School Discipline

Summer break is over, kids are back in school, and some of them will misbehave. School officials stand *in loco parentis* ("in the place of a parent"); all students must obey the prescribed rules and regulations that school officials and teachers have authority to enforce. When a student breaks the rules of conduct and faces suspension, parents who have knowledge about the process and who know where to go for information can be more effectively involved in ensuring a disciplinary process that is fair and consistent.

School districts are required to develop student codes of conduct and student disciplinary procedures based on California state education law (Education Code section 35291 (https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=35291.&lawCode=EDC)). Each public school in turn publishes a code of conduct that must be consistent with the rules established by its district. Some school boards send annual notification of the rules of conduct to each new and continuing student in their district. A district may instead post these rules on its website. Every school is required to have a copy of its rules available to parents and guardians of district students in the school office.

Generally, the grounds for suspension and expulsion, and legally required school discipline procedures are located in their entirety in Education Code sections 48900 – 48927 (https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=48900.&lawCode=EDC) . Discipline not including suspension is defined in Education Code 48925(d) (https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=48925.&lawCode=EDC) .

Specific Topics Include:

- Suspension by Teacher (EC 48910 (https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=48910.&lawCode=EDC)): If other means of correction do not succeed, a teacher may suspend a student from the class for the day of the suspension and the day following for any act stated in EC 48900-48900.7 (https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=48900.&lawCode=EDC) . In elementary schools, 'day' means calendar day; in secondary school, it means class period. (A student may not be suspended for being late or absent.) There are alternatives to traditional suspension, such as community service on or off school grounds, or assignment to a supervised suspension classroom.

- Suspension by Principal (EC 48911 (https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=48911.&lawCode=EDC) (https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=48911.&lawCode=EDC)): The school principal may suspend a student for up to 5 consecutive school days (and not more than 20 school days in a school year). Suspension can be at the first offense, without prior attempts at intervention, if a student's actions cause a danger to persons or property or threaten to disrupt the instructional process. There is no appeal of a suspension, although the school board may meet to consider whether it should go forward prior to its issuance.
- Expulsion (EC 48915-48926 (https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=48915.&lawCode=EDC)): Acts that result in suspension, if deemed serious enough, can also cause an optional or mandatory recommendation of expulsion. The principal or the superintendent makes the original recommendation. The school board makes the final decision. This can be a complex process; there are many precise due process safeguards built in to ensure fair treatment and that the student, parents and their representative(s) have maximum opportunity to be heard.
- Parent to School (EC 48900.1 (https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=48900.1.&lawCode=EDC)): School Boards may adopt a policy for their district that requires parents of a suspended child to attend a portion of a school day in the classroom of the child.
- Parents' liability (EC 48904 (https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=48904.&lawCode=EDC) ; Civil Code 1 (https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=1714.1.&lawCode=CIV)): Parents or guardians are liable for all damages caused by any student's misconduct that results in injury or death to other students or school personnel, or causes damages to school property. Parents are also liable for any school property loaned to a student and not willfully returned. The school district may withhold the grades, diplomas, or transcripts of the student until such damages are paid (there may be an option for a work program instead) or the property returned.

Because each school district has some latitude within the state law to create its code of conduct and assign consequences to the child and or to the parent, it is very important that every parent knows where to find his or her child's school policy, the district policy, and the state law. The California Department of Education has some useful links to the law at Laws & Regulations (Education Code) (http://www.cde.ca.gov/re/lr/) , and also an introduction to the complaint process (http://www.cde.ca.gov/re/cp/) . If you and your child are facing a school disciplinary situation, a website that explains some of the details in plain English is Legal Services for Children (https://www.lsc-sf.org/how-

we-can-help/education-services/) . If your child is in special education, there is a separate process you must be aware of. Get basic information at the California Courts site "Special Education Rights (http://www.courts.ca.gov/1106.htm) ."

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Useful Resources

- Legal Services for Children (San Francisco) (http://www.lsc-sf.org/how-we-can-help/education-services/)
- My School, My Rights (ACLU) (https://www.myschoolmyrights.com/)