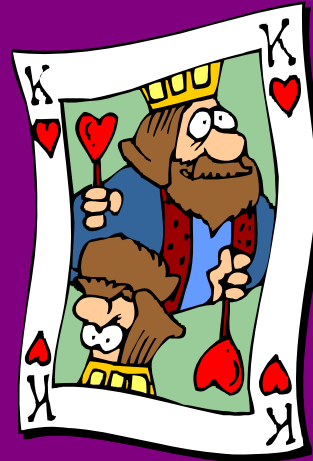
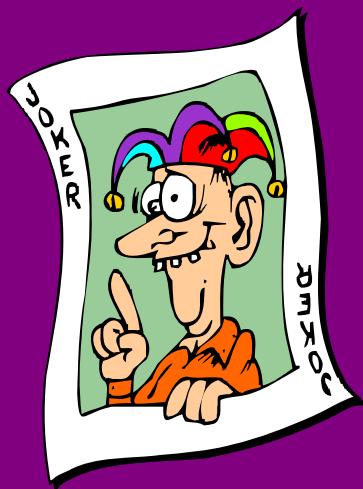
c) A principal/designee/superintendent may suspend a pupil without affording the pupil an opportunity for a conference only if the principal/designee/superintendent determines that an emergency situation exists.

“Emergency situation” as used in this article, means a situation determined by the principal/designee/superintendent to constitute a clear and present danger to the lives, safety or health of pupils or school personnel...

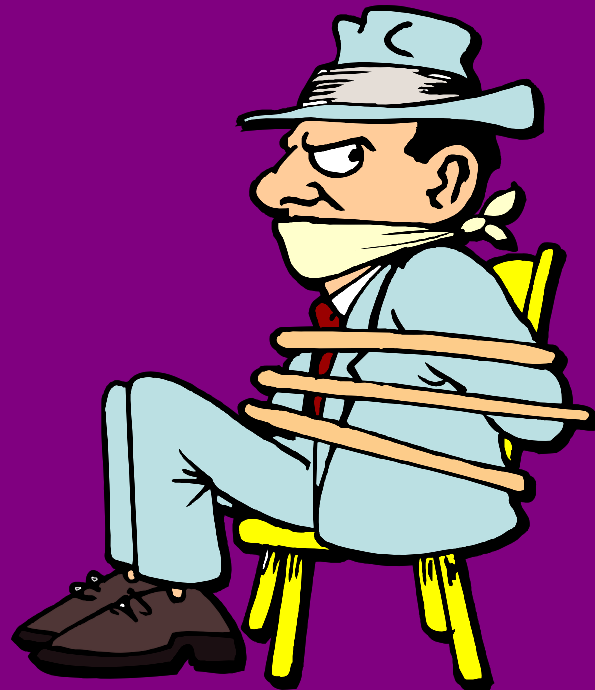


Suspension by Administrator: E.C. 48911 (continued)

...If a pupil is suspended without a conference prior to suspension, both the parent and the pupil shall be notified of the pupil's right to a conference, and the pupil's right to return to school for the purpose of a conference. The conference shall be held within two school days unless the pupil waives...



...this right or is physically unable to attend for any reason including, but not limited to, incarceration or hospitalization. The conference shall then be held as soon as the pupil is physically able to return to school for the conference.



Suspension by Administrator: E.C. 48911 (continued)

d) *At the time of suspension, a school employee shall make a reasonable effort to contact the pupil's parent or guardian in person or by telephone. Whenever a pupil is suspended from school, the parent/guardian shall be notified in writing of the suspension.*



Suspension by Administrator: E.C. 48911 (continued)

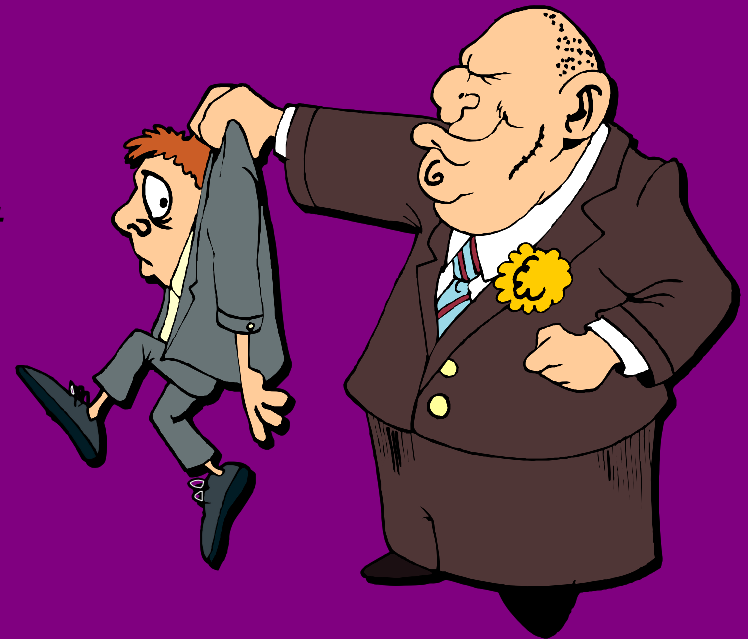
e) *A school employee shall report the suspension of the pupil, including the cause thereof, to the governing board of the school district or to the district superintendent in accordance with the regulations of the governing board.*



Suspension by Administrator: E.C. 48911 (continued)

f) The parent/guardian of any pupil shall respond without delay to any request from school officials to attend a conference regarding his/her child's behavior.

No penalties may be imposed on a pupil for failure of the pupil's parent/guardian to attend a conference with school officials. Reinstatement of the suspended pupil shall not be contingent upon attendance by the pupil's parent/guardian at such conference.



Suspension by Administrator: E.C. 48911 (continued)

For the purposes of this section, a “principal’s designee” is any one or more administrator at the school-site specifically designated by the principal, in writing, to assist with disciplinary procedures.

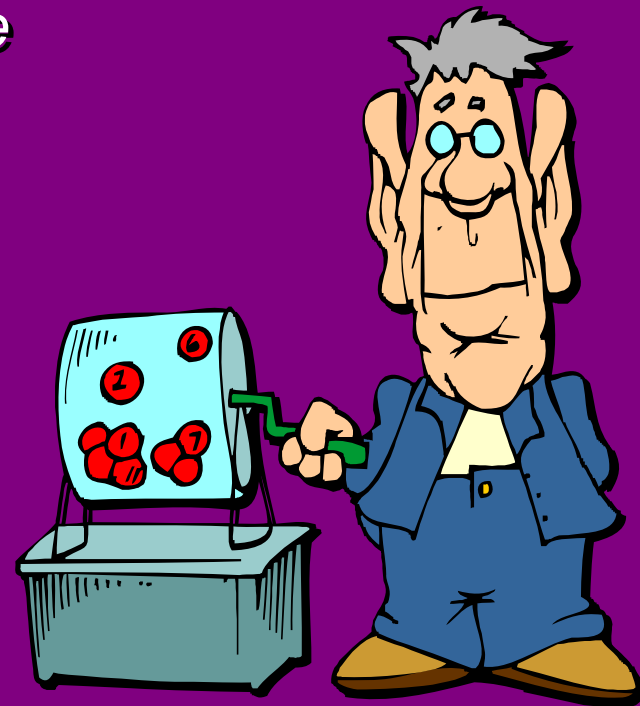
In the event that there is not an administrator in addition to the principal at the school-site, a certificated person at the school-site may be specifically designated by the principal, in writing, as a “principal’s designee,” to assist with the disciplinary...



Suspension by Administrator: E.C. 48911 (continued)

...procedures. The principal may designate only one such person at a time as the principal's primary designee for the school year.

The name of the person, and the names of any person or persons designated as "principal's designee," shall be on file in the principal's office.



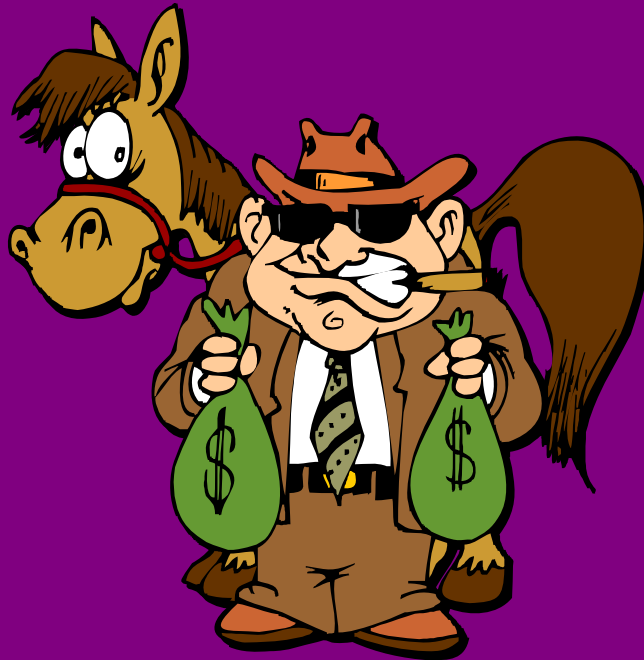
Length of Suspension: E.C. 48903

- a) *Except as provided in subdivision (g) of Section 48911 and in Section 48912, the total number of days for which a pupil may be suspended from school shall not exceed 20 school days in any school year, unless for purposes of adjustment, a pupil enrolls in or is transferred to another regular school, an opportunity school/class, or a continuation education school/class, in which case the total number of schooldays for which the pupil may be suspended shall not exceed 30 days in any school year.*



Length of Suspension: E.C. 48903

b) For the purposes of this section, a school district may count suspensions that occur while a pupil is enrolled in another school district toward the maximum number of days for which a pupil may be suspended in any school year.



CONDUCTING A THOROUGH INVESTIGATION: Points to Consider

California Education Code, in response to *Goss vs. Lopez*, requires the Governing Board of a school district to establish strict procedures and protocols regarding the suspension and expulsion of students. According to Ed. Code, any decision to suspend or expel a pupil must be based upon “substantial evidence” which follows a thorough investigation by school officials.

Substantial Evidence is a legal term which requires evidence to be: 1) reasonable in nature, 2) credible, and of 3) solid value. When conducting an investigation for the purpose of suspension or expulsion, administrators must ensure they gather evidence which would be considered “substantial” by a group of “reasonable people.”

The following types of evidence may be used alone, or in any combination, to establish “substantial evidence” so long as it is of the quality and credibility to prove the allegation.

- 1) **Direct Evidence** (legal definition): Evidence which directly/conclusively proves a fact without inference or presumption (credible eyewitness testimony, sworn written student admission, video).
- 2) **Circumstantial Evidence**: Evidence which requires an inference or presumption of fact (a weapon found on the scene, controlled substance found on the scene).

Prior to suspending or recommending a student for expulsion, administrators must conduct a thorough investigation following all due process requirements. Suspensions and expulsion recommendations which do not follow a thorough investigation may be reversed (i.e., suspension expunged, expulsion recommendation terminated and student returned to the recommending site).

Procedures for Gathering Evidence:

1) **Disciplinary notes must:**

- ✓ clearly document incident: brief, easily understood, chronological order, accurate portrayal
- ✓ exact time/date of incident
- ✓ name of person(s) present or involved in any degree: adult witnesses, student witnesses and potential suspects
- ✓ location of incident

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2) Witnesses statements must:

- ✓ be collected from all witnesses
- ✓ be conducted at the time of the incident -- if circumstances prohibit interviewing witnesses at the time, interviews must be conducted as soon as possible
- ✓ be in original handwriting
- ✓ be specific and as detailed as possible
- ✓ be reviewed for clarity
- ✓ include date/location where written
- ✓ contain all names of accused or victims

3) Administrator statements must be accurate and factually based

4) Submitted evidence must clearly relate to the alleged violation (photographs, maps, diagrams, etc.)

5) Conclusions must be based on facts (premature or personal opinions cannot be considered)

6) Appropriate Education Code violation must be determined once all facts are gathered (refer to the *Progressive Discipline Matrix* to determine if the violation requires a suspension or recommendation for expulsion)

7) Written documentation of findings must be included in the discipline file for all suspensions (see Appendix: *Suspension Justification* form)

School officials have a responsibility to conduct thorough investigations and respond immediately to Ed. Code violations. The Progressive Discipline Matrix is a district-wide document created to assist site administrators in the consistent: **1) application of administrative action(s)**, and **2) provision of student intervention(s)**.

SUSPENSION JUSTIFICATION DUE PROCESS EC 48914, 48900.8

Student: _____ ID #: _____ Date: _____

School: _____ Administrator: _____

Administrative notes:

1. Incident specifics:

Time: _____ Date: _____ Location: _____

2. Provide chronological description of event: _____

Check the following:

1. **Was the accused student given adequate opportunity to:**
describe the incident? yes no provide witness names? yes no
2. **Was the victim given adequate opportunity to:**
describe the incident? yes no provide witness names? yes no
3. **Were statements collected from all:**
student witnesses? yes no adult witnesses? yes no
4. **Were anonymous witness statements collected according to policy?** yes no
5. **Was the accused student's guardian contacted?** yes no
6. Has student received: **Tier 1** yes no, **Tier 2** yes no, **Tier 3** yes no supports?

White – Mail to Guardian

Yellow – Suspended Student

Pink – School File

Goldenrod – Youth Services

Suspension – Supervised Classroom: E.C. 48911.1

a) A pupil suspended from a school for any of the reasons enumerated in Sections 48900 and 48900.2 may be assigned, by the principal/designee, to a supervised suspension classroom for the entire period of suspension if the pupil poses no imminent danger or threat to the campus, pupils, or staff, or if an action to expel the pupil has not been initiated.



Suspension – Supervised Classroom: E.C. 48911.1

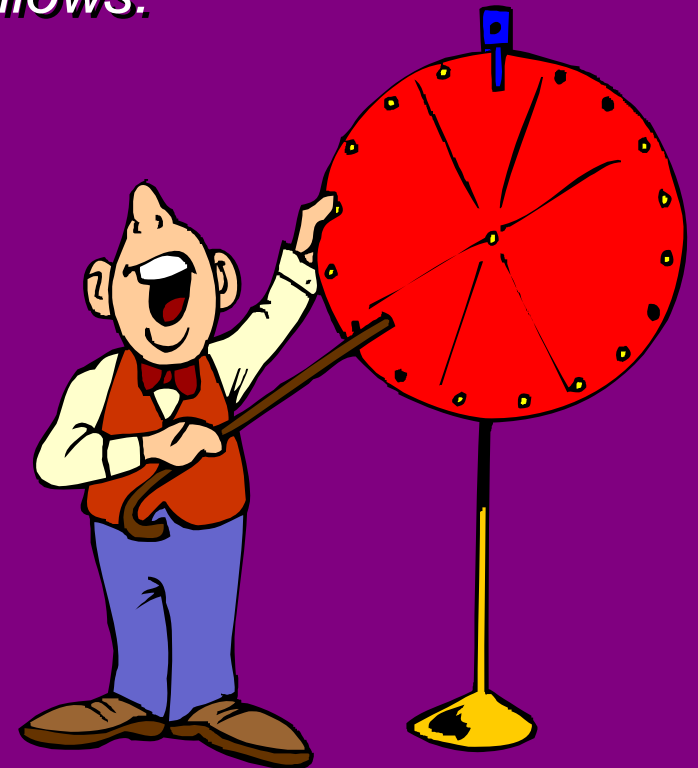
b) Pupils assigned to a supervised suspension classroom shall be separated from other pupils at the school-site for the period of suspension in a designated classroom, building, or site for pupils under suspension.



Suspension – Supervised Classroom: E.C. 48911.1 (continued)

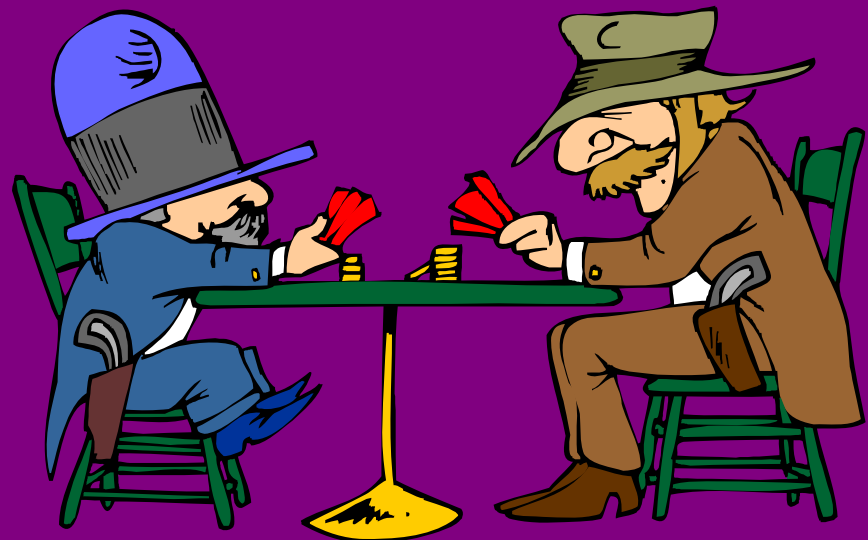
c) School district may continue to claim apportionments for each pupil assigned to and attending a supervised suspension classroom provided as follows:

- 1) The supervised suspension classroom is staffed as otherwise provided by law.
- 2) Each pupil has access to appropriate counseling services.
- 3) The supervised suspension classroom promotes completion of schoolwork and tests missed by the pupil during the suspension.



Suspension – Supervised Classroom: E.C. 48911.1 (continued)

- 4) Each pupil is responsible for contacting his/her teacher(s) to receive assignments to be completed while the pupil is assigned to the supervised suspension classroom. The teacher shall provide all assignments and tests that the pupil will miss while suspended. If no classroom work is assigned, the person supervising the suspension classroom shall assign schoolwork.



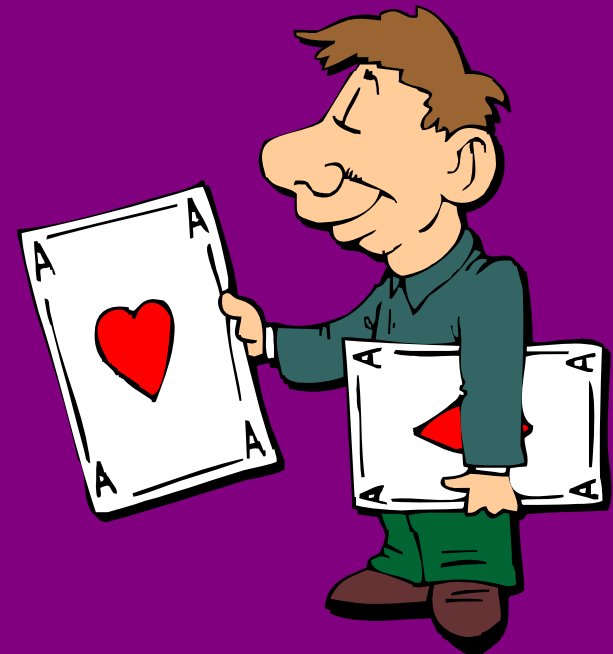
Suspension – Supervised Classroom: E.C. 48911.1 (continued)

d) At the time a pupil is assigned to a supervised suspension classroom, a school employee shall notify, in person or by telephone, the pupil's parent/guardian. Whenever a pupil is assigned to a supervised suspension classroom for longer than one class period, a school employee shall notify, in writing, the pupil's parent/guardian.



Suspension – Supervised Classroom: E.C. 48911.1 (continued)

- e) *This section does not place any limitation on a school district's ability to transfer a pupil to an opportunity school/class or a continuation education school/class.*
- f) *Apportionments claimed by a school district for pupils assigned to supervised suspension shall be used specifically to mitigate the cost of implementing this section.*



Contact Information



Jacquelin Patrick



Suzy Johns