

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.

Off campus behavior may result in discipline when it disrupts Venture Academy programs and activities or as otherwise prohibited by law, Board policy, or administrative regulation.

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 the 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 may be suspended for disruption or willful defiance, except by a teacher pursuant to Education Code Section 48910.

Students shall not be suspended or expelled based solely on a student's 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, 287, 288, or 289, or former 288a, 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.

On a case-by-case basis, a student Board member(s) may make restorative justice recommendations to the Board regarding specific expulsion matters, in accordance with Board Bylaw 9150 - Student Board Members.

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.

No child enrolled in a preschool program shall be expelled or unenrolled except under limited circumstances in accordance with Education Code Section 8489.1 and as specified in Administrative Regulation 5148.3 - Preschool/Early Childhood Education.

Due Process

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

Plan for Rehabilitation

At the time of the expulsion order, the Board shall recommend a plan for the student's rehabilitation, in accordance with the accompanying administrative regulation.

Maintenance and Monitoring of Outcome Data

The program administrator or designee shall maintain outcome data related to student suspensions and expulsions, including, but not limited to:

1. The number of students recommended for expulsion.

2. The grounds for each recommended expulsion.
3. The actions taken by the Board, including whether the student was subsequently expelled and whether the expulsion order was suspended.
4. The types of referral made after each expulsion.
5. The disposition of the students after the expulsion period, including the completion of a rehabilitation plan or the successful readmission of the student, or both.
6. The average length of expulsion terms, including any extensions.

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, long-term English learners, students with disabilities, foster youth, and students experiencing homelessness. 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, which may include monitoring intervention effectiveness.

Legal Reference:

EDUCATION CODE

212.5 Sexual harassment

233 Hate violence

1981-1983 Enrollment of students in community school

8239.1 Prohibition against expulsion of preschool student

17292.5 Program for expelled students; facilities

32260-32262 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 Former juvenile court school students; enrollment

48660-48666 Community day schools

48853-48853.5 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
8489-8489.1 Prohibition against expulsion of preschool student

CIVIL CODE

47 Privileged communication
48.8 Defamation liability

CODE OF CIVIL PROCEDURE

1985-1997 Production of evidence; means of production

GOVERNMENT CODE

11455.20 Informal hearing procedures
54950-54963 Ralph M. Brown Act

HEALTH AND SAFETY CODE

11014.5 Drug paraphernalia
11053-11059 Controlled substances; 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
287 Oral Copulation
288 Lewd or lascivious acts with child under age 14
289 Penetration of genital or anal openings
417.27 Laser pointers
422.55 Definition of hate crime

422.6 Crimes; harassment
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

224.1 Indian child, definition
729.6 Counseling

UNITED STATES CODE, TITLE 18

921 Definitions, firearm

UNITED STATES CODE, TITLE 20

1415(K) Students with disabilities, placement in alternative educational setting
7961 Gun-Free Schools Act

UNITED STATES CODE, TITLE 34

106.1-106.82 Nondiscrimination on the basis of sex in education programs or activities

UNITED STATES CODE, TITLE 42

11432-11435 Education of homeless children and youths