

VENTURA COUNTY BOARD OF EDUCATION

BOARD POLICY NO. 5144.1

ADOPTED: 02/24/97

CLASSIFICATION: Students

**REVISED: 05/29/12
11/25/13
09/25/23**

SUBJECT: Suspension/Due Process

The Ventura County Board of Education and the County Superintendent desire to provide students in the Ventura County Office of Education (VCOE) schools and programs access to educational opportunities in an orderly school environment that protects their safety and security, ensures their welfare and well-being, and promotes their learning and development. The County Superintendent, or designee shall develop rules and regulations setting the standards of behavior expected of students in VCOE schools and programs and the disciplinary processes and procedures for addressing violations of those standards, including suspension.

The grounds for suspension and the procedures for considering, recommending and/or implementing suspension shall be only those specified in law, in this policy, and in the accompanying administrative regulation.

Except when otherwise permitted by law, a student may be suspended only when the behavior is related to a school activity or school attendance occurring within any VCOE school or program or a school district, regardless of when it occurs, including, but not limited to, 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 school campus
4. During, going to, or coming from a school-sponsored activity

VCOE staff shall enforce the rules concerning suspension of students fairly, consistently, equally, and in accordance with VCOE's nondiscrimination policies.

APPROPRIATE USE OF SUSPENSION AUTHORITY

Except when a student's act violates Education code 48900(a)-(e), as listed in Items #1-5 under "Grounds for Suspension: Grades K-12" of the accompanying administrative regulation, or when the student's presence causes a danger to others, suspension shall be used only when other means of correction have failed to bring about proper conduct.

No student may be suspended for disruption or willful defiance, except by a teacher pursuant to Education Code 48910.

DUE PROCESS

The County Superintendent shall provide for the fair and equitable treatment of students facing suspension by affording them their due process rights under the law. The County Superintendent or designee shall comply with procedures for notices and appeals as specified in law and administrative regulation.

ON-CAMPUS SUSPENSION

To ensure the proper supervision and ongoing learning of students who are suspended for any of the reasons enumerated in Education Code 48900 and 48900.2, but who pose no imminent danger or threat at school, the County Superintendent or designee shall establish a supervised suspension classroom program which meets the requirements of law.

Except where a supervised suspension is permitted by law for a student's first offense, supervised suspension shall be imposed only when other means of correction have failed to bring about proper conduct.

MAINTENANCE AND MONITORING OF OUTCOME DATA

VCOE staff shall maintain outcome data related to student suspensions in accordance with Education Code 48900.8. Suspension data shall be reported to the County Superintendent annually and to the California Department of Education when so required.

In presenting the report to the County Superintendent or designee, data on suspensions by school and by numerically significant student subgroups, including, but not limited to, ethnic subgroups, socioeconomically disadvantaged students, English learners, students with disabilities, foster youth, and homeless students shall be disaggregated. Based on the data, the County Superintendent shall address any identified disparities in the imposition of student discipline and shall determine

whether and how the VCOE schools and programs are meeting their goals for improving school climate as specified in its local control and accountability plan.

Legal References:

EDUCATION CODE

| | |
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| 212.5 | Sexual harassment |
| 233 | Hate violence |
| 1981-1983 | Enrollment of students in community school |
| 32260-32262 | Interagency School Safety Demonstration Act of 1985 |
| 35145 | Open board meetings |
| 35146 | Closed sessions (re suspensions) |
| 35291 | Rules (for government and discipline of schools) |
| 35291.5 | Rules and procedures on school discipline |
| 48645.5 | Former juvenile court school students; enrollment |
| 48853-48853.5 | Foster youth |
| 48900-48927 | Suspension and expulsion |
| 48950 | Speech and other communication |
| 48980 | Parent/Guardian notifications |
| 49073-49079 | Privacy of student records |
| 52060-52077 | Local control and accountability plan |
| 64000-64001 | Consolidated application |

CIVIL CODE

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| 47 | Privileged communication |
| 48.8 | Defamation liability |

CODE OF CIVIL PROCEDURE

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| 1985-1997 | Production of evidence; means of production |
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GOVERNMENT CODE

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| 11455.20 | Informal hearing procedures |
| 54950-54963 | Ralph M. Brown Act |

HEALTH AND SAFETY CODE

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| 11014.5 | Drug paraphernalia |
| 11053-11059 | Controlled substances; standards and schedules |

LABOR CODE

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| 230.7 | Employee time off to appear in school on behalf of a child |
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PENAL CODE

| | |
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| 31 | Principal of a crime; defined |
| 240 | Assault defined |
| 241.2 | Assault fines |
| 242 | Battery defined |
| 243.2 | Battery on school property |
| 243.4 | Sexual battery |
| 245 | Assault with deadly weapon |
| 245.6 | Hazing |
| 261 | Rape defined |
| 266c | Unlawful sexual intercourse |
| 286 | Sodomy defined |
| 287 | Oral Copulation |
| 288 | Lewd or lascivious acts with child under age 14 |
| 289 | Penetration of genital or anal openings |
| 417.27 | Laser pointers |
| 422.55 | Definition of hate crime |
| 422.6 | Crimes; harassment |
| 422.7 | Aggravating factors for punishment |
| 422.75 | Enhanced penalties for hate crimes |
| 626.10 | Dirks, daggers, knives, razors, or stun guns |
| 626.2 | Entry upon campus after written notice of suspension or dismissal without permission |
| 626.9 | Gun-Free School Zone Act of 1995 |
| 868.5 | Supporting person; attendance during testimony of witness |

WELFARE AND INSTITUTIONS CODE

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| 224.1 | Indian child; definition |
| 729.6 | Counseling |