



**The Yuba Environmental Science
Charter Academy
(YES Charter Academy)**

"YES to Excellence in Education"

**CHARTER PETITION
Appendix 6 - Suspension
Procedures**

Prepared in compliance with the terms, conditions, and requirements of
The Charter Schools Act, Education Code Section 47600, *et seq.*, and
related statutes



XII. Appendix -- Suspension Procedures

LEVEL FOUR DISCIPLINE - Mandatory Expulsion

The principal or superintendent of schools shall immediately suspend and **shall recommend expulsion** of a pupil if he/she determines that the student committed any of the following acts at school or at a school activity.

Firearm: 48915 (c)(1) Possessing, selling, or otherwise furnishing a firearm

Knife: 48915 (c)(2) Brandishing a knife at another person

Controlled Substance: 48915 (c)(3) Unlawfully selling a controlled substance

Sexual Assault/Battery: 48915 (c)(4) Committing or attempting to commit sexual assault

Explosive: 48915 (c)(5) Possession of an explosive

LEVEL THREE DISCIPLINE - Quasi-Mandatory Expulsion

The principal or the superintendent of schools **shall recommend the expulsion/suspended expulsion contract** of a pupil for any of the following acts committed at school or school activity, unless the principal or superintendent finds that the expulsion/suspended expulsion contract is inappropriate, due to the particular circumstance. This must be documented in writing.

Serious Physical Injury: 48915 (a)(1) Causing serious physical injury to another person, except in self-defense.

Knife, Explosive or Dangerous Object: 48915 (a)(2) & 48900(b) Possession of any knife or other dangerous object of no reasonable use to the pupil

Controlled Substance: 48915 (a)(3) & 48900(c) Unlawful possession of any controlled substance listed in Chapter 2, except for the first offense for the possession of not more than one avoirdupois ounce of marijuana, other than concentrated cannabis

Robbery or Extortion: 48915 (a)(4) Robbery or extortion

Assault or Battery: 48915(a)(5) Assault or battery upon any school employee

LEVEL TWO DISCIPLINE – Mandatory Suspension

Under these circumstances, because they are considered particularly destructive and disruptive to the educational environment, District policy requires a minimum three day suspension.

The principal **shall** recommend suspension of a pupil for any of the following acts committed at school or a school activity. **If the principal recommends expulsion or a suspended expulsion contract, he/she must find that 1) other means of correction have failed or not feasible, or 2) due to the nature of the violation, the presence of the pupil causes a continuing danger to the physical safety of other students:**



Physical Injury to Another: 48900 (a)(1) Caused, attempted to cause, or threatened to cause physical injury to another person

Force or Violence Upon Another: 48900 (a)(2) Willfully used force or violence upon the person of another, except in self-defense

Dangerous Object: 48900 (b) Possessed, sold, or otherwise furnished any firearm, knife explosive, or other dangerous object

Controlled Substance: 48900 (c) Unlawfully possessed, used, sold, or otherwise furnished or been under the influence of any controlled substance, alcohol beverage, or an intoxicant of any kind

Drugs/Alcohol: 48900(d) Unlawfully offered, arranged, or negotiated to sell any controlled substance, an alcoholic beverage, or an intoxicant of any kind, and either sold, delivered, or otherwise furnished to any person another liquid, substance or material and **represented the liquid, substance or material as a controlled substance, alcoholic beverage, or intoxicant**

Robbery or Extortion: 48900(e) Committed or attempted to commit robbery or extortion

Drug Paraphernalia: 48900 (j) Unlawfully possessed or unlawfully offered, arranged or negotiated to sell any drug paraphernalia

Imitation Firearm: 48900 (m) Possessed an imitation firearm....."imitation firearm means a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead to reasonable person to conclude that the replica is a firearm

Sexual Assault: 48900 (n) Committed or attempted to commit a sexual assault

School Discipline Witness: 48900 (o) Harassed, threatened or intimidated a pupil who is complaining witness or a witness in a school disciplinary proceeding for the purpose of either preventing that pupil from being a witness or retaliating against that pupil for being a witness or both

Soma (prescription drug): 48900 (p) Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug, Soma

Aids or Abets Physical Violence: 48900(t) A pupil who aids or abets, the infliction or attempted infliction of physical injury to another person, **(but, per Education Code, expulsion may not be imposed unless the student is adjudged guilty in juvenile court)**

Sexual Harassment: 48900.2 Harassment must be considered by a reasonable person of the same gender as the victim to be sufficiently severe or pervasive to have a negative impact upon the individual's academic performance or to create an intimidating, hostile, or offensive educational environment

Hate Violence: 48900.3 Pupil has caused, attempted to cause, threatened to cause, or participated in an act of hate violence as described in Section 233

Harassment: 48900.4 Intentionally engaged in harassment, threats, or intimidation, directed against school district personnel or pupils

Community Service on School Grounds: 48900.6 The principal or designee may require a pupil to perform community service on school grounds

Terrorist Threats: 48900.7 Any statement, whether written or oral, by a person who willfully threatens to commit a crime which will result in death, great bodily injury to another



person, or property damage in excess of one thousand dollars, with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out

LEVEL ONE DISCIPLINE – Permissive Suspension

Under these circumstances, District policy permits discipline short of suspension on a minor first offense.

The principal ***may*** recommend suspension of a pupil for any of the following acts committed at school or a school activity. **If the principal recommends expulsion or a suspended expulsion contact, he/she must find that 1)other means of correction have failed or not feasible, or 2)due to the nature of the violation, the presence of the pupil causes a continuing danger to the physical safety of other students:**

Damage to School/Property: 48900 (f) Caused or attempted to cause damage to school or private property

Stole School/Private Property: 48900 (g) Stolen or attempted to steal school property or private property

Tobacco or Nicotine Products: 48900 (h) Possessed or used tobacco, or any products containing tobacco or nicotine products, including cigarettes, cigars, smokeless tobacco, snuff, chew packets

Obscene Act of Habitual Profanity: 48900 (i) Committed an obscene act or engaged in habitual profanity or vulgarity

Disruption of School Activities or Defiance of School Personnel: 48900 (k) Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers administrators, school officials, or other school personnel engaged in the performance of their duties

Received Stolen School/ Private Property: 48900 (l) Knowingly received stolen school property or private property

Hazing: 48900(q) Engaged in, or attempted to engage in, hazing as defined in Section 32050

Bullying: 48900(r) Engaged in an act of bullying, including, but not limited to bullying committed by means of an electronic act directly specifically toward a pupil or school personnel

Community Service on School Grounds: 48900.6 The principal or designee may require a pupil to perform community service on school grounds

Bullying Definition: any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, as defined, including, but not limited to, sexual harassment, hate violence, or harassment, threats, or intimidation, that has the effect or can reasonably be predicted to have the effect of placing a reasonable pupil, as defined, in fear of harm to that pupil's or those pupils' person or property, causing a reasonable pupil to experience a substantially detrimental effect on his or her physical or mental health, causing a reasonable pupil to experience substantial interference with his or her academic performance, or causing a reasonable pupil to experience substantial interference with his or her ability to participate in or benefit from the services, activities, or privileges provided by a school.