

## **STUDENTS**

### **Suspension and Expulsion/Due Process**

The Venture Academy Governing Board (Board) desires to provide Venture Academy students with access to educational opportunities in an orderly school environment that protects their safety and security, ensures their welfare and well-being, and promotes their learning and development. The Board shall develop rules and regulations setting the standards of behavior expected of Venture Academy students and the disciplinary processes and procedures for addressing violations of those standards, including suspension and/or expulsion.

The grounds for suspension and expulsion and the procedures for considering, recommending, and/or implementing suspension and expulsion shall be only those specified in law, in this policy, and in the accompanying administrative regulation.

Except when otherwise permitted by law, a student may be suspended or expelled only when their behavior is related to a school activity or school attendance occurring within any Venture Academy school or another school district, regardless of when it occurs, including, but not limited to, the following:

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.

Venture Academy staff shall enforce the rules concerning suspension and expulsion of students fairly, consistently, equally, and in accordance with San Joaquin County Office of Education's (SJCOE) nondiscrimination policies.

### **Appropriate Use of Suspension Authority**

Except when a student's act violates Education Code Section 48900(a) - (e), as listed in items #1-5 under "Grounds for Suspension and Expulsion: Grades K-12" of the accompanying administrative regulation, or when a student's presence causes a danger to others, suspension shall be used only when other means of correction have failed to bring about proper conduct.

A student's parents/guardians shall be notified as soon as possible when there is an escalating pattern of misbehavior that could lead to on-campus or off-campus suspension.

No student in grades K-8 may be suspended for disruption or solely on the bases of willful defiance, except by a program administrator or designee pursuant to Education Code Section 48910.

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

### **On-Campus Suspension**

To ensure the proper supervision and ongoing learning of students who are suspended for any of the reasons enumerated in Education Code Sections 48900 and 48900.2, but who pose no imminent danger or threat to anyone at school and for whom expulsion proceedings have not been initiated, the program administrator or designee shall establish a supervised suspension classroom program which meets the requirements of law.

Except where a supervised suspension is permitted by law for a student's first offense, supervised suspension shall be imposed only when other means of correction have failed to bring about proper conduct.

### **Authority to Expel**

A student may be expelled only by the Board.

As required by law, the program administrator or designee shall recommend expulsion and the Board shall expel any student found to have committed any of the following "mandatory recommendation and mandatory expulsion" acts at school or at a school activity off school grounds:

1. Possessing a firearm which is not an imitation firearm, as verified by a certificated employee, unless the student had obtained prior written permission to possess the item from a certificated school employee, with the program administrator or designee's concurrence.
2. Selling or otherwise furnishing a firearm.
3. Brandishing a knife at another person.
4. Unlawfully selling a controlled substance listed in Health and Safety Code Sections 11053 - 11058.
5. Committing or attempting to commit a sexual assault as defined in Penal Code Sections 261, 266c, 286, 288, 288a, or 289, or committing a sexual battery as defined in Penal Code Section 243.4.
6. Possessing an explosive as defined in 18 USC 921.

For all other violations listed in the accompanying administrative regulation the program administrator or designee shall have the discretion to recommend expulsion of a student. If expulsion is recommended, the Board shall order the student expelled only if it makes a finding of either or both of the following:

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.

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

The Board may vote to suspend the enforcement of the expulsion order pursuant to the requirements of law and the accompanying administrative regulation.

No student shall be expelled for disruption or willful defiance.

### **Due Process**

The Board and program administrators shall provide for the fair and equitable treatment of students facing suspension and/or expulsion by affording them their due process rights under the law. The program administrators or designees shall comply with procedures for notices and appeals as specified in law and administrative regulation.

### **Maintenance and Monitoring of Outcome Data**

The program administrator or designee shall maintain outcome data related to student suspensions and expulsions in accordance with Education Code Sections 48900.8 and 48916.1, including, but not limited to, the number of students recommended for expulsion, the grounds for each recommended expulsion, the actions taken by the Board, the types of referral made after each expulsion, and the disposition of the students after the expulsion period. For any expulsion that involves the possession of a firearm, such data shall include the name of the school and the type of firearm involved, as required pursuant to 20 USC 7961. Suspension and expulsion data shall be reported to the Board annually and to the California Department of Education when so required.

In presenting the report to the Board, the program administrator or designee shall disaggregate data on suspensions and expulsions by school and by numerically significant student subgroups, including but not limited to ethnic subgroups, socioeconomically disadvantaged students, English learners, students with disabilities, foster youth, and homeless students. Based on the data, the Board shall address any identified disparities in the imposition of student discipline and shall determine whether and how Venture Academy is meeting its goals for improving school climate as specified in its local control and accountability plan.

Legal Reference:

EDUCATION CODE

212.5 Sexual harassment  
233 Hate violence  
1981-1981.5 Enrollment of students in community school  
8239.1 Prohibition against expulsion of preschool student  
17292.5 Program for expelled students  
32261 Interagency School Safety Demonstration Act of 1985  
35145 Open board meetings  
35146 Closed sessions (regarding suspensions)  
35291 Rules (for government and discipline of schools)  
35291.5 Rules and procedures on school discipline  
48645.5 Readmission; contact with juvenile justice system  
48660-48666 Community day schools  
48853.5 Foster youth  
48900-48927 Suspension and expulsion  
48950 Speech and other communication  
48980 Parental notifications  
49073-49079 Privacy of student records  
52052 Numerically significant student subgroups  
52060-52077 Local control and accountability plan  
64000-64001 Consolidated application

CIVIL CODE

47 Privileged communication  
48.8 Defamation liability

CODE OF CIVIL PROCEDURE

1985-1997 Subpoenas; means of production

GOVERNMENT CODE

11455.20 Contempt  
54950-54963 Ralph M. Brown Act

HEALTH AND SAFETY CODE

11014.5 Drug paraphernalia  
11053-11058 Standards and schedules

LABOR CODE

230.7 Employee time off to appear in school on behalf of a child

PENAL CODE

31 Principal of a crime, defined  
240 Assault defined  
241.2 Assault fines  
242 Battery defined  
243.2 Battery on school property  
243.4 Sexual battery  
245 Assault with deadly weapon  
245.6 Hazing  
261 Rape defined  
266c Unlawful sexual intercourse  
286 Sodomy defined  
288 Lewd or lascivious acts with child under age 14  
288a Oral copulation  
289 Penetration of genital or anal openings  
417.27 Laser pointers  
422.55 Hate crime defined  
422.6 Interference with exercise of civil rights  
422.7 Aggravating factors for punishment  
422.75 Enhanced penalties for hate crimes  
626.2 Entry upon campus after written notice of suspension or dismissal without permission  
626.9 Gun-Free School Zone Act of 1995  
626.10 Dirks, daggers, knives, razors, or stun guns  
868.5 Supporting person; attendance during testimony of witness

#### WELFARE AND INSTITUTIONS CODE

729.6 Counseling

#### UNITED STATES CODE, TITLE 18

921 Definitions, firearm

#### UNITED STATES CODE, TITLE 20

1415(K) Placement in alternative educational setting

7961 Gun-free schools

#### UNITED STATES CODE, TITLE 42

11432-11435 Education of homeless children and youths