



LIVERMORE VALLEY JOINT UNIFIED SCHOOL DISTRICT

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Students BP 5144.1(b)

SUSPENSION AND EXPULSION/DUE PROCESS

Except when a student commits an act listed in Education Code 48915(c), the Superintendent or designee shall have the discretion to determine whether to recommend to the Board that the student be expelled.

(cf. 5131.7- Weapons and Dangerous Instruments)

To correct the behavior of any student who is subject to discipline, the Superintendent or designee shall, to the extent allowed by law, use alternative disciplinary strategies specified in AR 5144 Discipline. (Education Code 48900.5, 48900.6)

- (cf. 1020- Youth Services)
- (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)

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

- (cf. 5113- Absences and Excuses)
- (cf. 5113.1- Chronic Absence and Truancy)

District staff shall not suspend any student for disruption or willful defiance, unless the suspension is warranted by documented repetitive behavior of the student or the disruption or willful defiance occurred in conjunction with another violation for which the student may be suspended.

A student's parents/guardians shall be notified as soon as possible when there is an escalating pattern of misbehavior that could lead to classroom or school removal.

Due Process

The Board shall provide for the fair and equitable treatment of students facing suspension and 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))

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LIVERMORE VALLEY JOINT UNIFIED SCHOOL DISTRICT

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Students

BP 5144.1(c)

SUSPENSION AND EXPULSION/DUE PROCESS

Removal from Class by a Teacher and Parental Attendance

When suspending a student from class for committing an obscene act, engaging in habitual profanity or vulgarity, disrupting school activities, otherwise willfully defying

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LIVERMORE VALLEY JOINT UNIFIED SCHOOL DISTRICT

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Students

BP 5144.1(d)

SUSPENSION AND EXPULSION/DUE PROCESS

Supervised Suspension Classroom

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LIVERMORE VALLEY JOINT UNIFIED SCHOOL DISTRICT

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Students

BP 5144.1(e)

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LIVERMORE VALLEY JOINT UNIFIED SCHOOL DISTRICT

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Students

BP 5144.1(f)

SUSPENSION AND EXPULSION/DUE PROCESS

729.6 Counseling

UNITED STATES CODE, TITLE 18

921 Definitions, firearm

UNITED STATES CODE, TITLE 20

1415(K) Placement in alternative educational setting

7151 Gunfree schools

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

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:

CSBA PUBLICATIONS

Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011

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

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

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