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AR 5144.1 Suspension Due Process

This AR provides the implementing regulations for BP 5144.1. These regulations govern suspensions, whereas AR 5144.3 governs expulsions.

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

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

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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.

A student may be subject to suspension when it is determined that he/she:

1. Caused, attempted to cause, or threatened to cause physical injury to another person or willfully used force or violence upon the person of another, except in self-defense.

A student who aids or abets the infliction or attempted infliction of physical injury on another person, as defined in Penal Code [31](#), may be suspended, but not expelled. However, a student may be suspended or expelled pursuant to Education Code [48900](#)(a) once he/she has been adjudged by a juvenile court to have committed, as an aider or abettor, a crime of physical violence in which the victim suffered great or serious bodily injury.

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.

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9. Committed an obscene act or engaged in habitual profanity or vulgarity.

10. Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code [11014.5](#).

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.

12. Knowingly received stolen school property or private property.

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.

14. Committed or attempted to commit a sexual assault as defined in Penal Code [261](#), [266c](#), [286](#), [288](#), [288a](#) or [289](#), or committed a sexual battery as defined in Penal Code [243.4](#).

15. Harassed, threatened, or intimidated a student who is a complaining witness or witness in a school disciplinary proceeding for the purpose of preventing that student from being a witness and/or retaliating against that student for being a witness.

16. Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.

17. Made terrorist threats against school officials and/or school property.

A student in grades 4 through 12 is also subject to suspension when it is determined that he/she:

18. Committed sexual harassment as defined in Education Code [212.5](#)

19. Caused, attempted to cause, threatened to cause, or participated in an act of hate violence as defined in Education Code [233](#)

20. Intentionally engaged in harassment, threats or intimidation against district personnel or students that is sufficiently severe or pervasive to have the actual and reasonably expected effect of materially disrupting classwork, creating substantial disorder, and invading the rights of school personnel or students by creating an intimidating or hostile educational environment

21. Engaged in an act of bullying, including, but not limited to, bullying by means of an electronic act, directed toward a student or school personnel.

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Bullying means one or more acts by a student or group of students that constitutes sexual harassment pursuant to Education Code [48900.2](#), as defined in item #18 above; hate violence pursuant to Education Code [48900.3](#), as defined in item #19 above; or harassment, threats, or intimidation pursuant to Education Code [48900.4](#), as defined in item #20 above.

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, computer, or pager.

A student may be suspended for any of the acts listed above if the act is related to school activity or school attendance occurring at any district school under the jurisdiction of the Superintendent or principal or within any other school district, including but not limited to the following circumstances:

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

The Superintendent or principal may use his/her discretion to provide alternatives to suspension for a student subject to discipline under this administrative regulation, including, but not limited to, counseling and an anger management program.

Alternatives to suspension will be used with students who are truant, tardy, or otherwise absent from assigned school activities.

A teacher may suspend any student from his/her class for the remainder of the day and the following day for any act listed in "Grounds for Suspension" above.

A teacher also may refer a student to the principal or designee for consideration of suspension from school.

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

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1. Possessing, as verified by a district employee, or selling or otherwise furnishing a firearm, 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 Education Code [48915](#)

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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,

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