

In School Suspension-Follow Up

Education Code section 48925(d) defines suspension as removal of a pupil from ongoing instruction for adjustment purposes.

However, “suspension” does not mean any of the following:

- (1) Reassignment to another education program or class at the same school where the pupil will receive continuing instruction for the length of day prescribed by the governing board for pupils of the same grade level.
- (2) Referral to a certificated employee designated by the principal to advise pupils.
- (3) Removal from the class, but without reassignment to another class or program, for the remainder of the class period without sending the pupil to the principal or the principal’s designee as provided in Section 48910. **Removal from a particular class shall not occur more than once every five schooldays.**

Generally speaking, if an “in-school suspension” program meets any of the above-criteria, it **would not** be considered a “suspension”.

*Note also that this definition is different than the definition of a “removal” under IDEA for which procedural safeguards may be triggered (i.e., manifestation determination procedures).

(The SELPA and legal counsel is not aware of any legal authority with a different definition for independent study programs.)