

## Students

BP- 5144.1-~~Students(a)~~

### Suspension And Expulsion/

### SUSPENSION AND EXPULSION/DUE PROCESS

~~Due Process~~ The Governing Board desires to provide district students access to educational opportunities in a positive school environment that protects their safety and well-being, and promotes their learning and development.

The Board does not support a zero tolerance approach to discipline. The Board recognizes the importance of providing school-wide positive supports, using discipline strategies and practices that keep students in school and in the classroom, and supporting students in learning to behave appropriately and solve conflicts in a peaceful way.

In response to serious or repeated violations of established policies and standards, it may be necessary to suspend or expel a student from regular classroom instruction.

(cf. 5131 - Conduct)

(cf. 5131.1 - Bus Conduct)

(cf. 5131.2 - Bullying)

Before subjecting a student to disciplinary sanctions that result in a loss of instructional time, the Superintendent or designee shall, to the extent allowed by law, first use alternative strategies as described in AR 5144 - Discipline. Except where suspension for a first offense is permitted by 48900.5, as further described in AR 5144.1, in-school and out-of-school suspension shall be imposed only when other means of correction fail to bring about proper conduct or the student's presence causes a danger to persons. (Education Code 48900.5) Expulsion is an action taken by the Board only for severe breaches of discipline by a student.

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 his/her behavior is related to a school activity or school attendance occurring within any district school or another school district, regardless of when it occurs, including, but not limited to, the following: (Education Code 48900(s))

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

(cf. 5112.5 - Open/Closed Campus)

4. During, going to, or coming from a school-sponsored activity

## District —

~~The Board of Education 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.~~

~~Suspended or expelled students shall be denied the privilege of participation in all extracurricular activities during the period of suspension or expulsion.~~

staff shall enforce the rules concerning suspension and expulsion of students fairly, consistently, equally, and in accordance with the district's nondiscrimination policies.

*(cf. 0410 - Nondiscrimination in District Programs and Activities)*

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

Except when a student's act violates Education Code 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 his/her presence causes a danger to others, suspension shall be used only when other means of correction have failed to bring about proper conduct. (Education Code 48900.5, 48900.6)

*(cf. 5138 - Conflict Resolution/Peer Mediation)*

*(cf. 5144 - Discipline)*

*(cf. 6142.4 - Service Learning/Community Service Classes)*

*(cf. 6164.2 - Guidance/Counseling Services)*

*(cf. 6164.5 - Student Success Teams)*

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.

~~As provided in California Education Code section 48900(k), no student enrolled in grades T-Kindergarten through third grade may be suspended for disrupting school activities or willfully defying the authority of school personnel ("disruption and willful defiance") and no student enrolled in grades TK through twelve (TK-12) shall be expelled for the same.~~

Effective July 1, 2019, no student enrolled in grades T-Kindergarten through twelve (TK-12) grades may be suspended or expelled for disrupting school activities or willfully defying the authority of school personnel. The Board will review data regarding suspensions for defiance in Grades 4 through 12 in August and January. If based on review of the data, it appears further steps should be undertaken to meet the goal of eliminating suspensions for disruption and willful defiance by July 1, 2019, the Board will direct the Superintendent to implement such additional measures to achieve the goal of no suspensions for disruption and willful defiance by July 1, 2020.

The grounds for suspension and expulsion and the procedures for considering, recommending, and/or implementing suspension and expulsion shall be specified by administrative regulation and must be consistent with the requirements set forth here.

Students shall not be suspended or expelled for truancy, tardiness, or absenteeism from assigned school activities. Student may lose privileges or be placed on exclusion lists for extracurricular activities for poor attendance.

*(cf. 5113 - Absences and Excuses)*

*(cf. 5113.1 - Chronic Absence and Truancy)*

A teacher may suspend any pupil from class, for any of the acts enumerated in Section 48900, for the day of the suspension and the day following.

*(cf. 48910 - Suspension by teacher; reports; conferences; referrals)*

~~The grounds for suspension and~~

### **Authority to Expel**

A student may be expelled only by the Board. (Education Code 48918(j))

As required by law, the Superintendent or principal shall recommend expulsion and the procedures for considering, recommending 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: (Education Code 48915)

1. Possessing, as verified by a district employee, selling, or otherwise furnishing a firearm, unless the student had obtained prior written permission to possess the firearm from a certificated school employee, with the principal or designee's concurrence

Possession of an imitation firearm, as defined in Education Code 48900(m), shall not be regarded as an offense requiring a mandatory recommendation for expulsion and mandatory expulsion. However, an administrator shall have discretion on a case-by-case basis to recommend expulsion for the possession of an imitation firearm.

*(cf. 5131.7 - Weapons and/or implementing suspension Dangerous Instruments)*

2. Selling or otherwise furnishing a firearm

3. Brandishing a knife at another person

4. Unlawfully selling a controlled substance listed in Health and ~~expulsion shall be those specified in law and/or~~ Safety Code 11053-11058

5. Committing or attempting to commit a sexual assault as defined in Penal Code 261, 266c, 286, 288, 288a, or 289, or committing a sexual battery as defined in Penal Code 243.4

6. Possessing an explosive as defined in 18 USC 921

For all other violations listed in the accompanying administrative regulation, under "Grounds for Suspension and Expulsion: Grades K-12" and "Additional Grounds for Suspension and Expulsion: Grades 4-12," the Superintendent or principal 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: (Education Code 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

A vote to expel a student (final action) shall be taken in an open session of a Board meeting. (Education Code 35146.) However, any consideration by the Board of disciplinary action against a student shall be conducted in closed session unless otherwise requested by the pupil and/or the pupil's guardian as specified in Education Code 35146 and 48912.

The Board may vote to suspend the enforcement of the expulsion order pursuant to the requirements of law and the accompanying administrative regulation. (Education Code 48917)

No student shall be expelled for disruption or willful defiance. (Education Code 48900)

No child enrolled in a preschool program shall be expelled except under limited circumstances as specified in AR 5148.3 - Preschool/Early Childhood Education.

(cf. 5148.3 - Preschool/Early Childhood Education)

### Due Process~~Zero Tolerance~~

~~The Board supports a zero tolerance approach to serious offenses in accordance with state and federal law. This approach makes the removal of potentially dangerous students from the classroom a top priority and ensures the standardized treatment of all students. Staff shall immediately report to the Superintendent or designee any incidence of offenses specified in law, Board policy, and administrative regulation as cause for suspension or expulsion.~~

#### Student Due Process

The Board 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

Superintendent or designee shall comply with procedures for notices, hearings, and appeals as specified in ~~administrative regulation and/or law. (Education Code 48911, 48915, 48915.5)~~law and administrative regulation. (Education Code 48911, 48915, 48915.5, 48918)

#### Supervised

(cf. 5119 - Students Expelled from Other Districts)

(cf. 5144.2 - Suspension Classroom

~~The Board recognizes that students who are suspended from school often have no supervision or guidance during the school hours when they are off campus and may fall behind in the coursework. The~~

~~Board believes that, in many cases, it would be better to manage the student's behavior by keeping the student at school and providing him/her~~Expulsion/Due Process (Students with supervision that is separated from the regular classroom-Disabilities))

~~The Superintendent or designee shall establish a supervised classroom suspension program which meets the requirements of law for students suspended for any of the reasons enumerated in Education Code 48900 and 48900.2, 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**

### **Expansion of Restorative Practices, Positive Behavior Intervention Supports, and other restorative and youth development approaches**

The Board recognizes that the District has made progress toward creating a positive school culture through various means, including through the use of Restorative Practices and Positive Behavioral Interventions and Supports. The Board believes that the continued expansion of such programs is central to the creation of safe, healthy, and supportive school environments for all students in the District. The Board supports and will prioritize funding for Restorative Practices and PBIS programs to successfully implement these practices at all school sites across the district.

### **On-Campus Suspension**

On-campus suspension shall be imposed only when other means of correction have failed to bring about proper conduct. (Education Code 48900.5)

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

To ensure the proper supervision and ongoing learning of students who are suspended for any of the reasons enumerated in Education Code 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 Superintendent or designee shall establish a supervised suspension classroom program which meets the requirements of law.

### **Decision Not to Enforce Expulsion Order**

On a case-by-case basis, the enforcement of an expulsion order may be suspended by the Board pursuant to the requirements of law and administrative regulation. (Education Code 48917)

### **Expungement of Student Disciplinary Records**

As provided in Board Policy 5144.3, a student, parent, guardian, appointed advocate on behalf of the student, or Superintendent on behalf of a student, may apply for expungement of student disciplines record which meet the criteria set forth in BP 5144.3.

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

The Superintendent or designee shall maintain outcome data related to student suspensions and expulsions in accordance with Education Code 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 Superintendent 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 the district is meeting its goals for improving school climate as specified in its local control and accountability plan.

*(cf. 0460 - Local Control and Accountability Plan)*

*Legal Reference: (see next page)*

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BP 5144.1(e)

**SUSPENSION AND EXPULSION/DUE PROCESS (continued)**

~~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 class by a teacher 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 removed may provide that the student's parent/guardian attend a portion of a school day in the class from which the student was suspended. (Education Code 48900.1)~~

~~Before requiring parental attendance, the teacher shall 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. (Education Code 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. (Education Code 48900.1)~~

~~The notice shall specify that the attendance may be on either the date the student is scheduled to return to class or within one week thereafter.~~

~~A parent/guardian who has received a written notice shall attend class as specified in the notice. After completing the classroom visit and before leaving school premises, the parent/guardian also shall meet with the principal or designee. (Education Code 48900.1)~~

~~The principal or designee shall contact a parent/guardian who does not respond to the request to attend school. The Board recognizes that parent/guardian 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 release time from work.~~

~~District~~ regulations and school site rules for student discipline shall include procedures for implementing parental attendance requirements. Parents/guardians shall be notified of this policy prior to its implementation. (Education Code 48900.1)

#### Decision Not to Enforce Expulsion Order

~~On a case-by-case basis, the enforcement of an expulsion order may be suspended by the Board pursuant to the requirements of law.~~

#### Legal Reference:

##### EDUCATION CODE

212.5-212.5 Sexual harassment

1981-233 Hate violence

1981-1981.5 Enrollment of students in community school

17292.5-8239.1 Prohibition against expulsion of preschool student



~~17292.5~~ *Program for expelled students*  
~~32261-32261~~ *Interagency School Safety Demonstration Act of 1985*  
~~35146-35145~~ *Open board meetings*  
~~35146~~ *Closed sessions (~~re~~regarding suspensions)*  
~~35291-35291~~ *Rules (for government and discipline of schools)*  
~~35291.5-35291.5~~ *Rules and procedures on school discipline*  
~~48660-48667~~~~48645.5~~ *Readmission; contact with juvenile justice system*  
~~48660-48666~~ *Community day schools*

~~48900-48927~~ *Suspension and expulsion*

~~48950-48853.5~~ *Foster youth*  
~~48900-48927~~ *Suspension and expulsion*  
~~48950~~ *Speech and other communication*

~~49073-49079~~ *Privacy of student records*

~~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  
~~47-47~~ *Privileged communication*  
~~48.8-48.8~~ *Defamation liability*  
CODE OF CIVIL PROCEDURE  
~~1985-1997-1985-1997~~ *Subpoenas; means of production*  
GOVERNMENT CODE

~~11455.20~~ *Contempt*

~~54950-54963~~ *Ralph M. Brown Act*

~~11455.20~~ *Contempt*  
~~54950-54963~~ *Ralph M. Brown Act*  
HEALTH AND SAFETY CODE  
~~11014.5-11014.5~~ *Drug paraphernalia*

~~11053-11058~~ *Standards and schedules*

~~11053-11058~~ *Standards and schedules*  
LABOR CODE  
~~230.7~~ *Discharge or discrimination against employee for taking*~~230.7~~ *Employee* *time off to appear*  
*in school on behalf of a child*  
PENAL CODE  
~~31-31~~ *Principal of a crime, defined*  
~~240-240~~ *Assault defined*

~~241.2~~ *Assault fines*

~~242-241.2~~ *Assault fines*  
~~242~~ *Battery defined*  
~~243.2-243.2~~ *Battery on school property*  
~~243.4-243.4~~ *Sexual battery*



~~245-245~~ *Assault with deadly weapon*

~~245.6~~ *Hazing*

~~261~~ *Rape defined*

~~266c~~

*Legal Reference continued: (see next page)*

BP 5144.1(f)

## SUSPENSION AND EXPULSION/DUE PROCESS (continued)

*Legal Reference: (continued)*

*PENAL CODE (continued)*

~~245.6~~ *Hazing*

~~261~~ *Rape defined*

~~266c~~ *Unlawful sexual intercourse*

~~286-286~~ *Sodomy defined*

~~288-288~~ *Lewd or lascivious acts with child under age 14*

~~288a-288a~~ *Oral copulation*

~~289-289~~ *Penetration of genital or anal openings*

~~626.2-417.27~~ *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*

~~626.9-626.9~~ *Gun-Free School Zone Act of 1995*

~~626.10-626.10~~ *Dirks, daggers, knives, razors, or stun guns*

~~868.5-868.5~~ *Supporting person; attendance during testimony of witness*

WELFARE AND INSTITUTIONS CODE

~~729.6~~ *Counseling*

~~729.6~~ *Counseling*

UNITED STATES CODE, TITLE 18

~~921~~ *Definitions, firearm*

UNITED STATES CODE, TITLE 20

~~7151-1415(K)~~ *Placement in alternative educational setting*

~~7961~~ *Gun-free schools*

UNITED STATES CODE, TITLE 42

~~11432-11435~~ *Education of homeless children and youths*

COURT DECISIONS

T.H. v. San Diego Unified School District (2004) 122 Cal. App. 4th 1267

Woodbury v. Dempsey (2003) 108 Cal. App. 4th 421

Board of Education of Sacramento City Unified School District v. Sacramento County Board of Education and Kenneth H.--- (2001) 85 Cal.App.4th 1321

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

Fremont Union High School District v. Santa Clara County Board (1991) 235 Cal. App. 3d 1182/118

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

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

ATTORNEY GENERAL OPINIONS

84 Ops.Cal.Atty.Gen. 146 (2001)

80 Ops.Cal.Atty.Gen. 348 (1997)

80 Ops.Cal.Atty.Gen. 91 (1997)

80 Ops.Cal.Atty.Gen. 85 (1997)

Management Resources: (see next page)

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BP 5144.1(g)

**SUSPENSION AND EXPULSION/DUE PROCESS (continued)**

Management Resources:

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS

Dear Colleague Letter on the Nondiscriminatory Administration of School Discipline, January 2014

WEB SITES

CSBA: <http://www.csba.org>

CSBA: <http://www.csba.org>

California Attorney General's Office: ~~<http://www.caag.state.ca.us>~~ <http://www.oag.ca.gov>

California Department of Education: ~~<http://www.cde.ca.gov>~~ <http://www.cde.ca.gov>

U.S. Department of Education, Office for Civil Rights:

<http://www.ed.gov/about/offices/list/ocr/docs/crdc-2012-data-summary.pdf>

U.S. Department of Education, Office of Safe and Drug-Free

Schools: <http://www.ed.gov/about/offices/list/osdfs/index.html> Healthy Students:

<http://www2.ed.gov/about/offices/list/oese/oshs>

Policy ~~ALAMEDA UNIFIED SCHOOL DISTRICT~~ CSBA MANUAL MAINTENANCE  
SERVICE

adopted: ~~August 25, 2009 Alameda, California~~ October 2018

**SUSPENSION AND EXPULSION/DUE PROCESS**

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*(cf. 5112.5 - Open/Closed Campus)*

4. During, going to, or coming from a school-sponsored activity

District staff shall enforce the rules concerning suspension and expulsion of students fairly, consistently, equally, and in accordance with the district's nondiscrimination policies.

*(cf. 0410 - Nondiscrimination in District Programs and Activities)*

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

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*(cf. 5138 - Conflict Resolution/Peer Mediation)*

*(cf. 5144 - Discipline)*

*(cf. 6142.4 - Service Learning/Community Service Classes)*

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*(cf. 5131.7 - Weapons and Dangerous Instruments)*

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5. Committing or attempting to commit a sexual assault as defined in Penal Code 261, 266c, 286, 288, 288a, or 289, or committing a sexual battery as defined in Penal Code 243.4
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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

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The Board may vote to suspend the enforcement of the expulsion order pursuant to the requirements of law and the accompanying administrative regulation. (Education Code 48917)

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### **Due Process**

The Board 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

Superintendent or designee shall comply with procedures for notices, hearings, and appeals as specified in law and administrative regulation. (Education Code 48911, 48915, 48915.5, 48918)

*(cf. 5119 - Students Expelled from Other Districts)*

*(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))*

### **Expansion of Restorative Practices, Positive Behavior Intervention Supports, and other restorative and youth development approaches**

The Board recognizes that the District has made progress toward creating a positive school culture through various means, including through the use of Restorative Practices and Positive Behavioral Interventions and Supports. The Board believes that the continued expansion of such programs is central to the creation of safe, healthy, and supportive school environments for all students in the District. The Board supports and will prioritize funding for Restorative Practices and PBIS programs to successfully implement these practices at all school sites across the district.

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## **Decision Not to Enforce Expulsion Order**

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## **Expungement of Student Disciplinary Records**

As provided in Board Policy 5144.3, a student, parent, guardian, appointed advocate on behalf of the student, or Superintendent on behalf of a student may apply for expungement of student disciplines record which meet the criteria set forth in BP 5144.3.

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

The Superintendent or designee shall maintain outcome data related to student suspensions and expulsions in accordance with Education Code 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 Superintendent 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 the district is meeting its goals for improving school climate as specified in its local control and accountability plan.

*(cf. 0460 - 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

*Legal Reference: (continued)*

PENAL CODE (continued)  
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  
COURT DECISIONS  
T.H. v. San Diego Unified School District (2004) 122 Cal. App. 4th 1267  
Woodbury v. Dempsey (2003) 108 Cal. App. 4th 421

Board of Education of Sacramento City Unified School District v. Sacramento County Board of Education and Kenneth H. (2001) 85 Cal.App.4th 1321

Fremont Union High School District v. Santa Clara County Board (1991) 235 Cal. App. 3d 118

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

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

ATTORNEY GENERAL OPINIONS

84 Ops.Cal.Attv.Gen. 146 (2001)

80 Ops.Cal.Attv.Gen. 348 (1997)

80 Ops.Cal.Attv.Gen. 91 (1997)

80 Ops.Cal.Attv.Gen. 85 (1997)

*Management Resources:*

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS

Dear Colleague Letter on the Nondiscriminatory Administration of School Discipline, January 2014

WEB SITES

CSBA: <http://www.csba.org>

California Attorney General's Office: <http://www.oag.ca.gov>

California Department of Education: <http://www.cde.ca.gov>

U.S. Department of Education, Office for Civil Rights:

<http://www.ed.gov/about/offices/list/ocr/docs/crdc-2012-data-summary.pdf>

U.S. Department of Education, Office of Safe and Healthy Students:

<http://www2.ed.gov/about/offices/list/oese/oshs>

Policy ALAMEDA UNIFIED SCHOOL DISTRICT

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