

## MISCELLANEOUS MATTERS

### I. Dealing with Student Threats (or anyone else's)

#### Student Discipline

1. Teacher may suspend for up to two days for acts enumerated in Sec. 48900, e.g., causing or threatening bodily harm, possessing weapons, drugs, alcohol, using tobacco, stealing or receiving stolen property, damaging or attempting to damage school property, robbery, extortion, "disruption of school activities or willfully defying valid authority." *Ed. Code Sec. 48910.*
2. You must report the suspension to the principal immediately and send the student to the principal's office.
3. You must ask the parent to attend a conference regarding the suspension, and arrange for the school counselor/psychologist to be present if possible.
4. Principal can decide to keep the child on site, but "*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.*" *Sec. 48910(a).*
5. The suspended pupil shall not be placed in another regular class during the suspension. *Sec. 48910(b).*
6. You may also recommend suspension from school.
7. Suspension from school is limited to 20 days in a school year. *Ed. Code §48903*
8. Expulsion
  - a. Acts justifying expulsion = causing serious bodily injury, except in self-defense; possession of a firearm or knife, drug sales, robbery or extortion. Lesser offenses, such as willful defiance, damaging school property, etc. can also justify expulsion if it shown that the pupil is incorrigible.
  - b. Different rules for special education students--expulsion cannot be for misconduct that was caused by or a direct manifestation of the student's identified disability. *Ed. Code Sec. 48915.5.*

–there must be an IEP team meeting to assess this issue. Parents may attend.

### Teachers' Right to Be Notified of New Student Who Has Been Suspended

*Ed. Code Sec. 49079:* District must inform a teacher of each pupil who has engaged in, or is reasonably suspected to have engaged in any of the conduct described in Sec. 48900. Penalty for knowingly withholding this information is up to six months in jail or \$1,500 fine, or both.

Information shall be from the previous three school years.

Teacher must keep the information in confidence for the limited purpose for which it was provided.

*Wel. & Inst. Code Sec. 827(b)(2):* Requires courts to notify school superintendents when a student is found to have committed a felony or a misdemeanor involving curfew, gambling, drugs, assault, battery, vandalism, weapons or certain sex offenses. Superintendent shall transmit this information to counselors and teachers who are reporting on the behavior of the minor and whom the superintendent believes need the information to work with the student, “to avoid being needlessly vulnerable.”

## II. DEALING WITH PARENTS AND THIRD PARTIES

A. Parent Rights *Ed. Code Sec. 49091.10* gives parents the right to inspect all instructional material used by the classroom teacher.

Teachers must compile all textbooks, supplemental instructional material, films, tapes, software, and teacher's manuals and have it available in the classroom to be made available for prompt parental inspection.

Schools must compile and make available the curriculum of every course offered.

Parents have the right to observe instruction and other school activities that involve his/her child, but parent must request this in writing. This is subject to district procedures.

Students cannot be compelled to affirm or disavow any privately held world view, political or religious doctrine.

Students may not be tested for behavioral, mental, or emotional evaluation without the informed written consent of parent. This is in addition to IDEA requirements.

**B. Parent-Teacher Meetings**

If you believe there is potential for confrontation, ask that your union representative be present, especially if the purpose of the meeting concerns a complaint about you.

Misdemeanor to threaten injury to a school employee or their property.  
Pen. Code §71.

**C. Liability of Parents for Student's Misbehavior**

A parent or guardian may be liable for up to \$10,000 for the willful misconduct of their minor when that misconduct results in injury or death to any employee or to employee's property. *Ed. Code Sec. 48904.*

The District may withhold grades and diplomas until the debt is paid, or if the family is unable to afford the debt, the student may be forced to work it off.

You may ask the District to sue the parents on your behalf. *Ed. Code Sec. 48905.*

**D. Disruption of School Activities by Parents or Students**

*Ed. Code Sec. 44811:* Any parent or other person whose conduct materially disrupts classwork or extracurricular activities or involves substantial disorder, is guilty of a misdemeanor. This will include conduct at parent-teacher conferences.

*Ed. Code Sec. 44810:* Any person over 16 years of age who comes onto school property and wilfully interferes with the discipline, good order, lawful conduct, or administration of any class or activity of the school is guilty of a misdemeanor.

**III. Employee Files**

Ed. Code §44031

Guarantees right to inspect personnel records.

Information of a derogatory nature shall not be entered into an employee's personnel records unless and until the employee is given notice and an opportunity to review and comment on the information. Comments shall be attached to the derogatory information.

*Miller v. Chico USD* (1979) 24 Cal. 3d 703 prohibits "segregated files." Employer may not avoid the notice requirement of 44031 by maintaining one official "personnel file" and a separate file containing documents that may serve as a basis for affecting the status of employment.

#### IV. Grading Issues

Your grade is your own. *Ed. Code Sec. 49066*

"...the grade given to each pupil shall be the grade determined by the teacher of the course and the determination..., in the absence of clerical or mechanical mistake, fraud, bad faith, or incompetency, shall be final."

Administration does not have the right to order a change in grade unless the teacher is given an opportunity to explain the basis for it.