

# **Campbell Union School District Plan for Expelled Students**

**Three-Year Expulsion Plan  
Between  
Campbell Union School District  
And  
The Santa Clara County Office of Education  
For the implementation of  
Education Code 48916.1**

## **CAMPBELL UNION SCHOOL DISTRICT Plan for Educational Alternative Setting**

Educational programs and services within Santa Clara County provide opportunities for all students who are in need of a traditional or an alternative education. While individual school districts offer a broad spectrum of services and the County Office of Education offers additional options, this combination provides a continuum of alternatives to expelled students.

A student whose behavior has resulted in expulsion is given a rehabilitation plan that is designed by Campbell Union School District. Each plan provides requirements specific to grades, attendance, behavior, counseling and community service. A student who is in need of an educational alternative may access these programs through the Campbell Union School District and/or county referral process.

After the student has completed and met the requirements of the rehabilitation plan, an intake meeting is held with the student and the student's family with the receiving school. High school articulation meetings are conducted for 8th grade students with the Directors of Student Services from the respective high school district.

## **CAMPBELL UNION SCHOOL DISTRICT**

### **Existing Educational Alternatives For Expelled Youth**

Campbell Union School District, located within Santa Clara County, offers the following options for expelled youth, depending on the specific offense and Education Code violation:

- Expulsion, suspended order, with placements on the same school campus, Educational Code 48917 (a).
- Expulsion, suspended order, with placement on a different school campus within the District, Educational Code 48917 (a).
- Expulsion with referral to a district community day program, if available, Education Code 48660.
- Expulsion with subsequent transfer to another district
- Expulsion with referral to Santa Clara County Office of Education Alternative Education Department Community School, Education Code 1981.
- Expulsion with referral to the district's Home Based Instruction Program

Recommendations for expelled students and placement take any or all of the following information into consideration:

- The student's age
- The student's academic, attendance and discipline history
- Parental involvement in the student's rehabilitation plan
- The student's programmatic needs (ELL, IEP, 504 Plan, etc.)

The decision to place students in an alternative placement and actual referral to such a placement is recommended to the Superintendent by the Director of Student Services. All expulsions must be approved by the Campbell Union School District Governing Board and must be aligned to State Education Code and Campbell USD Board policy.

# **CAMPBELL UNION SCHOOL DISTRICT**

## **Gaps and Strategies In Educational Services**

There are the identified gaps that exist in respect to providing educational services to expelled pupils. Following each gap is the district's strategy for addressing the gaps:

### **1. Gap:**

Students in the elementary setting/grades one through five who are expelled do not have the same educational options available to them as expelled youth who are in the middle school setting/grades five through eighth, due to the limited numbers of students who are expelled in these lower grades. These younger students cannot attend the programs designed for middle school students. While the numbers are growing within the county, they are generally are not enough to warrant the development of an elementary school program.

#### **Strategy:**

Should the need arise, younger student who are expelled, may be provided with a Home Based instructional program.

### **2. Gap:**

The need for mental health services has increased throughout Santa Clara County for school-aged children. A requirement for our expelled youth is to participate in counseling when they are placed in an alternative placement outside of the school district. Some of our students have experienced a delay in counseling services due to a lack of providers at the alternative placement. If the student completes all of the other requirements of the rehabilitation plan, we would not prevent the student from returning due to non-completion of that requirement that was beyond their control. This poses a challenge to the all those involved as we have determined that counseling is a critical piece for students who have been expelled.

#### **Strategy:**

We would provide expelled students with counseling services upon their return. Additionally, we will assist families with an outside referral. We have community liaisons available to assist families with the referral process.

### **3. Gap:**

In 2016, our Intervention Opportunity Program was dissolved. Our decision to end the program was due to the expense of operating the program; challenges in finding appropriately trained staff and the length of enrollment for expelled youth. As the program often began with very low enrollment. At the inception of the program, the goal was to support the student's needs for the length of their rehabilitation plan. We found that students were not making progress towards their plan and were not transitioning back to a comprehensive school class within the provided time frame

(rehabilitation plan timeline). The quality of the program was dependent upon the staff that was working with the students. We realized that for this program to be successful, a higher level of instruction and social emotional supports would be necessary. These needs were not fiscally prudent for the number of students supported in the program.

**Strategy:**

We are working with all schools to align their systems of support to ensure their site's MTSS framework is based on data and responds with support for those students demonstrating challenges. We understand the correlation between academic success and behavior. Our work is centered on supporting the whole student. Our district is currently piloting Data Zone with Santa Clara County Office of Education, which allows sites to easily analyze individual student's academic, attendance, and behavior data for the school year in one system. School sites are able to create focus groups and strategize their supports in a more cohesive and fluid approach. Reviewing all 3 types of data creates opportunities for staff members to more quickly provide appropriate interventions and supports based on the student's needs. Decisions are data-driven and data-focused.

**4. Gap:**

In the past, we have been able to place students who are serving a suspended expulsion in a school other than their home school. Our challenge this upcoming school year will be the availability of options. We are downsizing from 3 middle schools to 2 middle schools for the 2018-2019 school year. Both middle schools will have student enrollments of over 1,000. The distance between the two middle schools may impact the transportation of students from their home school attendance area to the other school, which could create attendance issues if parents are unwilling and/or unable to transport their child.

**Strategy:**

As a district we are restructuring how we respond to student needs through our PLC work (Professional Learning Community) and MTSS (Multi-Tiered Systems of Support). We are working with sites to examine current systems of support for academic, behavior and social-emotional needs. Our district leadership team is working with all site administrators to align their systems to respond to needs based on evident data. We are reviewing our behavioral data and working with staff to reduce suspensions. In addition, every school is utilizing the PLC (Professional Learning Community) process to analyze and monitor student learning and progress. Additionally, The PLC process guides our classroom teachers and site administrators through conversations and dialogue around student outcomes. We must know what to address before we move forward. We are exploring professional development opportunities for our administrators to support their work in the area of behavior. We also understand that student engagement is critical and that behavior is often a means of communication. Our job is to ensure that the classroom experience for all students matches their need. When students are engaged, learning increases and suspensions decrease. Some of our teachers are also receiving

training to provide culturally responsive classrooms. Additionally, we continue to expand our community-based partnerships to provide students and families with additional socio-emotional supports.

**5. Gap:**

When students aren't successful at the county's Community Day program, the district is tasked with finding an alternate placement. We have experienced this challenge most recently, in part due to the reduction of programs offered through the County. When alternative placements are not available, the district must hire teachers to provide home based instruction. In the long term, this impacts classroom teachers as their workday is extended. With only one other community day school program in the county managed by a neighboring school district, our school options for expelled students are limited.

**Strategy:**

We will seek to use our TOSAs (Teacher on Special Assignment) to support with home-based instruction, as their schedule is more flexible than a classroom teacher. We will also explore the option of hiring retired or former teachers to support these students.

Students who are placed in County community day school programs, but fail to meet the terms and conditions of their rehabilitation plan may be offered the following options:

**CUSD Home Based Instruction**

If there are expelled students who commit subsequent violations, the Director of Student Services, under the direction of the Superintendent, will work with the student's family to develop a revised Rehabilitation plan that includes referrals and agreements with outside public agencies and an internet based academic program that can be completed at home. If the student does not have the appropriate equipment to complete the online program, the district will provide it.

## **Campbell Union School District/County Plan for Expelled Youth:**

### **Education Code – 48926:**

Each county superintendent of schools in counties that operate community schools pursuant to Section 1980, in conjunction with superintendents of the school districts within the county, shall develop a plan for providing education services to all expelled pupils in that county. The plan shall be adopted by the governing board of each school district within the county and by the county board of education. The plan shall enumerate existing educational alternative for expelled pupils, identify gaps in educational services to expelled pupils, and strategies for filling those service gaps. The plan shall also identify alternative placements for pupils who are expelled and placed in district community day school programs, but who fail to meet the terms and conditions of their rehabilitation plan or who pose a danger to other district pupils, as determined by the governing board.

Each county superintendent of schools, in conjunction with the superintendents of the other districts, shall submit to the Superintendent of Public Instruction the county plan for providing educational services to all expelled pupils in the county no later than June 30, 2015, and shall submit a triennial update to the plan to the Superintendent of Public Instruction, including the outcome data pursuant to Section 48916.1, on June 30th thereafter.

Education Code – 48916.1

At the time an expulsion of a pupil is ordered, the governing board of the school district shall ensure that an educational program is provided to the pupil who is subject to the expulsion order for the period of the expulsion but only to the extent funds are appropriated for this purpose in the annual Budget Act or other legislation, or both.

## **SANTA CLARA COUNTY OFFICE OF EDUCATION**

The Santa Clara County Office of Education offers educational alternatives to expelled students through court and community schools. Court schools require the formal placement of students into the program by the juvenile court or its probation/parole department representatives. These programs can be either residential or non-residential and expulsion status of a student has no negative impact on eligibility or placement. Community school enrollment may require referral from the school district of residence and these schools provide services to students in accordance with California Education Code 1981 (a) and 1981 (c). School districts in Santa Clara County enter into a Memorandum of Understanding with the Santa Clara County Office of Education to provide educational programs with a chargeback formula. Expulsion status of a student has no negative impact on eligibility or placement of a student in community schools but may be used for classification purposes (California Education Code 1981). Students can be referred to the community school for a daily program, blended learning, and or Independent Study through an intervention process to include but not limited to: Student Attendance Review Team, Student Attendance Review Board, discipline meeting, or through the expulsion process.

Educational alternatives offered by the Santa Clara County Office of Education include the following:

Court Schools\* (*Placement by non-education agency may be required*)

Osborne

Blue Ridge

Community Schools

Sunol (one location) grades 7-12

Independent Study 7-12

*\* Placement by non-education agency may be required*

# **Plan For Providing Educational Services To All Expelled Students In Santa Clara County**

California Education Code Section 48926 states “each county superintendent of schools in counties that operate community schools pursuant to Section 1980, in conjunction with superintendents of school districts within the county shall develop a plan for providing education services to all expelled pupils in that county.” This section of California Education Code also states that “The plan shall enumerate existing educational alternatives for expelled pupils, identify gaps in educational services to expelled pupils, and strategies for filling those gaps.

The 20 elementary districts, 5 high school districts and 6 unified school districts of Santa Clara County provide services to 266,256 students at 395 school sites spread over an area of 1,315 square miles. Santa Clara County recognized the need for a continuum of educational services for all students, including expelled students long before the 1995 legislation mandated educational placements for expelled students. This Santa Clara County Plan for Educational Services for Expelled Students provides the description of the part of that continuum of services that relates directly to expelled students. A series of legislative bills in 1995, and since 1995, have created new challenges that have resulted in adjustments and refinements to this Santa Clara continuum of educational services over the past ten years. This 2018 triennial update of the Santa Clara Countywide Plan for Expelled Students will highlight these changes to the educational landscape for this student population.

California Education Code 48916.1 states “At the time an expulsion of a pupil is ordered, the governing board of the school district shall ensure that an educational program is provided to the pupil who is subject to the expulsion order for the period of the expulsion...” Every Santa Clara County school district governing board will refer each expelled student to an appropriate educational placement for the period of expulsion. The educational placement will be determined on an individual basis by the school district’s governing board based on 1) seriousness of the offense, 2) available educational alternatives and 3) other related factors. County level alternatives for expelled students will remain available to most expelled students. Any expelled student who requires, and is entitled to, transportation to the county-level educational placement may have that transportation provided by the district of residence. District level alternatives for expelled students will vary from one district to the next depending on the characteristics of that district. The list of educational alternatives that exist for each of the 31 Santa Clara County districts is identified in that district’s sub-plan, included as a part of the total countywide plan.

A district sub-plan has been developed and board approved, if necessary, for every school district in Santa Clara County. Those district sub-plans are included in this countywide plan to provide the complete “Plan for Providing Educational Services to all Expelled Students in Santa Clara

County.” Any substantive changes to district sub-plans during the period between triennial updates receive approvals by the school district governing board at the time the change is made. Each district sub-plan includes 1) a list of existing educational services to expelled students, 2) gaps in educational services to expelled students, 3) strategies for filling those gaps and 4) alternative placements for students who fail community day school placements (if offered in your district).

## **EXISTING EDUCATIONAL ALTERNATIVES FOR EXPELLED STUDENTS**

All educational alternatives provided by California's school districts are not available to all expelled students and most are not available to any expelled students. Seriousness of offense, location of offense and grade level of the student all have the potential to restrict the district level educational alternatives available to the student during the period of expulsion. Students expelled for any of the offenses listed in Subdivisions (a) or (c) of Section 48915 of the California Education Code shall not be permitted to enroll in any district-operated program during the period of expulsion unless it is a community day school (California Education Code 48915.2). All expelled students shall be referred to an educational placement that is 1) not provided at a comprehensive middle, junior or senior high school or any elementary school and 2) not housed at the school site attended by the student at the time of the offense (California Education Code Section 48915). If the expelled student is in grades K-6, the educational placement for the student shall not be merged or combined with educational programs offered to students in grades 7-12 (California Education Code Section 48916.1). In addition to the above listed requirements, such factors as district size, district level alternatives, county level alternatives and district philosophy can impact the determination by a district board of education of what educational alternatives are appropriate for the students who are expelled.

Alternatives available for expelled pupils in districts include the following:

- Suspended expulsion with placement at a different district campus (within or outside of the district)
- Home teaching
- Non-public school placement
- District Community Day School
- Independent Study Program

The Santa Clara County Office of Education works collaboratively with all districts to ensure timely communication and responsiveness to our students' needs. The transition office serves as a hub for all student referrals and interacts with district liaisons on a regular basis. Monthly district liaison meetings are hosted to address professional development needs and service coordination.

# **GAPS IN EDUCATIONAL SERVICES TO EXPELLED STUDENTS AND STRATEGIES FOR FILLING THOSE GAPS**

The gaps identified in 2018 in educational services to expelled students remain a focus for Santa Clara County. We continue to work with staff, districts, students and families to mitigate their impact.

1. The size of the districts in Santa Clara County varies greatly. There is everything from small elementary districts with one school and 44 students to larger school districts with 57 schools and over 32,000 students. Some districts are located in rural areas and others in the urban center of the county. This variance makes it difficult to offer the range of alternatives to all districts. The strategy for addressing this problem is to maintain a county community school program that is committed to providing educational services to the school districts in the county and that employs a variety of instructional strategies, including those that are capable of overcoming obstacles associated with providing educational services to rural often isolated settings

In an effort to ease the enrollment process and to decrease the time it takes to enroll into the community school district patterns will provide a SCCOE enrollment form to referred students at the time of referral. Thereafter, the student and family will either contact the community school and or the community school transition office will make contact to set up an enrollment meeting. At the enrollment meeting the student will be enrolled into the community school and be provided their first level of academic support that may include but not limited to: academic assessments, welcome instructional assignments, meet with the principal and support staff, and receive their class schedule.

2. Students who commit an expellable offense during an expulsion period may have limited alternatives available for a secondary placement. The strategy for addressing this problem is to maintain a commitment to providing educational services to students regardless of repeated offenses and to ensure that disproportionate representation doesn't occur when students exhaust resources.

One strategy is that students may be returned to their school district of residence to provide an educational program placement, another strategy that has been employed at the county-level programs is to provide intense training to educational staff that improves their skills at diffusing potentially volatile situations with students, and decreasing the likelihood of a problem escalating to an expellable level. In addition,

Independent Studies/Blended Learning opportunities may be offered to serve expelled youth within the community school program.

3. Students in grades K-6 who are expelled do not have the same educational options available, as do their counterparts in grades 7-12. Students in grades K-6 are expelled at a much lower rate than students in grades 7-12. These two factors,

together with the requirement that educational services for students in grades K-6 cannot be merged or combined with services to students in grades 7-12, make it very difficult to identify an educational placement for the expelled student who is in grades K-6. The strategy for addressing this problem is to develop a cooperative plan for maintaining a multi-district educational alternative capable of serving this smaller, more isolated student population between school districts. The Santa Clara County Office of Education works with districts to ensure communication and collaboration occurs to ensure that expelled youth have their educational needs addressed. A gap of under-funding for K-6 services in county community schools is a barrier. It is important to work with the California Department of Education to increase funding to establish and maintain an educational alternative for expelled students in grades K-6.

4. Transportation and funding continue to be gaps for our countywide Expelled Students Plan. Many of our families cannot access the educational opportunities because of a lack of finances. Funding for community schools continues to be low and requires that Santa Clara County Office of Education to operate on a chargeback system to our participating districts. To ensure that a community school program is being provided the allotments has increased significantly to allow proper staffing at the community school to serves expelled youth. It is difficult to anticipate the need county wide and therefore, the allotments allows the county to start the school year with at least a small community school program. We will continue to explore opportunities for additional funding to address these gaps.

The community school is being consolidated to one school site to ease the financial cost of the program and to ensure that there is a community school for the foreseeable future. Since the geographical area of the county is very large, traffic patterns are some of the most congested within the state, and the length of public transportation to the school site from our two largest feeder districts can vary from a couple minutes to well over an hour, the County Office of Education is exploring an early start and a late start to the school day to ease the transportation issues for students and offer more flexibility for school attendance. In addition, the referring school district will provide bus tokens to students for the first two weeks of school. Thereafter, COE and support providers will provide bus tokens to ensure that students have access to stable transportation.

5. Best practices identified by Santa Clara districts include the following practices:

- Positive Behavior Interventions Support (PBIS)
- Multi-tiered System of Support (MTSS)
- Response to Intervention (RTI)
- BEST Behavior Program
- Opportunity Program

- Coordination and implementation of multiple community resources, such as California Youth Outreach (CYO), Parents Helping Parents Project, drug and alcohol counseling, and job development
- Community liaisons
- Counselors, psychologist support
- Character building programs

6. Districts continue to focus on disproportionate representation of minority students in interventions. Based on 2016-17 data, Latino male students represent 74% of our community schools population. In Santa Clara County, Latino males represent approximately 38% of the student population. Strategies to address this concern include differentiation, individualization, and use of an equity lens in the planning and development of culturally relevant activities and ongoing professional development for staff to ensure employees are culturally sensitive and linguistically proficient.

## **ALTERNATIVE PLACEMENTS FOR STUDENTS WHO FAIL COMMUNITY DAY SCHOOL PLACEMENTS**

The court and community school programs operated by the Santa Clara County Office of Education maintains commitment of accepting most students who have been expelled from their district of residence and who have exhausted all of the alternatives offered by the district. If an initial placement is made to a district operated community day school and the student commits and expellable offense or fails the program, the "District Name" School District Board of Education shall review the plan of rehabilitation that was established at the time of expulsion and make the adjustments necessary. If there is no educational alternative in the "District Name" School District, the student may be referred to the county community school program.

For students in the Santa Clara County community schools who have recommitted an expellable offense, the Santa Clara County Office of Education works closely with the district, probation, families and school officials to determine the next phase of support. Options are limited to Independent Study, modified curriculum and school day, and/or incarceration. If all of these options are exhausted an expelled student may be referred back to their home district to explore additional options. Additionally, the Santa Clara County Office of Education is developing a hybrid alternative blended learning/independent study program for 2018-19 school year which will combine multiple resources and options for students, based on their individual learning plan.

# Campbell Union ESD

## Board Policy

### Suspension and Expulsion/Due Process

BP 5144.1

#### Students

The Governing Board desires to provide district students 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 Board shall develop rules and regulations setting the standards of behavior expected of district students and the disciplinary processes and procedures for addressing violations of those standards, including suspension and/or expulsion.

The Board has established policies and standards of behavior in order to promote learning and protect the safety and well-being of all students. Student handbooks will also indicate the reasons and conditions for expulsion and suspension. When these policies and standards are violated, it may be necessary to suspend or expel a student from regular classroom instruction.

*(cf. 5144 - Discipline)*

*(cf. 5131 - Conduct)*

*(cf. 5131.2 - Bullying)*

To correct the behavior of any student who is subject to discipline, the Superintendent or designee shall, to the extent allowed by law, first use alternative disciplinary strategies specified in

AR 5144 - Discipline. (Education Code 48900.5)

*(cf. 1020 - Youth Services)*

*(cf. 5144 - Discipline)*

The grounds for suspension and expulsion and the procedures for considering, recommending, and/or implementing suspension and expulsion 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 or expelled only when his/her behavior is related to a school activity or school attendance occurring within any district school or other school district, regardless of when it occurs, including, but not limited to, the following: (Education Code 48900(s))

**Suspension and Expulsion/Due Process** (continued)

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

*(cf. 5112.5 - Open/Closed Campus)*

4. During, going to, or coming from a school-sponsored activity

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

*(cf. 0410 - Nondiscrimination in District Programs and Activities)*

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

*(cf. 6145 - Extracurricular and Cocurricular Activities)*

Students shall not be suspended or expelled for truancy, tardiness, or absenteeism from assigned school activities.

*(cf. 5113 - Absences and Excuses)*

*(cf. 5113.1 - Chronic Absence and Truancy)*

Except when a student commits an act that violates Education Code 48900(a)-(e) as listed in items #1-5 under "Grounds for Suspension and Expulsion: Grades K-8" of the accompanying administrative regulation, or when his/her presence causes a danger to others, suspension shall be used only when other means of correction fail to bring about proper conduct.

(Education Code 48900.5, 48900.6)

*(cf. 1020 - Youth Services)*

*(cf. 5138 - Conflict Resolution/Peer Mediation)*

*(cf. 5144 - Discipline)*

*(cf. 6142.4 - Service Learning/Community Service Classes)*

*(cf. 6164.2 - Guidance/Counseling Services)*

*(cf. 6164.5 - Student Success Teams)*

**Suspension and Expulsion/Due Process** (continued)

Except when a student commits an act listed in Education Code 48915(c), the Superintendent or designee shall have the discretion to determine whether to recommend to the Board that the student be expelled.

*(cf. 5131.7 - Weapons and Dangerous Instruments)*

No student in grades K-3 may be suspended for disruption or willful defiance, except by a teacher pursuant to Education Code 48910. (Education Code 48900)

**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 to anyone at school and for whom expulsion proceedings have not been initiated, the 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. (Education Code 48900.5)

**Removal from Class by a Teacher**

Teachers should reserve the option of required parental attendance for cases in which they have determined that it is the best strategy to promote positive interaction between the teacher and the student and his/her parents/guardians and to improve the student's behavior.

Any teacher requiring parental attendance pursuant to this policy shall apply the policy uniformly to all students within the classroom. (Education Code 48900.1)

When a teacher requires parental attendance, the principal shall send a written notice to the parent/guardian stating that his/her attendance is required pursuant to law. (Education Code 48900.1)

**Suspension and Expulsion/Due Process** (continued)

## Parental Attendance

The Board believes that parental involvement plays an important role in the resolution of classroom behavior problems. The Board expects that teachers will communicate with parents/guardians when behavior problems arise.

A student's parents/guardians shall be notified as soon as possible when there is an escalating pattern of misbehavior that could lead to classroom or school removal.

Whenever a student is removed from a class because he/she committed an obscene act, engaged in habitual profanity or vulgarity, disrupted school activities or otherwise willfully defied valid staff authority, the teacher of the class from which the student was removed may require that the student's parent/guardian who lives with the student attend a portion of a school day in that class, to assist in resolving the classroom behavior problems.

A parent/guardian who has received a written notice shall attend class as specified in the notice. After completing the classroom visit and before leaving school premises, the parent/guardian also shall meet with the principal or designee. (Education Code 48900.1)

At the meeting with the student's parent/guardian, the principal or designee shall explain the district's and school's discipline policies, including the disciplinary strategies that may be used to achieve proper student conduct.

When a parent/guardian does not respond to the request to attend school, the principal or designee shall contact him/her by telephone, mail, or other method that maintains the confidentiality of the student's records.

*(cf. 5125 - Student Records)*

District regulations and school-site rules for student discipline shall include procedures for implementing parental attendance requirements. Parents/guardians shall be notified of this policy prior to its implementation. (Education Code 48900.1)

**Suspension and Expulsion/Due Process** (continued)

## Authority to Expel

Expulsion is an action taken by the Board for severe or prolonged breaches of discipline by a student. Except for single acts of a grave nature, expulsion is used only when there is a history of misconduct, when other forms of discipline, including suspension, have failed to bring about proper conduct, or when the student's presence causes a continuing danger to him/herself or others. (Education Code 48915)

A student may be expelled only by the Board. (Education Code 48918(j))

The grounds for suspension and expulsion and the procedures for considering, recommending and/or implementing suspension and expulsion shall be specified in administrative regulation.

As required by law, the Superintendent or principal shall recommend expulsion and the Board shall expel any student found to have committed any of the following "mandatory recommendation and mandatory expulsion" acts at school or at a school activity off school grounds: (Education Code 48915)

1. Possessing, selling or otherwise furnishing a firearm
2. Brandishing a knife at another person
3. Unlawfully selling a controlled substance listed in Health and Safety Code 11053-11058
4. Committing or attempting to commit a sexual assault as defined in Penal Code 261, 266c, 286, 288, 288a, or 289, or committing a sexual battery as defined in Penal Code 243.4
5. Possessing an explosive as defined in 18 USC 921

For all other violations listed in the accompanying administrative regulation under "Grounds for Suspension and Expulsion: Grades K-8" and "Additional Grounds for Suspension and Expulsion: Grades 4-8," the Superintendent or principal shall have the discretion to recommend expulsion of a student. If expulsion is recommended, the Board shall order the student expelled only if it makes a finding of either or both of the following: (Education Code 48915(b) and (e))

1. That other means of correction are not feasible or have repeatedly failed to bring about proper conduct

**Suspension and Expulsion/Due Process** (continued)

2. That due to the nature of the violation, the presence of the student causes a continuing danger to the physical safety of the student or others

A vote to expel a student shall be taken in an open session of a Board meeting.

The Board may vote to suspend the enforcement of the expulsion order pursuant to the requirements of law and the accompanying administrative regulation. (Education Code 48917)

No student shall be expelled solely for disruption or willful defiance. (Education Code 48900)

**Due Process**

The Board shall provide for the fair and equitable treatment of students facing suspension and/or expulsion by affording them their due process rights under the law. The Superintendent or designee shall comply with procedures for notices, hearings, and appeals as specified in law and administrative regulation. (Education Code 48911, 48915, 48915.5, 48918)

*(cf. 5119 - Students Expelled from Other Districts)*

*(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))*

**Zero Tolerance**

The Board supports a zero tolerance approach to serious offenses in accordance with state and federal law. This approach makes the removal of potentially dangerous students from the classroom a top priority. It ensures fair and equal treatment of all students and requires that all offenders be punished to the fullest extent allowed by law. Staff shall immediately report to the Superintendent or designee any incidence of offenses specified in law, Board policy and administrative regulation as cause for suspension or expulsion.

Zero tolerance requires a mandatory suspension and recommendation for expulsion of students who possess, sell or furnish a firearm, brandish a knife, sell a controlled substance, commit or attempt to commit a sexual assault or sexual battery, or possess an explosive. (Education Code 48915)

The Superintendent or designee shall notify staff, students and parents/guardians about the district's zero tolerance policy and the consequences which may result from student offenses. He/she shall also ensure strict enforcement of this policy.

**Suspension and Expulsion/Due Process** (continued)

## Decision not to Enforce Expulsion Order

On a case-by-case basis, the enforcement of an expulsion order may be suspended by the Board pursuant to the requirements of law.

At the end of each school year, the Superintendent or designee shall present a report to the Board regarding the use of suspension and/or expulsion in district schools. The report shall include, but is not limited to, outcome data which the district is required by law to collect and data related to the effect of suspension and/or expulsion on the district's minority student populations or groupings.

## Maintenance and Monitoring of Outcome Data

The Superintendent or designee shall annually present to the Board a report of the outcome data which the district is required to collect pursuant to Education Code 48900.8 and 48916.1, including the number of students recommended for expulsion, the grounds for each recommended expulsion, the actions taken by the Board, the types of referral made after each expulsion, and the disposition of the students after the expulsion period.

In presenting the report to the Board, the Superintendent or designee shall disaggregate data on suspensions and expulsions 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. Based on the data, the Board shall address any identified disparities in the imposition of student discipline and shall determine whether and how the district is meeting its goals for improving school climate as specified in its local control and accountability plan.

*(cf. 0460 - Local Control and Accountability Plan)*

**Suspension and Expulsion/Due Process (continued)***Legal Reference:*EDUCATION CODE*212.5 Sexual harassment**233 Hate violence**1981 Enrollment of students in community school**17292.5 Program for expelled students**32261 Interagency School Safety Demonstration Act of 1985**35145 Open board meetings**35146 Closed sessions (regarding suspensions)**35291 Rules (for government and discipline of schools)**35291.5 Rules and procedures on school discipline**48645.5 Readmission; contact with juvenile justice system**48660-48667 Community day schools**48853.5 Foster youth**48900-48927 Suspension and expulsion**48950 Speech and other communication**48980 Parental notifications**49073-49079 Privacy of student records**52060-52077 Local control and accountability plan*CIVIL CODE*47 Privileged communication**48.8 Defamation liability*CODE OF CIVIL PROCEDURE*1985-1997 Subpoenas; means of production*GOVERNMENT CODE*11455.20 Contempt**54950-54963 Ralph M. Brown Act*HEALTH AND SAFETY CODE*11014.5 Drug paraphernalia**11053-11058 Standards and schedules*LABOR CODE*230.7 Discharge or discrimination against employee for taking time off to appear in school on behalf of a child*PENAL CODE*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*

**Suspension and Expulsion/Due Process (continued)**

*Legal Reference (continued)*

PENAL CODE

288 Lewd or lascivious acts with child under age 14

288a Oral copulation

289 Penetration of genital or anal openings

417.27 Laser pointers

422.55 Hate crime defined

422.6 Interference with exercise of civil rights

422.7 Aggravating factors for punishment

422.75 Enhanced penalties for hate crimes

626.2 Entry upon campus after written notice of suspension or dismissal without permission

626.9 Gun-Free School Zone Act of 1995

626.10 Dirks, daggers, knives, razors, or stun guns

868.5 Supporting person; attendance during testimony of witness

WELFARE AND INSTITUTIONS CODE

729.6 Counseling

UNITED STATES CODE, TITLE 18

921 Definitions, firearm

UNITED STATES CODE, TITLE 20

1415(K) Placement in alternative educational setting

7151 Gun-free schools

COURT DECISIONS

*T.H. v. San Diego Unified School District* (2004) 122 Cal. App. 4th 1267

*Woodbury v. Dempsey* (2003) 108 Cal. App. 4th 421

*Board of Education of Sacramento City Unified School District v. Sacramento County Board of Education and Kenneth H.* (2001) 85 Cal.App.4th 1321

*Garcia v. Los Angeles Board of Education* (1991) 123 Cal. App. 3d 807

*Fremont Union High School District v. Santa Clara County Board* (1991) 235 Cal. App. 3d 1182

*John A. v. San Bernardino School District* (1982) 33 Cal. 3d 301

ATTORNEY GENERAL OPINIONS

84 Ops.Cal.Atty.Gen. 146 (2001)

80 Ops.Cal.Atty.Gen. 91 (1997)

80 Ops.Cal.Atty.Gen. 85 (1997)

80 Ops.Cal.Atty.Gen. 85 (1997)

**Suspension and Expulsion/Due Process (continued)**

*Management Resources:*

CSBA PUBLICATIONS

*Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011*

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

*Dear Colleague Letter on the Nondiscriminatory Administration of School Discipline, January 2014*

WEB SITES

CSBA: <http://www.csba.org>

California Attorney General's Office: <http://www.oag.ca.gov>

California Department of Education: <http://www.cde.ca.gov>

U.S. Department of Education, Office for Civil Rights:  
<http://www.ed.gov/about/offices/list/ocr/docs/crdc-2012-data-summary.pdf>

U.S. Department of Education, Office of Safe and Drug-Free Schools:  
<http://www.ed.gov/about/offices/list/osdfs>

Policy  
adopted: December 17, 1998  
revised: March 17, 2005  
revised: August 24, 2006  
revised: June 20, 2013  
revised: June 25, 2015  
revised: March 1, 2018

CAMPBELL UNION SCHOOL DISTRICT  
Campbell, California