

Student Placement & Alternative Education

Behavior

Hayward Unified School District encourages other means of correction, rather than suspension or expulsion, to be used to bring about proper conduct as part of a Multi-Tiered System of Supports (MTSS). This MTSS includes restorative justice practices, trauma-informed practices, social and emotional learning, and schoolwide positive behavior interventions and support, which may be used to help students gain critical social and emotional skills, receive support to help transform trauma-related responses, understand the impact of their actions, and develop meaningful methods for repairing harm to the school community.

There are times, however when behaviors have escalated and alternative measures of discipline are applied.

SUSPENSION

In California, public schools can suspend students for specific offenses outlined in the Education Code. These offenses include acts of violence, drug or weapon possession, theft, bullying, and damaging school property. Additionally, until recently, suspensions were also allowed for "willful defiance," which included disruptive behaviors or defiance of school staff. However, California law now restricts suspensions for "willful defiance" in elementary and middle schools, and will extend that ban to all grades starting July 1, 2024.

Here's a more detailed breakdown:

Grounds for Suspension:

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- **Violent Crimes:** Causing, attempting to cause, or threatening physical injury to another person, or using force or violence upon another person (except in self-defense).
- **Drugs and Weapons:** Possessing, selling, or furnishing illegal drugs or weapons on school grounds.
- **Theft and Vandalism:** Stealing or damaging school property.
- **Disruptive Behavior:** "Willful defiance" (disrupting school activities or defying school staff) was previously a common reason for suspension, but this is now restricted for younger students and will be eliminated entirely for all grades in the future.
- **Other Offenses:** California Education Code 48900 also lists other grounds for suspension, such as bullying, harassment, and obscenity.
- Alternatives to Suspension:
- California law emphasizes that suspension should be a last resort after other interventions have been tried.
- Before suspending a student, schools are encouraged to consider alternatives like student-parent conferences, counseling, anger management, or community service.
- "Positive behavioral interventions and support" (PBIS) frameworks are also encouraged to help students develop positive social and emotional skills.
- **Key Changes in California Law:**
- **SB 419:** Banned suspensions for "willful defiance" in elementary and middle schools, effective July 2020.
- **SB 274:** Will extend the ban on "willful defiance" suspensions to all grades (TK-12) starting July 1, 2024.

EXPULSION

Expulsion is the most serious disciplinary action that a school administrator may recommend and which a school district may impose on a student. Expulsion can only occur by action of the school district governing board, but administrators have an important role in determinations about recommending expulsion.

A pupil may be suspended or expelled for acts that take place at school, on school grounds and related to a school activity or school attendance that occur at any time, including, but not limited to, any of the following:

1. While on school grounds
2. While going to or coming from school

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3. During the lunch period whether on or off the campus.
4. During, or while going to or coming from a school-sponsored activity.

In California, public schools can expel students for a variety of reasons, categorized as mandatory or discretionary offenses. Mandatory expulsion is required for serious offenses like possessing or selling firearms, threatening another person with a knife, selling drugs, attempting or committing sexual assault, or possessing an explosive. Discretionary expulsion can be applied for other offenses, like causing serious bodily injury, possession of a knife, or repeated violations of school rules after other interventions have failed.

Mandatory Expulsion Offenses:

- **Possessing or selling firearms or explosives:** This includes any firearm, regardless of whether it's functional, and includes possession verified by a school employee.
- **Threatening another person with a knife:** Brandishing a knife at another person, even if it doesn't cause injury, triggers mandatory expulsion.
- **Selling a controlled substance:** This includes any unlawful sale of drugs or other controlled substances.
- **Committing or attempting to commit sexual assault or sexual battery:** This includes any act of sexual violence or attempted sexual violence.

Discretionary Expulsion Offenses:

- **Causing serious bodily injury:** This includes any injury that requires medical attention beyond basic first aid.
- **Possession of a knife:** While not always a mandatory offense, depending on the circumstances, possession of a knife could lead to expulsion.
- **Possession or use of a controlled substance or alcohol:** This includes being under the influence of drugs or alcohol while on school grounds or at a school-related event.
- **Robbery or extortion:** Taking property from another person by force or threat, or demanding something of value through coercion, can lead to expulsion.
- **Assault or battery on a school employee:** Physical attacks on teachers, administrators, or other school staff can result in expulsion.
- **Repeated violations of school rules:** If a student continues to break school rules after other interventions have been tried, expulsion may be

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- **Acts that pose a danger to the physical safety of others:** If a student's behavior creates a continuing danger to the school environment, expulsion may be an option.

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