

X. INFORMATION/DISCUSSION ITEMS

A. Student Behavior Management: Suspension and Expulsion

BACKGROUND:

The Livermore School Board has developed policies, procedures and standards of behavior to promote positive citizenship, maintain a safe school environment, and develop an atmosphere conducive to learning. The California Education Code (E.C.) establishes the legal requirements and guidelines that school districts in California use to implement their Board Policies. School Districts must also consider many other legal codes such as the Federal Regulations (F.R.), Health & Safety Code (H. & S.C.), Family Code (F.C.), Penal Code (P.C.), and Code of Regulations (CCR) in the development and implementation of their policies, practices, and procedures. Districts must annually report to the California Department of Education their suspension and expulsion data by individual schools. This data must also be reported each year in School Accountability Report Cards which are made available to parents and the community. This Board Report will review district policies, suspension and expulsion data, as well as the expulsion process and guidelines.

STATUS:

Each year parents receive the District's "Elementary School Discipline Policy" or the "Secondary School Discipline Policy" which outline the responsibilities of students, parents, teachers and administrators, as well as the specific rules and consequences for behavior infractions. Parents also receive the "Notice to Parents Of Your Rights Under Law" as required by Education Code 48980. The middle schools and high schools, and six of the elementary schools, document behavior referrals using the student discipline screen on our data information system, SASI. The goal next year is that all elementary schools use this data system next year to track referrals. Under the District's School Discipline Policy, specific infractions may lead to suspension or expulsion. The maximum number of days of consecutive suspension for a rule violation is 5 school days, unless the student is referred to the Discipline Action Screening Committee for possible expulsion. If the student is referred for possible expulsion, the suspension may be extended until the hearing. The maximum length of an expulsion from the district is one calendar year. Expulsions may be 'suspended' or 'stay' and a student must then meet the rehabilitation plan contract that has been established. Students that are expelled or on a stay of an expulsion may be placed at an alternative program including Vineyard Independent Study, Home Study, Del Valle/Phoenix High School, Alameda County Community School, or if it is determined appropriate on a stay of expulsion, at a regular comprehensive school.

FISCAL IMPACT:

None at this time

2007-2008 BOARD GOALS:

Improve Educational Performance

Meet Student Needs
Provide Leadership
Enhance Community Relations

RECOMMENDATION:

This is an information item and requires no action by the Board of Education.

Student Behavior Management: Suspension and Expulsion

Overview

The School Board has established policies and standards of behavior in order to promote learning and protect the safety and well-being of all students. The District's standards of behavior and administrative regulations pertaining to discipline, suspension and expulsion, and due process are established in district policy. The District's Elementary School Discipline Policy and Secondary School Discipline Policy outline responsibilities, expectations, and consequences and these documents are distributed to families each year. These discipline guidelines identify unacceptable student behavior, and repeated violation of school rules leads to increasingly serious consequences. Individual schools may have additional written rules appropriate to their particular campus and classrooms. When these policies and standards are violated, consequences for less serious behaviors may include parent contact and/or conference, verbal or written warning, detention, exclusion from school activities, school/community service, assignment to an intervention program, in-house suspension, etc. For repeated and more serious infractions the consequences become more severe and suspension, expulsion, and police involvement may be necessary.

Suspension and Expulsion Policy and Related Law

The grounds for suspension and expulsion and the procedures for considering, recommending and/or implementing suspension and expulsion are specified in board policy and administrative regulation. Schools must provide for the fair and equitable treatment of students facing suspension and expulsion by affording them their due process rights under the law. (Education Code 48911, 48915, 48915.5). A principal or the principal's designee or the Superintendent may suspend a pupil without affording the pupil an opportunity for a conference only if the principal or the principal's designee or the Superintendent of Schools determines that an emergency situation exists. Suspension from school may be implemented by the Superintendent, Superintendent's designee, Principal, or Principal's designee, and the maximum length of a suspension is five consecutive schooldays, unless the student is referred to an expulsion hearing, and whereby the student is placed in an alternative setting until the hearing. Teachers may suspend a student from their classroom for the day of the suspension and the day following. The teacher must immediately inform the student of what the student is accused of doing and what the basis of the accusation is, and the student must be given an opportunity to explain their version of the facts. The teacher must also contact the parent and review the reasons for the suspension, and inform the principal or designee who determines whether the student will be suspended from school or placed on in-house suspension.

Suspended or expelled students are excluded from all school-related extracurricular activities during the period of suspension or expulsion. A pupil may be disciplined, suspended or expelled for acts related to school activity or attendance which occur at any time, including, but not limited to, any of the following:

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

Suspension is imposed only when previous attempts of correction fail to bring about proper conduct. However, a student, including an individual with exceptional needs, may be suspended for any of the reasons enumerated in Section 48900 upon a first offense, if the principal or superintendent of schools determines that the student violated subdivision (a), (b), (c), (d), or (e) of Section 48900 or that the student's presence causes a danger to persons or property or threatens to disrupt the instructional process.

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 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). In a matter involving a student previously identified as qualifying for special education or a 504 Plan, the student may be expelled if the IEP Team determined that the behavior was not a manifestation of the student's disability. In this process, the IEP Team determines if either one of the following applies: 1) the conduct in question was caused by, or had a direct and substantial relationship to, the student's disability, or 2) the conduct in question was the direct result of the District's failure to implement the IEP.

The principal or designee may recommend a pupil for expulsion if there has been a violation of any section of Education Code 48900, 48900.2, 48900.3, 48900.4, and 48900.7. The governing board may then order the student expelled for any discretionary or mandated suspensions if either of the following apply:

- That other means of correction are not feasible or have repeatedly failed to bring about proper conduct.
- That due to the nature of the act the presence of the student causes a continuing danger to the safety of the student or others.

Mandatory Recommendation of Expulsion or Against Expulsion - Education Code 48915 (a)

The principal or designee shall recommend a pupil's expulsion for any of the following acts unless the principal reports, in writing, that expulsion is inappropriate due to a particular circumstance which is explained in the report of the incident:

- Causing serious physical injury to another person, except in self-defense.
- Possession of any knife, explosive, or other dangerous object of no reasonable use to the pupil.
- Unlawful possession of any controlled substance, except for the first offense for the possession of not more than 28.5 ounces of cannabis, other than concentrated cannabis.
- Robbery or extortion.
- Assault or battery of a school employee.

At the time an expulsion of a student is ordered, the school board shall set a date, not later than the last day of the semester following the semester in which the expulsion occurred, when the student may apply for readmission to a school maintained by the district. Thereafter, the pupil may file a written request for readmission once every school year.

Mandatory Recommendation of Expulsion - Education Code 48915 (c)

The principal or designee must recommend expulsion if the misconduct included one of the following:

- Possession, selling, or otherwise furnished a firearm.
- Brandished a knife at another person.
- Unlawfully selling a controlled substance.

- Committed or attempted to commit a sexual assault or sexual battery
- Possession of an explosive.

In cases of a student committing Education Code 48915 (c) violations, the student shall be expelled for one calendar year from the date the expulsion occurred. On a case-by-case-basis, upon ordering the expulsion, the Governing Board may set an earlier date, and the enforcement of an expulsion order may be stayed or suspended by the Board.

Discipline Referrals, Suspensions, and Expulsion Data for the Livermore Valley Joint Unified School District

The school district and individual schools collect and compile data on disciplinary actions as required by law and for review by administrators. The following information includes disaggregated data and an expulsion flowchart:

Livermore Valley Joint Unified School District
 Student Services
 Expulsion Data
 5-Year Comparison
 June 24, 2008

Violation	48915 (c) Mandatory	48915 (a) Mandatory or Written Against	48900 Discretionary	Total
2003-2004				
Expelled	5	9	3	17
Suspended or "stay of expulsion"	1	11	5	17
Total	6	20	8	34
2004-2005				
Expelled	1	2	0	3
Suspended or "stay of expulsion"	1	5	14	20
Total	2	7	14	23
2005-2006				
Expelled	3	4	6	13
Suspended or "stay of expulsion"	1	8	17	26
Total	4	12	23	39
2006-2007				
Expelled	6	4	4	14
Suspended or "stay of expulsion"	1	13	11	25
Total	7	17	15	39
2007-2008				
Expelled	8	6	10	24
Suspended or "stay of expulsion"	1	3	4	8
Total to date	9	9	14	32*
* 9 expulsions pending 5 to Board 6/24/08 4 to Hearing in July 2008 - to Board August 2008				

Expulsions 5 year comparison

	2005-2006	2006-2007	2007-2008
Granada High			
Total Number Discipline Referrals	1573	1359	1265
Total Number of Suspensions	274	193	178
Total Number of Expulsions	12	9	8
Pending			3 expulsions
Livermore High			
Total Number Discipline Referrals	1205	1170	1695
Total Number of Suspensions	206	130	111
Total Number of Expulsions	8	7	10
Pending			1 expulsion
Del Valle			
Total Number Discipline Referrals	88	55	200
Total Number of Suspensions	17	18	40
Total Number of Expulsions	0	1	0
Pending			1 expulsion
Phoenix			
Total Number Discipline Referrals	141	92	356
Total Number of Suspensions	57	17	93
Total Number of Expulsions	1	2	7
Vineyard 9-12			
Total Number Discipline Referrals	121	109	126
Total Number of Suspensions	2	2	1
Total Number of Expulsions	1	1	0
Pending			1 expulsion

	2005-2006	2006-2007	2007-2008
Christensen Middle			
Total Number Discipline Referrals	1388	1383	804
Total Number of Suspensions	227	152	180
Total Number of Expulsions	7	2	2
East Avenue			
Total Number Discipline Referrals	3553	1522	4474
Total Number of Suspensions	222	185	180
Total Number of Expulsions	3	3	5
Pending			1 expulsion
Junction Avenue			
Total Number Discipline Referrals	3243	2738	4574
Total Number of Suspensions	233	188	136
Total Number of Expulsions	6	7	1
Pending			1 expulsion
Mendenhall Middle			
Total Number Discipline Referrals	3207	3145	2635
Total Number of Suspensions	255	141	109
Total Number of Expulsions	0	7	1
Vineyard 1-8			
Total Number Discipline Referrals	343	207	90
Total Number of Suspensions	2	2	0
Total Number of Expulsions	1	1	0

School	2005-2006	2006-2007	2007-2008
Altamont Creek			
Total Number Discipline Referrals	154	214	144
Total Number of Suspensions	25	30	11
Total Number of Expulsions	0	0	0
Arroyo Seco			
Total Number Discipline Referrals	N/A	N/A	N/A
Total Number of Suspensions	23	28	12
Total Number of Expulsions	0	0	0
Croce			
Total Number Discipline Referrals	24	136	121
Total Number of Suspensions	8	24	74
Total Number of Expulsions	0	0	0
Jackson Ave			
Total Number Discipline Referrals	N/A	475	139
Total Number of Suspensions	13	35	43
Total Number of Expulsions	0	0	0
Marylin Ave			
Total Number Discipline Referrals	51	56	N/A
Total Number of Suspensions	55	92	52
Total Number of Expulsions	1	0	0
Michell			
Total Number Discipline Referrals	N/A	N/A	292
Total Number of Suspensions	12	41	29
Total Number of Expulsions	0	1	0
Pending			1 expulsion
Portola			
Total Number Discipline Referrals	284	250	332
Total Number of Suspensions	57	27	42
Total Number of Expulsions	0	0	0
Rancho			
Total Number Discipline Referrals	N/A	N/A	N/A
Total Number of Suspensions	13	8	3
Total Number of Expulsions	0	0	0

Smith			
Total Number Discipline Referrals	N/A	N/A	197
Total Number of Suspensions	9	12	44
Total Number of Expulsions	0	0	0
Sunset			
Total Number Discipline Referrals	N/A	N/A	N/A
Total Number of Suspensions	19	6	22
Total Number of Expulsions	0	0	0

LIVERMORE VALLEY JOINT UNIFIED SCHOOL DISTRICT

Existing Educational Alternatives for Expelled Students Offered

All educational alternatives provided by California's school district are not available to expelled students. Seriousness of offense, location of the offense, and grade level of the student all have the potential to restrict the district level educational alternatives available to the student during the period of expulsion.

In the Livermore Valley Joint Unified School District, students expelled for any of the offenses listed in subdivisions (a) or (c) of Section 48915 of the California Education Code shall not be permitted to enroll in any district operated program during the period of expulsion except in those cases when the Board of Education suspends the enforcement of a student's expulsion.

The Livermore Valley Joint Unified School District offers the following educational alternative for students who have their expulsion suspended by the Board of Education:

- Transfer to another district school
- Independent Study Program
- Continuation School
- Home Instruction through the Special Education Department
- Referral to other school districts
- Referral to County Community Day School

The District, in conjunction with the Alameda County Office of Education, offers the following educational alternatives for students expelled by the Board of Education:

- Juvenile Court Schools
- County Community Day School
- County Independent Study Program

June 24, 2003, approved by
Livermore Valley Joint Unified District Board of Education

*Consent Motion
approved 6/24/03*

Brenda Miller, Superintendent

Date

LIVERMORE VALLEY JOINT UNIFIED SCHOOL DISTRICT
EXPULSION RECOMMENDATION

Student Name:

ID: School:

School:

Grade:

Date of Incident:

Date of Birth:

Education Code 48915 - MANDATORY EXPULSION: The principal or superintendent of schools shall immediately suspend and recommend expulsion of any pupil found to be:

- _____ (c) (1) In possession, selling or otherwise furnishing a **firearm** at school or at a school activity off school grounds.
- _____ (c) (2) **Brandishing a knife** at another person.
- _____ (c) (3) **Unlawfully selling a controlled substance**
- _____ (c) (4) **Commits or attempts to commit a sexual assault or commit a sexual battery.**
- _____ (c) (5) **Possession of an explosive.**

Education Code 48915 - MANDATORY RECOMMENDATION FOR EXPULSION OR WRITTEN RECOMMENDATION AGAINST EXPULSION: The principal shall recommend a pupil's expulsion for any of the following, unless the principal finds and reports in writing to the Board, that expulsion is inappropriate due to the particular circumstances.

- _____ (a) (1) **Causing serious injury** to another person, except in self defense.
- _____ (a) (2) **Possession of any knife, explosive or other dangerous object** of no reasonable use to the pupil at school or at a school activity off school grounds.
- _____ (a) (3) **Unlawful possession of any controlled substance** listed in Chapter 2 (commencing with the Section 11053) of Division 10 of the Health and Safety Code, except for the first offense for the possession of not more than one avoirdupois ounce of marijuana, other than concentrated cannabis.
- _____ (a) (4) **Robbery or extortion.**
- _____ (a) (5) **Assault or battery upon any school employee**

Education Code 48900 - DISCRETIONARY RECOMMENDATION FOR EXPULSION: The principal may recommend a pupil's expulsion for any of the following.

- _____ (a)(1) Caused, attempted to cause, or threatened to cause **physical injury** to another person.
- _____ (a)(2) Willfully used force or violence upon the person of another, except in self defense.
- _____ (b) Possessed, sold, or otherwise furnished any **firearm, knife, explosive or other dangerous object.**
- _____ (c) Possessed, used, sold, or otherwise furnished, or been under the influence of **any controlled substance, an alcoholic beverage, or an intoxicant of any kind.**
- _____ (d) Arranged, offered, or negotiated to sell any controlled substance, alcoholic beverage, or an intoxicant of any kind, and then substituted a **"look-alike"** liquid, substance, or material and represented it as a controlled substance or intoxicant.
- _____ (e) Committed or attempted to commit **robbery or extortion.**
- _____ (f) Caused or attempted to cause **damage to school or private property.**
- _____ (g) Stolen or attempted to **steal school or private property.**
- _____ (h) Possessed or used **tobacco**, or any products containing tobacco or nicotine products, including, but not limited to, cigarettes, cigars, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel.
- _____ (i) Committed an **obscene act** or engaged in **habitual profanity or vulgarity.**
- _____ (j) Possessed, offered, arranged, or negotiated to sell any **drug paraphernalia.**
- _____ (k) **Disrupted school activities or willfully defied school personnel** engaged in the performance of their duties.
- _____ (l) **Knowingly received stolen school or private property.**
- _____ (m) Possession of an **imitation firearm.**
- _____ (n) Committed or attempted to commit a **sexual assault**, or committed a **sexual battery.**
- _____ (o) Harassed, threatened, or intimidated a pupil who is a **complaining witness or witness in a school disciplinary proceeding** for the purpose of either preventing that pupil from being a witness or retaliating against that pupil for being a witness, or both.
- _____ (p) Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug **Soma.**
- _____ (q) Engaged in, or attempted to engage in, **hazing** as defined in Section 32050.