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STUDENT CONDUCT

BOARD POLICY - 5144

Student Suspension and Expulsion/Due Process

The Board of Education shall provide students access to educational opportunities in a school environment that protects their safety and security, ensures their welfare and well-being, and promotes their learning and development. The Board shall develop rules and regulations establishing standards of behavior expected of students and the disciplinary process and procedures for addressing violations of those standards, including suspension and/or expulsion.

The Irvine Unified School District believes that all children should have their unique needs met, even in instances where the child has violated rules or regulations. To help achieve a positive and safe learning climate District staff shall enforce the rules concerning suspension and expulsion of students fairly, consistently, equally, and in accordance with the District's Nondiscrimination/Harassment Policy 5145.3. 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, set forth in this Policy, and in the accompanying Administrative Regulation.

Except when otherwise permitted by law, a student may be suspended or expelled only when the behavior is related to school attendance or a school activity occurring within a District school or another school district. The behavior may include, but shall be not limited to, the following circumstances: (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
4. During, going to, or coming from a school-sponsored activity



Students who engage in conduct off campus or outside of school-sponsored activities where the behavior may have an impact or create a hostile environment at school, may also be subject to appropriate disciplinary action.

Except when a student's act violates Education Code 48900(a)-(e), or when a student's 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)

No student may be suspended or expelled for disruption and/or willful defiance and no student may be suspended or expelled for truancy, tardiness, or absenteeism from assigned school activities (Education Code 48900).

A student's parents/guardians shall be notified as soon as possible when there is an escalating pattern of behavior that could lead to an on-campus suspension.

Due Process

The Board of Education shall provide for the fair and equitable treatment of students facing 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, 49815.5, 48918)

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

Maintenance and Monitoring of Outcome Data

The Superintendent or designee shall maintain outcome data related to student suspensions and expulsions, 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 (Education Code 48900.8 and 48916.1). For any expulsion that involves the possession of a firearm, required data pursuant to 20 USC 7961 shall be maintained. Suspension and expulsion data will be reported to the Board of Education and to the California Department of Education when required.

In presenting the report to the Board of Education, the Superintendent or designee shall disaggregate data on suspensions and expulsions by school and by numerically significant student groups, 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 will address any



identified disparities in the imposition of discipline and determine whether and how the District is meeting its goals for improving school climate as specified in its Local Control and Accountability Plan.

Legal References:**EDUCATION CODE:**

35291.5 Rules and procedures on school discipline

48853-48853.5 Foster Youth

48900-48927 Suspension and Expulsion

48900.5 Suspension; restrictions on imposition; exception; other means of

correction; incidents of racist bullying, harassment, intimidation

52052 Numerically significant student subgroups

52060-52077 Local control accountability plan

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[Administrative Regulation 5144 Student Conduct](#)

