



FREQUENTLY ASKED QUESTIONS & ANSWERS: TEACHER SUSPENSION OF STUDENTS FROM THEIR CLASS

Is a teacher authorized to suspend a student from class?

Yes. CA Ed. Code Section 48910 States: "A teacher may suspend any pupil from class, for any of the acts enumerated in Section 48900, for the day of the suspension and the day following."

Can a teacher suspend for any reason at all?

No. CA Education Code authorizes a teacher suspension from class for acts listed in Ed. Code 48900. (See attached summary of Reasons to Suspend)

For how long can a teacher suspend a student from their class?

Per CA Education Code 48910, the teacher may suspend students for the day of the suspension and the following day.

Can the Principal "deny" a student suspension from class?

No. The law, Ed Code, gives the teacher the right to suspend from the classroom, so the suspension is valid as long as it is based on a reason (or reasons) listed under Ed Code 48900.

How often can a teacher suspend the same student from the classroom?

As often as it's warranted, because the student's conduct/acts continue to be one or more of those enumerated in Ed Code 48900. (Ed Code does limit number of suspensions from school.)

Are there limitations to suspend students from class, based on grade/age or being a Special Ed. student?

No. Ed Code does not establish that type of limitation to suspend students from the classroom. (Some limitations do exist in reference to suspending students from school.)

If a teacher suspends a student from their class, must the student leave campus?

Not necessarily. Ed Code specifically gives **the school Principal** (not the teacher) the authority to determine if the action warrants a suspension from school.

Can a student suspended from class be returned to the same class during the suspension?

Ed Code 48910 states: "The pupil shall not be returned to the class from which he or she was suspended, during the period of the suspension, without the concurrence of the teacher of the class and the principal."

Can a suspended student be sent to another classroom during the suspension period?

No. A student suspended from a class shall not be placed in another regular class during the period of suspension. However, if the pupil is assigned to more than one class per day, the student may attend his/her other classes which are not held at the same time as the class from which the student was suspended. (For example, a student suspended first period cannot attend or be sent to any other first period class, but the student may attend the rest of the periods for the day.)

What is the teacher required to do if he/she suspends a student from their class?

Immediately report the suspension to the Principal (send a very brief e-mail) and send student to principal and/or designee. A suspension is not a referral, so no referral form or any other type of form is required to be filled.

As soon as possible, the teacher shall ask the parent/guardian of the suspended student to attend a parent-teacher conference regarding the suspension; a school counselor or psychologist may attend that conference. A school administrator shall attend the conference if the teacher or the parent/guardian so requests.

**SUMMARY OF REASONS TEACHERS CAN SUSPEND STUDENTS
FROM CLASSROOM - FOR UP TO 2 DAYS
(Based on Education Code - Sections 48900 & 48910)**

- 1) Caused, attempted to cause, or threatened to cause physical injury to another person.
- 2) Willfully used force or violence upon another person, except if in self-defense.
- 3) Possessed, sold, or furnished a firearm, knife, explosive, or other dangerous object.
- 4) Unlawfully possessed, used, sold, arranged or negotiated to sell, or been under the influence of, a controlled substance, an alcoholic beverage, or an intoxicant of any kind.
- 5) Committed or attempted to commit robbery or extortion.
- 6) Caused or attempted to cause damage to school property or private property.
- 7) Stole or attempted to steal school property or private property.
- 8) Possessed or used tobacco, or products containing tobacco or nicotine products.
- 9) Committed an obscene act or engaged in habitual profanity or vulgarity.
- 10) Unlawfully possessed or offered, arranged, or negotiated to sell drug paraphernalia
- 11) Disrupted school activities or otherwise willfully defied the valid authority of teachers, administrators, school officials, or other school personnel.
- 12) Knowingly received stolen school property or private property.
- 13) Possessed an imitation/replica of a firearm very similar to the real thing.
- 14) Committed or attempted to commit a sexual assault.
- 15) Harassed, threatened, or intimidated a pupil who is a complaining witness or a witness in a school disciplinary proceeding.
- 16) Engaged in, or attempted to engage in, hazing.
- 17) Engaged in an act of bullying by any means, including: electronic (social media, texting, etc.), impersonation without consent of another student, cyber sexual (including dissemination of photographs), etc.

TEACHERS CAN ONLY SUSPEND STUDENTS FROM THEIR CLASSROOM.

ONLY THE PRINCIPAL OR SITE ADMIN CAN SUSPEND STUDENTS FROM SCHOOL.

