

Santa Ana Unified School District
1601 E. Chestnut Avenue
Santa Ana, California 92701

MINUTES

REGULAR MEETING
SANTA ANA BOARD OF EDUCATION

September 22, 2009

CALL TO ORDER

The meeting was called to order at 5:05 p.m. by Dr. Yamagata-Noji. Other members in attendance were Mr. Palacio and Mr. Reyna. Board President Hernández arrived at 5:19 p.m. and Mr. Richardson was not in attendance at the meeting.

Cabinet members present were Dr. Olsky, Mr. Lopez, Mr. Mendez, Mr. Ayala, Ms. Lohnes, and Mr. Dixon. Ms. Russo was not in attendance and Dr. Olsky, Deputy Superintendent, officiated the meeting.

PUBLIC PRESENTATIONS

Board President Hernández asked those wishing to address the Board in matters pertaining to Closed Session to step to the podium.

There were no speakers to address the Board regarding Closed Session items.

RECESS TO CLOSED SESSION

The Regular meeting was immediately recessed to Closed Session to consider student discipline issues, negotiations, and personnel matters.

RECONVENE OPEN MEETING

The Regular meeting reconvened at 6:00 p.m.

PLEDGE OF ALLEGIANCE

The meeting was opened with the Pledge of Allegiance led by Mr. Hernández.

REPORT OF CLOSED SESSION ACTION

By a vote of 4-0, the Board took action to suspend and terminate a certificated employee as named in Closed Session.

Moved: Hernández__ Richardson__ Yamagata-Noji X Palacio __ Reyna__

Seconded: Hernández__ Richardson__ Yamagata-Noji __ Palacio X Reyna__

Vote: Ayes 4-0 Noes _____ Abstain _____ Absent 1

By a vote of 3-1, the Board took action to approve Todd E. Butcher to the position of Manager of Construction.

Moved: Hernández__ Richardson__ Yamagata-Noj X Palacio__ Reyna __
 Seconded: Hernández X Richardson__ Yamagata-Noji__ Palacio__ Reyna __
 Vote: Ayes 3-1 Noes 1 Abstain_____ Absent 1

REPORT FROM DEPUTY SUPERINTENDENT

Dr. Cathie Olsky announced that Superintendent Russo was invited by the Association of California School Administrators to travel to Washington, D.C. this week. Ms. Russo was selected as the superintendent representative for the State school boards team which will be meeting with President Obama's Administration including senior level staff and members of the U.S. Department of Education. She will also advocate on behalf of California's public school system, administrators, and Santa Ana Unified School District.

Deputy Superintendent highlighted postings on the Board Room walls of schools that have exited Program Improvement, are in Safe Harbor, and on those schools who have achieved 700 and 800 status on their Academic Performance Index scores.

Parents were reminded to attend "Back to School Night" regarding their child's education and success in the classroom. "Back to School" for most high schools will be Wednesday, September 23. Middle College High School will hold its "Back-to-School" Night on Friday, September 25.

Century High School's United Student Body (USB) President, Grecia Barroso, and Senior Class President, Agustina Montaña, provided a report. Both discussed their roles as USB president and class president as well as share insights of what is in store for the new school year at Century High.

Middle College High School was recently named a 2009 National Blue Ribbon School. The school is one of only 314 which achieved this status out of 120,000 public and private schools in the nation this year. The award honors K-12 schools which show academic excellence or have made dramatic gains in student achievement. We congratulate Middle College High School students, staff, and parents on this remarkable achievement. The school joins Greenville Fundamental Elementary, McFadden Intermediate, and Orange County High School of the Arts in Santa Ana Unified group of Blue Ribbon schools.

Recently, Segerstrom High School was the host of a catastrophic injury management practicum for high school athletic directors, coaches, trainers courtesy of The Kevin Armstrong, M.D. Memorial Sports Foundation and Athletic Conditioning Injury Center. Participants from Orange and Los Angeles County high schools studied best practices and the recommended methods for quick and effective treatment of the most common catastrophic sports injuries such as heat illnesses, spinal cord injuries and cardiac arrest that can affect high school athletes. Training is imperative in the wake of tragic events such as the one that occurred recently, in which a Garden Grove High football player collapsed during a game. Santa Ana High Saints football players opened a recent practice with their tribute to the fallen player. A video clip from the injury management-training seminar as well as the Santa Ana High Saints tribute to Kevin Telles was shown.

Parents, students, and community members were invited to join Healthy Eating Active Communities Partners, Orange County Health Care Agency, and Latino Health Access along with the SAUSD Police Department as they participate in the annual International Walk to School Day on Wednesday, October 7. Educators, parents, students, and community members will partake in the global event held annually to bring awareness to the importance of safe walking, biking, traffic skills, ways to maintaining safe routes and habits during school hours and beyond throughout the City of Santa Ana.

Students and parents are invited to a College Night Program from 5:45 p.m. until 8:45 p.m. in the Segerstrom High School gymnasium on October 7. More than 70 university and college representatives will be present to answer questions about entrance requirements, tuition, and housing. Financial aid and scholarship information will also be available.

Parents are reminded to sign up for the 16th Annual Santa Ana Unified School District Parent Conference. In partnership with Santa Ana College and the City of Santa Ana, the free event will be held on Sunday, October 11, from 9 a.m. - 3 p.m. at Godinez Fundamental High School. Parents will be treated to a wide range of workshops. Childcare, transportation, opportunity drawings, and lunch will be included.

Dr. Olsky asked those in the Board Room to draw their attention to the creative student artwork displayed in our Board Room from Adams, Carver Elementary Schools, and Head start/State Pre-school.

PRESENTATIONS

Presentation #1 - H1N1 Flu: Preparation and Prevention

Ms. Doreen Lohnes, Assistant Superintendent, Support Services, introduced Gayle McLean, Program Specialist Health Services. Ms. Lohnes paid tribute to Ms. McLean who recently received the honor of California Nurse Administrator of the Year 2009-10.

Ms. Lohnes reviewed a report with the Board which was compiled through collaborative efforts of Dr. Walsh, Medical Director, Orange County Health Care Agency, Ms. Diaz-Miller, Director of Pupil Support Services, and Ms. Boden, Director, Risk Management, as well as Ms. McLean, District Nurse. Individuals listed above were present at the meeting.

Ms. Lohnes stated that information regarding H1N1 is available on the SAUSD website; video presentations are available for parent meetings in English, Spanish, and Vietnamese. Principals have disseminated information using various forms of communiqué. Ms. McLean stated that training and instruction to parents, students, and staff would continue. On October 30, a free vaccination clinic will be available at Santa Ana College from 11:30 a.m. - 1:30 p.m. At school sites, nurses will provide vaccinations. Dr. Walsh reminded parents that there are simple ways to reduce the spread of the H1N1 flu which is similar to the seasonal flu. Students should cover coughs with tissue or shirt/blouse sleeves, wash hands regularly, and get flu vaccinations early. Flu symptoms include sore throat, headache, vomiting, and most commonly fever. If a student is ill, he advises that the student remain home until fever free for 24 hours, then return to school. Support will continue through the coordination of the Orange County Health Care Agency, Public Information Office, Support Services, Risk Management, and administration. She stated that advisories to each school sites would continue as well as a large banner that shows visuals of what students can do to prevent the spread of germs.

Presentation #2 Budget Update

Mr. Ron Murrey, Associate Superintendent Business Services, provided a Budget update through collaborative efforts of Mr. Tsunozumi, Executive Director Business Services, and Dr. Tony Wold, Director of Program Quality Analysis.

Mr. Murrey announced that the District closed its financial records for 2008-09 with unrestricted ending balances of \$27 million in favorable projections. He said that the 2008-09 adopted budget was based utilizing the Governor's May and June Revises. Because the Board approved its 2009-10 budget by June 30, 2009, utilizing the above assumption. On July 24, the State revised the budget whereby \$13 million in revenue cuts were moved from 2008-09 to 2009-10. In addition, he credits freezing expenditures and positions as well as maximized the use of categorical dollars and conserved Tier III categorical dollars in 2008-09.

Mr. Murrey reviewed the 2009-10 budget revisions outlining various changes to the adopted budget. Revisions include Revenue Limit reductions in the amount of \$13 million, reductions due to QEIA in the amount of \$11 million, management furlough days (4.6%), reinstatement of CSR in grades 1 and 2, elimination of three staff development days in the amount of \$4 million, and substitute costs showing \$7.4 million to \$0.5 million. He stated that COLA was eliminated for 2010-2012 and given the State financial outlook and School Services of California's recommendation, the District assumed COLA for both years at 0% with no additional increase to the revenue limit deficit. He then reviewed Stimulus dollars and stated that the SAUSD has not received all funds they reported that we would. Mr. Murrey noted that from 2004-12 school years, the District would have reduced \$175.7 million from the budget. He discussed multi-year projections, additional budget cuts of an estimated \$7-\$10 billion due to State budget shortfall for the current year which means \$45 million reduction to the SAUSD this year. He then reviewed reserves, QEIA, Cash flow, State Cash deferrals and options for borrowing. He stated that the next steps would be to identify \$31 million in reductions by December 15 and further troubling is the prospect of additional mid-year State budget cuts.

Following the presentation, with Board member's consensus acted on Board Agenda Item 7.0.

AGENDA ITEM 7.0 - APPROVAL OF DISTRICT'S UNAUDITED ACTUALS FOR 2008-09

It was moved by Mr. Hernández, seconded by Mr. Reyna, carried 4-0, to approve the District's unaudited Actuals for 2008-09.

Presentation #3 Second Issuance of Measure G

Mr. Murrey called upon Ms. Lori Raineri, President of Government Financial Strategies, Inc. to the podium. She introduced Keith Weaver, Senior Project Manager also of Government Financial Strategies, Inc. who was in attendance at the meeting. The Board adopted a resolution previously, which provided information to the County of Orange regarding the proposed issuance of the General Obligation Bonds for SAUSD in fiscal year 2009-10. This second issuance would enable the District to continue construction and renovation projects by using Qualified School Construction Bonds. Ms. Raineri provided a review of Measures C and G and the method for selling bonds, taxpayer savings, and plan for 2009 General Obligation Bond Issuances. She stated that Qualified School Construction Bonds (QSCB) is a new federal program authorized by the American Recovery and Reinvestment Act of 2009. She estimates a \$7.3 million savings to taxpayers in 2009 with the SAUSD achieving similar savings for its taxpayers next year with the 2010 QSCBs if the refinancing rates do not rise significantly over the next few months. Ms. Raineri stated that taxpayers are expected to pay 20% less than estimated. The next steps are:

- October 13 - the Board will consider adopting a resolution requesting the County to issue bonds and approve legal documents
- November 3 - County Board considers adoption of resolution authorizing issuance of bonds
- November 16 sale of Measure C Series 2000 refinancing, Measure G QSCBs, and Measure G tax-exempt bonds
- December 8 - Closing and bond proceeds deposited in County Treasury for District's use

The Board made suggestions and recommendations and requested additional information to be brought to the next Budget update.

PUBLIC PRESENTATIONS

President Hernández asked those members of the community who wished to address the Board to step forward as he called their names.

Rosario Camarena, SAUSD parent, addressed the Board regarding a former certificated employee at McFadden. She asked if the Board would reconsider bringing her back to McFadden Intermediate School, as she was an asset to the parents and students.

Dave Barrera, SAUSD rified teacher, addressed the Board regarding Class Size Reduction.

Dr. Gary Reynolds, SAUSD teacher, addressed the Board regarding Chemistry class size.

APPROVAL OF MINUTES

It was moved by Mr. Palacio, seconded by Mr. Reyna, and carried 4-0, to approve the Minutes of the Regular Board Meeting of September 8, 2009.

1.0 APPROVAL OF CONSENT CALENDAR

It was moved by Mr. Palacio, seconded by Mr. Reyna, and carried 5-0, to approve the remainder of the Consent Calendar as follows:

- 1.1 Approval of extended field trips in accordance with Board Policy 6153 - School-Sponsored Trips and Administrative Regulation 6153.1 - Extended School-Sponsored Trips. A list is attached in the Minutes.
- 1.2 Approval of Master Contracts and/or individual service agreements with nonpublic schools and agencies for students with disabilities for 2009-10 school year.
- 1.3 Approval of Expulsion of Students for Violation of California Education Code 48900, 48900.2, 48900.3, 48900.4, 48900.7, and/or 48915(c) According to Board Policy 5144.1

318347 - Century High

For the violation of Education Code Section 48900, paragraph g, that the Board expel the student from the schools for the District, and that the student may apply for readmission on or after June 18, 2010.

149641 - Century High

For the violation of Education Code Section 48900, paragraph g, that the Board expel the student from the schools for the District, and that the student may apply for readmission on or after June 18, 2010.

153838 - Century

For the violation of Education Code Section 48900, paragraph g, that the Board expel the student from the schools for the District, and that the student may apply for readmission on or after June 18, 2010.

159136 - Century

For the violation of Education Code Section 48900, paragraph g, that the Board expel the student from the schools for the District, and that the student may apply for readmission on or after June 18, 2010.

- 1.4 Approval of purchase order summary of orders \$25,000 and over for the period of August 26, 2009, through September 8, 2009.
- 1.5 Ratification of expenditure summary and warrant listings of check for the period of September 5, 2009, through September 18, 2009.
- 1.6 Approval of disposal of obsolete unrepairable computer equipment, miscellaneous furniture, equipment, or textbooks.
- 1.7 Approve listing of agreements/contracts between the Santa Ana Unified School District and various consultants submitted for the period of August 12 through August 25, 2009.
- 1.8 Approval of Change Order No. 2 for Bid Package COS-3 Phase I for Santiago Elementary School in the amount of \$180,597 for a revised total of construction of \$4,815,613.
- 1.9 Approval Change Order No. 1 for Bid Package COS-3 Phase II for Santiago Elementary School in the amount of \$121,368 for a revised total of construction of \$1,478,967.
- 1.10 Approval of Change Order No. 1 for Bid Package COS-4 Phase II for Carr Intermediate School in the amount of \$80,190 for a revised total of construction of \$961,178.

REGULAR AGENDA - ACTION ITEMS

Mr. Palacio removed Agenda items 1.8, 1.9, and 1.10 from the Consent Calendar for discussion and separate action:

Mr. Palacio stated that the items should have been submitted as ratifications due to work completion. Mr. Dixon stated that he would obtain a legal opinion on the matter. Mr. Palacio motioned, Mr. Reyna seconded, and vote carried 4-0, to approve Agenda items 1.8, 1.9, and 1.10 as indicated below.

- 1.8 Approval of Change Order No. 2 for Bid Package COS-3 Phase I for Santiago Elementary School in the amount of \$180,597 for a revised total of construction of \$4,815,613.
- 1.9 Approval Change Order No. 1 for Bid Package COS-3 Phase II for Santiago Elementary School in the amount of \$121,368 for a revised total of construction of \$1,478,967.
- 1.10 Approval of Change Order No. 1 for Bid Package COS-4 Phase II for Carr Intermediate School in the amount of \$80,190 for a revised total of construction of \$961,178.

2.0 ACCEPTANCE OF GIFTS IN ACCORDANCE WITH BOARD POLICY (BP) 3290 - GIFTS, GRANTS, AND BEQUESTS

It was moved by Mr. Reyna, seconded by Mr. Hernandez, and carried 4-0, to accept gifts in accordance with Board Policy 3290 - Gifts, Grants, and Bequests. Attached is a list of gifts.

3.0 CALL FOR PUBLIC HEARING TO REVIEW STATEMENT OF ASSURANCE FOR PUPIL TEXTBOOK AND INSTRUCTIONAL MATERIALS FOR 2009-10 SCHOOL YEAR

It was moved by Mr. Palacio, seconded by Mr. Reyna, and carried 4-0, to approve the call for a public hearing on October 13, 2009, to review the Statement of Assurance for Pupil Textbook and Instructional materials for 2009-10 school year.

4.0 BOARD POLICY AND ADMINISTRATIVE REGULATION 5144.1 SUSPENSION AND EXPULSION/DUE PROCESS (REVISED: FOR ADOPTION AND IMPLEMENTATION)

It was moved by Mr. Hernández, seconded by Dr. Yamagata-Noji, and carried 4-0, to adopt and implement Board Policy and Administrative Regulation 51441.1 Suspension and Expulsion/Due Process. Attached is a copy of the Board Policy and Administrative Regulation.

5.0 ADMINISTRATIVE REGULATION 5144.2 - SUSPENSION AND EXPULSION/DUE PROCESS (STUDENTS WITH DISABILITIES) (REVISED: FOR IMPLEMENTATION)

It was moved by Mr. Hernández, seconded by Mr. Palacio, and carried 4-0, to implement Administrative Regulation 5144.2 Suspension and Expulsion/Due Process (Student with Disabilities). Attached is a copy of the Administrative Regulation.

6.0 AUTHORIZATION TO OBTAIN BIDS FOR NEW CONSTRUCTION AT HENINGER ELEMENTARY AND SIERRA INTERMEDIATE SCHOOLS FOR OVERCROWDING RELIEF GRANT PROJECTS

It was moved by Mr. Hernández, seconded by Dr. Yamagata-Noji, and carried 4-0, to authorize Administration to obtain bids for new construction projects under the Overcrowding Relief Grant project at Heninger Elementary and Sierra Intermediate Schools.

7.0 APPROVAL OF DISTRICT'S UNAUDITED ACTUALS FOR 2008-09

Action was taken earlier in the meeting.

8.0 APPROVAL OF SUBMISSION OF TEACHER QUALITY PARTNERSHIP GRANT FOR 2010-14 SCHOOL YEAR

It was moved by Mr. Palacio, seconded by Mr. Reyna, and carried 4-0, to approve the submission of Teacher Quality Partnership Federal Grant from 2009-14 school years.

9.0 CALL FOR PUBLIC HEARING TO REOPEN SANTA ANA EDUCATORS' ASSOCIATION INITIAL BARGAINING PROPOSAL FOR 2009-10 SCHOOL YEAR TO SANTA ANA UNIFIED SCHOOL DISTRICT

It was moved by Mr. Palacio, seconded by Mr. Reyna, and carried 4-0, to approve the call for a public hearing to reopen initial bargaining proposals for 2009-10 school year to Santa Ana Unified School District.

10.0 PERSONNEL ACTION

It was moved by Mr. Hernández, seconded by Mr. Reyna, and carried 4-0, to approve the personnel calendar in its entirety. A copy of the calendar is attached to the Minutes.

11.0 APPROVAL OF PARTICIPATION IN GRANT SUBMISSION WITH CALIFORNIA STATE UNIVERSITY OF FULLERTON TO U.S. DEPARTMENT OF EDUCATION, INSTITUTE FOR EDUCATION SCIENCES, NATIONAL CENTER FOR EDUCATION RESEARCH

Dr. Julie Chan stated that the proposed project for students would be to develop Digital Science Journals at Villa and Mendez Fundamental Intermediate Schools. This is an intervention to improve students' writing and to increase science achievement. This project would allow for a part-time person for three years.

It was moved by Mr. Palacio, seconded by Mr. Reyna, and carried 4-0, to approve the participation in Writing Increases Retention, Engagement and Discovery (WIRED) grant submission with California State University, Fullerton to the U.S. Department of Education, Institute for Education Sciences, National Center for Education Research.

12.0 BOARD AND STAFF REPORTS/ACTIVITIESDr. Yamagata-Noji:

- Dr. Yamagata-Noji had a good time in the parade. Santa Ana, Valley, and Saddleback High Schools bands did great! Cesar Vargas was the Master of Ceremonies and Jeff Gothard and staff officially filmed the parade, and did great work. The Centurion mascot from Century and Wizard from Middle College High Schools walked alongside automobiles.
- Dr. Yamagata-Noji had the opportunity to participate in Valley High School's National GEAR-UP day. She thanked all involved especially Assistant Principal Michael Parra for his efforts.
- While at Valley High, she stopped by the Nicholas Academy Center where they were offering SAT prep classes. She asked that all schools coordinate in reference to offering SAT Prep classes.
- She attended Segerstrom High School's football game and saw the new visitor's stands; she stated they are very nice.
- She announced the Parent Conference and Youth Expo scheduled for October 11. She asked staff to promote parent participation and would like to see various school performances.
- Posters on the Board Room wall listed schools that have exited Program Improvement. She requested a special recognition to the 11 schools that have exited. She noted that some of the schools scores are up by 400 points. She commended those schools.

Mr. Palacio:

- Mr. Palacio thanked District staff for providing the President Obama speech to be shared next week at our schools.
- He said that it is important to respond to Dr. Reynold's safety comments
- The Hispanic Education Endowment Fund's 16th Annual "Apple of Gold" Awards is scheduled for October 16. Two SAUSD employees: Kasey Klappenback, teacher at Heroes Elementary, will be honored for Excellence for K-12 Educational Leadership and Rosa Harrizon, Parent Advocate and Co-Founder of Padres Promotores de Educación, will be honored for Excellence in Community Service.
- Mr. Palacio asked for follow up on students waiting to be placed in high school classes.
- He inquired about the number of District community workers that have returned to work.

Mr. Reyna:

- He announced that Open House for high schools is Wednesday and Friday, September 23 and 25.
- Asked all to support alumni and football games and noted that the Homecoming football game is very soon!
- Thanked staff at Valley High school for putting on a great Supplemental Educational Services Fair.
- Follow up with Dr. Reynolds concerns regarding science classes.
- He concurred with Dr. Yamagata-Noji in the recognition of those schools exiting Program Improvement.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned at 9:00 p.m.

FUTURE MEETING

The next regularly scheduled meeting of the Board of Education will be held on Tuesday, October 13, 2009, at 6:00 p.m.

ATTEST:

Jane A. Russo
Secretary
Santa Ana Board of Education

SANTA ANA UNIFIED SCHOOL DISTRICT - EXTENDED FIELD TRIPS
RECOMMENDED FOR APPROVAL - September 22, 2009

Date:	Schools/Location:	Funding and Cost:	Students:	Staff and Chaperone:
September 28-October 1, 2009 (Monday-Thursday)	Garfield Elementary School Outdoor Science Camp San Bernardino	No cost to students (Sponsored by Student Body)	95	3
October 5-9, 2009 (Monday-Friday)	Heninger Elementary School Outdoor Science Camp San Bernardino	No cost to students (Sponsored by an anonymous donor)	125	6

SANTA ANA UNIFIED SCHOOL DISTRICT
GIFTS RECOMMENDED FOR ACCEPTANCE - September 22, 2009

School: _____ Gift: _____ Amount: _____ Donor: _____ Used for: _____

McFadden and Willard Intermediates and Saddleback High	Miscellaneous street hockey equipment and player gear	\$39,779	Samueli Foundation Mr. Gerald R. Solomon Corona del Mar	Students and staff members who participate in the school's street hockey program
September 22, 2009 donations		\$ 39,779		
2009 Total donations	\$612,795	\$652,574		

/em

2009-10 LISTING OF CONSULTANTS/CONTRACTED SERVICES
Submitting Division: Business Services
September 22, 2009

NO.	NAME	SERVICES TO BE PROVIDED FOR THE DISTRICT	ANNUAL RENEWAL	FUNDING SOURCE	MAXIMUM NOT TO EXCEED	REQ. NO.
1.	DT-Comp, Inc.	Assist the SIS Project Team by performing environmental preparation, assessment, fix Active Directory (AD) infrastructure, and install hardware and software.	No	General Fund, Categorical/ (DAIT Program Improvement)	\$75,000.00	94808
2.	iFusion Solution	Project planning services for the implementation of the new SIS system.	No	General Fund, Categorical/ (DAIT Program Improvement)	\$120.00 per hour	94806
3.	Jack Plicet	Development of sole source opinion document for the SIS software maintenance.	No	General Fund, Categorical/ (DAIT Program Improvement)	\$1,500.00	94809

2009-10 LISTING OF CONSULTANTS/CONTRACTED SERVICES
Submitting Division: Educational Services
September 22, 2009

NO.	NAME	SERVICES TO BE PROVIDED FOR THE DISTRICT	ANNUAL RENEWAL	FUNDING SOURCE	MAXIMUM NOT TO EXCEED	REQ. NO.
1.	Diane Johnson	<p>The consultant is mandated and funded by the Even Start Grant. Ms. Johnson will provide services to Diamond Elementary as a Project Evaluator and consultant for William F. Goodling Start Family Literacy Program during the 2009-10 school year. The consultant will also be providing access to the Even Start Data base at no additional cost. Access is required in order to input registered families, and to track attendance and participation in various program components (i.e. Parent Education, Parent-Child Interactive Literacy Activities, ESL courses for adults, and Preschool attendance). In addition, the Even Start data base is required in order to log pre and post assessment data from the PALS, PPVT, and CASAS instruments.</p>	No	Even Start Grant	\$5000	94510
2.	Judith Pamela Armel	<p>The Physical Education consultant will facilitate tumbling classes to our Early Childhood Education programs for 2009-10 school year. Tumbling classes are important during the early stages of childhood development as it allows young children to experience fundamental locomotor skills such as hopping, skipping, leaping and running and non-locomotor skill such as bending, twisting, stretching, balancing, and turning. These skills are essential in forming the foundation of gross motor coordination and they develop better body awareness and hand eye coordination.</p>	No	Prop 10	\$7000	94531

SANTA ANA UNIFIED SCHOOL DISTRICT

BP 5144.1(a)

Students

Suspension and Expulsion/Due Process

The Governing Board has established policies and standards of behavior in order to promote learning and protect the safety and well-being of all students. When these policies and standards are violated, it may be necessary to suspend or expel a student from regular classroom instruction. (cf. 5144 - Discipline)

Except where suspension for a first offense is warranted in accordance with law, suspension shall be imposed only when other means of correction fail to bring about proper conduct. (E.C. 48900.5)

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

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

Suspended or expelled students shall be excluded from all school-related extracurricular activities during the suspension or expulsion. (cf. 6145 - Extracurricular and Cocurricular Activities)

Zero Tolerance

The Board supports a zero tolerance approach to serious offenses in accordance with state and federal law. The Superintendent or designee shall notify staff, students and parent/guardians about the district's zero tolerance policy and the consequences which may result from student offenses. It ensures fair and equal treatment of all students and requires that all offenders be punished to the fullest extent allowed by law. He/she shall also ensure strict enforcement of this policy. (cf. 5131.71 - Zero Tolerance)

Student Due Process

The Board shall provide for the fair and equitable treatment of students facing suspension and expulsion by affording them their due process rights under the law. The Superintendent or designee shall comply with procedures for notices and appeals as specified in administrative regulation and law. (E.C. 48911, 48915, 48915.5) (cf. 5119 - Students Expelled from Other Districts) (cf. 5144.2 - Suspension and Expulsion/Due Process (Individuals with Disabilities))

BP 5144.1 (b)**On-Campus Suspension Program (E.C. 48911(c))**

The Board recognizes that students who are suspended from school frequently have no supervision or guidance during the school hours when they are off campus. The Board believes that in many cases, it would be better to address the student's misconduct by keeping the student at school and providing him/her with supervision that is separated from the regular classroom.

The Superintendent or designee shall establish a supervised in-house suspension program which meets the requirements of law for suspended students who pose no imminent danger or threat at school and for whom an expulsion action has not been initiated.

The Superintendent or designee shall examine alternatives to off-campus suspension and may establish a suspension program which involves progressive discipline during the school day on campus; use of conferences between staff, parents/guardians and students; detention; student study teams or other assessment-related teams; and/or referral to school support services staff. The use of such alternatives does not preclude off-campus suspensions.

Required Parental Attendance

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

Whenever a student is suspended from a class because he/she committed an obscene act, engaged in habitual profanity or vulgarity, disrupted school activities or otherwise willfully defied valid staff authority, the teacher of the class from which the student was suspended may require that the student's parent/guardian attend a portion of a school day in that class. After completing the classroom visit and before leaving school premises, the parent/guardian also shall meet with the principal or designee. (E.C. 48900.1)

The Board encourages teachers, before requiring parental attendance, to make reasonable efforts to have the parent/guardian visit the class voluntarily. The teacher also may inform the parent/guardian about available resources and parent education opportunities. Teachers should reserve the option of required parental attendance for cases in which they have determined that it is the best strategy to promote positive interaction between the student and the parent/guardian and to improve classroom behavior.

The teacher shall apply this policy uniformly to all students within the classroom. This policy shall apply only to a parent/guardian who lives with the student. (E.C. 48900.1)

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

BP 5144.1(c)

Parental attendance may be requested on the day the student returns to class or within one week thereafter. The principal or designee shall contact any parents/guardians who do not respond to the request to attend school. The Board recognizes that parental compliance with this policy may be delayed, modified or prevented for reasons such as serious illness/injury/disability, absence from town, or inability to get certain release time from work.

District regulations and school-site rules for student discipline shall include procedures for implementing parental attendance requirements.

Legal References:

EDUCATION CODE

212.5 Sexual harassment
1981 Enrollment of students
33032.5 Hate violence reduction
35146 Closed sessions (re: suspensions)
35291 Rules (for government and discipline of schools)
35291.5 Rules and procedures on school discipline
39141.12 Program for expelled students
48660-48666 Community day schools
48900-48926 Suspension and expulsion
48950 Speech and other communication
49073-49079 Privacy of student records

CODE OF CIVIL PROCEDURE

1985-1997 Subpoenas: means of production

GOVERNMENT CODE

11525 Contempt
54950-54962 Ralph M. Brown Act (re: closed sessions)

HEALTH AND SAFETY CODE

11014.5 Drug paraphernalia
11053-11058 Standards and schedules

LABOR CODE

230.7 Discharge or discrimination against employee for taking time off to appear in school on behalf of a child

PENAL CODE

240 Assault defined
242 Battery defined
243.4 Sexual battery
245 Assault with deadly weapon
261 Rape defined
266c Lewd or lascivious acts with child under age 14
288a Oral copulation
289 Penetration of genital or anal openings
422.6 Interference with civil rights; damaging property
422.7 Aggravating factors for punishment
422.75 Protected classes
626.2 Entry upon campus after written notice of suspension or dismissal without permission
626.9 Gun-Free School Zone Act of 1995
626.10 Dirks, daggers, knives, razors or stun guns
868.5 Supporting person, attendance during testimony of witness

BP 5144.1(d)

UNITED STATES CODE, TITLE 20

6301-8962 Improving America's Schools Act, especially:

8921-8922 Gun-Free Schools Act of 1994

John A. v. San Bernardino School District (1982) 33 Cal.3d 301, 308

Fremont Union High School District v. Santa Clara County Board (1991)

235 Cal. App. 3d 1182

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

Management Resources:

CDE PROGRAM ADVISORIES

0306.96 Expulsion Policies and Educational Placements, SPB 95-96-04

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SANTA ANA UNIFIED SCHOOL DISTRICT

AR 5144.1 (a)

Students

Suspension and Expulsion/Due Process

Definitions

Suspension from school means removal of a student from ongoing instruction for adjustment purposes. However, "suspension" does not mean any of the following (E.C. 48925):

1. Reassignment to another education program or class at the same school where the student will receive continuing instruction for the length of day prescribed by the Governing Board for students of the same grade level.
2. Referral to a certificated employee designated by the principal to advise students.
3. Removal from the class, but without reassignment to another class or program, for the remainder of the class period without sending the student to the principal or designee as provided in E.C. 48910. Removal from a particular class shall not occur more than once every five school days.

Expulsion means removal of a student from the immediate supervision and control, or the general supervision, of school personnel. (E.C. 48925)

Day means a calendar day unless otherwise specifically provided. (E.C. 48925)

School day means a day upon which the schools of the district are in session or weekdays during the summer recess. (E.C. 48925)

Student includes a student's parent/guardian or legal counsel. (E.C. 48925)

Principal's designee means one or more administrators or, if there is not a second administrator at one school site, a certificated person specifically designated by the principal, in writing, to assist with disciplinary procedures. Only one such person may be designated at any time as the principal's primary designee and only one such person may be designated as secondary designee for the school year. The names of such persons shall be on file in the principal's office. (E.C. 489111)

School property includes but is not limited to, electronic files and databases (E.C. 48900(u))

Notice of Regulations

At the beginning of each school year, the principal of each school shall ensure that all students and parents/guardians are notified in writing of all school rules related to discipline, suspension and expulsion. Transfer students and their parents/guardians shall be notified at the time of enrollment. (E.C. 35291.5, 48900.1, 48980) (cf. 5144 - Discipline)

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Notification shall include information about the availability of individual school rules and all district policies and regulations pertaining to student discipline. (E.C. 35291) (cf. 5145.6 - Parental Notifications)

Grounds for Suspension and Expulsion

Students may be subject to suspension or expulsion for committing any of the acts listed below:

1. Caused, attempted to cause, or threatened to cause physical injury to another person (E.C. 48900(a)(1)) and/or willfully used force or violence upon the person of another except in self defense. (E.C. 48900(a)(2))
2. 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, with the principal or designee's concurrence. (E.C. 48900(b)) (cf. 5131.7 - Weapons and Dangerous Instruments)
3. Unlawfully possessed, used, sold, or otherwise furnished, or was under the influence of, any controlled substance as defined in the Health and Safety Code 11053-11058, alcoholic beverage, or intoxicant of any kind. (E.C. 48900(c)) (cf. 5131.6 - Alcohol and Other Drugs)
4. Unlawfully offered, arranged, or negotiated to sell any controlled substance as defined in Health and Safety Code 11053-11058, alcoholic beverage intoxicant of any kind, and then sold, delivered, or otherwise furnished to any person another liquid, substance or material and represented same as controlled substance, alcohol beverage or intoxicant. (E.C. 48900(d))
5. Committed or attempted to commit robbery or extortion. (E.C. 48900(e))
6. Caused or attempted to cause damage to school property or private property. (E.C. 48900(f))
7. Stolen or attempted to steal school property or private property. (E.C. 48900(g))
8. Possessed or used tobacco or any products containing tobacco or nicotine products, including but not limited to cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets and betel. This restriction shall not prohibit a student from using or possessing his/her own prescription products. (E.C. 48900(h))
9. Committed an obscene act or engaged in habitual profanity or vulgarity. (E.C. 48900(i))
10. Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Section 11014.5 of the Health and Safety Code. (E.C. 489009(j))

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11. Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, other school officials, or other school personnel engaged in the performance of their duties. (E.C. 48900(k))
12. Knowingly received stolen school property or private property. (E.C. 48900(l))
13. Possessed an imitation firearm, i.e., 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. (E.C. 48900(m))
14. Committed or attempted to commit a sexual assault as defined in Penal Code 261, 266c, 286, 288, 288a, or 289, or committed sexual battery as defined in Penal Code 243.4. (E.C. 48900(n))
15. Harassed, threatened or intimidated 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. (E.C. 48900(o))
16. Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma. (E.C. 48900(p))
17. Engaged in, or attempted to engage in, hazing. For purposes of this subdivision, "hazing" means a method of initiation or preinitiation into a pupil 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 pupil. For purposes of this subdivision, "hazing" does not include athletic events or school-sanctioned events. (E.C. 48900(q))
18. Made terroristic threats against school officials and/or school property. (E.C. 48900.7)

Students in grades 4 through 12 are also subject to suspension or recommendation for expulsion for any of the acts listed below:

19. Committed sexual harassment as defined in Education Code 212.5 (E.C. 48900.2) (cf. 5145.7 - Sexual Harassment)
20. Caused, attempted to cause, threatened to cause, or participated in an act of hate violence as defined in E.C. 233(e). (E.C. 48900.3)
21. Intentionally harassed, threatened or intimidated school district personnel, a student or group of students to the extent of having the actual and reasonably expected effect of materially disrupting class work, creating substantial disorder, and invading personnel or student rights by creating an intimidating or hostile educational environment. (E.C. 48900.4) (cf. 5145.3 - Nondiscrimination/Harassment)

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22. Engaged in an act of bullying, including, but not limited to, bullying committed by means of an electronic act, as defined in subdivisions (f) and (g) of Section 32261, directed specifically toward a pupil or school personnel. (E.C. 48900(r))

Bullying means one or more acts by a pupil or group of pupils as defined in Section 48900.2, 48900.3, or 48900.4 (E.C. 32261)

Electronic act means the transmission of a communication, including, but not limited to, a message, text, sound, or image by means of an electronic device, including but not limited to, a telephone, wireless telephone or other wireless communication device, or pager. (E.C. 32261)

A student may be suspended or expelled for any of the acts listed above if the act is related to school activity or school attendance occurring at any district school or within any other school district, including but not limited to the following circumstances: (E.C. 48900)

1. While on school grounds.
2. While going to or coming from school.
3. During the lunch period, whether on or off the school campus.
4. During, going to, or coming from a school-sponsored activity.

Alternatives to suspension or expulsion will be used with students who are truant, tardy, or otherwise absent from assigned school activities. (cf. 5113 - Absences and Excuses) (cf. 5144.2 - Suspension and Expulsion/Due Process (Individuals with Disabilities))

Removal from Class by a Teacher/Parental Attendance

A teacher may remove any student from his/her class for the day of the suspension and the next day for any act listed in "Grounds for Suspension and Expulsion" above. (E.C. 48910)

A teacher also may refer a student to the principal or designee for consideration of suspension from school. (E.C. 48910)

When removing a student from his/her class, the teacher shall immediately report this action to the principal or his/her designee and send the student for appropriate action. The student shall be appropriately supervised during the class periods from which he/she has been suspended.

As soon as possible, the teacher shall ask the student's parent/guardian to attend a parent-teacher conference regarding the removal. A counselor or psychologist should attend the conference if it is practicable, and a school administrator may attend if either the parent/guardian or teacher so requests. A suspended student shall not be returned to class during the period of removal without the approval of the teacher of the class and the principal. (E.C. 48910)

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A student removed from class shall not be placed in another regular class during the period of removal. However, if a student is assigned to more than one class per day, he/she may be placed in any other regular classes except those held at the same time as the class from which the student was suspended. (E.C. 48910)

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

Pursuant to Board policy, a teacher may provide that the parent/guardian of a student whom the teacher has removed attend a portion of a school day in his/her child's classroom. When a teacher makes this request, the principal shall send the parent/guardian a written notice that the parent/guardian's attendance is requested pursuant to law. (E.C. 48900.1)

This notice shall also:

1. Inform the parent/guardian when his/her presence is expected and by what means he/she may arrange an alternate date.
2. Describe the legal protections afforded to the parent/guardian as an employee under Labor Code 230.7.
3. State that if the parent/guardian does not have a means of transportation to school, he/she may ride the school bus with the student.
4. Ask the parent/guardian to meet with the principal after the visit and before leaving school, as required by E.C. 48900.1.

Suspension by Superintendent, Principal or Principal's Designee

The Superintendent, principal or principal's designee may suspend a student from a school for not more than five consecutive school days unless the suspension is extended pending expulsion. (E.C. 48911) Suspension shall be imposed only when other means of correction fail to bring about proper conduct, except as specifically set forth below. (E.C. 48900.5)

The Superintendent or designee shall immediately suspend any student found at school or at a school activity to be: (E.C. 48915)

1. Possessing, as verified by a district employee, or selling or otherwise furnishing a firearm. This does not apply to an act of possession if the student had obtained prior written permission to possess the item from a certificated school employee, and the principal or designee's concurrence.
2. Brandishing a knife, as defined in Education Code 48915 (g), at another person.
3. Unlawfully selling a controlled substance listed in Health and Safety Code 11053-11058.

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4. Committing or attempting to commit a sexual assault or committing a sexual battery as defined in item #14 under "Grounds for Suspension and Expulsion" above.
5. Possession of an explosive device.

Explosive means "destructive device" as described in Section 921 of Title 921 of Title 18 of the United States Code.

Suspension also may be imposed upon a first offense if the Superintendent, principal or designee determines the student violated items (1) - (5) listed in "Grounds for Suspension and Expulsion" above or if the student's presence causes a danger to persons or property or threatens to disrupt the instructional process. (E.C. 48900.5)

A student may be suspended from school for not more than 20 school days in any school year, unless for purposes of adjustment a student enrolls in or is transferred to another regular school, an opportunity school, or continuation school or class, in which case suspension shall not exceed 30 days in any school year. However, this restriction on the number of days of suspension does not apply when the suspension is extended pending an expulsion. (E.C. 48903, 48912)

Suspensions shall be initiated according to the following procedures:

1. Informal Conference

Suspension shall be preceded by an informal conference conducted by the principal, designee or the Superintendent with the student and supervisor or school employee who referred the student to the principal. At the conference, the student shall be informed of the reason for the disciplinary action and the evidence against him/her; the student shall be given the opportunity to present his/her version and evidence in support of his/her defense. (E.C. 48911(b))

This conference may be omitted if the principal, designee or the Superintendent determines that an emergency situation exists. An "emergency situation" involves a clear and present danger to the lives, safety or health of students or school personnel. If a student is suspended without this conference, both the parent/guardian and student shall be notified of 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 his/her right to it or is physically unable to attend for any reason. In such case, the conference will be held as soon as the student is physically able to return to school. (E.C. 48911(c))

2. Administrative Actions

All requests for student suspension are to be processed by the principal or designee of the school in which the student is enrolled at the time of the misbehavior. A school employee shall report the suspension, including the name of the student and the cause for the suspension, to the Superintendent or designee.

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3. Notice to Parents/Guardians

Before taking any action to suspension, a school employee shall make a reasonable effort to immediately contact the parent/guardian by telephone or in person. Whenever a student is suspended, the parent/guardian shall be notified in writing of the suspension. (E.C. 48911)

This notice shall state the specific offense committed and the date and time when the student may return to school. If school officials wish to ask the parent/guardian to confer regarding matters pertinent to the suspension, the notice may also add that state law requires the parent/guardian to respond to such requests without delay.

4. Parent/Guardian Conference

Whenever a student is suspended, school officials may meet with the parent/guardian to discuss the causes and duration of the suspension, the school policy involved, and any other pertinent matters. (E.C. 48914)

While the parent/guardian is required to respond without delay to a request for a conference about a student's behavior, no penalties may be imposed on the student for the failure of the parent/guardian to attend such conference. The student may not be denied readmission solely because the parent/guardian failed to attend. (E.C. 48911)

5. Extension of Suspension

If the Board is considering the expulsion of a suspended student from any school or the suspension of a student for the balance of the semester from continuation school, the Superintendent or designee may, in writing, extend the suspension until such time as the Board has made a decision. (E.C. 48911(g))

Any extension of the original period of suspension shall be preceded by notice of such extension with an offer to hold a conference concerning the extension, giving the student an opportunity to be heard. This conference may be held in conjunction with a meeting requested by the student or parent/guardian to challenge the original suspension. Extension of the suspension may be made only if the Superintendent or designee determines, following a meeting in which the student and the student's parent/guardian were invited to participate, that the student's presence at the school or at an alternative school would endanger persons or property or threaten to disrupt the instructional process. (E.C. 48911)

On-Campus Suspension Program

Students for whom an action to expel has not been initiated and who pose no imminent danger or threat to the school, students or staff may be assigned to a separate, supervised suspension classroom for the entire period of suspension. The following conditions shall apply: (E.C. 48911.1)

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1. The supervised suspension classroom shall be staffed in accordance with law.
2. The student shall have access to appropriate counseling services.
3. The supervised suspension classroom shall promote completion of schoolwork and tests missed by the student during the suspension.
4. The student shall be responsible for completing all assignments. The teacher shall provide all assignments and tests that the student will miss while suspended. If no such work is assigned, the person supervising the suspension classroom shall assign schoolwork

At the time a student is assigned to a supervised suspension classroom, the principal or designee shall notify the student's parent/guardian in person or by telephone. When the assignment is for longer than one class period, this notification shall be made in writing. (E.C. 48911.1)

Authority to Expel

A student may be expelled only by the Board. The Board shall expel, as required by law, any student found to have committed certain offenses listed below under "Mandatory Recommendation and Mandatory Expulsion."

The Board also may order a student expelled for any of the acts listed above under "Grounds for Suspension and Expulsion" upon recommendation by the principal, Superintendent, hearing officer or administrative panel, based on finding either or both of the following: (E.C. 48915 (b) and (e))

1. That other means of correction are not feasible or have repeatedly failed to bring about proper conduct.
2. That due to the nature of the violation, the presence of the student causes a continuing danger to the physical safety of the student or others (cf. 5144.2 - Suspension and Expulsion/Due Process (Individuals with Disabilities))

Mandatory Recommendation for Expulsion

Unless the principal or Superintendent finds that expulsion is inappropriate due to particular circumstances, the principal, Superintendent or designee shall recommend a student's expulsion for any of the following acts: (E.C. 48915(a))

1. Causing serious physical injury to another person, except in self-defense.
2. Possession of any knife as defined in E.C. 48915(g), explosive or other dangerous object of no reasonable use to the student. (cf. 5131.7 - Weapons and Dangerous Instruments)

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3. Unlawful possession of any controlled substance, as listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, except for the first offense for the possession of not more than one ounce of marijuana, other than concentrated cannabis.
4. Robbery or extortion.
5. Assault or battery, as defined in Penal Code 240 and 242, upon any school employee.

Mandatory Recommendation and Mandatory Expulsion

The principal, Superintendent or designee shall recommend that the Board expel any student found at school or at a school activity to be: (E.C. 48915 (c))

1. Possessing, as verified by a district employee, or selling or otherwise furnishing a firearm. This does not apply to an act of possession if unless the student had obtained prior written permission to possess the item from a certificated school employee, with the principal or designee's concurrence.
2. Brandishing a knife as defined in E.C. 48915 (g) at another person.
3. Unlawfully selling a controlled substance listed in Health and Safety Code 11053-11058.
4. Committing or attempting to commit a sexual assault or committing a sexual battery as defined in item #14 under "Grounds for Suspension and Expulsion" above.
5. Possessing an explosive device as defined in 18 U.S.C. 921.

Upon finding that the student committed any of these acts, the Board shall expel the student. (E.C. 48915)

Student's Right to Expulsion Hearing

The student is entitled to a hearing to determine whether the student should be expelled. The hearing shall be held within 30 school days after the principal or Superintendent or designee determines that one of the acts listed under "Grounds for Suspension and Expulsion" has occurred. (E.C. 48918(a))

The student is entitled to one postponement of an expulsion hearing for a period of not more than 30 calendar days. The request for postponement shall be in writing. Any subsequent postponement may be granted at the Board's discretion. (E.C. 48918(a))

If the Board finds it impracticable during the regular school year to comply with these time requirements for conducting an expulsion hearing, the Superintendent or designee may, for good cause, extend the time period by an additional five school days. Reasons for the extension shall be included as a part of the record when the expulsion hearing is held. (E.C. 48918(a))

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If the Board finds it impractical to comply with the time requirements of the expulsion hearing due to a summer recess of Board meetings of more than two weeks, the days during the recess shall not be counted as school days. The days not counted during the recess may not exceed 20 school days, as defined in Education Code 48925. Unless the student requests in writing that the expulsion hearing be postponed, the hearing shall be held not later than 20 calendar days prior to the first day of the next school year. (E.C. 48918(a))

Once the hearing starts, all matters shall be pursued with reasonable diligence and concluded without unnecessary delay. (E.C. 48918(a))

Rights of Complaining Witness

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. (E.C. 48918.5)

Whenever the Superintendent or designee recommends an expulsion hearing that addresses allegations of sexual assault or sexual battery, he/she shall give the complaining witness a copy of the district's suspension and expulsion policy and regulation and shall advise the witness of his/her right to all the following: (E.C. 48918.5)

1. Receive five days' notice of his/her scheduled testimony at the hearing.
2. Have up to two adult support persons of his/her choosing present in the hearing at the time he/she testifies.
3. Have a closed hearing during the time he/she testifies.

Whenever any allegation of sexual assault or sexual battery is made, the Superintendent or designee shall immediately advise complaining witnesses and accused students to refrain from personal or telephone contact with each other during the time when an expulsion process is pending. (E.C. 48918.5)

Written Notice of the Expulsion Hearing

Written notice of the hearing shall be forwarded to the student and the student's parent/guardian at least 10 calendar days before the date of the hearing. The notice shall include: (E.C. 48918(b))

1. The date 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 district disciplinary rules which relate to the alleged violation.

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4. Notification of the student's or parent/guardian's obligation, pursuant to E.C. 48915.1, to provide information about the student's status in the district to any other district in which the student seeks enrollment. This obligation applies when a student is expelled for acts other than those described in E.C. 48915(a) or (c). (cf. 5119 - Students Expelled from Other Districts)
5. The opportunity for the student or the student's parent/guardian to appear in person or to employ and be represented by legal counsel or a nonattorney advisor.

Legal counsel means an attorney or lawyer who is admitted to the practice of law in California and is an active member of State Bar of California.

Nonattorney advisor means an individual who is not an attorney or lawyer, but who is familiar with the facts of the case and has been selected by the student or student's parent/guardian to provide assistance at the hearing.

6. The right to inspect and obtain copies of all documents to be used at the hearing.
7. The opportunity to confront and question all witnesses who testify at the hearing.
8. The opportunity to question all evidence presented and to present oral and documentary evidence on the student's behalf, including witnesses.

Conduct of Expulsion Hearing

1. Closed Session: Notwithstanding the provisions of Government Code 54953 and Education Code 35145, the Board shall conduct a hearing to consider the expulsion of the student in a session closed to the public unless the student requests in writing at least five days prior to the hearing that the hearing be a public meeting. If such request is made, the meeting shall be public unless another student's privacy rights would be violated.

Whether the expulsion hearing is held in closed or public session, the Board may meet in closed session to deliberate and determine whether or not the student should be expelled. If the Board admits any other person to this closed session, the parent/guardian, the student, and the counsel of the student shall also be allowed to attend the closed session. (E.C. 48918(c))

If a hearing that involves a charge of sexual assault or sexual battery is to be conducted in public, a complaining witness shall have the right to have his/her testimony heard in closed session when testifying in public would threaten serious psychological harm to the witness and when there are no alternative procedures to avoid the threatened harm, including but not limited to videotaped deposition or contemporaneous examination in another place communicated to the hearing room by closed-circuit television. (E.C. 48918(c))

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2. Record of Hearing: A record of the hearing shall be made and 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. (E.C. 48918(g))
3. Subpoenas: Before commencing a student expulsion hearing, the Board may issue subpoenas, at the request of either the student or the Superintendent or designee, for the personal appearance at the hearing of any person who actually witnessed the action that gave rise to the recommendation for expulsion. After the hearing has commenced, the Board or the hearing officer or administrative panel may issue such subpoenas at the request of the student or the County Superintendent of Schools or designee. All subpoenas shall be issued in accordance with the Code of Civil Procedure 1985-1985.2 and enforced in accordance with Government Code 11455.20. (Education Code 48918(i))

Any objection raised by the student or the Superintendent or designee to the issuance of subpoenas may be considered by the Board in closed session, or in open session if so requested by the student, before the meeting. The Board's decision in response to such an objection shall be final and binding. (Education Code 48918(i))

If the Board, hearing officer or administrative panel determines that a witness would be subject to unreasonable risk of harm by testifying at the hearing, a subpoena shall not be issued to compel the personal attendance of that witness at the hearing. However, that witness may be compelled to testify by means of a sworn declaration as described in item #4 below. (Education Code 48918(i))

4. Presentation of Evidence: While technical rules of evidence do not apply to expulsion hearings, evidence may be admitted and used as proof only if it is the kind of evidence on which reasonable persons can rely in the conduct of serious affairs. The decision of the Board to expel must be supported by substantial evidence that the student committed any of the acts listed in "Grounds for Suspension and Expulsion."

Findings of fact shall be based solely on the evidence at the hearing. While no finding shall be based solely on hearsay, sworn declarations may be admitted as testimony from witnesses whose disclosure of their identity or testimony at the hearing may subject them to an unreasonable risk of physical or psychological harm. (E.C. 48918(f) and (h))

In cases where a search of a student's person or property has occurred, evidence describing the reasonableness of the search shall be included in the hearing record. (cf. 5145.12 - Search and Seizure)

5. Testimony by Complaining Witnesses: The following procedures shall be observed when hearings involve allegations of sexual assault or sexual battery by a student: (E.C. 48918)
 - a. Any complaining witness shall be given five days' notice before being called to testify.

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- b. Any complaining witness shall be entitled to have up to two adult support persons, including but not limited to a parent/guardian or legal counsel, present during his/her testimony.
- c. Before a complaining witness testifies, support persons shall be admonished that the hearing is confidential.
- d. The person presiding over the hearing may remove a support person whom he/she finds is disrupting the hearing.
- e. If one or both support persons are also witnesses, the hearing shall be conducted according to Penal Code 868.5.
- f. Evidence of specific instances of prior sexual conduct of a complaining witness shall be presumed inadmissible and shall not be heard unless the person conducting the hearing determines that extraordinary circumstances require the evidence to be heard. Before such a determination is made, the complaining witness shall be given notice and an opportunity to oppose the introduction of this evidence. In the hearing on the admissibility of this evidence, the complaining witness shall be entitled to be represented by a parent/guardian, legal counsel or other support person. Reputation or opinion evidence regarding the sexual behavior of a complaining witness shall not be admissible for any purpose.
- g. To facilitate a free and accurate statement of the experiences of the complaining witness and to prevent discouragement of complaints, the district shall provide a nonthreatening environment.
 - (1) The district shall provide a room separate from the hearing room for the use of the complaining witness before and during breaks in testimony.
 - (2) At the discretion of the person conducting the hearing, the complaining witness shall be allowed reasonable periods of relief from examination and cross-examination during which he/she may leave the hearing room.
 - (3) The person conducting the hearing may:
 - (a) Arrange the seating within the hearing room so as to facilitate a less intimidating environment for the complaining witness.
 - (b) Limit the time for taking the testimony of a complaining witness to the hours he/she is normally in school, if there is no good cause to take the testimony during other hours.
 - (c) Permit one of the support persons to accompany the complaining witness to the witness stand.

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6. Decision Within 10 Days: The Board's decision on whether to expel a student shall be made within 10 school days after the conclusion of the hearing, unless the student requests in writing that the decision be postponed. (E.C. 48918(a))

Decision Within 40 Days: If the Board does not meet on a weekly basis, its decision on whether to expel a student shall be made within 40 school days after the student is removed from his/her school of attendance, unless the student requests in writing that the decision be postponed. (E.C. 48918(a))

Alternative Expulsion Hearing: Hearing Officer or Administrative Panel

Instead of conducting an expulsion hearing itself, the Board may contract with the county hearing officer or with the Office of Administrative Hearings of the State of California for a hearing officer. Alternatively, the Board may appoint an impartial administrative panel composed of three or more certificated personnel, none of whom shall be members of the Board or on the staff of the school in which the student is enrolled. (E.C. 48918(d))

A hearing conducted by the hearing officer or administrative panel shall conform to the same procedures as apply to a hearing conducted by the Board as specified above in "Conduct of Expulsion Hearing."

The hearing officer or administrative panel shall, within three school days after the hearing, determine whether to recommend expulsion of the student to the Board. If expulsion is not recommended, the student shall be immediately reinstated. The Superintendent or designee shall place the student in a classroom instructional program, any other instructional program, a rehabilitation program, or any combination of these programs after consulting with district staff, including the student's teachers, and with the student's parent/guardian. (E.C. 48918(e))

If expulsion is recommended, findings of fact in support of the recommendation shall be prepared and submitted to the Board. All findings of fact and recommendations shall be based solely on the evidence presented at the hearing. The Board may accept the recommendation based either upon a review of the findings of fact and recommendations submitted or upon the results of any supplementary hearing the Board may order. (E.C. 48918(f))

The hearing officer or administrative panel may recommend that the Board suspend enforcement of the expulsion for a period of one year. (See "Suspension of Enforcement of the Expulsion" below.)

The Board shall make its decision about the student's expulsion within 40 school days after the date of the student's removal from school unless the student requests in writing that the decision be postponed. (E.C. 48918(a))

Final Action by the Board

Whether the expulsion hearing is conducted in closed or public session by the Board, a hearing officer, or an administrative panel, the final action to expel must be taken by the Board at a public meeting. (E.C. 48918(j)) (c.f. 9321.1 - Closed Session Actions and Reports)

AR 5144.1(o)

If the Board conducts the hearing and reaches a decision not to expel, this decision shall be final, and the student shall be reinstated immediately.

Upon ordering an expulsion, the Board shall set a date when the student shall be reviewed for readmission to a school within the district. For a student expelled for an act listed under "Mandatory Recommendation and Mandatory Expulsion" above, this date shall be one year from the date the expulsion occurred, except that the Board may set an earlier date on a case-by-case basis. For a student expelled for other acts, this date shall be no later than the last day of the semester following the semester in which the expulsion occurred. (E.C. 48916)

At the time of the expulsion order, the Board shall recommend a plan for the student's rehabilitation, which may include: (E.C. 48916)

1. Periodic review as well as assessment of the student at the time of review for readmission.
2. Recommendations for improved academic performance, tutoring, special education assessments, job training, counseling, employment, community service and other rehabilitative programs.

With parental consent, students who have been expelled for reasons relating to controlled substances or alcohol may be required to enroll in a county-sponsored drug rehabilitation program before returning to school. (E.C. 48916.5)

Written Notice to Expel

The Superintendent or designee shall send written notice of the decision to expel to the student or parent/guardian. This notice shall include the following:

1. The specific offense committed by the student for any of the causes for suspension or expulsion listed in Education Code 48900, 48900.2, 48900.3, 48900.4, 48900.7, or 48915 (Education Code 48900.8)
2. The fact that a description of readmission procedures will be made available to the student and his/her parent/guardian. (E.C. 48916)
3. Notice of the right to appeal the expulsion to the County Board of Education. (E.C. 48918)
4. Notice of the student's or parent/guardian's obligation to inform any new district in which the student seeks to enroll of the student's status with the expelling district, pursuant to E.C. 48915.1. (E.C. 48918)
5. Notice of the alternative educational placements available to the student during the time of expulsion. (E.C. 48918)

AR 5144.1(p)**Suspension of Enforcement of the Expulsion**

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

When deciding whether to suspend the enforcement of an expulsion, the Board shall take into account the following criteria:

1. The student's pattern of behavior.
2. The seriousness of the misconduct.
3. The student's attitude toward the misconduct and his/her willingness to follow a rehabilitation program.

In cases of mandatory expulsion, the enforcement of an expulsion order may be suspended.

The suspension of the enforcement of an expulsion shall be governed by the following: (E.C. 48917)

1. The Board may, as a condition of the suspension of enforcement, assign the student to a school, class or program appropriate for the student's rehabilitation. This rehabilitation program may provide for the involvement of the student's parent/guardian in the student's education. However, a parent/guardian's refusal to participate in the rehabilitation program shall not be considered in the Board's determination as to whether the student has satisfactorily completed the rehabilitation program.
2. During the period when enforcement of the expulsion order is suspended, the student shall be on probationary status.
3. The suspension of the enforcement of an expulsion order may be revoked by the Board if the student commits any of the acts listed under "Grounds for Suspension and Expulsion" above or violates any of the district's rules and regulations governing student conduct.
4. When the suspension of the enforcement of an expulsion order is revoked, a student may be expelled under the terms of the original expulsion order.
5. Upon satisfactory completion of the rehabilitation assignment, the Board shall reinstate the student in a district school. Upon reinstatement, the Board may order the expunging of any or all records of the expulsion proceedings.
6. Suspension of the enforcement of an expulsion order shall not affect the time period and requirements for the filing of an appeal of the expulsion order with the County Board of Education.

AR 5144.1(q)

7. The Superintendent or designee shall send written notice of any decision to suspend the enforcement of an expulsion order during a period of probation to the student or parent/guardian. The notice shall also inform the parent/guardian of the right to appeal the expulsion to the County Board of Education. (E.C. 48918(j))

Right to Appeal

The student or parent/guardian is entitled to file an appeal of the Board's decision to the County Board of Education. The appeal must be filed within 30 days of the Board's decision to expel, even if the expulsion action is suspended and the student is placed on probation. (E.C. 48919)

The student shall submit a written request for a copy of the written transcripts and supporting documents from the district simultaneously with the filing of the notice of appeal with the County Board. The district shall provide the student with these documents within 10 school days following the student's written request. (Education Code 48919)

Post-Expulsion Placements

The Board shall refer expelled students to a program of study that meets all the following conditions: (E.C. 48915)

1. Is appropriately prepared to accommodate students who exhibit discipline problems.
2. Is not provided at a comprehensive middle, junior or senior high school or at any elementary school unless the program is offered as a community day school established at such site. (E.C. 48661)
3. Is not housed at the school site attended by the student at the time of suspension. (cf. 6185 - Community Day School)

When the placement described above is not available, and when the County Superintendent of Schools so certifies, students expelled for acts described in items #6 through #13 and 20-22 under "Grounds for Suspension and Expulsion" may be instead referred to a program of study that is provided at another comprehensive middle, junior, or senior high school, or at an elementary school.

The program for a student expelled from any of grades K-6 shall not be combined or merged with programs offered to students in any of grades 7-12. (E.C. 48916.1)

Students expelled from grades 7-12 may be offered independent study as a voluntary alternative to available classroom instruction; however, the student's parent/guardian must first provide written consent for this option. (E.C. 48916.1) (cf. 6158 - Independent Study)

Readmission After Expulsion

Readmission procedures shall be as follows:

1. On the date set by the Board when it ordered the expulsion, the district shall consider readmission of the student. (E.C. 48916)
2. The Superintendent or designee shall hold a conference with the parent/guardian and the student. At the conference the student's rehabilitation plan shall be reviewed and the Superintendent or designee shall verify that the provisions of this plan have been met. School regulations shall be reviewed and the student and parent/guardian shall be asked to indicate in writing their willingness to comply with these regulations.
3. The Superintendent or designee shall transmit his/her recommendation regarding readmission to the Board. The Board shall consider this recommendation in closed session if information would be disclosed in violation of Education Code 49073-49079. If a written request for open session is received from the parent/guardian or adult student, it shall be honored.
4. If the readmission is granted, the Superintendent or designee shall notify the student and parent/guardian, by registered mail, of the Board's decision regarding readmission.
5. The Board may deny readmission if it finds that the student has not satisfied the conditions of the rehabilitation plan or that the student continues to pose a danger to campus safety or to other district students or employees. (E.C. 48916)
6. If the Board denies the readmission of a student, the Board shall determine either to continue the student's placement in an alternative educational program initially selected or to place the student in another program that serves expelled students, including placement in a county community school. (E.C. 48916)
7. The Board shall provide written notice to the expelled student and parent/guardian describing the reasons for denying readmittance into the regular program. This notice shall indicate the Board's determination of the educational program which the Board has chosen. The student shall enroll in that program unless the parent/guardian chooses to enroll the student in another school district. (E.C. 48916)

Maintenance of Records

The Board shall maintain a record of each expulsion, including the cause of the expulsion. The expulsion record shall be maintained in the student's mandatory interim record and sent to any school in which the student subsequently enrolls, within five days of a written request by the admitting school. (E.C. 48918(k))

AR 5144.1(s)

The Superintendent or designee shall, within five working days, honor any other district's request for information about an expulsion from this district. (E.C. 48915.1) (cf. 5119 - Students Expelled from Other Districts) (cf. 5125 - Student Records)

Notifications to Law Enforcement Authorities

Prior to the suspension or expulsion of any student, the principal or designee shall notify appropriate city or county law enforcement authorities of any student acts of assault which may have violated Penal Code 245. (E.C. 48902) Such notification also shall be made when any employee of the District is attacked, assaulted, or physically threatened by a student. (E.C. 44014)

The principal or designee also shall notify appropriate city or county law enforcement authorities of any student acts which may involve the possession or sale of narcotics or of a controlled substance or possession of weapons or firearms in violation of Penal Codes 626.9 and 626.10. (E.C. 48902)

Within one school day after a student's suspension or expulsion, the principal or designee shall notify appropriate city or county law enforcement authorities, by telephone or other appropriate means, of any student acts which may violate E.C. 48900(c) or (d), relating to the possession, use, offering or sale of controlled substances, alcohol or intoxicants of any kind. (E.C. 48902)

Outcome Data

The superintendent or designee shall maintain the following data and shall report such to the California Department of Education, as required by (E.C. 48916.1)

1. The number of students recommended for expulsion.
2. The grounds for each recommended expulsion.
3. Whether the student was subsequently expelled.
4. Whether the expulsion order was suspended.
5. The type of referral made after the expulsion.
6. The disposition of the student after the end of the expulsion period.

SANTA ANA UNIFIED SCHOOL DISTRICT**AR 5144.1 (a)**StudentsSuspension and Expulsion/Due Process**Definitions**

Suspension from school means removal of a student from ongoing instruction for adjustment purposes. However, "suspension" does not mean any of the following (E.C. 48925):

1. Reassignment to another education program or class at the same school where the student will receive continuing instruction for the length of day prescribed by the Governing Board for students of the same grade level.
2. Referral to a certificated employee designated by the principal to advise students.
3. Removal from the class, but without reassignment to another class or program, for the remainder of the class period without sending the student to the principal or designee as provided in E.C. 48910. Removal from a particular class shall not occur more than once every five school days.

Expulsion means removal of a student from the immediate supervision and control, or the general supervision, of school personnel. (E.C. 48925)

Day means a calendar day unless otherwise specifically provided. (E.C. 48925)

School day means a day upon which the schools of the district are in session or weekdays during the summer recess. (E.C. 48925)

Student includes a student's parent/guardian or legal counsel. (E.C. 48925)

Principal's designee means one or more administrators or, if there is not a second administrator at one school site, a certificated person specifically designated by the principal, in writing, to assist with disciplinary procedures. Only one such person may be designated at any time as the principal's primary designee and only one such person may be designated as secondary designee for the school year. The names of such persons shall be on file in the principal's office. (E.C. 489111)

School property includes but is not limited to, electronic files and databases (E.C. 48900(u))

Notice of Regulations

At the beginning of each school year, the principal of each school shall ensure that all students and parents/guardians are notified in writing of all school rules related to discipline, suspension and expulsion. Transfer students and their parents/guardians shall be notified at the time of enrollment. (E.C. 35291.5, 48900.1, 48980) (cf. 5144 - Discipline)

AR 5144.1 (b)

Notification shall include information about the availability of individual school rules and all district policies and regulations pertaining to student discipline. (E.C. 35291) (cf. 5145.6 - Parental Notifications)

Grounds for Suspension and Expulsion

Students may be subject to suspension or expulsion for committing any of the acts listed below:

1. Caused, attempted to cause, or threatened to cause physical injury to another person (E.C. 48900(a)(1)) and/or willfully used force or violence upon the person of another except in self defense. (E.C. 48900(a)(2))
2. 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, with the principal or designee's concurrence. (E.C. 48900(b)) (cf. 5131.7 - Weapons and Dangerous Instruments)
3. Unlawfully possessed, used, sold, or otherwise furnished, or was under the influence of, any controlled substance as defined in the Health and Safety Code 11053-11058, alcoholic beverage, or intoxicant of any kind. (E.C. 48900(c)) (cf. 5131.6 - Alcohol and Other Drugs)
4. Unlawfully offered, arranged, or negotiated to sell any controlled substance as defined in Health and Safety Code 11053-11058, alcoholic beverage intoxicant of any kind, and then sold, delivered, or otherwise furnished to any person another liquid, substance or material and represented same as controlled substance, alcohol beverage or intoxicant. (E.C. 48900(d))
5. Committed or attempted to commit robbery or extortion. (E.C. 48900(e))
6. Caused or attempted to cause damage to school property or private property. (E.C. 48900(f))
7. Stolen or attempted to steal school property or private property. (E.C. 48900(g))
8. Possessed or used tobacco or any products containing tobacco or nicotine products, including but not limited to cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets and betel. This restriction shall not prohibit a student from using or possessing his/her own prescription products. (E.C. 48900(h))
9. Committed an obscene act or engaged in habitual profanity or vulgarity. (E.C. 48900(i))
10. Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Section 11014.5 of the Health and Safety Code. (E.C. 489009(j))

AR 5144.1(c)

11. Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, other school officials, or other school personnel engaged in the performance of their duties. (E.C. 48900(k))
12. Knowingly received stolen school property or private property. (E.C. 48900(l))
13. Possessed an imitation firearm, i.e., 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. (E.C. 48900(m))
14. Committed or attempted to commit a sexual assault as defined in Penal Code 261, 266c, 286, 288, 288a, or 289, or committed sexual battery as defined in Penal Code 243.4. (E.C. 48900(n))
15. Harassed, threatened or intimidated 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. (E.C. 48900(o))
16. Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma. (E.C. 48900(p))
17. Engaged in, or attempted to engage in, hazing. For purposes of this subdivision, "hazing" means a method of initiation or preinitiation into a pupil 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 pupil. For purposes of this subdivision, "hazing" does not include athletic events or school-sanctioned events. (E.C. 48900(q))
18. Made terroristic threats against school officials and/or school property. (E.C. 48900.7)

Students in grades 4 through 12 are also subject to suspension or recommendation for expulsion for any of the acts listed below:

19. Committed sexual harassment as defined in Education Code 212.5 (E.C. 48900.2) (cf. 5145.7 - Sexual Harassment)
20. Caused, attempted to cause, threatened to cause, or participated in an act of hate violence as defined in E.C. 233(e). (E.C. 48900.3)
21. Intentionally harassed, threatened or intimidated school district personnel, a student or group of students to the extent of having the actual and reasonably expected effect of materially disrupting class work, creating substantial disorder, and invading personnel or student rights by creating an intimidating or hostile educational environment. (E.C. 48900.4) (cf. 5145.3 - Nondiscrimination/Harassment)

AR 5144.1 (d)

22. Engaged in an act of bullying, including, but not limited to, bullying committed by means of an electronic act, as defined in subdivisions (f) and (g) of Section 32261, directed specifically toward a pupil or school personnel. (E.C. 48900(r))

Bullying means one or more acts by a pupil or group of pupils as defined in Section 48900.2, 48900.3, or 48900.4 (E.C. 32261)

Electronic act means the transmission of a communication, including, but not limited to, a message, text, sound, or image by means of an electronic device, including but not limited to, a telephone, wireless telephone or other wireless communication device, or pager. (E.C. 32261)

A student may be suspended or expelled for any of the acts listed above if the act is related to school activity or school attendance occurring at any district school or within any other school district, including but not limited to the following circumstances: (E.C. 48900)

1. While on school grounds.
2. While going to or coming from school.
3. During the lunch period, whether on or off the school campus.
4. During, going to, or coming from a school-sponsored activity.

Alternatives to suspension or expulsion will be used with students who are truant, tardy, or otherwise absent from assigned school activities. (cf. 5113 - Absences and Excuses) (cf. 5144.2 - Suspension and Expulsion/Due Process (Individuals with Disabilities))

Removal from Class by a Teacher/Parental Attendance

A teacher may remove any student from his/her class for the day of the suspension and the next day for any act listed in "Grounds for Suspension and Expulsion" above. (E.C. 48910)

A teacher also may refer a student to the principal or designee for consideration of suspension from school. (E.C. 48910)

When removing a student from his/her class, the teacher shall immediately report this action to the principal or his/her designee and send the student for appropriate action. The student shall be appropriately supervised during the class periods from which he/she has been suspended.

As soon as possible, the teacher shall ask the student's parent/guardian to attend a parent-teacher conference regarding the removal. A counselor or psychologist should attend the conference if it is practicable, and a school administrator may attend if either the parent/guardian or teacher so requests. A suspended student shall not be returned to class during the period of removal without the approval of the teacher of the class and the principal. (E.C. 48910)

AR 5144.1(e)

A student removed from class shall not be placed in another regular class during the period of removal. However, if a student is assigned to more than one class per day, he/she may be placed in any other regular classes except those held at the same time as the class from which the student was suspended. (E.C. 48910)

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

Pursuant to Board policy, a teacher may provide that the parent/guardian of a student whom the teacher has removed attend a portion of a school day in his/her child's classroom. When a teacher makes this request, the principal shall send the parent/guardian a written notice that the parent/guardian's attendance is requested pursuant to law. (E.C. 48900.1)

This notice shall also:

1. Inform the parent/guardian when his/her presence is expected and by what means he/she may arrange an alternate date.
2. Describe the legal protections afforded to the parent/guardian as an employee under Labor Code 230.7.
3. State that if the parent/guardian does not have a means of transportation to school, he/she may ride the school bus with the student.
4. Ask the parent/guardian to meet with the principal after the visit and before leaving school, as required by E.C. 48900.1.

Suspension by Superintendent, Principal or Principal's Designee

The Superintendent, principal or principal's designee may suspend a student from a school for not more than five consecutive school days unless the suspension is extended pending expulsion. (E.C. 48911) Suspension shall be imposed only when other means of correction fail to bring about proper conduct, except as specifically set forth below. (E.C. 48900.5)

The Superintendent or designee shall immediately suspend any student found at school or at a school activity to be: (E.C. 48915)

1. Possessing, as verified by a district employee, or selling or otherwise furnishing a firearm. This does not apply to an act of possession if the student had obtained prior written permission to possess the item from a certificated school employee, and the principal or designee's concurrence.
2. Brandishing a knife, as defined in Education Code 48915 (g), at another person.
3. Unlawfully selling a controlled substance listed in Health and Safety Code 11053-11058.

AR 5144.1(f)

4. Committing or attempting to commit a sexual assault or committing a sexual battery as defined in item #14 under "Grounds for Suspension and Expulsion" above.
5. Possession of an explosive device.

Explosive means "destructive device" as described in Section 921 of Title 921 of Title 18 of the United States Code.

Suspension also may be imposed upon a first offense if the Superintendent, principal or designee determines the student violated items (1) - (5) listed in "Grounds for Suspension and Expulsion" above or if the student's presence causes a danger to persons or property or threatens to disrupt the instructional process. (E.C. 48900.5)

A student may be suspended from school for not more than 20 school days in any school year, unless for purposes of adjustment a student enrolls in or is transferred to another regular school, an opportunity school, or continuation school or class, in which case suspension shall not exceed 30 days in any school year. However, this restriction on the number of days of suspension does not apply when the suspension is extended pending an expulsion. (E.C. 48903, 48912)

Suspensions shall be initiated according to the following procedures:

1. Informal Conference

Suspension shall be preceded by an informal conference conducted by the principal, designee or the Superintendent with the student and supervisor or school employee who referred the student to the principal. At the conference, the student shall be informed of the reason for the disciplinary action and the evidence against him/her; the student shall be given the opportunity to present his/her version and evidence in support of his/her defense. (E.C. 48911(b))

This conference may be omitted if the principal, designee or the Superintendent determines that an emergency situation exists. An "emergency situation" involves a clear and present danger to the lives, safety or health of students or school personnel. If a student is suspended without this conference, both the parent/guardian and student shall be notified of 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 his/her right to it or is physically unable to attend for any reason. In such case, the conference will be held as soon as the student is physically able to return to school. (E.C. 48911(c))

2. Administrative Actions

All requests for student suspension are to be processed by the principal or designee of the school in which the student is enrolled at the time of the misbehavior. A school employee shall report the suspension, including the name of the student and the cause for the suspension, to the Superintendent or designee.

AR 5144.1(g)**3. Notice to Parents/Guardians**

Before taking any action to suspension, a school employee shall make a reasonable effort to immediately contact the parent/guardian by telephone or in person. Whenever a student is suspended, the parent/guardian shall be notified in writing of the suspension. (E.C. 48911)

This notice shall state the specific offense committed and the date and time when the student may return to school. If school officials wish to ask the parent/guardian to confer regarding matters pertinent to the suspension, the notice may also add that state law requires the parent/guardian to respond to such requests without delay.

4. Parent/Guardian Conference

Whenever a student is suspended, school officials may meet with the parent/guardian to discuss the causes and duration of the suspension, the school policy involved, and any other pertinent matters. (E.C. 48914)

While the parent/guardian is required to respond without delay to a request for a conference about a student's behavior, no penalties may be imposed on the student for the failure of the parent/guardian to attend such conference. The student may not be denied readmission solely because the parent/guardian failed to attend. (E.C. 48911)

5. Extension of Suspension

If the Board is considering the expulsion of a suspended student from any school or the suspension of a student for the balance of the semester from continuation school, the Superintendent or designee may, in writing, extend the suspension until such time as the Board has made a decision. (E.C. 48911(g))

Any extension of the original period of suspension shall be preceded by notice of such extension with an offer to hold a conference concerning the extension, giving the student an opportunity to be heard. This conference may be held in conjunction with a meeting requested by the student or parent/guardian to challenge the original suspension. Extension of the suspension may be made only if the Superintendent or designee determines, following a meeting in which the student and the student's parent/guardian were invited to participate, that the student's presence at the school or at an alternative school would endanger persons or property or threaten to disrupt the instructional process. (E.C. 48911)

On-Campus Suspension Program

Students for whom an action to expel has not been initiated and who pose no imminent danger or threat to the school, students or staff may be assigned to a separate, supervised suspension classroom for the entire period of suspension. The following conditions shall apply: (E.C. 48911.1)

AR 5144.1(h)

1. The supervised suspension classroom shall be staffed in accordance with law.
2. The student shall have access to appropriate counseling services.
3. The supervised suspension classroom shall promote completion of schoolwork and tests missed by the student during the suspension.
4. The student shall be responsible for completing all assignments. The teacher shall provide all assignments and tests that the student will miss while suspended. If no such work is assigned, the person supervising the suspension classroom shall assign schoolwork

At the time a student is assigned to a supervised suspension classroom, the principal or designee shall notify the student's parent/guardian in person or by telephone. When the assignment is for longer than one class period, this notification shall be made in writing. (E.C. 48911.1)

Authority to Expel

A student may be expelled only by the Board. The Board shall expel, as required by law, any student found to have committed certain offenses listed below under "Mandatory Recommendation and Mandatory Expulsion."

The Board also may order a student expelled for any of the acts listed above under "Grounds for Suspension and Expulsion" upon recommendation by the principal, Superintendent, hearing officer or administrative panel, based on finding either or both of the following: (E.C. 48915 (b) and (e))

1. That other means of correction are not feasible or have repeatedly failed to bring about proper conduct.
2. That due to the nature of the violation, the presence of the student causes a continuing danger to the physical safety of the student or others (cf. 5144.2 - Suspension and Expulsion/Due Process (Individuals with Disabilities))

Mandatory Recommendation for Expulsion

Unless the principal or Superintendent finds that expulsion is inappropriate due to particular circumstances, the principal, Superintendent or designee shall recommend a student's expulsion for any of the following acts: (E.C. 48915(a))

1. Causing serious physical injury to another person, except in self-defense.
2. Possession of any knife as defined in E.C. 48915(g), explosive or other dangerous object of no reasonable use to the student. (cf. 5131.7 - Weapons and Dangerous Instruments)

AR 5144.1(i)

3. Unlawful possession of any controlled substance, as listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, except for the first offense for the possession of not more than one ounce of marijuana, other than concentrated cannabis.
4. Robbery or extortion.
5. Assault or battery, as defined in Penal Code 240 and 242, upon any school employee.

Mandatory Recommendation and Mandatory Expulsion

The principal, Superintendent or designee shall recommend that the Board expel any student found at school or at a school activity to be: (E.C. 48915 (c))

1. Possessing, as verified by a district employee, or selling or otherwise furnishing a firearm. This does not apply to an act of possession if unless the student had obtained prior written permission to possess the item from a certificated school employee, with the principal or designee's concurrence.
2. Brandishing a knife as defined in E.C. 48915 (g) at another person.
3. Unlawfully selling a controlled substance listed in Health and Safety Code 11053-11058.
4. Committing or attempting to commit a sexual assault or committing a sexual battery as defined in item #14 under "Grounds for Suspension and Expulsion" above.
5. Possessing an explosive device as defined in 18 U.S.C. 921.

Upon finding that the student committed any of these acts, the Board shall expel the student. (E.C. 48915)

Student's Right to Expulsion Hearing

The student is entitled to a hearing to determine whether the student should be expelled. The hearing shall be held within 30 school days after the principal or Superintendent or designee determines that one of the acts listed under "Grounds for Suspension and Expulsion" has occurred. (E.C. 48918(a))

The student is entitled to one postponement of an expulsion hearing for a period of not more than 30 calendar days. The request for postponement shall be in writing. Any subsequent postponement may be granted at the Board's discretion. (E.C. 48918(a))

If the Board finds it impracticable during the regular school year to comply with these time requirements for conducting an expulsion hearing, the Superintendent or designee may, for good cause, extend the time period by an additional five school days. Reasons for the extension shall be included as a part of the record when the expulsion hearing is held. (E.C. 48918(a))

AR 5144.1(j)

If the Board finds it impractical to comply with the time requirements of the expulsion hearing due to a summer recess of Board meetings of more than two weeks, the days during the recess shall not be counted as school days. The days not counted during the recess may not exceed 20 school days, as defined in Education Code 48925. Unless the student requests in writing that the expulsion hearing be postponed, the hearing shall be held not later than 20 calendar days prior to the first day of the next school year. (E.C. 48918(a))

Once the hearing starts, all matters shall be pursued with reasonable diligence and concluded without unnecessary delay. (E.C. 48918(a))

Rights of Complaining Witness

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. (E.C. 48918.5)

Whenever the Superintendent or designee recommends an expulsion hearing that addresses allegations of sexual assault or sexual battery, he/she shall give the complaining witness a copy of the district's suspension and expulsion policy and regulation and shall advise the witness of his/her right to all the following: (E.C. 48918.5)

1. Receive five days' notice of his/her scheduled testimony at the hearing.
2. Have up to two adult support persons of his/her choosing present in the hearing at the time he/she testifies.
3. Have a closed hearing during the time he/she testifies.

Whenever any allegation of sexual assault or sexual battery is made, the Superintendent or designee shall immediately advise complaining witnesses and accused students to refrain from personal or telephone contact with each other during the time when an expulsion process is pending. (E.C. 48918.5)

Written Notice of the Expulsion Hearing

Written notice of the hearing shall be forwarded to the student and the student's parent/guardian at least 10 calendar days before the date of the hearing. The notice shall include: (E.C. 48918(b))

1. The date 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 district disciplinary rules which relate to the alleged violation.

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4. Notification of the student's or parent/guardian's obligation, pursuant to E.C. 48915.1, to provide information about the student's status in the district to any other district in which the student seeks enrollment. This obligation applies when a student is expelled for acts other than those described in E.C. 48915(a) or (c). (cf. 5119 - Students Expelled from Other Districts)
5. The opportunity for the student or the student's parent/guardian to appear in person or to employ and be represented by legal counsel or a nonattorney advisor.

Legal counsel means an attorney or lawyer who is admitted to the practice of law in California and is an active member of State Bar of California.

Nonattorney advisor means an individual who is not an attorney or lawyer, but who is familiar with the facts of the case and has been selected by the student or student's parent/guardian to provide assistance at the hearing.

6. The right to inspect and obtain copies of all documents to be used at the hearing.
7. The opportunity to confront and question all witnesses who testify at the hearing.
8. The opportunity to question all evidence presented and to present oral and documentary evidence on the student's behalf, including witnesses.

Conduct of Expulsion Hearing

1. Closed Session: Notwithstanding the provisions of Government Code 54953 and Education Code 35145, the Board shall conduct a hearing to consider the expulsion of the student in a session closed to the public unless the student requests in writing at least five days prior to the hearing that the hearing be a public meeting. If such request is made, the meeting shall be public unless another student's privacy rights would be violated.

Whether the expulsion hearing is held in closed or public session, the Board may meet in closed session to deliberate and determine whether or not the student should be expelled. If the Board admits any other person to this closed session, the parent/guardian, the student, and the counsel of the student shall also be allowed to attend the closed session. (E.C. 48918(c))

If a hearing that involves a charge of sexual assault or sexual battery is to be conducted in public, a complaining witness shall have the right to have his/her testimony heard in closed session when testifying in public would threaten serious psychological harm to the witness and when there are no alternative procedures to avoid the threatened harm, including but not limited to videotaped deposition or contemporaneous examination in another place communicated to the hearing room by closed-circuit television. (E.C. 48918(c))

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2. Record of Hearing: A record of the hearing shall be made and 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. (E.C. 48918(g))
3. Subpoenas: Before commencing a student expulsion hearing, the Board may issue subpoenas, at the request of either the student or the Superintendent or designee, for the personal appearance at the hearing of any person who actually witnessed the action that gave rise to the recommendation for expulsion. After the hearing has commenced, the Board or the hearing officer or administrative panel may issue such subpoenas at the request of the student or the County Superintendent of Schools or designee. All subpoenas shall be issued in accordance with the Code of Civil Procedure 1985-1985.2 and enforced in accordance with Government Code 11455.20. (Education Code 48918(i))

Any objection raised by the student or the Superintendent or designee to the issuance of subpoenas may be considered by the Board in closed session, or in open session if so requested by the student, before the meeting. The Board's decision in response to such an objection shall be final and binding. (Education Code 48918(i))

If the Board, hearing officer or administrative panel determines that a witness would be subject to unreasonable risk of harm by testifying at the hearing, a subpoena shall not be issued to compel the personal attendance of that witness at the hearing. However, that witness may be compelled to testify by means of a sworn declaration as described in item #4 below. (Education Code 48918(i))

4. Presentation of Evidence: While technical rules of evidence do not apply to expulsion hearings, evidence may be admitted and used as proof only if it is the kind of evidence on which reasonable persons can rely in the conduct of serious affairs. The decision of the Board to expel must be supported by substantial evidence that the student committed any of the acts listed in "Grounds for Suspension and Expulsion."

Findings of fact shall be based solely on the evidence at the hearing. While no finding shall be based solely on hearsay, sworn declarations may be admitted as testimony from witnesses whose disclosure of their identity or testimony at the hearing may subject them to an unreasonable risk of physical or psychological harm. (E.C. 48918(f) and (h))

In cases where a search of a student's person or property has occurred, evidence describing the reasonableness of the search shall be included in the hearing record. (cf. 5145.12 - Search and Seizure)

5. Testimony by Complaining Witnesses: The following procedures shall be observed when hearings involve allegations of sexual assault or sexual battery by a student: (E.C. 48918)
 - a. Any complaining witness shall be given five days' notice before being called to testify.

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- b. Any complaining witness shall be entitled to have up to two adult support persons, including but not limited to a parent/guardian or legal counsel, present during his/her testimony.
- c. Before a complaining witness testifies, support persons shall be admonished that the hearing is confidential.
- d. The person presiding over the hearing may remove a support person whom he/she finds is disrupting the hearing.
- e. If one or both support persons are also witnesses, the hearing shall be conducted according to Penal Code 868.5.
- f. Evidence of specific instances of prior sexual conduct of a complaining witness shall be presumed inadmissible and shall not be heard unless the person conducting the hearing determines that extraordinary circumstances require the evidence to be heard. Before such a determination is made, the complaining witness shall be given notice and an opportunity to oppose the introduction of this evidence. In the hearing on the admissibility of this evidence, the complaining witness shall be entitled to be represented by a parent/guardian, legal counsel or other support person. Reputation or opinion evidence regarding the sexual behavior of a complaining witness shall not be admissible for any purpose.
- g. To facilitate a free and accurate statement of the experiences of the complaining witness and to prevent discouragement of complaints, the district shall provide a nonthreatening environment.
 - (1) The district shall provide a room separate from the hearing room for the use of the complaining witness before and during breaks in testimony.
 - (2) At the discretion of the person conducting the hearing, the complaining witness shall be allowed reasonable periods of relief from examination and cross-examination during which he/she may leave the hearing room.
 - (3) The person conducting the hearing may:
 - (a) Arrange the seating within the hearing room so as to facilitate a less intimidating environment for the complaining witness.
 - (b) Limit the time for taking the testimony of a complaining witness to the hours he/she is normally in school, if there is no good cause to take the testimony during other hours.
 - (c) Permit one of the support persons to accompany the complaining witness to the witness stand.

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6. Decision Within 10 Days: The Board's decision on whether to expel a student shall be made within 10 school days after the conclusion of the hearing, unless the student requests in writing that the decision be postponed. (E.C. 48918(a))

Decision Within 40 Days: If the Board does not meet on a weekly basis, its decision on whether to expel a student shall be made within 40 school days after the student is removed from his/her school of attendance, unless the student requests in writing that the decision be postponed. (E.C. 48918(a))

Alternative Expulsion Hearing: Hearing Officer or Administrative Panel

Instead of conducting an expulsion hearing itself, the Board may contract with the county hearing officer or with the Office of Administrative Hearings of the State of California for a hearing officer. Alternatively, the Board may appoint an impartial administrative panel composed of three or more certificated personnel, none of whom shall be members of the Board or on the staff of the school in which the student is enrolled. (E.C. 48918(d))

A hearing conducted by the hearing officer or administrative panel shall conform to the same procedures as apply to a hearing conducted by the Board as specified above in "Conduct of Expulsion Hearing."

The hearing officer or administrative panel shall, within three school days after the hearing, determine whether to recommend expulsion of the student to the Board. If expulsion is not recommended, the student shall be immediately reinstated. The Superintendent or designee shall place the student in a classroom instructional program, any other instructional program, a rehabilitation program, or any combination of these programs after consulting with district staff, including the student's teachers, and with the student's parent/guardian. (E.C. 48918(e))

If expulsion is recommended, findings of fact in support of the recommendation shall be prepared and submitted to the Board. All findings of fact and recommendations shall be based solely on the evidence presented at the hearing. The Board may accept the recommendation based either upon a review of the findings of fact and recommendations submitted or upon the results of any supplementary hearing the Board may order. (E.C. 48918(f))

The hearing officer or administrative panel may recommend that the Board suspend enforcement of the expulsion for a period of one year. (See "Suspension of Enforcement of the Expulsion" below.)

The Board shall make its decision about the student's expulsion within 40 school days after the date of the student's removal from school unless the student requests in writing that the decision be postponed. (E.C. 48918(a))

Final Action by the Board

Whether the expulsion hearing is conducted in closed or public session by the Board, a hearing officer, or an administrative panel, the final action to expel must be taken by the Board at a public meeting. (E.C. 48918(j)) (c.f. 9321.1 - Closed Session Actions and Reports)