

2020 SFUSD Student Parent Handbook Disciplinary Guidelines on Suspensions

6.3 Disciplinary Guidelines on Suspensions and Expulsions

(SFUSD Board Policy 5144) 6.3.1 Alternatives to Suspension

Both California law and the SFUSD Safe and Supportive Schools Resolution (SSSR) provide that suspension is a last resort and may only be utilized when other means of correction fail to bring about proper conduct, except in the following circumstances:

- A student may be suspended on a first offense if the principal determines that the student has violated CA Education Code 48900(a), (b), (c), (d), or (e), or that the student's conduct causes a danger to persons.
- Immediate suspension and expulsion referral are Required for offenses listed under CA Education Code 48915(c) (possession of gun or explosive, brandishing a knife, selling drugs or a sexual assault or battery).

Suspension is otherwise only permissible if the school team has EXHAUSTED and DOCUMENTED the Required interventions listed in the relevant Behavior Intervention and Support Discipline Matrix (See chapter 6.2) and determines that suspension is the appropriate response.

Additionally, the SSSR requires that prior to suspension of an African American student [or any other group that District data identifies as the most disproportionately referred for discipline], the school must contact the Assistant Superintendent or designee, who will ensure that the Matrix interventions have been exhausted and documented. The Asst. Superintendent will work with the site to identify available supports and interventions for the student. See SFUSD Board Policy 5144 (Discipline) and SFUSD Board Policy 5144.1 (Suspension and Expulsion Due Process)

6.3.2 Definitions of Prohibited Behaviors

BEHAVIORS INVOLVING VIOLENCE OR WEAPONS

- Caused, attempted to cause, or threatened to cause physical injury to another person (CA Education Code 48900(a)(1)); or Willfully used force or violence upon the person of another, except in self-defense (CA Education Code 48900(a)(2))

Examples: Verbally threatening bodily harm; throwing punches or kicks without contact; Mutual fighting; pushing/shoving (i.e., minor scuffle); hitting or kicking without mutual fighting. Additionally, a student who aids or abets the infliction or attempted infliction of physical injury to another person may be subject to suspension, but not expulsion. 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 under CA Education Code 48900(a).

- Possessed, sold, or otherwise furnished a firearm, knife, explosive, or other dangerous object (CA Education Code 48900(b))

Weapons may include but are not limited to the following: gun, knife, stun gun, switch-blade, BB gun, pellet gun, slingshot, metal knuckles, studded hand apparel, mace, pepper spray, metal pipe, fireworks, firecracker; or other objects not designed to be weapons but that are dangerous and not reasonably brought to school without written permission from the principal such as a screwdriver, Leatherman tool, Swiss army knife, butter or steak knife, laser pointing device. Examples: Student having a weapon in a pocket or backpack; selling or giving a weapon to another student. Possession, sale or furnishing a firearm at school or at a school activity off school grounds will result in immediate suspension and expulsion referral.

- Possessed an imitation firearm (CA Education Code 48900(m))

An “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 the replica is a firearm. Examples: Student having an imitation firearm on their person or in a place under their control, such as a backpack or locker.

BEHAVIORS INVOLVING THREATS

- Harassed, threatened or intimidated a complaining witness (CA Education Code 48900(o))

Harassed, threatened, or intimidated a student who is a complaining witness or a 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. Examples: Verbal or written threats to a victim or other witness to prevent them from submitting a written statement or testifying in an expulsion hearing; retaliating against a witness who provided a statement or testimony.

- Terroristic threats (Only applies to students in grades 4-12) (CA Education Code 48900.7)

“Terroristic threat” shall include any written/oral statement, by a person who willfully threatens to commit a crime which will result in death, great bodily injury, or property damage in excess of \$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 safety, their family’s safety, or the safety of school property. Examples: Making a bomb threat or threatening injury via phone call, email, or text.

BEHAVIORS INVOLVING DRUGS, ALCOHOL OR TOBACCO

- Unlawfully possessed, used, sold, or otherwise furnished or been under the influence of drugs, alcohol or an intoxicant of any kind. (CA Education Code 48900(c))

Examples: Being drunk or high; having drugs or alcohol on the student’s person, in their backpack, locker or other place under their control; providing drugs or alcohol to another student; selling drugs or alcohol. Some examples of drugs or intoxicants include marijuana, hashish, prescription drugs, spray cans, nitrous oxide, etc.

Unlawful sale of controlled substances will result in an immediate suspension and expulsion referral.

- Unlawfully offered, arranged, or negotiated to sell a controlled substance, an alcoholic beverage, or an intoxicant of any kind and either sold, delivered, or otherwise furnished a look-alike substance. (CA Education Code 48900(d))

Examples: Offering or arranging to sell marijuana or prescription drugs and selling/delivering/furnishing oregano (instead of marijuana) or over-the-counter non-prescription pills (instead of prescription drugs).

- Possessed or used tobacco or any products containing tobacco or nicotine (CA Education Code 48900 (h))

Examples: Student using the following products or having them on their person, in their backpack or locker, or elsewhere under their control: cigarettes; vapor/electronic cigarettes; cigars; miniature cigars; clove cigarettes; smokeless tobacco; snuff; chew packets; betel.

- Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell drug paraphernalia (CA Education Code 48900 (j))

“Drug paraphernalia” includes all equipment, products and materials of any kind which are designed for use, or marketed for use, in planting, propagating, cultivating, growing, harvesting, manufacturing...packaging, re-packaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of this division.” (CA HSC Section 11014.5) Examples: Possessing or arranging to sell products such as Zig-Zag papers; roach clips; syringes; needles; chamber pipes; bongs.

- Unlawfully offered, arranged to sell, negotiated to sell or sold the prescription drug Soma (CA Education Code 48900 (p))

Examples: Offering, arranging to sell or selling Soma, which is a muscle relaxer that works by blocking pain sensations between the nerves and the brain.

BEHAVIORS INVOLVING HARASSMENT/BULLYING/HAZING

- Sexual Harassment (applies only to grades 4-12) (CA Education Code 48900.2)

Sexual harassment means 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 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 academic status or progress.
- b. Submission to, or rejection of, the conduct by the individual is used as the basis of academic decisions affecting the individual.
- c. The conduct has the purpose or effect of having a negative impact upon the individual’s academic performance, or of creating an intimidating, hostile, or offensive 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.

The conduct described above must be considered by a reasonable person 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. Examples: Inappropriate verbal comments, gestures, pictures or written materials of a sexual nature.

- Caused, attempted to cause, threatened to cause or participated in hate violence (Only applies to students in grades 4-12) (CA Education Code 48900.3)

"Hate violence" means to willfully injure, intimidate, or threaten another person in their free exercise or enjoyment of their rights by force or threat of force, because of the person's actual or perceived race, religion, ethnicity, national origin, disability, sex, sexual orientation, or gender identity. This includes destruction or damage to a person's property to threaten or intimidate them as described above. Examples: Damaging a student's locker or other personal property with threats to harm the student based on sexual orientation or gender identity; hitting a student or threatening harm based on their national origin or race.

- Harassment, threats or intimidation (Only applies to students in grades 4-12) (CA Education Code 48900.4)

For purposes of this offense, there must be intentional harassment, threats or intimidation directed against school district personnel or students that is sufficiently severe or pervasive to have the actual and reasonable expected effect of materially disrupting class work, creating substantial disorder, and invading the rights of either school personnel or students by creating an intimidating or hostile educational environment. Examples: Verbal threats, written notes or electronic messages threatening physical harm; or communications that seek to intimidate or harass.

- Hazing (CA Education Code 48900 (q))

For purposes of this offense, "hazing" means 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. Examples: Requiring a student to eat or drink disgusting food/material; endure physical abuse or engage in physically dangerous or humiliating activities as an initiation to join a student club or team.

- Bullying/Cyberbullying (CA Education Code 48900 (r))

For the conduct to meet the definition of bullying for purposes of this offense, it must be "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 CA Education Code 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:

- a. Placing a reasonable student(s) in fear of harm to themselves or property, or causing a reasonable student to experience
- b. A substantially detrimental effect on their physical or mental health,
- c. Substantial interference with their academic performance,
- d. Substantial interference with their ability to participate in or benefit from the services,

activities, or privileges provided by a school.

Students should treat all persons equally and respectfully and refrain from the willful or negligent use of slurs against any person on the basis of race, color, creed, national origin, religion, ancestry, age, sex, sexual orientation, gender identity, or disability. (SFUSD Board Policy 5145.3)

Examples: Cyberbullying through messages, texts, sounds or images that originate on or off of the school site; bullying in person or through written materials. Making verbal comments or sending written or electronic messages that bully based on sexual orientation or perceived orientation, ethnicity, race or physical or mental disability; comments, messages, texts, sounds or images that are sexually harassing (under CA Education Code 48900.2), threaten hate violence (under CA Education Code 48900.3), harass, threaten or intimidate (under CA Education Code 48900.4); sending, forwarding and/or receiving sexually explicit messages, texts, sounds or images; posting to or creating a burn page; creating a credible impersonation or false profile with the purpose to bully the student impersonated.

BEHAVIORS INVOLVING PROPERTY

- Committed or attempted to commit robbery or extortion (CA Education Code 48900 (e))

Robbery is the taking of personal property (such as hats, jackets, shoes, clothing, etc.) in the possession of another person, from their person or immediate presence, taken against the person's will by means of force or fear. Extortion is getting money or property from someone through the use of force or threats. Examples: Grabbing money, phone or other property from another student's hand or pocket; threatening to cause physical harm or harm to someone's property or reputation if the person does not turn over money or other personal property.

- Caused or attempted to cause damage to school or private property. (CA Education Code 48900 (f))

Examples: Defacing school facilities/materials; writing graffiti in instructional materials, on desks or walls; committing or attempting to commit arson/set fire to school property.

- Stolen, or attempted to steal, school or private property. (CA Education Code 48900(g))

Examples: Stealing or attempting to steal school instructional materials, keys, passwords, testing materials, computers, laptops, cell phones, or other personal electronic devices or money from school, employees, or other students. Possession, duplication, or use of school keys without authorization from school authority is prohibited and will be grounds for disciplinary action.

- Knowingly received stolen school or private property (CA Education Code 48900 (l))

Examples: Receiving stolen school laptops, testing materials, or keys; or personal property such as student cell or smart phones, laptops or money.

BEHAVIORS INVOLVING DISRUPTION

- Committed an obscene act or engaged in habitual profanity or vulgarity. (CA Education Code 48900 (i))

Obscene is defined as: relating to sex in an indecent or offensive way; offensive or disgusting by accepted standards of morality and decency. Vulgarity is defined as an act or expression that offends good taste or propriety. Examples: Making obscene gestures

or movements; regularly or repeatedly using profanity toward a school employee or other student(s); regularly or repeatedly making vulgar comments or gestures.

- 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. (CA Education Code 48900(k))

Examples: Being off task, out of seat, talking out of turn, talking back, using profanity, failing to complete assignments, failing to follow instructions, coming into class late, failing to bring supplies or materials. Important Note: STUDENTS CANNOT BE SUSPENDED OR EXPELLED FOR DEFIANCE/DISRUPTION

BEHAVIOR THAT MAY REQUIRE INTENSIVE INTERVENTION

This list does not include descriptions of some potential intensive intervention offenses that have already been defined above, including CA Education Code 48900 (b) (possession, use or sale of knife or other dangerous object); CA Education Code 48900(e) (robbery or extortion); (q) (hazing); CA Education Code 48900.3 (hate violence); or CA Education Code 48900.7 (terroristic threats))

- Possessing, selling, furnishing a firearm (not an imitation weapon) (CA Education Code 48915 (c) (1))

“Firearm” is defined as an instrument used in the propulsion of shot, shell, or bullets by the action of gunpowder exploded within it. The word firearm includes a pistol, revolver or rifle, or any other device designed to be used as a weapon from which a projectile may be expelled by the force of any explosion or other form of combustion. Examples: Having a gun on a student’s person; in their backpack, locker or other area under their control; selling a gun; furnishing/providing a gun to another person. Possession, sale or furnishing a firearm at school or at a school activity off school grounds will result in immediate suspension and expulsion referral.

- Brandishing a knife (blade greater than 2.5 inches and locks) (CA Education Code 48915 (c) (2))

As used in this offense, “knife” means any of the following: dirk, dagger, 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, or a razor with an unguarded blade. “Brandishing” means to wave threateningly, as a weapon; to display ostentatiously; or a threatening or defiant gesture. Examples: Holding a knife and waving it angrily toward other student(s) or school staff.

- Possession of an explosive (CA Education Code 48915 (c)(5))

Examples: For purposes of this offense, explosive means “any explosive, incendiary, or poison gas (i) bomb, (ii) grenade, (iii) rocket having a propellant charge of more than four ounces, (iv) missile having an explosive or incendiary charge of more than one-quarter ounce, (v) mine, or (vi) device similar to any of the devices described in the preceding clauses; or any type of weapon (other than a shotgun or a shotgun shell) by whatever name known which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore of more than one-half inch in diameter; and any combination of parts either designed or

intended for use in converting any device into any destructive device described above and from which a destructive device may be readily assembled. (18 United States Code 921)
Possession of an explosive at school or at a school activity off school grounds will result in immediate suspension and expulsion referral.

- Unlawfully selling a controlled substance (CA Education Code 48900 (c)/CA Education Code 48915(c)(3))

Examples: Selling marijuana, cocaine, methamphetamine, hashish, heroin, PCP, LSD, prescription drugs or other controlled substances. Unlawfully selling a controlled substance at school or at a school activity off school grounds will result in immediate suspension and expulsion referral.

- Committed or attempted to commit a sexual assault or sexual battery (CA Education Code 48900 (n), 48915(c)(4))

Examples: Sexual assault includes committing or attempting to commit the following offenses: (1) rape, (2) sodomy, (3) lewd or lascivious act upon a child under 14 years old; (4) oral copulation, (5) sexual penetration accomplished by force, duress, menace, or fear of immediate and unlawful bodily injury; and (6) sexual intercourse, penetration, oral copulation, or sodomy where consent is obtained by fraud or false pretenses or by pretense that induces fear. Sexual battery is defined as “[a]ny person who touches an intimate part of another person, if the touching is against the will of the person touched, and is for the specific purpose of sexual arousal, sexual gratification, or sexual abuse, is guilty of misdemeanor sexual battery.” Committing or attempting to commit sexual assault or sexual battery at school or at a school activity off school grounds will result in immediate suspension and expulsion referral.

- Causing serious physical injury (CA Education Code 48915(a)(1)(A))

Examples: Stabbing a student with a knife; causing physical injury that required hospitalization; causing physical injury that caused extreme physical pain or prolonged impairment of bodily function.

- Assault or battery of a school employee (CA Education Code 48915(a)(1)(E))

An assault is an unlawful attempt, coupled with a present ability, to commit a violent injury on another person. A battery is any willful and unlawful use of force or violence upon another person. Example: Swinging a fist in an attempt to hit a teacher, administrator or other staff; slapping, punching or kicking a teacher, administrator or staff.

6.3.3 Prohibited Suspensions

1. Disruption or Willful Defiance

No student shall receive a suspension or recommendation for expulsion or be expelled solely on the basis of disruption or willful defiance under CA Education Code 48900(k). (Safe & Supportive Schools Resolution)

2. Truancy, Tardiness or Absence

Suspension and expulsion may not be imposed for truancy, tardiness, or absence. Alternatives to suspension or expulsion shall be used with students who are truant, tardy, or otherwise absent from assigned school activities. (CA Education Code 48900(w))

3. Dress Code/Uniform -Suspension or expulsion shall not be used as a punishment for the violation of a dress code, head covering policy or uniform policy.

4. Undocumented Suspensions

All undocumented suspensions are prohibited and unlawful. Students shall not be removed from one or more class periods or sent home before the end of the school day for disciplinary purposes without complying with the required due process documentation outlined below.

6.3.4 Suspension Due Process

(SFUSD Board Policy & SFUSD Administrative Regulation 5144.1)

Suspension removes a student from their classroom and/or the school campus, and results in the student losing important academic time. Students are urged to seek assistance and support from a staff member with whom they have a positive relationship, in order to avoid making a behavior choice that could result in a suspension being issued. Staff are encouraged to intervene and provide support and/or a restorative process in order to assist the student(s) to deescalate behavior and resolve any conflicts or misbehavior that could result in suspension and/or referral for expulsion.

JURISDICTION FOR SUSPENSION (CA Education Code 48900(s))

No student shall be suspended or expelled for any of the acts enumerated above unless that act is related to school activity or school attendance occurring within a school under the jurisdiction of the superintendent or principal or occurring within any other school district.

A student may be suspended or expelled for acts which are enumerated in CA Education Code 48900 and related to school activity or attendance which occur at any time, including but not limited to, any of the following:

- a. While on school grounds.
- b. While going to or coming from school.
- c. During the lunch period, whether on or off the campus.
- d. During, or while going to or coming from, a school sponsored activity.

SUSPENSION BY A TEACHER/REQUIRED DUE PROCESS (CA Education Code 48910)

Maximum Days of Suspension: Any teacher or substitute teacher may suspend a student from their classroom for the day of suspension plus the following day for any of the acts described in CA Education Code 48900.

Parent/Guardian/Caregiver Conference: The teacher who issued the suspension shall immediately report the suspension to the principal of the school and send the student to the principal for appropriate action.

The teacher shall ask the parent/guardian/caregiver of the student to attend a parent/guardian/caregiver-teacher conference regarding the suspension.

Classroom Visitation: A teacher may request, when reasonable, a parent/guardian/caregiver to attend the classroom from which their child was suspended by the teacher for offenses, which involve defiance, disruption, committing an obscene act, and/or engaging in habitual profanity or vulgarity. If a teacher wishes to have the parent/guardian/caregiver visit the classroom, the principal shall send a written notice to the parent/guardian/caregiver stating that attendance by the parent/guardian/caregiver is pursuant to law (CA Education Code 48900.1). This requirement

shall apply only to a parent/guardian/caregiver who is actually living with the student.

The teacher shall ensure the principal or designee meets with the parent/guardian/caregiver after completing the classroom visitation and before leaving the school site. The principal or designee shall contact parents/guardians/caregivers who do not respond to the teacher's request to attend school. The principal or designee shall follow procedures pursuant to this section. (CA Education Code 48900.1)

Supports During In-School Suspension: Consistent in-school options must be available to students who have been suspended by a teacher, with appropriately credentialed intensive supervision, behavioral counseling, and completion of schoolwork as required by CA Education Code 48911.1.

SUSPENSION BY THE PRINCIPAL / REQUIRED DUE PROCESS (CA EDUCATION CODE 48911)

Maximum Days of Suspension:

The duration of a suspension by the Principal is limited to 5 consecutive school days for any one incident, up to a maximum of 20 school days during the school year. A recommendation to expel should be made no later than the fifth day of suspension. (CA Education Code 48903)

Informal Conference:

Before suspending the student, the principal or designee shall have an informal conference with the student and when practicable, the teacher, supervisor, or school employee who referred the student to the principal. At the informal conference, the student shall be informed of the reason for the disciplinary action and the evidence against him/her, and shall be given an opportunity to present their version and evidence in their defense.

Emergency Situation:

A student may be suspended without a conference if the principal or designee determines that an emergency situation exists. Emergency situation means a situation determined by the principal, the principal's designee, or the superintendent, to constitute a clear and present danger to the life, safety, or health of students or school personnel.

If a student is suspended without a conference prior to suspension, both the parent/guardian/caregiver and the student shall be notified of the student's right to such a conference, and the student's right to return to school for the purpose of a 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 student is physically able to return to school for the conference.

Notice of Suspension:

At the time of suspension, a school employee shall make a reasonable effort to contact the student's parent or guardian in person or by telephone. If the parent/guardian/caregiver cannot be reached, the student is to remain on campus until the parent/guardian/caregiver is contacted or to the end of the school day. Whenever a student is suspended from school, the parent or guardian shall be notified in writing of the suspension.

Re-Entry Conference:

Every student who is suspended from school shall receive a re-entry conference and an inter-

vention plan to be developed with the student and guardian/parent(s) that shall include clear documented behavioral and academic expectations for the student, and any additional services or support that school staff will provide to assist the student in meeting those expectations. The parent/guardian shall respond without delay to any request from school officials to attend a re-entry conference, but a parent/guardian's failure to participate shall not prevent the student from returning to school after the suspension, nor will it prevent the school and student from holding the conference or developing the intervention plan.

Suspension Pending Expulsion:

In a case where expulsion from any school is being processed, the Superintendent or designee may extend the duration of the suspension until the Board has rendered its final decision in the action.

An extension of the suspension pending the Board's decision regarding the expulsion may be granted only if the Superintendent or designee (Student, Family, and Community Support Division) has determined, following a meeting in which the student and the parent/guardian are invited to participate, that the presence of the student would cause a danger to persons or property or a threat of disrupting the instructional process.

Foster Youth: The foster youth's attorney and child welfare agency representative or homeless student's liaison must be notified of the expulsion proceedings and invited to participate in the extension of suspension meeting. (CA Education Code 48853.5, 48911).

COUNSELING CENTER

To the extent feasible, students shall be permitted to serve out of school suspension instead of serving the suspension at home at the:

SFUSD Counseling Center

44 Gough Street, Suite 107

San Francisco, CA 94103

Phone: (415) 241-6024 or (415) 241-6038

Fax: (415) 621-1567

Homework/Assignments:

The principal or designee shall ensure that the student's teacher provides the student with the homework that the student would otherwise have been assigned. If a homework assignment is requested and is turned in to the teacher by the student either upon the student's return from suspension or within the time frame originally prescribed by the teacher, whichever is later, and is not graded before the end of the academic term, the homework assignment shall not be included in the calculation of the student's overall grade in the class. (CA Education Code 48913.5)

The teacher of any class from which a student is suspended may require the student to complete any assignments and tests missed during the suspension. (Education Code 48913)

The teacher of any class from which a student is suspended may require the suspended student to complete any assignments and tests missed during the suspension. (CA Education Code 48913)

Community Service:

As part of or instead of disciplinary action, the principal of a school or designee may require that a student perform community service on school grounds or, with written permission of the

parent or guardian of the student, off school grounds, during the student's non-school hours. It is advisable that this approach be combined with a Restorative Practices approach such as a conference in which the student and other affected members of the school community delineate the harm done, develop a plan to promote future positive behavior, and reintegration of the student into the school and classroom.

"Community service" may include, but is not limited to, work performed in the community or on school grounds in the areas of outdoor beautification, community or campus betterment, and teacher, peer, or youth assistance programs. This section does not apply if a student has been suspended, pending expulsion, pursuant to Section 48915.

Parent/Guardian/Caregiver Request to Meet to Discuss a Student's Suspension

In accordance with CA State Education Code 48914, if a suspension is ordered by a principal pursuant to CA Education Code 48900, the parent/guardian/caregiver may request a meeting to discuss:

- 1.The cause for suspension,
- 2.The duration of the suspension,
- 3.The school/district policy involved, and
- 4.Other matters pertinent to the suspension.

Special Education Students:

Please refer to "Suspension and Expulsion Procedures for Special Education Students" in chapter 6.3.7 for additional rights.

6.3.5 Suspension Appeals

You can appeal a suspension on one or more of the reasons outlined below:

- Your child did not actually do what they were alleged to have done;
- The suspension was issued based on unsubstantiated personal conclusion or inference;
- The suspension was issued based on conclusion or inference outside of the observer's area of competence;
- There were no individuals who actually personally observed your child committing the violation;
- The suspension was issued in violation of any rights of your child, such as the right to be free from discrimination.
- The suspension was not appropriate under the Safe and Supportive Schools Resolution (e.g., suspension solely for defiance/disruption, for suspensions that are not mandatory or allowed by law for a first offense, the suspension was issued prior to documentation and use of alternatives to suspension).

If the suspension is overturned all records of the suspension will be removed from your child's file. Your child will still need to serve the suspension while the appeal is being heard. To file an appeal, you can write a letter to the Assistant Superintendent for your school with your child's name, birthdate and school; the suspension date and reason for the suspension; and an explanation of the reason(s) above support your appeal. Alternatively, you can fill out an Appeal of Suspension form that can be obtained on the SFUSD website or can be mailed or emailed to you by your school. The Asst. Superintendent will contact you within 30 days of submission of your letter/form, and will then decide

whether to uphold or overturn the suspension. You will have the right to appeal this decision to the Board of Education within 30 days of the decision if you are not satisfied with the resolution. Suspension Appeals must be filed within one year of the suspension.

6.3.6 Expulsion Regulations and Procedures

Expulsion Chart (CA Education Code 48915)

Mandatory Suspension and Expulsion Referral

California State Education Code mandates that any students who commit the following offenses be immediately suspended from school and referred for expulsion:

- Possessing, selling, or furnishing a firearm. This section applies to possession of a firearm only if the possession is verified by an employee of a school district (possession of an imitation firearm does not require mandatory suspension/expulsion, but may form the basis of a discretionary suspension or expulsion) – CA Education Code 48915 (c)(1).
- Brandishing a knife at another person – CA Education Code 48915 (c)(2).
- Unlawfully selling a controlled substance – CA Education Code 48915(c)(3).
- Committing or attempting to commit sexual assault or sexual battery – CA Education Code 48915 (c)(4) & 48900 (n).
- Possession of an explosive – CA Education Code 48915 (c)(5).

Upon a finding that the student committed one of the offenses above, the Board shall order the student expelled for one year from the date of the expulsion.

Quasi-Mandatory Expulsion Referral (Unless Principal Determines Inappropriate)

California State Education Code mandates that any students who commit the following offenses must be referred for expulsion unless the principal 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 – CA Education Code 48915 (a)(1)(A).
- Possession of any knife or other dangerous object of no reasonable use to the student – CA Education Code 48915 (a)(1)(B).
- Unlawful possession of any controlled substance (except for the first offense for possession of not more than an 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) – CA Education Code 48915 (a)(1)(C).
- Robbery or extortion – CA Education Code 48915 (a)(1)(D) & 48900 (e).
- Assault or battery upon any school employee – CA Education Code 48915 (a)(1)(E).

A decision to expel for one of these offenses must be based on a finding of one or both of the following:

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

Discretionary Expulsion Referral

Expulsion referrals for all other offenses listed in CA Education Code Section 48900, 48900.2, 48900.3, 48900.4, 48900.7, may be made at the principal's discretion. However, a student cannot be referred for expulsion or expelled solely on the basis of CA Education Code 48900(k).

A decision to expel for one of these offenses must be based on a finding of one or both of the following:

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

EXPULSION HEARING PROCESS

a. Hearing Date:

The expulsion hearing shall be held within thirty (30) school days of the date that the principal or the superintendent determines that the student has committed any acts that require expulsion.

1. The student, parent/guardian/caregiver are entitled to one (1) postponement not to exceed thirty (30) calendar days upon written notice from the parent/guardian/caregiver.
2. If parent/guardian/caregiver/student does not respond to notice requesting an expulsion hearing, the hearing may be held irrespective whether the student, parent/guardian/caregiver chooses to attend.

b. Notice of Hearing:

Written notice of the hearing shall be forwarded to the student at least 10 calendar days prior to the date of the hearing.

The notice will include:

1. Date and place of hearing.
2. Statement of the specific facts and charges upon which the proposed expulsion is based.
3. Copy of the disciplinary rules of the district which relates to the alleged violation.
4. The opportunity for the student, the parent/guardian/caregiver to appear in person or employ and be represented by an attorney. Parent/guardian/caregiver may also designate a representative (a relative, friend, or community agency personnel) to be present at the hearing to advocate on their behalf.
5. The opportunity to inspect and obtain copies of all documents to be used at the hearing.
6. Confront and question all witnesses who testify at the hearing and to question all evidence presented.
7. Student may present oral and written evidence, including witnesses.
8. Inform the student and parent/guardian of their obligation to notify future school districts of an expulsion per CA Education Code 48915.1(b).
9. If the student is a foster youth or homeless youth being referred for a non-mandatory offense, the District must inform the student's attorney and child welfare agency representative (for foster youth) or Homeless Youth Liaison (for homeless youth) of the hearing 10 calendar days prior to the hearing date. The notice may be provided by mail, email or telephone call. This notice also may be provided to the student's

attorney/child welfare agency representative/homeless liaison for mandatory offenses.

c. Rights of Complaining Witness (CA Education Code 48918.5)

An expulsion hearing involving allegations of sexual assault or sexual battery may be postponed for one school day in order to accommodate the special physical, mental, or emotional needs of a student who is the complaining witness.

In expulsion hearings that address allegations of sexual assault or sexual battery, the complaining witness shall be provided with a copy of the district's suspension and expulsion policy and regulation and shall advise the witness of their right to:

1. Receive five days' notice of their scheduled testimony at the hearing
2. Have up to two adult support persons of their choosing present at the hearing at the time they testifies
3. Have a closed hearing during the time they testifies

During the hearing there shall be a room separate from the hearing room for the use of the complaining witness prior to and during breaks in testimony. The person conducting

the hearing may: (1) allow reasonable periods of relief from examination and cross-examination during which the witness may leave the hearing room; (2) arrange the seating within the hearing room of those present in order to facilitate a less intimidating environment for the complaining witness; (3) limit the time for taking the testimony of a complaining witness to the hours they are normally in school, if there is no good cause to take the testimony during other hours; and (4) permit one of the complaining witness's support persons to accompany him or her to the witness stand.

The complaining witnesses and accused student shall be advised to refrain from personal or telephone contact with each other during the time when an expulsion process is pending. (CA Education Code 48918.5)

d. Upon completion of the expulsion hearing:

1. Parent/guardian/caregiver and student will be notified within three (3) school days as to the decision reached by the Administrative Panel. The Administrative Panel does not make the final decision about whether to expel, but they do provide a recommendation to the Board of Education about whether or not the student should be expelled.
2. If the Administrative Panel decides not to recommend expulsion, the expulsion proceeding shall be terminated and the student shall be immediately reinstated and permitted to return to the classroom instructional program from which the referral was made, unless another placement is requested in writing by the student's parent/guardian. Before the student's placement decision is made by their parent/guardian, the Superintendent or designee shall consult with the parent/guardian and district staff, including the student's teachers, regarding other placement options for the student in addition to the option to return to the classroom instructional program from which the student's expulsion referral was made. The decision to not recommend expulsion shall be final.

3. If the Administrative Panel recommends that the student be expelled, the student will receive an assignment to a county community school or other appropriate program as part of the recommendation to the Board of Education.

4. Within 40 school days of the student's initial removal from school for the incident for which the expulsion referral was made, the Board of Education shall decide whether to expel the student based on the recommendation of the Administrative Panel, unless the student requests in writing that the decision be postponed.

5. If the student and parent/guardian/caregiver wish to speak to the Board before they make their final decision about whether to expel, they will have the opportunity to do so at the public comment portion of the closed session of the Board of Education on the Thursday before a regularly scheduled meeting on the second or fourth Tuesday of the month. However, the Board of Education will not rehear the case.

EXPULSION APPEALS

Expulsions may be appealed within 30 calendar days following the date of the board's final action to expel the student. See SFUSD Board Policy 1312.3 for details. See Forms in chapter 7.10: Uniform Complaint Process/Complaint Form: Expulsion Appeals.

In appeals of an expulsion decision, the compliance officer will collect the expulsion packet and evidence documents, transcript and Board decision. The complainant shall provide information to support their challenge under one or more of the criteria of CA Education Code 48922 and the District shall provide responsive relevant information. The complainant shall pay for the expulsion transcript unless the parent or guardian certifies that they cannot reasonably afford the cost of the transcript because of limited income or exceptional necessary expenses, or both. (CA Education Code 48921)

The District shall provide the transcript and records to the compliance officer within 10 schooldays. Within 20 schooldays of receiving an expulsion appeal complaint, the compliance officer shall set a date to meet with the complainant to hear reasons in support of the appeal; and shall also meet with the district representative to follow up on appeal criteria that have been identified by the complainant. The written report of the investigation and decision for expulsion appeals shall be sent within 23 school days of the district's receipt of the complaint.

READMISSION AFTER COMPLETION OF EXPULSION

A. An expelled student will be reassigned to a district school after having completed the term of expulsion. A conference will be held with the parent/guardian/caregiver, student, and Pupil Services staff prior to reassignment to a district school. This conference will be Restorative in nature and will be the first step in reintegrating the student into a new school community.

B. The Board of Education's rules and regulations concerning readmission procedures may include a rehabilitation plan for the student, including recommendations for counseling, employment, community service, or rehabilitative programs. Upon assessment of the student's progress under such a rehabilitation plan, the Board may decide not to readmit the student.

6.3.7 Suspension and Expulsion Procedures for Special Education Students

SUSPENSION

Generally, school officials may suspend a student who qualifies for special education using the same procedures as with general education students. Special education students are not exempt from the disciplinary standards that apply to all students.

When a special education student violates CA Education Code 48900(a) through (q), (s), 48900.2, 48900.3, 48900.4, or 48900.7, the student may be suspended for no more than 10 consecutive days. Likewise, the student may be suspended for no more than 10 cumulative days in a series of shorter suspensions that constitutes a pattern. (A pattern is present where the suspensions stem from substantially similar conduct.) 34 Code of Federal Regulations § 300.536 (2006).

A suspension of 10 or fewer consecutive or cumulative school days does not trigger the need for a manifestation determination. 34 Code of Federal Regulations § 300.530(e) (2006). A suspension of more than 10 consecutive school days, or a series of shorter suspensions that totals more than 10 cumulative school days and which constitutes a pattern, triggers the need for a manifestation determination. Id.

EXPULSION

When a special education student violates CA Education Code 48900(a) through (q), (s), 48900.2, 48900.3, 48900.4, or 48900.7, the student may be expelled if a manifestation determination is held and it is determined that the student's conduct was not a manifestation of their disability. 34 Code of Federal Regulations § 300.530(c) (2006).

A student's conduct is a manifestation of their disability if either of the following applies:

1. It was caused by or had a direct and substantial relationship to the disability, or
2. It was the direct result of the school district's failure to implement the IEP. 34 Code of Federal Regulations § 300.530(e) (2006).

FOSTER OR HOMELESS YOUTH

If the manifestation determination is held for a foster or homeless student for a non-mandatory offense, the student's attorney and child welfare agency representative (for foster youth) or the Homeless Youth Liaison (for homeless youth) shall be invited to participate in the meeting. The invitation may be made by mail, email or telephone call. This Notice also may be provided to the student's attorney/child welfare agency representative/homeless liaison for mandatory offenses.

INTERIM ALTERNATIVE EDUCATIONAL SETTING

If the violation committed by the student includes possession of drugs or a weapon, or infliction of serious bodily injury as defined by law, the school district may unilaterally move the student to a 45-school-day interim placement regardless of the result of the manifestation determination. 34 Code of Federal Regulations § 300.530(g) (2006).

No expulsion hearing shall be conducted for an individual with exceptional needs until the following have occurred:

1. A manifestation determination was held and found that the student's conduct was not a manifestation of the disability.
2. Due process hearings and appeals, if initiated, have been completed.

6.4 Interactions with the Police and Law

Enforcement

6.4.1 Mandatory Reports to Police by School Site Administrator or Designee

The principal or designee is required by law to notify law enforcement in the following circumstances:

1. The principal or designee is required to notify law enforcement regarding any acts of a student that may involve the possession or sale of narcotics or a controlled substance. (CA Education Code 48902(c))
2. The principal or designee is required to notify law enforcement regarding the possession of a firearm in a school zone, which includes inside school, on school grounds, or within 1,000 feet of a school. (CA Education Code 48902(c), CA Penal Code 626.9)
- 3 The principal or designee is required to notify law enforcement regarding possession of the following items in school or on school grounds: a dirk, dagger, ice pick, knife with a blade longer than 2 1/2 inches, folding knife with blade that locks in place, razor with unguarded blade, taser/stun gun, bb or pellet gun, spot marker gun. (CA Education Code 48902(c), CA Penal Code 626.10(a))
4. Whenever a District employee is attacked, assaulted or physically threatened by any student, both the employee and the employee's supervisor who has knowledge of the incident are required to promptly make a report to law enforcement. (CA Education Code 44014)
5. Within one school day after suspension or expulsion, the principal or designee is required to notify law enforcement regarding a student's possession, use, sale, furnishing, or being under the influence of a controlled substance, an alcoholic beverage or intoxicant; or the unlawful sale or negotiation to sell a look-alike substance purported to be a controlled substance, alcoholic beverage or intoxicant. (CA Education Code 48902(b), 48900(c), (d))
6. The principal or designee must notify law enforcement prior to suspending a student for assault on another person with a firearm, a deadly weapon or instrument other than a firearm, or by any means likely to produce great bodily injury. (CA Education Code 48902(a), CA Penal Code 245)
7. The principal or designee is required to notify the police and school security or the School Resource Officer (SRO) for 1) Possession, sale, or furnishing a firearm on a school site by a student or nonstudent; 2) Possession of an explosive on a school site by a student or nonstudent. (CA Education Code 48902(c))

6.4.2 Notification of Parents Upon Student's Removal by Police

If a student is arrested at school, principals shall take immediate steps to notify the parent/guardian/caregiver or relative of the minor regarding the release of the minor to the officer, and regarding the place to which the minor is reportedly being taken, except when a minor has been taken into custody as a victim of suspected child abuse. In those cases, the school official shall provide the police officer with the address and telephone number of the minor's parent/guardian/caregiver. (SFUSD Board Policy 5145.11; CA Education Code 48906)

6.4.3 Police Contact and Intervention

SFUSD recognizes the serious potential consequences for youth of juvenile court involvement

and wishes to avoid unnecessary criminalization of our students.

a. Requesting Police Assistance/Police Do Not Handle School Discipline. Staff members and site administrators shall only request police assistance when (1) necessary to protect the physical safety of students or staff; (2) required by law; or (3) appropriate to address criminal behavior of persons other than students. Police are not to act as school disciplinarians and police involvement should not be requested in a situation that can be safely and appropriately handled by the District's internal disciplinary procedures. (SFUSD Board Resolution No. 92-23A6, Adopted June 22, 1999)

b. Procedure to Request Police Assistance. (1) Call 911 in an emergency or crisis situation, and notify site administrator as soon as possible; (2) if there is no immediate danger to students or staff, a staff member should contact a site administrator to make the decision about whether to request police assistance for an incident involving potentially criminal behavior by a student, based on criteria in Section A; (3) notify Leadership, Equity, Achievement and Design (LEAD) Office and prepare a written incident report the same day to detail police response to incident. Disproportionate use of police intervention in inappropriate situations shall be cause for corrective action by the District. (SFUSD Board Resolution No 92-23A6, Adopted June 22, 1999)

c. Police Interrogations. Properly identified law enforcement officers will be permitted to interview students on school premises as suspects or witnesses if the law enforcement officer has legal authority to conduct the interview, which includes: a warrant, court order, parent/guardian consent, or in exigent circumstances. If the law enforcement officer has a warrant, court order, parent/guardian consent, or exigent circumstances exist, the principal or designee shall accommodate the interview in a way that causes the least possible disruption to the school process and gives the student appropriate privacy.

Except in situations where the student is a suspected victim of child abuse, the school must immediately call the student's parents. Efforts to contact parents must include calling all numbers listed on an emergency card and any number supplied by the student. Parents must be given reasonable opportunity to come to the school and be present for any police interview. If a parent cannot be found, the school site should offer the student the option of having an adult of their choice from the school available during an interview. In cases where the principal or designee is unable to contact the student's parent/guardian before the interview begins, the principal or designee shall notify the parent/guardian as soon as practicable after the law enforcement officer has interviewed the student on school premises. (SFUSD Board Policy 5145.11)

State law and SF Ordinance require that prior to a custodial interrogation, and before the waiver of any Miranda rights, police shall allow a student 17 years of age or younger to consult with legal counsel in person, by telephone, or by video conference. The consultation may not be waived. (Welfare & Institutions Code Section 625.6; SF Administrative Code Chapter 96C)

d. Arrests at School. Prior to making an arrest, SFUSD expects the police officer will consider the reasonableness of making the arrest at school by considering various factors (whether it is a school-related offense; the seriousness of the offense; whether there is an imminent threat to public safety; legal requirements; whether the arrest can be accomplished by other means). If the officer determines that arrest is necessary, they should coordinate with the principal or designee to find a private location out of sight and sound of other

students, to the extent practicable and absent exigent circumstances.