

2024-2025

STUDENT DISCIPLINE HANDBOOK

Jurupa Unified School District
4850 Pedley Road
Jurupa Valley, CA 92509



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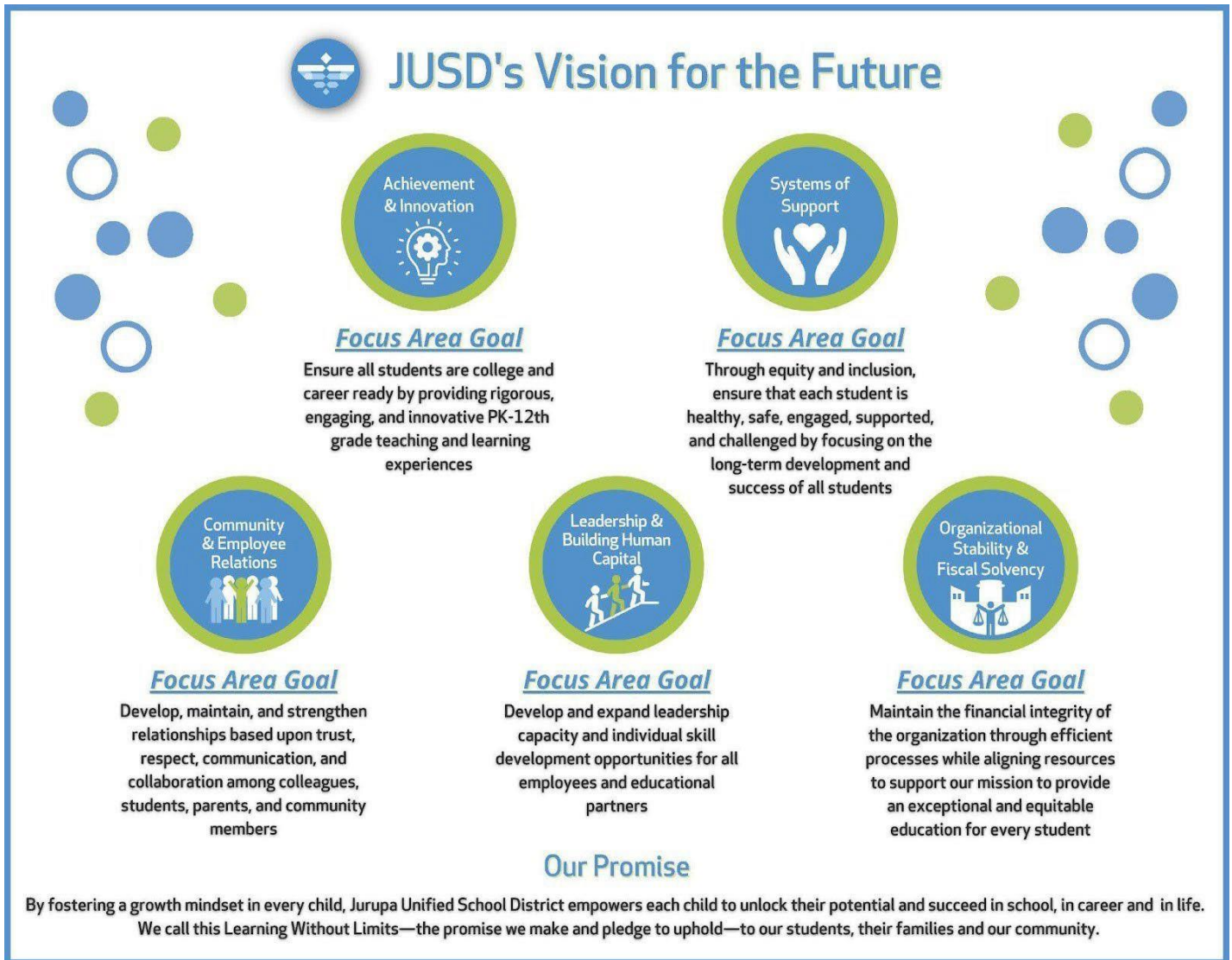
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LEARNING WITHOUT LIMITS

JUSD's VISION



JUSD's Vision for the Future includes five key Focus Area Goals that will help us provide the very best educational program for ALL students. These goals include: ensuring that all students are college and career ready; ensuring that all students are healthy, safe, engaged, supported, and challenged; developing, maintaining, and strengthening relationships; developing and expanding leadership capacity and individual skill development opportunities; and maintaining the fiscal integrity of the organization.

PURPOSE IN DEVELOPING THE STUDENT DISCIPLINE HANDBOOK

The purpose in developing the Student Discipline Handbook is to provide guidelines to school personnel which reflect the philosophy of the Jurupa Unified School District and the State of California on the expectations for student success and the rules established to ensure safe, learning environments with responsible, disciplined students.

This handbook is also designed to assist parents to better understand the policies and procedures which guide student discipline in our schools.

ABBREVIATIONS FOR RELEVANT CODES

EC	California Education Code	CCR	California Code of Regulations, Title 5
CC	California Civil Code	H&S	California Health and Safety Code
CFR	Code of Federal Regulations	LC	California Labor Code
GC	California Government Code	PC	California Penal Code
USC	United States Code	WIC	California Welfare and Institutions Code
BP	Board Policy	IEP	Individual Education Plan

Student Discipline Handbook 2024-2025

Jurupa Unified School District

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CHAPTER I: RESPONSIBILITIES IN THE AREA OF STUDENT DISCIPLINE

Board of Education

The Board of Education establishes district-wide policies and regulations relating to student conduct and discipline. The Board of Education, acting through the Superintendent, requires all employees to be responsible for complying with and implementing these policies and regulations. The Board of Education supports all personnel acting in the performance of their duties as required, within District policy.

Superintendent

The Superintendent establishes procedures to implement policies developed by the Board of Education, as it relates to student conduct.

Superintendent's Designee

The Superintendent may designate a certificated administrator to serve as a designee for the purpose of supervising discipline matters. The designee has the responsibility to oversee the function of the Administrative Hearing Panel together with the process for expulsion to ensure that all students receive due process under the law. The Superintendent's Designee has authority to place students on an extended suspension when a student has been recommended for expulsion. [EC 48911(g)]

Duties of Principal

The principal is responsible for the supervision and administration of their school. [Title 5, CCR, Section 5551] Principals have the authority to develop school rules, consistent with district policy, together with representatives of the teaching staff, parents, security personnel and students, as appropriate. [EC 35291.5]

Duties of Teachers

Every teacher in the public schools shall hold pupils to a strict account for their conduct on the way to and from school, on the playgrounds, or during recess. A teacher, vice principal, principal, or any other certificated employee of a school district, shall not be subject to criminal prosecution or criminal penalties for the exercise, during the performance of their duties, of the same degree of physical control over a pupil that a parent would be legally privileged to exercise but which, in no event, shall exceed the amount of physical control reasonably necessary to maintain order, protect property, or protect the health and safety of students, or to maintain proper and appropriate conditions conducive to learning. [EC 44807]

Teachers are required to enforce school and classroom rules as related to student conduct. Every teacher in the public schools shall enforce the course of study, the use of legally authorized textbooks, and the rules and regulations prescribed for schools. [EC 44805]

Duties of Classified Personnel

Classified personnel employed by the school district, including but not limited to, secretaries, clerks, instructional aides, activity supervisors and campus supervisors are responsible for control and discipline of students under their supervision. Classified personnel who observe students violating rules report this to teachers or administrators. Bus drivers are responsible for control when students are boarding, riding in, or unloading from school buses. Bus drivers report discipline violations to school principals. [Title 5, CCR, Section 14103]

Duties of Parents

The parents/guardians are responsible to see that their children are diligent in their studies and in attendance [EC 48291, 48293]. Parents are expected to participate in conferences regarding the behavior of their children as required by law. [EC 48900.1; LC 230.7, 230.8]. Parents/guardians are responsible for the willful misbehavior of their children and any damage to school property.
[CC 1714.1; EC 48904]

Parents/guardians upbraiding, insulting, or abusing school personnel; or who enter a school campus for unlawful business are subject to legal action against them.
[EC 44811; PC 626.8]

Duties of Students

Every student shall attend school punctually and regularly; conform to the regulations of the school; obey promptly all the directions of their teacher and others in authority; observe good order and propriety of deportment; be diligent in study; respectful of their teacher and others in authority; kind and courteous to school mates; and refrain from the use of profane and vulgar language.
[Title 5, CCR, Section 300, EC 48908]

A student who goes to school without proper attention having been given to personal cleanliness or neatness of dress, may be sent home to be properly prepared for school, or shall be required to prepare himself for the school room before entering.
[Title 5, CCR, Section 302]

A student may not leave the school premises at recess, or at any other time before the regular hour of closing school except in case of emergency, or with the approval of the principal of the school.
[Title 5, CCR, Section 303]

All students shall comply with the regulations, pursue the required course of study, and submit to the authority of the teachers of the schools.
[EC 48908]

SCHOOL SAFETY AND SECURITY PROCEDURES

As necessary to protect the health, safety, and welfare of students and staff, and in accordance with legal limitations, school officials may search students, their property and/or district property under their control, and may seize illegal, unsafe, and prohibited items. A search is legally warranted only when the school official has reasonable, individualized suspicion that the search will uncover evidence that the person being searched is in violation of the law or school rules, such searches may include limited personal searches, random searches, locker searches, motor vehicle searches and the use of metal detectors in conducting a search, in accordance with Board Policies and Regulations. The district also employs drug detection dogs on secondary campuses in a manner consistent with Board Policies, Regulations, and all applicable statutory and case law. The district contracts for the service of non-aggressive contraband detection canines that conduct searches on an unannounced basis under the auspices and direction of the district administration. Dogs are not used to directly sniff the person of an individual.

CHAPTER II: RULES AND REGULATIONS REGARDING DISCIPLINE

CALIFORNIA STATE BOARD OF EDUCATION REGULATIONS

The Board of Education prescribes student discipline consistent with California Education Code and other governing law. Each principal ensures that all rules pertaining to discipline are communicated to students at the beginning of each school year. Transfer students receive this information upon enrollment. A site discipline handbook is available at each school.

This handbook contains the discipline procedure and alternatives available as adopted by the Board of Education when students fail to follow school rules, complete school assignments; or obey requests from their teachers or other school personnel.

Well-planned methods of discipline are essential to implement techniques to help students modify their behavior.

Students need to know about these expectations. Students and their families are informed of the expectations through the annual mailing of the District Dress Code Policy and the annual notification of parent/student rights. Furthermore, all secondary students are provided with a student agenda which includes the district and school site rules and possible consequences.

DEFINITIONS AND ABBREVIATIONS

The following definitions, listed in alphabetical order, are used to communicate these expectations:

Assault: An unlawful attempt, together with a present ability, to commit a violent injury on the person of another.

Battery: Any willful and unlawful use of force or violence upon the person of another.

Bullying: Any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, and including one or more acts committed by a student or group of students as defined in EC 48900.2, 48900.3, or 48900.4, directed toward one or more students that has or can be reasonably predicted to have the effect of one or more of the following:

1. Placing a reasonable student/students in fear of harm to that student's or those students' person or property
2. Causing a reasonable student to experience a substantially detrimental effect on their physical or mental health.
3. Causing a reasonable student to experience substantial interference with their academic performance.
4. Causing a reasonable student to experience substantial interference with their ability to participate in or benefit from the services, activities, or privileges provided by a school.

For purposes of this definition of "bullying", "electronic act" is defined in Education Code 48900(r)(2), and "reasonable student" is defined in EC 48900(r)(c)(3).

Day: A calendar day, unless otherwise specifically stated.

Destructive Device (explosive): Any explosive, incendiary, or poison gas, i.e., bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one quarter ounce, bottle rocket, mine, or device similar to any of the devices described in the preceding clauses. [Section 921 of Title 18 of USC-Explosive]. The term “destructive device” shall not include any device which is neither designed nor redesigned for use as a weapon; any device, although originally designed for use as a weapon, which is redesigned for use as a signaling, pyrotechnic, line throwing, safety, or similar device; surplus ordinance sold, loaned, or given by the Secretary of the Army pursuant to the provisions of Section 4684(2), 4685, or 4686 of Title 10 of USC; or any other device which the Secretary of the Treasury finds is not likely to be used as a weapon, is an antique, or is a rifle which the owner intends to use solely for sporting, recreational or cultural purposes.

Due Process: The process required by law to ensure that students are allowed to explain their side of the incident and to call witnesses to corroborate their testimony.

Expulsion: Removal of a student from the immediate supervision and control, or the general supervision, of school personnel, as used in EC 46300.

Firearm:

1. Any device designed to be used as a weapon from which is expelled through a barrel a projectile by the force of any explosion or other form of combustion.
2. Any instrument which expels a metallic projectile, such as a BB or a pellet, through the force of air pressure, CO2 pressure, or spring action, or any spot marker gun. [PC 12001 (b), (g)]

Hazing: A method of initiation or pre-initiation into a student organization or body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective student. For purposes of this subdivision, "hazing" does not include athletic events or school-sanctioned events.

Hearsay Evidence: Evidence of a statement that was made and that is offered to prove the truth of the matter stated, other than by a witness, while testifying at a hearing.

Imitation Firearm/Gun: It is a criminal offense to openly display or expose any imitation firearm, as defined in PC 12550, in a public place. An imitation firearm means any BB device, toy gun, replica of a firearm, or other device that is so substantially similar in coloration and overall appearance to an existing firearm as to lead a reasonable person to perceive that the device is a firearm.

Knife:

- A dirk, dagger, or other weapon with a fixed, sharpened blade fitted primarily for stabbing.
- A weapon with a blade fitted primarily for stabbing.
- A weapon with a blade longer than 3 1/2 inches.
- A folding knife with a blade that locks into place.
- A razor with an unguarded blade.

[EC 48915 (g)]

Possession: The student knowingly and voluntarily had direct control over the prohibited item (such as

a firearm, dangerous object, controlled substance, etc.), regardless of the length of time involved. However, “possession” does not include a situation where the possession is brief and solely for the purpose of providing the item to school officials or law enforcement. “Possession” may be found when the prohibited item is either on the student’s person, or in the student’s backpack, locker, car, or other location under the direct control of the student.

Principal: The identified Administrator of a student's school of attendance.

Principal's Designee: Any administrator at a school site, specifically designated in writing, to assist with disciplinary procedures.

A principal may specifically designate, in writing, a certificated person and an additional person to act when the principal and the primary designee are absent. Any person so designated shall be on file in the principal's office and in the office of the Superintendent.

Relevant Evidence: Evidence having tendency in reason, to prove or disprove a disputed fact that is of consequence to the determination of the action (*That which is not relevant is irrelevant.*)

School Day: A day upon which the schools of the district are in session and weekdays during the summer session.

School Activity or School Sponsored Activity: A curricular or involuntary student activity, on or off campus, in which the involvement of the school is substantial, exceeds mere endorsement, and extends to organization and control of the activity in question; any activity organized and conducted by regular school personnel within the scope of their employment.

Self Defense: Minimum amount of physical force necessary to protect one’s person accompanied by active efforts to appropriately physically remove oneself from that setting in which physical force was initiated.

Key words infer the following:

“**Minimum**” – little physical contact (one move vs. repeated) however, could mean no physical contact, i.e., not showing up in the first place.

“**Protect**” – defensive moves vs. offensive (shove vs. punch).

“**Remove Oneself**” – actively seeking to escape (physically or calling for help or adult intervention), assumption is that the student did not provoke the situation.

Selling: Selling of a controlled substance means the act of exchanging a controlled substance for money or some other value, benefit, favor, or service.

“Selling” may include a situation where the exchange is accomplished through an intermediary person or location and does not necessarily require physical possession of the controlled substances by the seller.

Sexual Harassment: Unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature, made by someone from or in the work or educational setting,

under any of the following conditions:

- a. Submission to the conduct is explicitly or implicitly made a term or a condition of an individual's employment, academic status, or progress.
- b. Submission to, or rejection of, the conduct by the individual is used as the basis of employment or academic decisions affecting the individual.
- c. The conduct has the purpose or effect of having a negative impact upon the individual's work or academic performance, or of creating an intimidating, hostile, or offensive work or educational environment.
- d. Submission to, or rejection of, the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs, or activities available at or through the educational institution. [EC 212.5(a)]

Student/Pupil: Child up to the age of 18, enrolled in the public school system. Includes the parent or guardian or legal counsel of the student/pupil.

Substantial Evidence: That evidence must be "reasonable in nature, credible, and of solid value" to be substantial. *Examining the entire record on appeal as opposed to examining isolated bits of evidence, and each essential element, is supported by that degree of evidence, which is more than "some evidence."*

Superintendent: The identified Chief Pupil Personnel Officer of the school district.

Suspension: The removal of a student from ongoing instruction for adjustment purposes.

[EC 48925(d)]

Suspension does NOT mean:

- Reassignment to another education program or class at the same school where the student will receive continuing instruction for the length of the prescribed day, by the Board of Education, for students at the same grade level.
- Referral to a certificated employee, designated by the principal, to advise students.
- Removal from class but without reassignment to another class or program, for the remainder of the class period without sending the student to the principal or the principal's designee as provided in EC 48910.

Removal from a particular class shall not occur more than once every five school days.

[EC 48925 (d)(3)]

SUSPENSION OVERVIEW

1. Suspension shall be **imposed only when other means of correction have failed** to correct the student's specific misbehavior.

However, a student may be suspended for a first offense if the principal determines that the student violated Education Code 48900 (a), (b), (c), (d), or (e), OR that the student's presence causes a danger to persons. [EC 48900.5]

2. **Students shall not be suspended for being truant, tardy, or otherwise absent from school activities.** It is the intent of the legislature that alternatives to suspension or expulsion be imposed against a student who is truant. [EC 48900 (w)]
3. It is the intent of the Legislature that the Multi-Tiered System of Supports, which includes restorative justice practices, trauma-informed practices, social and emotional learning, and schoolwide positive behavior interventions and support, be used to help pupils gain critical social and emotional skills, receive support to help transform trauma-related responses, understand the impact of their actions, and develop meaningful methods for repairing harm to the school community. [EC 48900 (w)(2)]
4. Students may be suspended for no more than five consecutive school days. [EC 48911 (a)]
5. A student may not be suspended from school for more than 20 school days in any school year. [EC 48903 (a)]
 - a. If a student is enrolled in or transferred to another school and/or district, the student has up to 10 more days of suspension.
 - b. The days of suspension from another school district may or may not be counted.
 - c. Exception to the limitation to days of suspension occurs when the suspension is extended pending an expulsion order. (see page 37)
6. A special needs student must receive services after the tenth day of suspension. [34 CFR 300.530 (b)]
7. Under IDEA, Individuals with Disabilities Education Act, in-school suspensions are not counted as days of suspension if:
 - a. The student is afforded the opportunity to appropriately progress in the general curriculum,
 - b. The student continues to receive the services specified in the IEP, **and**
 - c. The student continues to participate with nondisabled students to the extent they would in their current placement.

SUSPENDABLE OFFENSES UNDER CALIFORNIA EDUCATION CODE 48900

- (a)(1) Caused, attempted to cause, or threatened to cause physical injury to another person.
- (a)(2) Willfully used force or violence upon the person of another, except in self-defense.
- (b) Possessed, sold, or otherwise furnished any firearm, knife, explosive, or other dangerous object, unless, in the case of possession of any object of this type, the student had obtained written permission to possess the item from a certificated school employee, which is concurred in by the principal or the designee of the principal.
- (c) Unlawfully possessed, used, sold, or otherwise furnished, or been under the influence, of any controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind.

- (d) Unlawfully offered, arranged, or negotiated to sell any controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code an alcoholic beverage, or an intoxicant of any kind, and either sold, delivered, or otherwise furnished to a person another liquid, substance, or material and represented the liquid substances or material as a controlled substance, alcoholic beverage, intoxicant.
- (e) Committed or attempted to commit robbery or extortion.

Suspension shall be imposed only when other means of correction have failed to correct the student's specific misbehavior. However, **a pupil may be suspended for a first offense if the principal determines that the student violated Education Code 48900 (a), (b), (c), (d), or (e), OR** that the pupil's presence causes a danger to persons. [EC 48900.5]

- (f) Caused or attempted to cause damage to school property or private property.
- (g) Stole or attempted to steal school property or private property.
- (h) Possessed or used tobacco, or products containing tobacco or nicotine products, including, but not limited to cigarettes, cigars, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel. However, this section does not prohibit use or possession by a student of their own prescription products.
- (i) Committed an obscene act or engaged in habitual profanity or vulgarity.
- (j) Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell drug paraphernalia, as defined in Section 11014.5 of the Health and Safety Code.
- (k) Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, school officials, or other school personnel engaged in the performance of their duties.
 1. Except as provided in Section 48910, a student enrolled in kindergarten or any of grades 1 to 3, inclusive, shall not be suspended for any of the acts enumerated in paragraph (1), and those acts shall not constitute grounds for a student enrolled in kindergarten or any of grades 1 to 12, inclusive, to be recommended for expulsion. This paragraph is inoperative on July 1, 2020.
 2. Except as provided in Section 48910, commencing July 1, 2020, a student enrolled in kindergarten or any of grades 1 to 5, inclusive, shall not be suspended for any of the acts specified in paragraph (1), and those acts shall not constitute grounds for a student enrolled in kindergarten or any of grades 1 to 12, inclusive, to be recommended for expulsion.
 3. Except as provided in Section 48910, commencing July 1, 2020, a student enrolled in any of grades 6 to 8, inclusive, shall not be suspended for any of the acts specified in paragraph (1).

This paragraph is inoperative on July 1, 2029.

4. Except as provided in Section 48910, commencing July 1, 2024, a pupil enrolled in any of grades 9 to 12, inclusive, shall not be suspended for any of the acts specified in paragraph (1). This paragraph is inoperative on July 1, 2029.
5. (A) A certificated or classified employee may refer a pupil to school administrators for appropriate and timely in-school interventions or supports from the list of other means of correction specified in subdivision (b) of Section 48900.5 for any of the acts enumerated in paragraph (1).

(B) A school administrator shall, within five business days, document the actions taken pursuant to subparagraph (A) and place that documentation in the pupil's record to be available for access, to the extent permissible under state and federal law, pursuant to Section 49069.7. The school administrator shall, by the end of the fifth business day, also inform the referring certificated or classified employee, verbally or in writing, what actions were taken and, if none, the rationale used for not providing any appropriate or timely in-school interventions or supports.

- (l) Knowingly received stolen school property or private property.
- (m) Possessed an imitation firearm. As used in this section, "imitation firearm" means a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm.
- (n) Committed or attempted to commit a sexual assault as defined in Sections 261, 266c, 286, 287, 288, or 289 of, or former Section 288a of, the Penal Code or committed a sexual battery as defined in Section 243.4 of the Penal Code.
- (o) Harassed, threatened, or intimidated a pupil who is a complaining witness or witness in a school disciplinary proceeding for the purpose of either preventing that student from being a witness or retaliating against that pupil for being a witness, or both.
- (p) Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.
- (q) Engaged in, or attempted to engage in, hazing as defined above.
- (r) Engaged in an act of bullying. For purposes of this subdivision, the following terms have the following meanings:
 1. "Bullying" means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, and including one or more acts committed by a pupil or group of pupils as defined in Section 48900.2, 48900.3, or 48900.4, directed toward one or more pupils that has or can be reasonably predicted to have the effect of one or more of the following:
 - A. Placing a reasonable pupil/pupils in fear of harm to that pupil's or those pupil's person or property.
 - B. Causing a reasonable pupil to experience a substantially detrimental effect on the pupil's physical or mental health.
 - C. Causing a reasonable pupil to experience substantial interference with the pupil's academic performance.
 - D. Causing a reasonable student to experience substantial interference with the pupil's ability to participate in or benefit from the services, activities, or privileges provided by a school.
 2. (A) "Electronic act" means the creation or transmission originated on or off the school site, by

means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager, of a communication, including, but not limited to, any of the following:

- I. A message, text, sound, video, or image.
- II. A post on a social network Internet website, including, but not limited to:
- III. Posting to or creating a burn page. "Burn page" means an Internet website created for the purpose of having one or more of the effects listed in paragraph (1).
- IV. Creating a credible impersonation of another actual student for the purpose of having one or more of the effects listed in paragraph (1). "Credible impersonation" means to knowingly and without consent impersonate a pupil for the purpose of bullying the pupil and such that another pupil would reasonably believe, or has reasonably believed, that the pupil was or is the pupil who was impersonated.
- V. Creating a false profile for the purpose of having one or more of the effects listed in paragraph 1. "False profile" means a profile of a fictitious pupil or a profile using the likeness or attributes of an actual pupil other than the student who created the false profile.
 - (i) An act of cyber sexual bullying.
- VI. For purposes of this clause, "cyber sexual bullying" means the dissemination of, or the solicitation or incitement to disseminate, a photograph or other visual recording by a pupil to another pupil or to school personnel by means of an electronic act that has or can be reasonably predicted to have one or more of the effects described in subparagraphs (A) to (D), inclusive, of paragraph (1). A photograph or other visual recording, as described in this subclause, shall include the depiction of a nude, semi-nude, or sexually explicit photograph or other visual recording of a minor where the minor is identifiable from the photograph, visual recording, or other electronic act.
- VII. For purposes of this clause, "cyber sexual bullying" does not include a depiction, portrayal, or image that has any serious literary, artistic, educational, political, or scientific value or that involves athletic events or school-sanctioned activities.

(B) Notwithstanding paragraph (1) and subparagraph (A), an electronic act shall not constitute pervasive conduct solely on the basis that it has been transmitted on the internet or is currently posted on the internet.

3. "Reasonable pupil" means a pupil, including, but not limited to, a student with exceptional needs, who exercises average care, skill, and judgment in conduct for a person of that age, or for a person of that age with the student's exceptional needs.

(t) A pupil who aids or abets, as defined in Section 31 of the Penal Code, the infliction or attempted infliction of physical injury to another person may be subject to suspension, but not expulsion, pursuant to this section, except that a pupil who has been adjudged by a juvenile court to have committed, as an aider and abettor, a crime of physical violence in which the victim suffered great bodily injury shall be subject to discipline pursuant to subdivision (a).

Education Code 48900.2 Sexual Harassment

A student may be suspended from school or recommended for expulsion if it is determined that the pupil has committed sexual harassment as defined in Section 212.5. The conduct described in Section 212.5

must be considered by a reasonable student of the same gender as the victim to be 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. This section shall not apply to students enrolled in kindergarten through grade 3, inclusive.

Education Code 48900.3 Hate Violence

A student in any of grades 4 through 12 may be suspended from school or recommended for expulsion if it is determined that the student has caused, attempted to cause, threatened to cause, or participated in an act of hate violence as defined in subdivision (e) of Section 233.

Education Code 48900.4 Harassment, Threats, Intimidation

(Student Threats) A student enrolled in grades 4 through 12, inclusive, may be suspended from school or recommended for expulsion if it is determined that the student has intentionally engaged in harassment, threats, or intimidation, directed against school district personnel or students, that is sufficiently severe or pervasive to have the actual and reasonably expected effect of materially disrupting class work, creating substantial disorder, and invading the rights of that student or group of students by creating an intimidating or hostile educational environment.

Education Code 48900.7 Terroristic threats

- A pupil may be suspended or expelled from school if it is determined that the pupil has made terroristic threats against school officials or school property, or both.
- "Terroristic threat" shall include any statement, whether written or oral, by a person who willfully threatens to commit a crime which will result in death, great bodily injury to another person, or property damage in excess of one thousand dollars (\$1,000), with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out, which, on its face and under the circumstances in which it is made, is so unequivocal, unconditional, immediate, and specific as to convey to the person threatened, a gravity of purpose and an immediate prospect of execution of the threat, and thereby causes that person reasonably to be in sustained fear for their own safety or for their immediate family's safety, or for the protection of school district property, or the personal property of the person threatened or their immediate family.

EDUCATION CODE 48915 – RECOMMENDING EXPULSION

Mandatory Expulsion Recommendations

The principal or superintendent of school **shall immediately suspend**, pursuant to Sec. 48911, **and shall recommend expulsion** of a student that they determine has committed any of the following acts at school or at a school activity off school grounds:

1. Possessing, selling, or otherwise furnishing a firearm. This subdivision does not apply to an act of possessing a firearm if the student had obtained prior written permission to possess the firearm from a certificated school employee, which is concurred in by the principal or the designee of the principal. This subdivision applies to an act of possessing a firearm only if the possession is verified by an employee of a school district. The act of possessing an imitation firearm, as defined in subdivision (m) of Section 48900, is not an offense for which suspension or expulsion is mandatory pursuant to this subdivision and subdivision (d), but it is an offense for which suspension, or expulsion pursuant to subdivision (e), may be imposed.

2. Brandishing a knife at another person.
3. Unlawfully selling a controlled substance listed in Chapter 2 (commencing with Section 11053) of the Health and Safety Code.
4. Committing or attempting to commit a sexual assault as defined in subdivision (n) of Sec. 48900 or committing a sexual battery as defined in subdivision (n) of Sec. 48900.
5. Possession of an explosive.

Quasi-mandatory Expulsion Recommendations

The principal or the superintendent of schools shall recommend the expulsion of a student for any of the following acts committed at school or at a school activity off school grounds, **unless** the principal or superintendent determines that expulsion should not be recommended under the circumstances or that an alternate means of correction would address the conduct:

1. Causing serious physical injury to another person, except in self-defense.
2. Possession of any knife, explosive, or other dangerous object of no reasonable use to the student.
3. Unlawful possession of any controlled substance listed in Chapter 2 of Division 10 of the Health and Safety Code, except for the first offense for the possession of not more than one avoirdupois ounce of marijuana, other than concentrated cannabis, or the possession of over-the-counter medication for use by the student for medical purposes or medication prescribed for the student by a physician.
4. Robbery or extortion.
5. Assault or battery, as defined in Section 240 and 242 of the Penal Code, upon any employee.

Permissive Recommendations

The principal or superintendent may recommend expulsion for any other offense enumerated in Education Code 48900 et seq. **All except mandatory expulsion recommendations must be supported by evidence that:**

1. Other means of correction are not feasible or have repeatedly failed to bring about proper conduct, and/or
2. Due to the nature of the act, the presence of the pupil causes a continuing danger to the physical safety of the student or others.

Education Code 48902 Notification/Report to Law Enforcement

Law enforcement must be promptly notified for offenses involving controlled substances, weapons, assaults with a deadly weapon or with force likely to cause great bodily harm, or any of the mandatory expulsion offenses. (See Chapter IX of this Handbook).

Education Code 44014 (a) and 44030 Report of Assault on Employee

When any employee of the district is attacked, assaulted, or menaced by a student, a report must be made to law enforcement authorities.

Penal Code 417.27 Laser Pointers

Prohibits possession of laser pointers by any student on any elementary or secondary school campus unless possession is for valid instruction. Prohibits directing the beam of a laser pointer into the eyes of another or into a moving vehicle or into the eyes of a guide dog.

CHAPTER III: STUDENT DISCIPLINE

OTHER MEANS OF CORRECTIVE ACTION (EDUCATION CODE 48900.5)

Suspension, including supervised suspension (i.e. on campus suspension), shall be imposed only when other means of correction fail to bring about proper conduct. A school district may document the other means of correction used and place documentation in the student's record which may be accessed pursuant to Section 49069. However, a student including a special needs student may be suspended upon a first offense for violations of Education Code 48900 (a) through (e), (see page 10 – Suspendable Offenses Under California Education Code 48900) or if the principal or superintendent of schools determines that the student's presence causes a danger to other persons. [EC 48900.5]

Other means of correction include, but are not limited to, the following:

- A conference between school personnel, the pupil's parent or guardian, and the pupil.
- Referrals to the school counselor, psychologist, social worker, child welfare attendance personnel, or other school support service personnel for case management and counseling.
- Study teams, guidance teams, resource panel teams, or other intervention-related teams that assess the behavior and develop and implement individualized plans to address the behavior in partnership with the pupil and his or her parents.
- Referral for a comprehensive psychosocial or psych educational assessment, including for purpose of creating an individualized education program, or a plan adopted pursuant to Section 504.
- Enrollment in a program for teaching pro-social behavior or anger management.
- Participation in a restorative justice program.
- A positive behavior support approach with tiered interventions that occur during the school day on campus.
- After school programs that address specific behavioral issues or expose pupils to positive behaviors and activities.
- Community service on school grounds or off school grounds with written permission from the parent. [EC 48900.6]

PRELIMINARY MEASURES EMPLOYED WHEN DISCIPLINING STUDENTS

The Jurupa Unified School District has implemented Positive Behavior Intervention Supports (PBIS) at each school site in order to offer several options to help students modify their behavior. Following is a list of alternatives available to school personnel when dealing with students who have violated school rules or regulations. For most offenses, other means of correction must be utilized prior to suspension (see above). Suspension may be imposed on a first offense only for Education Code 48900, subdivisions (a) through (e), or when the student poses a danger to persons. Expulsions, except mandatory expulsions, also require that alternative means of correction be attempted, or that the student poses a danger. Therefore, it is important for school personnel to implement and document the other means of correction and intervention.

Counseling

Students can be successful when counseling is incorporated as an initial step to modify behavior. Strategies may be through:

- Parent conference with any of the school personnel listed below.
- Teacher and student interaction.
- Guidance Coordinator/Counselor sessions (Student Assistance Counselor or Youth Service Center)
- Assistant principal conference
- Principal conference
- Student Study Team conference, which includes the student and the parent/guardian.
- Home visit by school personnel, to conference with the student and the parent/guardian.

School Services

Various programs are available at each school designed to improve student conduct. Programs include the following:

- Assertive Discipline Plan used by classroom teachers to ensure appropriate student conduct in the classroom.
- A change in a student's program to provide a new or fresh start.
- A part-time program which may allow a student to experience a more positive school day.
- Referral to a consultant, psychologist, or another health care specialist to assist the student and the parents/guardians in a modification of the student's conduct.
- Detention programs designed to help students focus upon alternative methods for more appropriate behavior.
- Written student contracts that include specific measures which the student is to follow, in order to avoid other agreed-upon sanctions.
- Referral to the School Attendance Review Board (SARB) to enlist parent/guardian cooperation to modify a student's behavior.

Removing a Student from Class

Removing a student from class or school will only be imposed when other means of correction have failed to help the student modify their behavior. The following options are available to school personnel:

- Alternative instructional programs that may include removal from a class or referral to an on-campus detention program or on campus suspension program.
- Study detention program.
- Saturday School program.
- Referral to alternative school programs operated by the school District or agencies other than the district such as Arlington Regional Learning Center, operated by the Riverside County Office of Education.

Referral to Community Agencies

Various community resources may be used in an effort to help a student display more appropriate behavior. Many of these resources will be assessed through the Student Assistance Program although schools may provide referrals directly to these agencies. Some of the resources that the Student Assistance advisor or school may recommend, include the following:

- Referral to a university counseling intern for individual or group life-skills coaching.
- Referral to private guidance clinics such as Youth Service Center, Family Services, County Mental Health, or other health care providers for counseling.
- Referral to a student's family physician for physical examination to determine the possible presence of a medical condition that might account for the student's misconduct.
- In extreme cases, a referral can be made to Law Enforcement personnel, who may:

- a. Place a student into Juvenile Hall;
- b. Detain a student in police custody;
- c. Release the student to Child Protective Services (CPS) for placement in a foster home.

Intra-district Attendance Agreement

An intra-district attendance agreement may be provided which allows a student to transfer to another school within the Jurupa Unified School District.

Inter-district Attendance Agreement

Inter-district attendance agreements are permitted that allow a student to attend school in another district.

Corporal Punishment

No person employed by or engaged in the Jurupa Unified School District shall inflict, or cause to be inflicted, corporal punishment upon a student.

For the purposes of this section, "corporal punishment" means the willful infliction of, or willfully causing the infliction of, physical pain on a student. An amount of force that is reasonable and necessary for a person employed or engaged in a public school to quell a disturbance threatening physical injury to persons or damage to property, for purposes of self-defense, or to obtain possession of weapons or other dangerous objects within the control of the student, is not and shall not be construed to be corporal punishment or child abuse within the meaning and intent of EC 49001. [EC 44807; PC 273, 11165.4]

Physical pain or discomfort caused by athletic competition or other such recreational activity, voluntarily engaged in by the student, is not and shall not be construed to be corporal punishment within the meaning and intent of this section. [EC 49001]

CHAPTER IV: DISCIPLINE METHODS EMPLOYED WHEN PRELIMINARY MEASURES HAVE FAILED

DISCIPLINARY METHODS AVAILABLE TO SCHOOL PERSONNEL

When the alternative methods described in the prior section fail to encourage a student to modify their behavior, then more intense measures may be necessary. The following measures are available to school personnel as appropriate.

Student Detention

Detention of students is an appropriate measure for school personnel to consider when attempting to modify behavior. Each school principal is responsible for establishing a school level detention plan.

Saturday School

Saturday School Detention may be assigned, in lieu of suspension, when it has been determined that the student has committed an offense for which suspension is warranted. [BP 6400]

Students may be required to attend Saturday School if the student has an unexcused absence or if the student is determined to be truant. This program is available to students in grades 1 through 12. [EC 37223]

Suspension

Suspension from a class by a teacher, or suspension from school by the principal or designee is an alternative when other means of correction have failed to bring about a change in student behavior.

Suspension of a student from class may be used for the purpose of maintaining proper behavior standards and for safeguarding the welfare of other students.

Suspension may also be used as a means of:

- Pointing out to a student the seriousness of misconduct.
- To inform the parent/guardian of the misconduct.
- To secure cooperation from the parent/guardian and the student in dealing with misconduct.

Suspension by a Teacher

A student may be suspended from class, by a teacher, for the day of the suspension and the following day. The teacher shall immediately report the suspension to the principal or designee and send the student to the principal or designee for appropriate action. **As soon as possible the teacher shall ask the parent/guardian of the student to attend a parent-teacher conference regarding the suspension.** If practicable, a school counselor or psychologist shall attend the conference. A school administrator shall attend the conference if the teacher or the parent so requests. The student shall not be returned to the class from which they were suspended, during the period of the suspension, without the concurrence of the teacher of the class and the principal/designee. Such suspension shall not occur more than once every five days. [EC 48910]

A student suspended from a class shall not be placed in another regular class during the period of suspension.

Suspension by the Principal or Designee

A principal may suspend a student for up to five school days. The principal will determine the length of each suspension within the legal restrictions, as specified in the Education Code, by taking into consideration: [EC 48900.5, 48911]

- nature of the misconduct;
- student's previous discipline record;
- student's attitude about the misconduct.

Students May be Suspended on the First Offense

- If a student's presence causes a danger to persons.
- If a student commits any of the acts described in EC 48900 (a) through (e)

Jurisdiction to Suspend

A student shall not be suspended or expelled unless that act is related to school activity or school attendance. A student may be suspended or expelled for acts that occur at any time, including, but not limited to, any of the following:

- While on school grounds.
- While going to or coming from school.
- During the lunch period whether on or off the campus.
- During, or while going to or coming from, a school sponsored activity. [EC 48900 (s)]

When a Student has been Suspended from School

- The parent/guardian shall be informed of the suspension appeal process. (Refer to page 26)
- The student shall be directed to remain away from all school campuses in the district during the entire period of suspension.
- The student shall not be permitted to participate in any school-sponsored activity.
- The student who is assigned to Independent Study, pending the discipline hearing may be on the campus where the Independent Studies Program is held during scheduled times.
- The student may be allowed to complete all assignments and tests missed during the suspension that can be reasonably provided. The student or the parent/guardian is responsible for initiating a request to have schoolwork provided while a student is on suspension.
- The teachers are responsible for providing assignments for students who are on suspension and for determining deadline dates for suspended students to submit school assignments. Teachers shall evaluate all submitted schoolwork and assign grades/credits as appropriate.
- The principal of each school shall designate a person who is responsible for collecting a student's assignments from the teachers and for making them available at the school office for pick up.
- The parent/guardian is responsible for arranging to have assignments picked up at school and for returning completed school work to the school. Students are not allowed on school campuses so parents/guardians should make arrangements for other family members to pick up and return schoolwork to the school office.
- Upon completion of all work, the student will receive credit as required.

CHAPTER V: PROCEDURES FOR APPLYING DISCIPLINARY MEASURES

PLACING A STUDENT ON DETENTION

The principal shall ensure that the procedures that have been established at the school site are followed when a student is assigned detention.

If a teacher determines that a student should be restricted from recess, the teacher should use discretion to avoid a situation that could be harmful to a student's health. [EC 44807.5, Title 5, CCR, Section 353]

A student may not be detained in school for disciplinary reasons for more than one hour after the close of the maximum school day. [Title 5, CCR, Section 353]

When a detention has been assigned:

- A student's parent or guardian must be contacted if a student is assigned an after-school detention. A student may only be kept in an after school detention program when documentation has been made that the parent/guardian has received notification of the detention.
- If the student commits a conduct violation that warrants the assignment of a detention on the same day, the parent/guardian must be contacted.
- The parent/guardian is responsible for the student's transportation home.

Saturday School/Detention

Students may be assigned to the Saturday School/Detention program for three reasons:

- In lieu of suspension;
- Truancy; and/or
- Unexcused absences.

[BP 6176]

1. In Lieu of Suspension:

- a. Students who have committed a suspendable offense may be assigned to Saturday School/Detention, in lieu of suspension.
- b. Students are assigned with the voluntary consent of the parents. Parents may opt for suspension instead of Saturday Detention.

2. Truancy:

- a. Students who are truant from school may be required to attend a session of Saturday Detention. [EC 37223]
- b. Truancy is defined as, "more than three unexcused absences." [EC 48260]
- c. The district may collect apportionment for any truancy for which a student attends a session of Saturday detention.
- d. Students assigned for truancy must attend for 240 minutes and must complete instructional assignments while in attendance.

3. Unexcused Absences:

- a. Students who have unexcused absences are encouraged to attend a session of the Saturday School to make up absences and to keep from being declared a truant. Participation is voluntary.
- b. Apportionment may be collected for any unexcused absence for which a student attends a Saturday session.

Assignment of Students to Saturday School

- Students are assigned to Saturday School/Detention by the principal/designee. A "Notice to Parents" is completed and sent to the parent.
- A list of students to be expected at the Saturday program shall be faxed to the Office of Educational Equity on the Thursday prior to the date of assignment. This allows personnel to employ the required number of teachers for the number of students expected.
- Students assigned are expected to bring instructional assignments to complete during the session.
- On Monday morning, the teacher in charge will fax the report of attendance to the Office of Educational Equity and to the school site. Principals should follow through on any student whose performance they deem to have been unsatisfactory.

Program rules:

- Students must check in at 8:00 a.m., tardy students do not receive credit and will be sent home.
- Students leaving campus will not receive credit.
- Students may not have visitors.
- Students with undesirable conduct will be asked to leave and will not receive credit for time spent in the program.
- Parents are required to pick up their children promptly at 12:00 noon.

PROCEDURES TO FOLLOW IN THE SUSPENSION OF STUDENTS

When a Teacher Suspends a Student (EC 48910)

- The teacher shall notify the student that they are suspended and inform the student of the reason(s) and the education code violation.
- The teacher must immediately report the suspension to the school principal/designee.
- The teacher must send the student to the principal or the designee for appropriate action.
- If the student is required to remain on the school site, the student must be supervised.
- **The teacher shall ask the parent/guardian of the student to attend a parent-teacher conference regarding the suspension as soon thereafter as possible.** Q Communications or any other automated calling system should not be utilized to make contact with a parent regarding the suspension. Documentation of the time, number called, and person spoken to must be documented and provided.
- A conference shall be held unless the parent/guardian refuses to attend. At the conference there may also be:
 - a. A school counselor or school psychologist, if possible.
 - b. A school administrator/principal if either party requests this.
- A student suspended by the teacher shall not be placed in another regular class during the period of suspension. This provision applies to regular classes scheduled at the same time as the class from which the student was suspended where the student is assigned to more than one class per day. [EC48910 (b)]
- The teacher may refer a student to the principal/designee for consideration of a suspension from the school for the same conduct.

When the School Principal or Designee Suspends a Student

When misconduct occurs, an investigation of the student's behavior must be conducted. The investigation of the student's behavior should include an interview of potential witnesses who have viewed the alleged misconduct, an interview of the student who is alleged to have committed the misconduct, and preparation of witness statements.

- The principal may suspend a student from school for any reason enumerated in Education Code 48900, 48900.2, 48900.3, 48900.4, 48900.7, 48915.
- The suspension may be for no more than five (5) consecutive school days. [EC 48911(a)]
- A student shall not be suspended for more than twenty (20) days in a school year unless the student is transferred to another school for adjustment reasons, in such a case, the student may be suspended for up to 30 days in a school year. [EC 48903]
- Suspension for violation of Education Code 48900, et seq. (except subdivisions (a) through (e)) may only be imposed when other means of correction fail to bring about proper conduct, or if the student poses a danger to persons. [EC 48900.5] Suspension must be immediately imposed for mandatory expulsion offenses.

CHAPTER VI: DUE PROCESS

SUSPENSION OF ANY STUDENT SHALL BE PRECEDED BY AN INFORMAL CONFERENCE

1. If the principal determines it may be necessary to suspend a student, an informal conference must be conducted by the principal or designee between the student and, whenever practical, the teacher, supervisor, or school employee who referred the student to the principal.

The student shall be informed of the reason for the disciplinary action, including other means of correction that were attempted prior to suspension as required by EC 48900.5, and the evidence against the student, and shall be given the opportunity to present their version and evidence in their defense. [EC 48911 (b)]

2. In an emergency situation, the principal may suspend a student without an informal conference.

An "emergency situation" is a situation determined to constitute a clear and present danger to the lives, safety, or health of students or school personnel.

3. In an emergency situation, both the parent and the student must be notified of the student's right to a conference and the student's right to return to school for the purpose of a conference.

The conference must be held within two (2) school days, unless the student has waived the right or is physically unable to attend for any reason, including incarceration or hospitalization, at which point the conference will be held as soon as practical upon the student's return.

4. School personnel:

- a. Must make a reasonable effort to contact the student's parent/guardian, either in person or by telephone at the time of the suspension.
- b. If a student is suspended without a conference before suspension, the student, the student's parent/guardian, or if the student is a foster youth, the foster youth's educational rights holder, attorney, and county social worker, or if the student is an Indian child, the Indian child's tribal social worker and, if applicable, county social worker shall be notified of the student's right to a conference and the right to return to school for the purpose of the conference. The conference shall be held within two school days, unless the student 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.
- c. Shall provide the student a copy of the district's "Preliminary Notice of Suspension" or shall notify the parent/guardian through written notification of the student's suspension either by mail to the home or delivered by school personnel to the student's home using the Jurupa Unified School District's, "Notice of Suspension" form.
- d. Shall inform the parent/guardian of their right to appeal a suspension and of the process for appealing a suspension.

5. Any request by school personnel for the parent/guardian of a student to attend a conference regarding the student's behavior shall be responded to without delay.

- a. No penalties may be imposed on the student for the parent/guardian's failure to attend the conference.
 - b. Reinstatement of the student may not be made contingent upon the parent/guardian attendance at the conference.
6. Readmission of a student following a suspension shall be made by the principal/designee who assigned the suspension or as directed on the suspension notice. The student shall meet with the principal, if so directed, prior to reinstatement.

CHAPTER VII: SUSPENSION APPEAL PROCEDURE

THE PUPIL'S PARENT/GUARDIAN SHALL HAVE THE RIGHT TO APPEAL A SUSPENSION

Note: *During the appeal of suspension to the principal, the student shall remain suspended for the length of the appealed suspension.*

When a parent/guardian wishes to appeal the suspension (without recommendation for expulsion), the following procedure shall be followed:

1. The student's parent/guardian shall have the right to submit a written statement that shall be attached to the suspension notice.
2. The parent/guardian shall submit a written statement outlining the reasons for requesting an appeal ***within five (5) school days of the date the student was suspended*** to the principal/designee.
3. Upon receipt of a written appeal of a suspension, the principal/designee shall have five (5) school days to consider the appeal. After considering the appeal, the principal/designee will notify the parent or guardian of the decision.
4. If the principal/designee agrees to alter the suspension after considering the parent or guardian's appeal, and the parent/guardian agrees with the change, the appeal process shall end.
5. If the principal/designee does not agree to change the suspension, or If the parent/guardian does not agree with the change offered by the principal, the parent/guardian may then appeal the suspension to the Superintendent's Designee.
6. The Superintendent's Designee shall hear appeals only after the appeal has been heard by the principal/designee.
7. The parent/guardian shall submit the written reason for appealing the suspension to the Superintendent's Designee within five (5) school days after being notified by the principal.
8. The Superintendent's Designee will contact the parent/guardian as soon as possible but ***within five (5) school days*** of receipt of the written request.
9. The Superintendent's Designee shall confer with the principal to determine if there is sufficient evidence to find that the alleged violation occurred, whether the penalty imposed is appropriate for the violation, and whether the pupil has been afforded due process of law.

10. The Superintendent's Designee shall make a finding of fact and shall render a decision.
11. The Superintendent's Designee will then inform the parent and the principal first verbally and then in writing, of the decision.
12. If the Superintendent's Designee determines that no violation occurred, all records regarding the suspension shall be immediately destroyed.
13. If the Superintendent's Designee determines that the penalty imposed was inappropriate for the violation, all records concerning the suspension shall be revised to indicate the penalty imposed by the Superintendent's designee.
14. If the Superintendent's Designee determines that the violation did occur and that the penalty was appropriate, the suspension shall stand.
15. In all cases, the decision rendered by the Superintendent's Designee shall be final and shall end the appeal process.
16. The appeal of suspension with a recommendation for expulsion is terminated with the Superintendent's Designee meeting. [EC 48911(g)]

EXTENDING A SUSPENSION

1. A suspension may be extended by the Superintendent's Designee when expulsion has been recommended. The extension order shall continue until such time as the Board of Education has rendered a decision on the expulsion.
2. No extension may be ordered unless the Superintendent or designee has determined, after holding a meeting with school personnel to which the student and the parent/guardian were invited, that:
 - a. The presence of the student at the school or in an alternative school placement would cause a danger to persons or property, or
 - b. The presence of the student would pose a threat of disrupting the instructional process.
3. Except as provided below, the total number of suspension days shall not exceed twenty (20) school days in any school year. [EC 48903]
 - a. The suspension may be extended to the date that the Board of Education renders its decision. [EC 48911(g)]
 - b. The suspension may extend to thirty (30) school days when the student has enrolled in or is transferred to another regular school, an opportunity school or class, or a continuation high school or class, for purposes of adjustment. [EC 48903]
4. A student under suspension shall remain away from the grounds of any school and shall not be allowed to participate in school-sponsored activities.
5. The parent/guardian shall be advised of their responsibility to provide adult supervision while the student is under suspension.

CHAPTER VIII: DISCIPLINE OF STUDENTS IN SPECIAL EDUCATION PROGRAMS

SUSPENSION OF STUDENTS IN SPECIAL EDUCATION PROGRAMS

A student with exceptional needs, as defined in EC 56026, may be suspended or expelled from school, provided that certain legal protections are afforded. Suspension may be imposed when other means of correction fail to bring about proper conduct. However, a student, including an individual with exceptional needs, may be suspended for any of the reasons enumerated in EC 48900 upon a first offense, if the principal or Superintendent of Schools determines that the student violated EC 48900, subdivision (a), (b), (c), (d), or (e), or that the student's presence causes a danger to persons. [EC 48900.5]

In suspending or expelling a student with exceptional needs, the district must proceed in accordance with subsection (k) of Section 1415 of Title 20 of the United States Code, the discipline provisions contained in Sections 300.519 through 300.529 of Title 34 of the Code of Federal Regulations, and other provisions of this part that do not conflict with federal law and regulations. In addition, the district must provide a free appropriate public education for such individuals in accordance with paragraph (1) of subsection (a) of Section 1412 of Title 20 of the United States Code and subsection (d) of Section 300.121 of Title 34 of the Code of Federal Regulations, and transportation in accordance with EC 48915.5.

If the student is a foster child, and the decision to recommend expulsion is at the discretion of the principal (and not a mandatory expulsion offense), then the foster youth's educational rights holder, attorney, and county social worker, or if the student is an Indian child, the Indian child's tribal social worker and, if applicable, county social worker shall be invited to participate in the IEP meeting that makes a Manifestation Determination pursuant to Section 1415(k) of Title 20 of the United States Code. [EC 48915.5]

Annual Suspension Days

- A series of short-term suspensions that cumulatively exceed 10 school days during a school year will generally be considered to constitute a change of placement and require that the student's IEP meet to review the continued appropriateness of that placement.
- A suspension that places the total number of suspensions for the year over 10 days will require a Manifestation Determination meeting by the site IEP team to review and determine if the student misconduct is related to the disability of the student.

Prior Knowledge of Disability

A student who has not been a previously identified student with disabilities and who has committed a suspendable or expellable offense is entitled to the same protections as a previously identified student with disabilities, if the district had knowledge that the student was a child with a disability before the occurrence of the behavior that precipitated the disciplinary action. The district is deemed to have knowledge when: [34 CFR 300.534(b)]

- The parent has expressed a concern in writing to district supervisory or Pupil Personnel, or to one of the child's teachers, that the child is in need of special education and related services.
- The parent has requested an evaluation of the child.
- The student's teacher, or other district personnel, has expressed specific concerns about a pattern of behavior demonstrated by the student, directly to the Director of Special Education or to other district supervisory personnel.

However, the District would not be deemed to have knowledge of any disability if:

- The parent of the student has not allowed an evaluation of the student, or has refused services, or
- The student has been evaluated and determined to not be a student with a disability.

Behavior Plan

Multiple days of suspension of a special education/Section 504 pupil should raise questions concerning the relationship between the pupil's identified disability and his/her misconduct and the appropriateness of the pupil's program or placement. If a pupil has an IEP or 504, a positive behavior support plan must be considered and implemented.

SUSPENSION AND EXPULSION GUIDELINES/MANIFESTATION DETERMINATION

Education Code 48900 et seq. and 48915 (a)(c) define when students can be suspended or expelled, as well as requirements that administrators must follow. A student who has been identified as having a disability and has an IEP or a 504 plan is entitled to special protections. The IEP team needs to ensure that IDEA requirements are being followed.

IEP teams are required to address inappropriate behavior of students with disabilities. "The IEP team shall, in the case of a student whose behavior impedes their learning, or that of others, consider, when appropriate, strategies, including positive behavioral interventions, and supports to address that behavior." Some guidelines for dealing with students with disabilities and behavior:

- IEP teams should discuss whether or not a student has behavior that is interfering with learning or with others' learning. If the IEP team believes that the student's behavior is interfering with learning, the team must address the student's behavior with a behavior goal or a behavior support plan.
- When a student with disabilities is suspended, the IEP team should consider whether the student's Behavior Support Plan needs to be revised (or created.)
- A Manifestation Determination meeting is required when a student has been suspended for ten (10) days cumulatively in a school year, or if the administration is recommending expulsion. It is also recommended if the suspension is consecutive to the extent to which it constitutes a change in placement.
- During the Manifestation Determination, the IEP team must answer the following two questions:
 - a) **Was the behavior that led to the expulsion recommendation caused by, or have a direct and substantial relationship to, the student's disability?**
 - b) **Was the behavior the direct result of the district's failure to implement the IEP?**

Information must be gathered prior to the meeting to help the IEP team answer the two questions. The school psychologist, who typically has a greater depth of knowledge about behavior than other IEP team members, may be assigned the primary responsibility in this effort. It is helpful to review the information and prepare a written report to share with other members of the IEP team. **If consensus cannot be reached, district personnel make the final determination.**

If the IEP team answers either of the above two questions with a "Yes", the behavior is considered a manifestation of the disability, and the student may not be expelled or suspended for that incident beyond the limit of 10 days per school year. If the student cannot be expelled because the behavior was

caused by the failure of the IEP team to implement the IEP, the team needs to take steps to make sure that the IEP is immediately implemented. If the team determines that the behavior has a direct and substantial relationship to the student's disability, the student may not be expelled, but the team may consider another placement for the student if the current placement is inappropriate.

If the IEP team answers “No” to both questions, the student may then be disciplined just like any other student. At that point, the IEP team has applied all protections that the IDEA provides to special education students when they are up for expulsion. The IEP team will need to determine where the student will be educated pending the expulsion hearing.

CHAPTER IX: NOTIFICATION TO TEACHERS AND OTHER AGENCIES

NOTIFICATION TO TEACHER OF PUPILS WHOSE ACTIONS ARE GROUNDS FOR SUSPENSION OR EXPULSION; LIABILITY FOR DISCLOSURE OF INFORMATION; OFFENSE; PUNISHMENT.

A school district 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 any of the subdivisions, except subdivision (h), of Section 48900 or in Section 48900.2, 48900.3, 48900.4, or 48900.7 that the student engaged in, or is reasonably suspected to have engaged in, those acts. The district shall provide the information to the teacher based upon any records that the district maintains in its ordinary course of business received from a law enforcement agency, regarding a pupil described in this section.

A school district, or school district officer, or employee is not civilly or criminally liable for providing information under this section 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.

An officer or employee of a school 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 subdivision (a) is guilty of a misdemeanor, which is punishable by confinement in the county jail for a period not to exceed six months, or by a fine not to exceed one thousand dollars (\$1,000), or both.

Any information received by a teacher pursuant to this section shall be received in confidence for the limited purpose for which it was provided and shall not be further disseminated by the teacher. [EC 49079]

NOTIFICATION TO LAW ENFORCEMENT OF STUDENTS WHO COMMIT CRIMINAL ACTS

When a student is suspended for a criminal violation, the appropriate law enforcement agency shall be notified. [EC 48902]

The principal/designee, prior to the suspension or expulsion of any student, must notify the appropriate law enforcement authorities in which the school is situated, of any acts of the student that may violate PC 245, i.e., assault with a deadly weapon, or assault upon another person by any means or force likely to produce great bodily injury.

The principal/designee shall, within one school day after suspension, notify the appropriate law enforcement authorities of any acts of the student that may violate EC 48900, subdivision (c) or (d) (possession/sale/furnishing controlled substances, and/or furnishing of look-alike controlled substances).

The principal/designee shall notify appropriate law enforcement authorities of any acts by a student that may involve the possession or sale of narcotics or of a controlled substance, or possession of a firearm

or other weapon on school grounds. The principal/designee shall report any act specified in EC 48915(c) (mandatory expulsion offenses) committed by a student or non-student on school grounds.

The principal, the principal's designee, or any other person reporting a known or suspected act described above is not civilly or criminally liable as a result of making any report authorized by this article unless it can be proven that a false report was made, and that the person knew the report was false or the report was made with reckless disregard for the truth or falsity of the report.

CHAPTER X: RECOMMENDATION FOR EXPULSION

EXPULSION OF STUDENTS BY THE BOARD OF EDUCATION

Expulsion is the most severe form of corrective measure available to school personnel. The Board of Education establishes rules and regulations concerning the expulsion of a student from the school and the programs of the school district. **Only the Board of Education has the authority to expel a student.** [EC 48915, 48915.5, 48916, 48916.5, 48917, 48918]

Expulsion is mandatory for certain violations listed in Education Code Section 48915 (c). For all other violations, a decision to expel must be based on one or both of the following findings:

- Other means of correction are not feasible or have repeatedly failed to bring about proper conduct. [EC 48915 (b)(1)]
- Due to the nature of the act, the presence of the student causes a continuing danger to the physical safety of the students or others. [EC 48915 (b)(2)]

Education Code 48915 (a)(1): Quasi-Mandatory Recommendation for Expulsion

A principal or superintendent of a school shall recommend the expulsion of a student for any of the following acts committed at school or at a school activity off school grounds **unless** the principal or superintendent determines that expulsion should not be recommended under the circumstances or that an alternative means of correction would address the conduct.

- Caused serious physical injury to another person, except in self-defense.
- Possessed any knife, explosive, or other dangerous object of no reasonable use to the student at school or school activity.
- Unlawfully possessed any controlled substance as listed in Chapter 2 of Division 10 of the Health and Safety Code, except for the first offense for the possession of not more than one avoirdupois ounce of marijuana, other than concentrated cannabis.
- Robbery or extortion.
- Assault and battery upon any school employee, as defined in Section 240 and 242 of the Penal Code.

Education Code 48915 (c): Mandatory Recommendation and Expulsion

The principal or superintendent of schools shall immediately suspend and shall recommend expulsion of a student that they have determined has committed any of the following acts at school or at a school activity off school grounds.

- Possessing, selling, or otherwise furnishing a firearm.
- Brandishing a knife at another person.
- Unlawfully selling of a controlled substance as listed in Chapter 2, commencing with Section

11053, of the Health and Safety Code.

- Committing or attempting to commit a sexual assault as defined in EC 48900, or committing a sexual battery as defined in EC 48900(n).
- Possession of an explosive.

The principal may also recommend that a student be expelled for:

- Committing a violation of EC 48900 subdivision (a) through (r).
- Committing any violation of EC 48900.2, 48900.3, 48900.4, or 48900.7.
- Committing any violation of EC 48900 (s) if a student who has been adjudged by a juvenile court to have committed, as an aider and abettor, a crime of physical violence in which the victim suffered great bodily injury or serious bodily injury shall be subject to discipline pursuant to subdivision (a).

The Superintendent's Designee may call an Administrative Hearing Panel to hear the case for expulsion. Alternatively, if the student and parent admit the violation, the Superintendent's Designee may offer the student and parent a stipulated expulsion agreement so that the expulsion may proceed without a hearing. This option is purely voluntary and is only appropriate when the violation is not in dispute, and the family wishes to waive their right to a full evidentiary hearing before the Administrative Hearing Panel.

If the matter goes to a hearing, the Administrative Hearing Panel may make the following recommendations to the Board of Education:

- Not to expel
- To suspend the expulsion. In this case student will be allowed to return to school with some contingencies (e.g. behavior contract)
- To expel for the remainder of the semester
- To expel for the remainder of the semester and the next semester
- To expel for one calendar year. (Applies only to violations of 48915 (c) (1-5))

When a student is expelled from school

- The student may no longer be able to attend school in the Jurupa Unified School District. The student may be assigned to an independent studies program operated by the district or to a Community Day School program operated by the County of Riverside. Transportation to an alternative setting is not provided.
- The student may no longer be able to attend school in any school district in California, depending on the circumstances surrounding the act of misconduct and the expulsion order.
- The Board of Education will establish a date when it will review the student's case for readmission to the schools of the district.
- The Board of Education will identify a rehabilitation plan that will contain the readmission criteria the student shall meet in order to be recommended for readmission to the district. [EC 48916]

Upon completion of the expulsion period

- The student must apply in writing to the Superintendent's Designee to be readmitted to the schools in the Jurupa Unified School District.
- The Superintendent's Designee will assign a day and time to meet with the Readmission Team for readmission.
- The student must submit in writing evidence of completion of the Board of Education ordered Rehabilitation Plan which may include:

- a. Successful participation in an alternative school setting.
- b. Evidence of appropriate academic progress (at least a 'C' average).
- c. Evidence of regular attendance.
- d. Evidence of no major behavior problems in the alternative school setting.
- e. Evidence of participation in a counseling program.
- f. Evidence of completion of community service hours.
- g. Evidence of no negative involvement with law enforcement agencies.
- h. Student must submit a letter to the district indicating what they have learned from this experience and why they wish to be readmitted to school.

The Readmission Team will determine if a student has met the readmission criteria and make a recommendation to the Board of Education who will make the final decision as it pertains to student readmission at a regular board meeting.

CHAPTER XI: PROCEDURE FOR THE EXPULSION OF STUDENTS

TIME REQUIREMENTS SUMMARY FOR EXPULSION PROCEEDINGS

Determination of Conduct (Violation of EC 48900)	Day one (1)
Suspension of Student	Not more than five (5) school days. [EC 48911]
Recommendation to Expel (Designee Meeting)	Within five (5) school days of suspension/extension pending decision. [EC 48911(g)]
Notice of Hearing	At least 10 calendar days prior to hearing. [EC 48919(b)]
Student Request for Open Hearing	Within five (5) calendar days preceding hearing [EC 48918(c)]
District Extension of Hearing Date	Up to five (5) school days "for good cause" [EC 48918(a)]
Student Postponement	Entitled to not more than 30 calendar days, additional, at the Board's discretion. [EC 48918(a)]
Hearing	Conducted within 30 school days of determination of pupil violation. [EC 48918(a)]
Administrative Hearing Panel or Hearing Officer Recommendation	Within three (3) school days or by 33rd day without postponements. [EC 48918(e)]
Decision of Governing Board	Within forty (40) school days without student requested hearing postponement. [EC 48918(i)]

Appeal to County Board

Within thirty (30) calendar days following local board decision. [EC 48919]

Appellate Hearing

Within twenty (20) school days following filing of formal request. [EC 48919]

Decision of County Board of Education

Within three (3) school days of hearing, absent student request for postponement. [EC 48919]

GROUNDS FOR EXPULSION BY THE BOARD OF EDUCATION

A recommendation for expulsion may only be made by the principal of the school in which the student is enrolled or by the Superintendent of the District. Any of the acts enumerated in EC 48900, 48900.2, 48900.3, 48900.4, 48900.7, or 48915, committed by a student while under the jurisdiction of the district, are grounds for expulsion.

PROCEDURE FOR EXPULSION OF STUDENTS

When a Principal Recommends the Expulsion of a Student

1. The principal **shall immediately** complete the "Principal's Referral for Expulsion" form and forward this form to the Director of Educational Equity. (*See Appendix C*)
2. Request a meeting with the Superintendent's Designee before the student is scheduled to return from suspension. If the student is a special needs student, a Manifestation Determination meeting **must** be held prior to meeting with the Superintendent's Designee.
3. The student and the parents have a right to attend the meeting and are invited to attend and participate in the meeting with school personnel. If the student is a foster child, the following individuals will also be invited to that meeting:
 - The student's educational liaison for the district,
 - The student's attorney, and
 - An appropriate representative of the County Child Welfare Agency.

The Superintendent's Designee Must Determine in This Meeting

- Whether the presence of the student at school, or in an alternative school placement, would cause a danger to persons or property, or
- Whether the presence of the student is a threat of disrupting the instructional process.
- Whether good cause exists to proceed with an Administrative Hearing to consider the student's expulsion.
- The Superintendent's Designee may place the student on extended suspension until such time as the Board of Education acts on the expulsion recommendation. [EC 48911 (g)]

Suspension Extension

- A suspension may be extended by the Superintendent's Designee when expulsion is being considered.
 - a. The extension order shall continue until such time as the Board of Education has rendered a decision on the expulsion.
- No extension may be ordered unless the Superintendent or designee has determined in a meeting with school personnel to which the student and the parent/guardian were invited that:

- a. The presence of the student at the school or in an alternative school placement would cause a danger to persons or property, or
 - b. The presence of the student would pose a threat of disrupting the instructional process.
- Except as provided below, the total number of suspension days shall not exceed twenty (20) school days in any school year. [EC 48903]
 - The suspension may be extended to the date that the Board of Education renders its decision. [EC 48911(g)]
 - The suspension may extend to thirty (30) school days when the student has enrolled in, or was transferred to, another regular school, an opportunity school or class, or a continuation high school or class, for purposes of adjustment. [EC 48903]
 - A student under suspension shall remain away from the grounds of any school and shall not be allowed to participate in school-sponsored activities.
 - The parent/guardian shall be advised of their responsibility to provide adult supervision while the student is under suspension.

PREPARING THE DOCUMENTATION

The principal shall provide the following documentation to the Superintendent's Designee, *no later than 12 school days*, following the first day of suspension:

1. Evidence that the student received a copy of school rules when the student enrolled in the school district.
2. The student's academic records. (*Appendix C*)
3. A memo that documents an Exit Interview was held in accordance with Education Code 48911(b), prior to the suspension of the student. The memo shall also contain a statement that describes the misconduct.
4. The information shall include statements taken from staff members or students who witnessed the alleged misconduct of the student considered for expulsion using Student/Witness or Sworn Declaration of Anonymous Witness Statements. (*Appendix C*)
5. A description of any actions previously taken or recommended by school personnel to correct previous misbehavior by the student, and any effect of corrective action taken or recommended.
6. A record of contacts and reports, as appropriate, with other agencies such as Riverside County Sheriff's Department, Probation Department, etc.
7. A list of conferences or contacts made by school personnel, with the parent/guardian, which indicates the date and the purpose of the contacts. (*Appendix C*)
8. A memo documenting that a Principal's Discipline Conference for the misconduct was held or documentation of any attempts to hold such a conference.
9. An Administrative Summary from the principal/designee that:

- Gives a detailed investigative report, intervention strategies, background information and summary.
- Specifically lists Education Code section violation(s).
- Specifies the reasons or rationale for the decision to recommend expulsion.

10. The "Current Student Progress Report" by teachers detailing necessary information up to the student's last day of attendance.

Any expulsion procedure involving a special education student shall be conducted pursuant to EC 48915.5 or other current legal mandates. (See Chapter VIII for special education students.)

THE ADMINISTRATIVE HEARING

When a student is recommended for expulsion, an expulsion hearing shall be held within thirty (30) school days of the first date of the suspension unless either of the following occurs:

1. The student may request in writing a postponement not to exceed thirty (30) calendar days. A request for postponement must be submitted at least five (5) days prior to the hearing date to the Director of Educational Equity. Any additional postponement may be granted at the discretion of the Board of Education. [EC 48918(a)]
2. The Superintendent's designee may, for good cause, extend the time period for the expulsion hearing for five (5) school days, in the event that compliance by the Board of Education with the time requirements is impracticable. Reasons for the extension of the time for the hearing shall be included as part of the record at the time the expulsion hearing is conducted.

Administrative Hearing Panel

The Board of Education annually, and thereafter as necessary, appoints certificated personnel to sit in lieu of the Board of Education as an impartial Administrative Hearing Panel. None of the members of a panel shall be on the staff of the school in which the student is enrolled. [EC 48918(d), (f)]

Student Notification of Hearing

A written notice of the hearing shall be forwarded to the student and the parent/guardian at least ten (10) calendar days prior to the date of the hearing.

The notice shall include:

1. The date, time, and place of the hearing.
2. A statement of the specific facts and charges upon which the proposed expulsion is based.
3. A copy of disciplinary rules of the district that relate to the alleged violation.
4. Notification to the parent regarding the need to identify the student as being considered for expulsion, should they seek admission of the student into another public school district in California. [EC 48915.1]
5. The opportunity for the student or the parent to:
 - a. Appear in person at the hearing or to employ and be represented by counsel.
 - b. Inspect and obtain copies of all documents to be used at the hearing prior to the date of the hearing.
 - c. Question all witnesses who testify at the hearing.
 - d. Question all evidence presented at the hearing and present oral and documentary evidence on the student's behalf, including witnesses.

If the student is a foster child, and if the decision to recommend expulsion is a discretionary act, then notice of the hearing must be provided to the student's attorney and an appropriate representative of the county child welfare agency at least 10 days before the date of the hearing. This may be done by electronic mail or telephone call. If the recommendation for expulsion is required (i.e., based on a mandatory expulsion offense), this notification is optional. [EC 48918.1]

HOW THE ADMINISTRATIVE HEARING IS CONDUCTED

Closed Session

An Administrative Hearing Panel shall hear the case for the expulsion of a student in a session closed to the public unless the student's parent requests in writing, at least five (5) days prior to the hearing, that the hearing be a public meeting [Government Code 54953 and EC 35145.] If such a request is made, the meeting shall be public.

1. Education Code 48918(c) allows that in cases involving an allegation of sexual assault or battery, a complaining witness is entitled to testify in a closed session, even if the hearing is an open hearing.
2. Whether the expulsion hearing is held in closed or public session, the Administrative Hearing Panel may meet in closed session when deliberating to determine if the student should be expelled.
3. The parent/guardian and student and counsel shall be allowed to attend the closed session for deliberation, if the Administrative Hearing Panel admits any other person to the closed session.

[EC 48918(c)]

Record of the Hearing

A record of the hearing shall be made. Such a record may be maintained by any means, including electronic recording, as long as a reasonably accurate written and complete transcription of the proceedings can be made. [EC 48918 (g)]

Presentation of Evidence

If the Administrative Hearing Panel recommends expulsion, Findings of Fact and Conclusions of Law shall be developed that are based solely on the evidence presented in the hearing. While no finding shall be based solely on hearsay evidence, the written testimony of witnesses may be treated as direct evidence if properly admitted in the form of sworn declarations, redacted, and if the Administrative Hearing Panel determines that that disclosure of the identity of the witness and testimony of the witness at the hearing would subject the witness to an unreasonable risk of harm. [EC 48918 (f)]

Protection of Complaining Witness

It is unlawful to harass, threaten or intimidate a student who is a complaining witness or witness in a school disciplinary proceeding for the purpose of either preventing that student from being a witness or retaliating against that student for being a witness, or both. [EC 48900 (o)]

Substantial Evidence

While technical rules of evidence do not apply to the discipline hearing, evidence may be admitted and used as proof only if it is the kind of evidence upon which reasonable persons can rely in the conduct of serious affairs. The decision of the Board of Education to expel a student must be supported by substantial evidence that the student committed any of the acts enumerated in EC 48900.

[EC 48918 (h)]

Decision by the Administrative Hearing Panel

1. If the Administrative Hearing Panel finds a reason ***not to expel*** a student, the action shall be

terminated, and the student shall be promptly reinstated and permitted to return to school. The student may be placed in an alternative placement by the Superintendent or designee after consultation with District personnel, including the student's teachers, and the parent or guardian. The decision not to recommend expulsion shall be final. [EC 48918 (e)]

2. If the Administrative Hearing Panel **recommends expulsion** of a student, the Board of Education shall consider the recommendation within forty (40) school days after the student was removed from school, unless:
 - a. The student or parent/guardian requests a continuance, or
 - b. The Superintendent or designee demonstrates that an additional five (5) days are needed for "good cause" and/or that compliance with the forty (40) daytime line is impracticable. [EC 48918 (a)]

The Decision Shall Contain at Least the Following:

1. **Findings of Fact:** Each finding must be supported by evidence presented at the hearing and reflected in the record of the proceedings.
2. **Conclusions of Law:** The conclusions of law must be supported and must flow logically from the findings of fact.
3. **Recommended Decision:** The decision of the Administrative Hearing Panel shall be forwarded to the Board of Education for action whenever the student is recommended for expulsion.

The Recommendation to Expel Must be Based Upon Findings That:

1. The student violated any of EC 48900, subdivisions (a) through (r), 48900.2, 48900.3, 48900.4 or 48900.7, or 48915.
2. That other means of correction are not feasible or have failed to bring about proper conduct. (Not required for mandatory expulsion offenses)
3. That due to the nature of the violation, the presence of the student causes a continuing danger to the student or others. (Not required for mandatory expulsion offenses)

Rehabilitation Plan

The Administrative Hearing Panel shall develop and forward to the Board of Education, a Rehabilitation Plan that contains the readmission criteria the student must satisfy in order to be recommended for readmission to the schools of the district. The student shall submit satisfactory evidence of completion. Such criteria may include:

- Successful participation in an alternative school setting with evidence of appropriate academic progress (at least a "C", 2.0 grade point average), with evidence of 90% attendance and no major behavioral problems.
- Evidence of participation in a counseling program.
- The completion of community service hours.
- Evidence of no negative involvement with law enforcement agencies.

AGREEMENT AND STIPULATION TO STUDENT EXPULSION

The purpose of an Agreement and Stipulation to a Student Expulsion is to quickly resolve the recommendation for the student's expulsion in an expedited manner. This agreement is voluntary by the parent.

A copy of the actual agreement that parent(s) and the student would be required to sign is found on pages 40 and 41. If the parent agrees to this, placement would begin as soon as possible and the agreement would be recommended for the Governing Board's approval at their next scheduled meeting. A Rehabilitation Plan [EC 48916(b)] and the timeline for the readmission [EC 48916(c)] are included in this agreement.

Jurupa Unified School District

**AGREEMENT AND STIPULATION TO STUDENT EXPULSION
WAIVER OF HEARING AND APPEAL RIGHTS**

This agreement is made and entered into by and between Name _____
(Student)
and _____ and the Jurupa Unified School District.
(Parent/Guardian)

The purpose of this Agreement is to resolve the issues raised in the Notice of Suspension in an expedited manner, avoiding the delay, expense and hazards of a student expulsion hearing.

The student and the parent agree as follows:

1. We acknowledge receipt of the Notice of Suspension dated Suspension date, which set forth allegations of specific acts committed or engaged in by the Student. These acts are grounds for expulsion under the California Education Code 48900 et. seq. We have fully read and understand the Notice. We also acknowledge receipt of the Student Discipline Handbook, which contains the California Education Codes, District Rules and Regulations governing expulsion, relating to student discipline.
2. On Designee Date, we met with District representatives to discuss the allegations contained in the Notice, applicable provisions of the California Education Code relating to expulsions.
3. We fully understand the charges contained in the Notice and the meaning and the consequences of an expulsion order, which may result from the charges contained in the Notice. All of our questions have been answered by District representatives to our satisfaction.
4. We have been advised of our right to due process and understand and acknowledge that, except for the Agreement, we have a right to an expulsion hearing to contest the allegations contained in the Notice. We understand that the purpose of an expulsion hearing would be for the Administrative Hearing Panel to receive written evidence and testimony from both parties and to decide whether the allegations constitute grounds for expulsion, whether they are supported by substantial evidence, and whether the student should be expelled.
5. We acknowledge that the District's representative has advised us of our right to be represented by an attorney or non-attorney advisor at the hearing, to inspect and obtain copies of all documents to be used at the hearing, confront and cross examine all witnesses who appear at the hearing, question all other evidence presented, and present oral and documentary evidence on the Student's behalf, including witnesses.
6. After careful review and consideration, we have determined that an expedited and abbreviated process would best resolve the issues raised in the Notice and we wish to relinquish our right to contest an expulsion order. We make a knowing and voluntary waiver of the right to a hearing and waive all due process rights afforded by Education Code section 48918 and by the State and U.S. Constitutions. We also waive all legal timelines relating to the conduct of the hearing and action of the Board.
7. We acknowledge that, by waiving our right to a hearing before the District Administrative Hearing Panel, we are also waiving our right to a hearing before the Governing Board pursuant to Education

Code section 48918 and an appeal to the Riverside County Board of Education pursuant to Education Code section 48919.

8. We accept that the student committed the act(s) alleged in the Notice attached as Exhibit "A", and that such was a clear violation of the Education Code and of school rules and regulations.
9. We fully understand that execution and approval of this Agreement will result in an immediate expulsion of Student by stipulation, subject to Governing Board approval, and that Student would be referred to Arlington Regional Learning Center, except for any period that the expulsion order is suspended, for continued instruction during the term of the expulsion. We also understand that the expulsion will remain on record in the student's file.
10. We understand that this Agreement is conditioned upon review and approval by the District's Governing Board.
11. We agree that the below specified discipline will be put into effect by the District without a formal hearing before the District Administrative Hearing Panel or other procedures required by the District Suspension and Expulsion Board Policy and Administrative Regulation. We have been encouraged by the District to seek advice from an attorney regarding this matter. We understand that, based on advice of counsel or for any other reason, we may choose to rescind our consent to this Agreement at any time prior to final approval by the District's Governing Board.
12. We agree that, if we subsequently violate, challenge or dispute the enforceability of this Agreement, or if we choose to rescind our consent prior to Board action, the District may proceed with an expulsion hearing by providing Student and Parent/Guardian at least ten (10) days written notice, in which case Student will remain in his/her then current educational placement pending the outcome of that hearing. In such case, the statutory timeline for holding the expulsion hearing, and the time line for Governing Board action, shall be reinstated and shall commence beginning on the date the District receives written notice from Student or Parent/Guardian regarding such challenge, dispute, or decision to rescind our consent.

WE HAVE READ AND UNDERSTAND THIS AGREEMENT AND HEREBY WAIVE OUR RIGHT TO A HEARING BEFORE THE DISTRICT ADMINISTRATIVE HEARING PANEL AND THE DISTRICT'S GOVERNING BOARD. WE FURTHER WAIVE OUR RIGHT TO APPEAL THE EXPULSION TO THE RIVERSIDE COUNTY BOARD OF EDUCATION.

Based on the foregoing, Student and Parent/Guardian do hereby voluntarily consent to the expulsion commencing on [Date of Board meeting] at the Board meeting.

During the period of expulsion, [expulsion length], Student may not attend any District function. The student must successfully meet all Board requirements for readmission including completing all the requirements set forth in the rehabilitation program attached as Exhibit "B".

Date: _____	_____
	Student
Date: _____	_____
	Parent/Guardian
Date: _____	_____
	School Administrator
Date: _____	_____
	Olga Alferez, Director, Educational Equity Superintendent's Designee for Discipline

ACTION BY THE BOARD OF EDUCATION

Closed Session

The Board of Education shall consider the recommendation submitted by the Superintendent's Designee from the Administration Hearing Panel in closed session.

The Board may allow the student and parent/guardian to address the Board in closed session regarding the recommendation of the Administrative Hearing Panel.

The Board of Education shall deliberate in closed session with no other persons in the room. The vote to expel the student shall be made by the Board of Education in open session, however, the name of the student shall not be disclosed in public.

Written Notice to Expel

The Superintendent's Designee shall send the decision to expel any student, in writing and by certified mail, to the student and parent/guardian. This notice shall include:

1. Reason(s) for the expulsion, citing the EC Sections violated.
2. Conditions of expulsion.
3. Rehabilitation Plan that identifies the readmission criteria that must be met in order for the student to be considered for readmission to the schools of the district.
4. A date when the student's case shall be reviewed for readmission by the Board of Education.
5. Notice that the expulsion may be appealed to the County Board of Education within thirty (30) calendar days of the expulsion and the basis upon which such appeal may be heard.
6. Notice that a record of the expulsion will appear in the student's record and will be forwarded to any district to which the student seeks admission upon receiving a request from that district for the student's records; and
7. Notice that the student or parent/guardian must notify any public school district in California of their status as an expelled student. [EC 48915.1]

Recorded in Minutes of Meeting of Board of Education

The Board of Education shall maintain a record of each expulsion, including the cause, therefore. Since this record is open to the public, the record should not disclose the name of the student.

The proceedings before the Board of Education shall be recorded in the minutes of the meeting and shall become a part of any record on appeal. [EC 48918 (j), (k)]

Recorded in Student Records

The expulsion order and the causes for the expulsion shall be recorded on the student's mandatory interim record and shall be forwarded to any subsequent school in which the student enrolls upon request.

Duration of Expulsion

An expulsion order shall remain in effect until the Board of Education, in the manner prescribed in this article, orders the readmission of a student.

At the time an expulsion of a student is ordered for an act other than those described in EC 48915(c) (mandatory expulsion offenses), the governing board shall set a date, not later than the last day of the semester following the semester in which the expulsion occurred, when the student shall be reviewed for readmission to a school maintained by the District or to the school the student last attended.

If an expulsion is ordered during summer session or the intersession period of a year-round program the governing board shall set a date, not later than the last day of the semester following the summer session or intersession period in which the expulsion occurred, when the student shall be reviewed for readmission to a school maintained by the district or to the school the student last attended.

For a student who has been expelled pursuant to EC 48915(c) (mandatory expulsion offenses), the governing board shall set a date of one year from the date the expulsion occurred, when the student shall be reviewed for readmission to a school maintained by the district, except that the governing board may set an earlier date for readmission on a case-by-case basis.

The Board of Education shall recommend a plan for rehabilitation for the student, which may include a periodic review and assessment at the time of application for readmission. [EC 48916]

Suspension of the Expulsion

The Board of Education may, upon voting to expel a student, suspend the enforcement of the expulsion order for not more than one calendar year.

As a condition of the Order to suspend the Expulsion, the Board of Education will:

- Assign the student to a school, class, or program appropriate for the student's rehabilitation; and
- Place the student on school probation for one semester or one calendar year. [EC 48917]

Revocation of a Suspended Expulsion Order

The Board of Education may order to revoke a Suspended Expulsion Order if the student commits any of the acts enumerated in EC 48900 or violates any of the district's rules and regulations governing student conduct.

If the Board of Education revokes a suspended expulsion order, the student may be expelled under the terms of the original expulsion order. [EC 48917]

Reinstatement of a Student on a Suspended Expulsion Order

If a student successfully completes the assigned program of rehabilitation by the conclusion of the designated probationary period, the Board of Education:

- Shall reinstate the student into the district; and,
- May also order the expungement of any or all records of the expulsion proceedings. [EC 48917(e)]

Right to Appeal the Expulsion

The student or the parent/guardian is entitled to file an appeal of the decision of the Board of Education for an expulsion or a suspended expulsion to the County Board of Education. The appeal must be filed within thirty (30) calendar days following the decision of the Board of Education to expel the student.

Obligation to Educate the Student

When the student is placed on an extended suspension, pending the outcome of the decision of the Board of Education, the student will be placed in an educational program to continue educational progress. Programs for placement are:

- Independent Study.
- Home Instruction for students pursuant to an Individualized Education Plan (IEP).
- Home Hospital Instruction pursuant to a temporary disability and medical referral.
- Arlington Regional Learning Center, operated by the Riverside County Office of Education.

CHAPTER XII: ADMISSION AND READMISSION PROCESS

STUDENTS SEEKING ADMISSION OR READMISSION TO THE JURUPA UNIFIED SCHOOL DISTRICT

When a student has been expelled, by either this district or any other public school district, the student must go through the admission or readmission process.

The Superintendent's Designee shall schedule and conduct admission hearings and readmission meetings.

Students Who Have Been Expelled by Another School District

Students who have been expelled by another school district must follow the procedure that follows in order to be considered for admission into the Jurupa Unified School District.

1. A written request for an admission hearing shall be submitted to the Superintendent's Designee. Generally, the window periods for accepting requests for admission are:
 - a. Students seeking admission for the fall term may request an admission hearing after April 1, but before May 16, each year.
 - b. Students seeking admission for the spring term may request an admission hearing after November 1, but before December 6, each year.

The Superintendent's Designee shall schedule an admission hearing as soon as practical, upon receiving a written request for an admission hearing. In the hearing it will be determined whether or not the student has fulfilled the Rehabilitation Plan developed for the student by the Board of Education of the school district where and when the student was ordered expelled.

Students Expelled From the Jurupa Unified School District

In a readmission meeting, it shall be determined whether the student has met the readmission criteria required in the Student Rehabilitation Plan.

It shall be the responsibility of the student to present written documentation that indicates the readmission criteria has been met.

If the student was ordered to obtain counseling in a particular area, it shall be necessary for the student to provide written evidence that counseling sessions took place and shall include a statement regarding the effectiveness of the counseling provided for the student.

If it is determined that the student has met the requirements for readmission, the Superintendent's Designee shall forward the recommendation to the Superintendent and the Board of Education for consideration at the next regular Board Meeting. The Superintendent's Designee shall notify the Board of Education who will review the recommendation in closed session and vote to accept or reject the recommendation in open session.

- If the Board of Education votes to deny the readmission, the student may apply for another hearing the following semester.

- If the Board of Education votes to admit the student, the student may enter school immediately.

The student and parent/guardian will be notified in writing, by certified mail, of the decision of the Board of Education.

CONCLUSION

It is the expectation of the Jurupa Unified School District that all students enrolled in the Jurupa Schools will follow the rules and regulations and maximize learning for everyone. The State of California through the State Department of Education imposes codes of regulations which all schools must follow.

The Jurupa Unified School District is clearly aware that the job of keeping students in school is a partnership which must be shared between home and school. For all students to succeed, students must be in school. The goal is to make home and school consciously attempt to reduce the number of students suspended or expelled each year from our schools. For this reason, it is necessary to inform all staff, parents, and students of these regulations so that all might exhibit responsible behavior and maximize the learning potential open to all students.

ADDITIONAL INFORMATION

For more information or clarification on information contained in this handbook, please contact:

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For a complete listing and copies of Jurupa Unified School District Board Policies, please visit:

<https://jurupausd.org/board/policies>

For a complete listing and full versions of California Education Code, please visit:

<http://leginfo.legislature.ca.gov/>