CALIFORNIA EDUCATORS RIGHTS

Student Suspension from Class

Education Code Section 48910

Your Right to Suspend

California law gives teachers a clear, protected right to suspend students from their classroom. This is an important classroom management tool. An administrator cannot deny or override your legal authority to exercise this right.

What You Can Do

- Suspend a student from YOUR CLASS (whether they have an IEP, 504 or none of these) for the day of suspension and the following day (Ed. Code 48910(a))
- Suspend for any conduct listed in Education Code Section 48900 (see detailed list below)
- Suspend multiple times if the student's conduct continues to warrant it
- If a student has an IEP plan - Once they have been suspended 10 times, please work with your psychologist and principal for legal next steps
- Require that the suspended student NOT be returned to your class during the suspension period without your written concurrence (Ed. Code 48910(b))

STUDENTS WITH IEPs OR 504 PLANS — SPECIAL RULES

- ✔️ You may suspend from your classroom under Ed. Code §48910
  ✔️ You must still follow federal special education protections

- If suspension = 10 school days or fewer (cumulative):

- • Treated as a short-term removal
  • No manifestation determination required
  • Student must still receive services if required by their IEP/504

- If suspension = more than 10 cumulative school days or a pattern of removals:

- • Triggers a Manifestation Determination Review (MDR)
  • IEP team must meet within 10 school days
  • Behavior supports must be reviewed/updated

- 📌 Weapons, drugs, or serious bodily injury allow immediate removal to interim alternative placement under federal law (IDEA).

- 📌 Classroom safety always remains paramount — IEP status does not prevent classroom suspension.

What You Cannot Do

- Suspend a student from school ;only administration has this power (Ed. Code 48911)
- Place the student in another regular class during the suspension period (Ed. Code 48910(b))

What You Must Do BEFORE Suspending

California law requires that suspension shall be imposed only when other means of correction fail to bring about proper conduct (Ed. Code 48900.5(a)). However, there is an important exception described below.

The Exception: Dangerous Conduct

You may suspend a student on a first offense WITHOUT trying other means of correction if the student violates any of the following (Ed. Code 48900.5(a)):

- Caused, attempted to cause, or threatened physical injury (Ed. Code 48900(a))
- Willfully used force or violence upon another person (Ed. Code 48900(b))
- Possessed, sold, or furnished a firearm, knife, explosive, or other dangerous object (Ed. Code 48900(c))
- Possessed, used, or was under the influence of controlled substances, alcohol, or intoxicants (Ed. Code 48900(d))
- Committed or attempted robbery or extortion (Ed. Code 48900(e))

OR

- The student's presence causes a danger to persons (Ed. Code 48900.5(a))

Key Point: For these dangerous situations, you may suspend immediately without first attempting other means of correction. This recognizes that classroom safety cannot be compromised.

For Other Misconduct: Try These First

For conduct not listed above (such as willful defiance, disruption, profanity, etc.), you should make a reasonable effort to try other means of correction first (Ed. Code 48900.5(b)). These include:

- A conference with the student
- A conference with school personnel, the student's parent or guardian, and the student

- Classroom management strategies and behavior-focused interventions
- Referral to school counselor, psychologist, or social worker for support
- Behavior support teams or intervention teams that develop individualized plans
- Seating changes, assignment modifications, or schedule adjustments
- Restorative practices, mediation, or community service

Note: This is a legal requirement, but other means of correction can be brief. You do not need to document weeks of interventions; a conference with the student or parent or a referral to support services is often sufficient to satisfy this requirement before moving to suspension.

What if Other Means of Correction Don't Work?

Once you have attempted other means of correction and the student continues the problematic behavior, you have clear authority to suspend from your classroom. This satisfies the Ed. Code 48900.5(a) requirement that suspension be imposed only when other means fail.

Referral to Administration for Intervention

You can also refer a student to administration for appropriate and timely in-school interventions or supports (Ed. Code 48900(5)(A)). When you do:

- Administration must respond within 5 business days about what actions were taken
- If no actions were taken, administration must provide the rationale in writing
- This documentation goes into the student's record and provides evidence of attempted interventions

Steps to Take When Suspending

Step 1: IMMEDIATELY Report to Administration

Email or notify the principal or designee that you are suspending the student from your class (Ed. Code 48910(a)). A brief message is sufficient: I am suspending [Student Name] from my [Class Name] for [brief reason] on [date]. Other means of correction have been attempted/were not feasible due to [safety/reason].

Step 2: Send Student to Office

Send the student to the principal or designee (Ed. Code 48910(a)). The student remains on campus under appropriate supervision.

Step 3: Parent/Guardian Conference

As soon as practical, ask the parent or guardian to attend a conference regarding the suspension (Ed. Code 48910(a)). School counselor or psychologist may attend. An administrator shall attend if you or the parent/guardian requests it.

Step 4: Provide Assignments

Provide all assignments and tests the student will miss during the suspension period (Ed. Code 48913).

Grounds for Suspension (Ed. Code 48900)

You may suspend for any of these acts:

- (a) Caused, attempted to cause, or threatened physical injury
- (b) Willfully used force or violence upon another person (except self-defense)
- (c) Possessed, sold, or furnished firearm, knife, explosive, or dangerous object
- (d) Possessed, used, sold, or was under the influence of controlled substances, alcohol, or intoxicants
- (e) Committed or attempted robbery or extortion
- (f) Caused or attempted to cause damage to school or private property
- (g) Stole or attempted to steal school or private property
- (h) Possessed tobacco or nicotine products
- (i) Committed an obscene act or engaged in habitual profanity/vulgarity
- (j) Unlawfully possessed drug paraphernalia
- (k) Disrupted school activities OR willfully defied valid authority of teachers/administrators (the most commonly cited ground)

Note: Ed. Code 48900 contains additional subsections (l) through (q) covering other conduct. Teachers may suspend for any act enumerated in Ed. Code 48900.

Grade Level Considerations

Teacher Classroom Suspensions (Ed. Code 48910)

Your right to suspend students from your classroom under Ed. Code 48910 has NO grade level restrictions. You may suspend students in any grade (K-12) for any conduct listed in Ed. Code 48900. This includes elementary, middle, and high school students.

School-Wide Suspensions (Ed. Code 48911) For Your Information

While you cannot suspend from school, it is important to understand that administrators face grade-level restrictions for school suspensions. These restrictions do NOT apply to your classroom suspensions but may affect principal referrals:

- Kindergarten through Grade 5 (K-5): Students cannot be suspended from school for willful defiance (Ed. Code 48900(k)(2)) or for disruption alone. However, they MAY be classroom suspended by you for these acts.
- Grades 6-8: Students cannot be suspended from school for willful defiance or disruption (Ed. Code 48900(k)(3), in effect until July 1, 2029). However, they MAY be classroom suspended by you for these acts.
- Grades 9-12: Students cannot be suspended from school for willful defiance or disruption (Ed. Code 48900(k)(4), effective July 1, 2024). However, they MAY be classroom suspended by you for these acts.

Key Point: These school suspension restrictions reflect a state policy shift toward keeping students in educational settings. Your power to remove a disruptive student from your classroom under Ed. Code 48910 remains unchanged and is not limited by these school suspension restrictions. This is an important distinction.

If Administration Refuses to Comply

Education Code is clear: The administration cannot deny your right to suspend under Ed. Code 48910. If an administrator refuses to honor your suspension or returns the student to your class without your consent, here are your options:

1. Document Everything

Keep detailed records of: when you suspended the student, the reasons, the date you notified administration, and dates when the student was returned to your class against your wishes. Document in writing via email when possible.

2. Communicate in Writing

Send a clear email to the principal: Per Education Code Section 48910, I have suspended [Student] from [Class] through [date]. This student shall not be returned to my classroom during this period without my written consent per Ed. Code 48910(b). Keep a copy for your records.

3. File a Grievance

Contact your union (if applicable) to file a grievance alleging violation of your contractual and statutory rights under Ed. Code 48910. The specific contract process varies by district but typically involves Step 1 (principal), Step 2 (superintendent), and binding arbitration.

4. Contact Your Union Representative

Your union should advocate for enforcement of your statutory rights. This is a clear-cut violation of Education Code, not a matter of contractual interpretation. The union may invoke the Educational Employment Relations Act (EERA), Gov. Code 3540 et seq.

5. File an Unfair Labor Practice (ULP) Charge

If the district systematically denies teachers their statutory suspension rights, this may constitute an unfair labor practice under the Educational Employment Relations Act (EERA), Gov. Code 3540 et seq. The Public Employment Relations Board (PERB) investigates such claims. Your union can help file.

6. Consult Legal Counsel

For persistent violations of Ed. Code 48910, consult an education attorney. Many unions provide legal defense, and some attorneys offer free consultations. A letter from counsel citing Ed. Code 48910 is often effective.

Key Protections

- Your right is statutory, not discretionary. Education Code 48910 gives you this authority regardless of district policy or administrator preference.
- No formality required. You do not need a form, referral slip, or pre-approval. Simply report to the principal immediately per Ed. Code 48910(a).
- Immediate suspension is permitted for safety. For conduct involving violence, weapons, drugs, or danger to persons, you may suspend without first trying other means of correction per Ed. Code 48900.5(a).
- No limitation by grade level. Education Code 48910 applies to all students K-12. The school suspension restrictions for willful defiance do not restrict your classroom suspension rights.
- Student cannot override your suspension. If student refuses to leave, inform administration that the student is defying your authority under Ed. Code 48900(k) and must be removed from the classroom.

Practical Tips

- Document your classroom management efforts. Keep notes about conferences with the student, referrals to counseling, behavior plans attempted, etc. This supports the other means of correctionrequirement.
- Use suspension thoughtfully but without hesitation. It is a legitimate tool for maintaining a safe, productive classroom under Ed. Code 48910.
- Keep emails brief, clear, and factual. Include specific reference to Ed. Code 48910 if challenged.
- Be consistent. Apply suspensions fairly across all students under the standards of Ed. Code 48900.
- Involve counseling and restorative practices when appropriate, but do not let them override your authority under Ed. Code 48910 to maintain classroom safety.

- Know your union contract. Some contracts provide additional support for teachers facing admin pushback on discipline.
- If an admin references school suspension restrictions, clarify that classroom suspensions are unrestricted by grade. The school suspension restrictions are about administrator authority, not teacher authority.

Legal References

California Education Code 48900 - Grounds for Suspension or Expulsion

California Education Code 48900(k) - Willful Defiance (with grade-level restrictions noted)

California Education Code 48900.5 - Other Means of Correction

California Education Code 48910 - Suspension by Teachers; Conference; Referrals

California Education Code 48911 - Suspension by Principal

California Education Code 48913 - Assignments and Tests for Suspended Pupils

California Education Code 48914 - Meeting to Challenge Suspension

California Government Code 3540 et seq. - Educational Employment Relations Act (EERA)

This handout provides general information about teacher rights under California law. It is not legal advice. Consult your union or an attorney for specific situations.