

KNOW YOUR RIGHTS: SUSPENSIONⁱ

WHO CAN SUSPEND ME?

Your teacher can suspend you from his/her class for up to two school days (§48910(a)ⁱⁱ). You may still attend your other classes. Your teacher can also recommend to your principal that you be suspended from school.

Your principal or superintendent can suspend you for up to five school days (§48911(a)). In this case, you cannot attend any of your classes.

WHAT CAN I BE SUSPENDED FOR?

For a full list of reasons that a student may be suspended and/or expelled, see §48900 et seq.

The principal or superintendent must suspend a student and recommend him/her for expulsion if (s)he is suspected of possessing, selling, furnishing a firearm, brandishing a knife, selling a controlled substance, committing a sexual assault or battery, possessing an explosive (§ 48915).

WHEN CAN I BE SUSPENDED?

If your teacher suspends you, your teacher must contact your parent/guardian to attend a conference at school as soon as possible. You have the right to request that a school administrator attend the conference (§48910(a)).

Your principal or superintendent must have a conference with you before (s)he suspends you unless (s)he determines there is an "emergency situation" because you present "a clear and present danger to the life, safety, or health of students or school personnel" (§§48910(b)(c)). If this is the case, the school must notify you and your parent/guardian of your right to a conference and your right to return to school for the conference within two school days (§48911(c)).

Your parent/guardian may attend the conference regarding your behavior, but your return to school cannot be delayed if your parent/guardian cannot attend (§48911(f)). At the conference, you must be informed of the reason for the suspension and told about the evidence against you. You must also be given the opportunity to present your version and evidence in your defense (§48911(b)).

If you are suspended by your principal or superintendent, a school employee must notify your parent/guardian in writing and must also make "a reasonable effort to contact your parent/guardian in person or by telephone" (§48911(d)). A school employee must also notify the governing board (§48911(e)).

HOW LONG CAN I BE SUSPENDED FOR?

You cannot be suspended for more than two school days by your teacher or five school days by your principal or superintendent unless you are being recommended for expulsion or suspension from a continuation school for the rest of the semester (§§48910(a), 48911(a)&(g)). You cannot be suspended for more than 20 school days in a school year unless you transfer to another school, in which case the limit is 30 school days (§48903).

If you are recommended for expulsion or suspension from a continuation school for the rest of the semester, your superintendent can extend your suspension only if, following a meeting in which you and your parent/guardian are invited to attend, it is found that your presence at school or in an alternative school placement would "cause a danger to persons or property or a threat of disrupting the instructional process" (§48911(g)). You can challenge this decision if you do not agree.

WHAT IS SUPERVISED SUSPENSION?

If you are suspended and not pending expulsion, your principal may assign you to a supervised suspension classroom at your school if you "pose no imminent danger or threat to the campus, pupils, or staff" so you can continue earning credit during your suspension period (§48911.1(a)).

You are responsible for contacting your teacher(s) to receive assignments and your teacher must provide all assignments and tests that you will miss while suspended (§48911.1(c)(4)).

A school employee must notify your parent/guardian in person or by telephone if you are assigned to a supervised suspension classroom. If your supervised suspension lasts longer than one class period, a school employee must notify your parent/guardian in writing (§48911.1(d)).

ⁱ This fact sheet does not apply to charter schools in California. While some of the processes are the same, others may vary.

ⁱⁱ All references to code sections refer to the California Education Code unless otherwise noted.



PRISON LAW OFFICE
Prepared by Lynn Wu
LWu@prisonlaw.com
December 2011