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STUDENT DISCIPLINE



OVERVIEW OF STUDENT DISCIPLINE

Fresno Unified School District is committed to providing a challenging, positive, and safe school environment. All District rules are publicized and enforced. Our standards for students achieving academic success derive from the District's aims of respect for self, for property, and for others.

SUSPENSIONS/EXPULSIONS

Students may be suspended or expelled for the following reasons under **Education Code section 48900**.

MANDATORY EXPULSIONS

Education Code section 48915(c) requires the principal or superintendent of schools to immediately suspend and recommend for expulsion students who have committed the following specified acts:

1. Possessing, selling, or otherwise furnishing a firearm
2. Brandishing a knife at another person
3. Unlawful sale of a controlled substance
4. Committing or attempting to commit a sexual assault or battery

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5. Possession of an explosive

EXPULSION TIMELINE

Student is placed on a five (5) day suspension

On the 5th day, the parent and student will have a meeting in the Student Discipline Office where the entire process of expulsion, the charges against the student and his/her rights will be explained. The parent/student can elect to do either of the following:

1. Proceed to an expulsion hearing where the District will have the burden of proving the allegations against the child. The hearing must take place within 30 school days from the time of suspension.
2. Sign a Waiver – the parent/student admit to the charges against him/her, waive the right to a hearing, and agree to the terms of the expulsion.

EXTENSION OF SUSPENSION

The original 5 day suspension may be extended up to another 25 additional school days if it is determined that returning the student to school would either:

1. Present a danger to persons or property, or
2. Present an ongoing threat of disrupting the educational environment (E.C. 48911)

During this period of extended suspension, the student SHOULD NOT be on or around any school campus, before, during, or after school, or at any school related activity or event.

EXPULSION HEARING

The expulsion hearing must be held within 30 school days of the time that the principal or Superintendent determines the student has violated Education Code section 48900 , unless the student or his parents request a postponement in writing.

Written notice of the hearing must be given at least ten (10) calendar days prior to the date of the hearing.

At the hearing, there will be a representative of the District who will facilitate the process, a three member certificated administrative panel who will hear the case, the parent/guardian, student and/or representative. You may also retain an attorney to represent your son/daughter in this process.

The burden is on the District to bring in witnesses and present evidence to support the allegations against the student. The parent/guardian and student will be able to ask questions of the witnesses, tell his/her side of the story, and present any evidence on his/her behalf.

The panel will listen to all evidence presented and decide whether it supports a recommendation for expulsion. The recommendation of the panel will go to the Board of Education at their next meeting and be reviewed in closed session. The parent will then be notified of the final decision by certified mail.

Pursuant to **Education Code section 48923**, a parent/guardian may appeal the expulsion to the County Office of Education within 30 calendar days of the Board's decision to expel the student.

SIGNED WAIVER

If the parent/guardian and student agree that he/she acted in the manner stated in the charges and that such behavior constitutes a violation of the **California Education Code sections 48900, 48900.2, 48900.3, 48900.4, 48900.7 and/or 48915**, the parent/guardian and student may request to waive the hearing panel and agree to the District's length and conditions of expulsion as well as any additional recommendations.

In doing so, the parent/guardian and student have also agreed to waive all notification and time lines related to the expulsion hearing process, the right to confront witnesses, present evidence, and the right to appeal.

The signed waiver agreement and findings of fact will be presented to the Board of Education for their approval at their next meeting. The Board has the discretionary power to accept, reject or modify any recommendation.

EDUCATION PROGRAMS FOR EXPELLED STUDENTS

At the time a student is expelled, the governing Board is required to ensure that an educational program is provided to the student.

Phoenix Primary or Secondary School

If a child is placed on suspended expulsion, then they will still be eligible to attend a District program during the period of suspended expulsion. This placement can be to another comprehensive school site or to one of our Districts alternative education programs, such as Phoenix Primary or Secondary school. During this period of suspended expulsion, he/she must maintain a grade point average of 2.0, have good attendance and good behavior or his/her suspended expulsion may

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be revoked by the District.

FRESNO COUNTY COMMUNITY DAY SCHOOL

A student, not placed on a suspended expulsion, and has been expelled from the District will be referred to a county community day school, such as Violet Heintz Education Academy. During his/her period of expulsion he/she must maintain a grade point average of 2.0, have good attendance and good behavior or his/her suspended expulsion may be revoked by the District.

CHARTER SCHOOLS

A child does not have to attend one of these programs and may elect to enroll his/her child in a charter school. The District does not refer a student to these programs but can provide a parent/guardian with contact information for Fresno area charter schools.

READMISSIONS

Once students have completed the term of their suspended/straight expulsion, the parent and student can seek to be readmitted to the District and placed at a school site closest to their home address. A certificated three-member panel will review the student's grades, attendance, behaviors, and conditions of their expulsion to determine if the student meets the criteria for readmission. The panel's recommendations will go to the FUSD school board for approval.

SPECIAL EDUCATION STUDENTS

Within 10 days of the suspension and recommendation for expulsion the school district must conduct a manifestation determination meeting to determine whether the student's qualifying disability was related to the behavior that resulted in the disciplinary action.

Contact

TBD

Student Conduct Hearing Manager II

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Contact us

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RESOURCE

There are no resources or collections to display

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