

5. Student Discipline

As stated in the California Code of Regulations, Title 5 (5 CCR) Section 300, it is the duty of pupils to conform to school regulations, obey all directions, be diligent in study, be respectful to teachers and others in authority, and refrain from the use of profane and vulgar language. Thus, all students are expected to follow the rules and codes of conduct established by the school site. Students who do not adhere to school rules are subject to disciplinary action.

5.1. Grounds for Suspension and Expulsion

The District supports the use of restorative practices and other positive behavioral interventions as alternatives to suspension whenever feasible. Suspension, including supervised (in-school) suspension, shall be imposed only when other means of correction fail to bring about proper conduct. However, a pupil may be suspended for any of the reasons enumerated in Education Code 48900 upon a first offense, if the Principal or Superintendent (or designee) determines that the pupil violated subdivision (a), (b), (c), (d), or (e) of Section 48900 or that the pupil's presence causes a danger to persons. In accordance with Education Code Section 48900, a pupil shall not be suspended from school or recommended for expulsion unless the Superintendent or the Principal (or designee) of the school in which the pupil is enrolled determines that the pupil has:

- a. (1) Caused, attempted to cause, or threatened to cause, physical injury to another person; or (2) willfully used force or violence upon the person of another, except in self-defense.
- b. Possessed, sold, or otherwise furnished any firearm, knife, explosive, or other dangerous object unless, in the case of the possession of such object, the pupil has obtained written permission to possess the item from a certificated school employee, which is concurred by the Principal or the designee of the Principal.
- c. Unlawfully possessed, used, sold, or otherwise furnished, or been under the influence of any controlled substance, as defined in Section 11007 of the Health and Safety Code, an alcoholic beverage or intoxicant of any kind.
- d. Unlawfully offered, arranged, or negotiated to sell any controlled substances, as defined in Section 11053 of the Health and Safety Code, an alcoholic beverage or any intoxicant of any kind, and then either sold, delivered, or otherwise furnished to any person another liquid substance, alcoholic beverage, or intoxicant and represented it as a controlled substance, alcoholic beverage, or intoxicant.
- e. Committed, or attempted to commit robbery or extortion.
- f. Caused or attempted to cause damage to school property or private property.
- g. Stole or attempted to steal school property or private property. (School property, as referenced in f) and g) includes, but is not limited to, electronic files and databases.)
- h. Possessed or used tobacco, or any product containing tobacco or nicotine products, including but not limited to cigarettes, cigars, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, or betel.
- i. Committed an obscene act or engaged in habitual profanity or vulgarity.
- j. Had unlawful possession of, or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Section 11014.5 of the Health and Safety Code.

- 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. (applies to grades 4 – 12 only)
- l. Knowingly received stolen school property or private property.
- m. Possessed an imitation firearm. As used in this section, "imitation firearm" means a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm.
- n. Committed or attempted to commit a sexual assault as defined in Section 261, 266c, 286, 288, 288a, or 289 of the Penal Code or committed sexual battery as defined in Section 243.3 of the Penal Code.
- o. Harassed, threatened, or intimidated a pupil who is a complaining witness or 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.
- p. Unlawfully offered, arranged to sell, negotiated to sell, or sold prescription drugs.
- q. Engaged in, or attempted to engage in hazing.
- r. Engaged in an act of bullying, including, but not limited to bullying by means of an electronic act, towards a pupil or school personnel.
- s. Aided or abetted the infliction or attempted infliction of physical injury on another person.

or

- Committed sexual harassment that has a negative impact on another's academic performance, or creates an intimidating, hostile or offensive educational environment (applies to grades 4-12 only) (Education Code 48900.2)
- Caused, attempted to cause, threatened to cause, or participated in an act of hate violence (applies to grades 4-12 only). (Education Code 48900.3)
- Intentionally engaged in harassment, threats or intimidation, directed against school district personnel or pupils. (Education Code 48900.4)
- Made terroristic threats against school officials, school property, or both.(Education Code 48900.7)

No pupil shall be suspended or expelled for the acts listed here unless such act is related to school activity or school attendance. A pupil may be suspended or expelled for acts which are listed in this section and related to school activity or attendance which occur at any time, including but not limited to any of the following: (1) while on school grounds; (2) while going to or coming from school; (3) during the lunch period, whether on or off the campus; or (4) during or while going to or coming from a school-sponsored activity.

Teachers who suspend a student from class are required to report the suspension to the Principal (or designee) and request a conference with the parent/guardian.

5.2 Expulsion Recommendation

Mandatory

Per Education Code Section 48915 (c), the Principal of the school (or designee) shall recommend expulsion of a pupil that he or she determines has committed any of the following acts at school or at a school activity off school grounds. The Governing Board shall order a pupil expelled upon finding that the pupil committed an act listed in Education Code Section 48915(c):

- a. Possessing, selling or otherwise furnishing a firearm;
- b. Brandishing a knife at another person;
- c. Unlawfully selling a controlled substance;
- d. Committing or attempting to commit a sexual assault or a sexual battery as defined in subdivision (n) of section 48900;
- e. Possession of an explosive.

The Board shall suspend the expulsion of any expulsion order unless it is uniquely inappropriate to do so in the particular case (Board Policy 5144.3 see Appendix 9.17).

the responsibility to a committee with specified members (Education Code section 35294.1(b)). Such a committee would be known as the School Safety Committee. This comprehensive school safety plan shall be evaluated and updated annually and amended as needed.

Discretionary: Particular Circumstances or Alternative Means of Correction to Address the Conduct

Per Education Code Section 48915(a)(1), the Principal of the school (or designee) or the Superintendent shall recommend a pupil's expulsion for any of the following acts unless the Principal (or designee) or Superintendent finds that expulsion should not be recommended due to the circumstances or that an alternative means of correction would address the conduct. Except in extraordinary circumstances, for violations of Education Code Section 48915(a)(1), other means of correction should be employed and expulsion should not be recommended (Board Policy 5144.3):

- a. Causing serious physical injury to another person, except in self-defense.
- b. Possession of any knife or other dangerous object of no reasonable use to the pupil.
- c. Unlawful possession of any controlled substance, as listed in Chapter 2 (commencing with section 11053) of Division 10 of the Health and Safety Code, except for the first offense for the possession of not more than one avoirdupois ounce of marijuana, other than concentrated cannabis or the possession of over-the-counter medication for use by the pupil for medical purposes or medication prescribed for the pupil by a physician.
- d. Robbery or extortion.
- e. Assault or battery, as defined in Sections 240 and 242 of the Penal Code, upon any school district employee.

Discretionary

Exception under extraordinary circumstances, students shall not be recommended for expulsion for Education Code violations that do not fall under Education Code sections 48915(a) or 48915(c) (Board Policy 5144.3).

5.3. Due Process

Students facing major disciplinary action (such as suspension or expulsion) have a right to a fair hearing. The process requires that procedures be established in order to guarantee that penalties that deny access to any educational opportunity are administered for good and just cause. Due process procedures entitle students to: 1) oral or written notification of the charges; 2) an explanation of the evidence; 3) an opportunity to present his/her side of the story; and 4) a right to appeal decisions resulting in major disciplinary action to the next higher authority by using the complaint process. The procedures are designed to ensure that corrective action, if any, is taken only after a thorough examination of the facts. The nature of the corrective action must be reasonably related to the nature and circumstances of the violation.

5.4. Safe Schools & Violence Prevention

Each school site is responsible for the development of a comprehensive school safety plan. Parents/guardians may participate in the development of these comprehensive school safety plans as members of the School Governance Council (SGC), which is responsible for the development of the plan. The School Governance Council may delegate