

# **Folsom Cordova Unified School District**



# **STUDENT CONDUCT CODE**

**2009-2010  
School Year**

Approved: Folsom Cordova Unified School District Board of Trustees, June 20, 2000

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## **Purpose: Student Suspension and Expulsion / Due Process**

The Folsom Cordova Unified School District (District) desires to prepare students for responsible citizenship by fostering self-discipline and personal responsibility. The Trustees of the District believe that high expectations for student behavior, coupled with effective classroom management and parent involvement, can minimize the need for discipline.

When student misconduct occurs, staff shall attempt to identify and address the cause of the student's behavior and determine the appropriate discipline to be implemented. At all times, the safety of students and staff, and the maintenance of an orderly school environment shall be priorities when determining appropriate discipline. Staff shall use preventative measures and positive conflict resolution techniques when reasonably possible, depending on the frequency and seriousness of the violation. Continually disruptive students may be assigned to alternative programs or be subject to removal from school.

This District-wide Student Conduct Code is to be read in conjunction with school rules. Its purpose is to inform students and parents about unacceptable behaviors and the consequences for those behaviors. The District asks that parents recognize the importance of school regulations and assist the District in their enforcement. By becoming familiar with this Conduct Code, students may also learn to make intelligent choices. Students who engage in violations of the Student Conduct Code will be subject to the appropriate consequences.

# **I. RESPONSIBILITIES AND EXPECTATIONS**

## **A. STUDENT RESPONSIBILITIES AND EXPECTATIONS**

Students are required by law to attend school from the age of six to eighteen or graduation from high school or its equivalent. Daily school attendance is required unless the student is sick or legally excused. Students are also required to participate actively in the educational process. Students must comply with all school rules, pursue their required course of study, and submit to the authority of teachers and other school staff. Perhaps most importantly, students are expected to take primary responsibility for their own behavior. [Education Code § 35181; Education Code § 48908; Title 5, California Code of Regulations §300]

## **B. DISTRICT STAFF RESPONSIBILITIES**

To maintain and encourage acceptable standards of student behavior, District personnel should provide good examples for students in real life. District personnel shall:

- Establish an atmosphere in which productive learning can take place.
- Establish an atmosphere of mutual respect.
- Teach the District standards of behavior.
- Identify the causes of student misconduct.
- Find constructive methods of preventing and controlling such misconduct.
- Consistently and fairly apply classroom, school and District rules.
- Communicate regularly with students and parents regarding the student's academic progress and behavior.

[Title 5, California Code of Regulations §5530; Education Code § 44807]

## **C. PARENT RESPONSIBILITIES**

Parents are responsible for sending the student to school daily and ensuring that he/she arrives on time and is prepared for class. Additional responsibilities include:

- Acknowledge/accept that the school and the Board of Education have the right and the responsibility to maintain standards for all students.
- Cooperate with school staff in helping students with academic, discipline or attendance problems.
- Instill in the student an attitude that school is important.

## **D. STUDENT SEARCHES**

School officials may conduct searches of pupils and their personal belongings while on school property or at school-sponsored events. Searches of pupils and personal belongings will be conducted when there are reasonable grounds to suspect that the search will provide evidence that the pupil is violating the law and/or school regulations. The scope of the search will be related to the objectives of the search, the age and sex of the pupil, and the nature of the violation.

By way of example, and not limitation, "personal belongings" includes: backpacks, brief cases, bags, et cetera. Searches are also conducted of school property under joint control. "School property" under joint control includes lockers and desks.

Lockers are school property under the joint control of the school and the pupil. There is no expectation of privacy. The District may search lockers, or any other school property under joint control, at any time. Searches may be random and without cause of any kind.

Automobiles parked on the school premises or in the school parking lot are subject to search when officials have reason to believe weapons, drugs, or objects prohibited by school policy or state law are contained therein.

Canines may be used to search a pupil's personal belongings and vehicles and school property under joint control. Canine searches will be used to search a pupil's person when either (1) there are reasonable

grounds to suspect a particular pupil of wrongdoing; or (2) the District determines that the school has a drug crisis or problem.

**E. MEDICATIONS**

The District recognizes that certain pupils may require medication (prescription or non-prescription) during the school day in order to attend school without jeopardizing their health. When such medication is required, designated school personnel must assist the pupil in administering the requisite medication. This also applies to the administration of tests or procedures for medical reasons. (Example: diabetes testing for blood sugar level.)

A pupil who brings medication (prescription or non-prescription) on school grounds and either (1) gives or sells the medication to other pupils; or (2) self-administers a medication without the District's assistance, may be subject to discipline. [Education Code §§49423 and 49423.5]

**F. DUE PROCESS AND THE RIGHT TO APPEAL**

No student will be suspended or expelled without due process. As an added safeguard, a student and his/her parent/guardian have the right to request an appeal regarding the discipline imposed. Administrative Regulation 5144 sets forth a complete explanation of the procedures for suspension, expulsion and appeals.

**G. SPECIAL EDUCATION STUDENTS**

The suspension and expulsion processes may include additional and/or different requirements to meet the provisions of the Education Code.

## **II. CONDUCT CODE VIOLATIONS AND CONSEQUENCES**

**A. DEFINITION OF STUDENT MISCONDUCT**

A student may be disciplined, to include suspension and/or expulsion, for any of the reasons set forth in the California Education Code. At the current time, this includes the categories of behavior set forth in Education Code Sections 48900 and 48915, plus those described in 48900.2, 48900.3, 48900.4 and 48900.7. To assist students in modeling appropriate behavior, District staff has prepared this Student Conduct Code which lists various types of inappropriate behavior. It is not, however, the intent of the District that the Student Conduct Code define in detail every possible situation which may warrant disciplinary action nor to list every possible consequence. The District will proceed with disciplinary action permitted by law for misconduct even if it is not specifically listed in this Student Conduct Code.

**B. RELATED TO SCHOOL ACTIVITY OR SCHOOL ATTENDANCE**

A student will not be disciplined unless his/her conduct is related to school activity or school attendance. Conduct related to school activity or attendance may occur at any time and include, by way of illustration and not limitation:

- While on school grounds.
- While going to or coming from school.
- During the lunch period, whether on or off the campus, or while going to or coming from an off-campus lunch site.
- During, or while going to or coming from a school-sponsored activity.

**C. TYPICAL DISCIPLINARY ACTIONS**

Students of the District are required to follow and comply with school and District conduct rules. If a student chooses to break the rules, he/she will be subject to various consequences.

A list of typical disciplinary actions which may result from a student's breach of school regulations is listed below. The actual action taken by the District may vary from the list below and the level of discipline imposed will depend on the frequency and seriousness of the violation.

- 1. Parent Conference**  
A parent/teacher/principal conference may be required to discuss the student's behavior and/or to reach an agreement on the student's behavior.
- 2. Detention**  
A student may be assigned to a supervised area for a specific period of time before or after school or on a Saturday.
- 3. Recommended Counseling**  
A student may be recommended for counseling services to discuss problems. Any fees for counseling services will be the parent/guardian's responsibility.
- 4. Loss of Privileges**  
A student's participation in school activities such as games, dances, field trips, et cetera, may be limited.
- 5. Weekend School**  
A student may be required to attend class on a Friday night or Saturday for repeated unexcused absences from class (es) or for other infractions.
- 6. Community Service on School Grounds**  
A student may be required to perform community service on school grounds during school or non-school hours. This may include outdoor beautification, campus betterment and teacher or peer assistance programs.
- 7. Behavior Contract**  
The District may enter into an agreement with the student wherein he/she agrees to comply with the conditions contained in the contract, and the school rules. The student agrees to refrain from committing the same violation and/or breaking other school regulations. This contract may be in addition to a suspension /or expulsion and/or in lieu of such actions.
- 8. In-School Suspension**  
A student may be assigned to a supervised suspension classroom separated from other students at the school site for the period of the suspension.  
  
[Education Code 48911] *Suspension by principal, principal's designee, or superintendent*  
  
[Education Code 48911 (h)] *states: . . . , a "principal's designee" is any one or more administrators at the school site specifically designated by the principal, in writing, to assist with disciplinary procedures.*  
  
At the middle school and high school level, the school site Vice Principals are the "principal's designee for disciplinary procedures.
- 9. At-Home Suspension**  
A student may be suspended from attending regular classes and prohibited from attending school, participating in school activities, and being on school grounds for a period of time.
- 10. Expulsion**  
A student may be expelled from all schools in the District and removed from the immediate supervision and control of school personnel. The student would be prohibited from being on school grounds. The Board of Education has the authority to expel students for serious and/or repeated offenses. Typically, student expulsions are a last resort after other actions have been tried. In certain situations, however, expulsion is appropriate, or may be required by law, on the first offense.

A student on a suspended expulsion may be excluded from participation in extracurricular/co-curricular activities. The activities include, but are not limited to, field trips, athletic events, theater events, proms, student dances, student government, graduation ceremonies, band events or similar activities.

**11. Administrative Transfer to Another School Site**

A student may be administratively transferred to another school site by the District Hearing Officer or other administrative designee(s) and directed to successfully complete a District approved rehabilitation plan.

**12. Notice to Law Enforcement Authorities**

The District may notify the appropriate law enforcement authorities for various student violations of school rules and state law. For certain violations, the District is required by law to notify the appropriate law enforcement authorities.

### **III. ADDITIONAL CONSIDERATIONS**

**A. MORE THAN ONE CONSEQUENCE**

Depending on the nature of the offense, the site administrator will determine whether the consequences should include more than one form of discipline. Typical consequences which are determined and combined by a site administrator include home suspension, in-school suspension, Saturday school, intervention group, detention, administrative transfer to another school site, community service or counseling.

**B. EDUCATIONAL RECORD**

In determining the appropriate level of consequence, the District may consider a student's grades, attendance, prior discipline, and particular circumstances.

**C. RELATED TO SUSPENSION**

**1. First Offense Suspensions**

For some infractions, the student may be suspended on the first offense if it is determined that the student's presence causes a danger to persons or property or threatens to disrupt the instruction process. [Education Code §48900.5]

**2. Gang Related**

Gang-related offenses are generally of the nature where the student's presence does pose a danger to persons or property or threatens to disrupt the instructional process. In such cases, the student may be suspended for five days on the first offense as well as recommended for an administrative transfer to another school site and possible recommendation for expulsion.

**3. Violation of Suspension Rules**

Violation of suspension rules may result in a minimum consequence of a warning and a maximum consequence of a referral to the appropriate law enforcement agency.

**D. DURING SUSPENSION**

**1. Parental Supervision**

Students on home suspension are expected to be under the supervision of a parent/guardian during school hours. (7:00 a.m. - 4:30 p.m.)

**2. Stay off School Grounds**

Students on home suspension must stay off any school campus unless a prior arrangement has been made with a school administrator to come to the office on official business with the student's parent/guardian.

**3. No School-Sponsored Activities**

Students on suspension may not attend any school-sponsored activity (whether on or off **any** school campus - including weekends and holidays). This includes, by way of illustration and not limitation, graduation ceremonies, field trips, athletic events, proms, dances, athletic activities, latch key and after-school recreation.

**4. Make-Up Work**

A student absent due to suspension may complete and turn in work during the period of suspension in the same manner and at the same time as other students enrolled in the class. Full credit shall be earned for work turned in on time. Work not submitted in a timely manner will be received, rejected and/or graded in accordance with the teacher's standard policy regarding all other "late" work. It is the individual responsibility of any suspended student to remain informed of class assignments and due dates.

**E. PAYMENT FOR DAMAGES**

If a student's misconduct results in damage or injury to school property, or the personal property of any District employee, the student's parent/guardian is liable for all damages caused by the student.

If the student's parent/guardian is unable to pay for the damages, the District will provide a program of voluntary work for the minor in lieu of payment of monetary damages.

The parent/guardian is responsible for the amount of any reward not exceeding ten thousand dollars (\$10,000) paid for information leading to the apprehension of the person causing the damage. [Education Code §§ 48904 and 48905]

**F. CONFISCATED PROPERTY**

Any confiscated material (e.g., radios, and skateboards) will be returned to the parents and not the student. The District is not responsible for loss of or damage to confiscated materials.

Guns, knives, controlled substances, drug paraphernalia, and other dangerous objects will be turned over to the appropriate law enforcement authorities.

**G. ELECTRONIC SIGNALING DEVICES**

**Board Policy 5131.10**

Students may possess or use personal electronic signaling devices including, but not limited to, pagers, beepers, and cellular/digital phones. Any use of an electronic device that exploits personal information, disrupts the educational process, invades personal privacy, creates a safety risk, or compromises the integrity of educational programs is strictly prohibited.

Permitted devices shall:

1. Be turned off and placed out of sight during the instructional time of the school day (class time, passing periods, and recess) and at any other time when directed by a District employee.
2. Not disrupt the educational program or school activity.

If the device is used at an inappropriate time, it may be confiscated. If a school employee finds it necessary to confiscate a device, he/she will give the device to school administration so that the parent can be notified. A parent/guardian will be required to pick up the device from the school. A student who violates this policy may be restricted from possessing a personal electronic signaling device at school or school-related events.

The school takes no responsibility for the loss or damage of such devices.

Due to the unique nature of Mather Youth Academy, students enrolled in this program will continue to be prohibited from possessing or using an electronic signaling device except with prior consent for health reasons.

Adopted: May 3, 2007

## **IV. LEVEL ONE OFFENSES**

### **A. GENERAL PROVISIONS/HOME SUSPENSIONS PERMISSABLE**

1. A student who violates an offense listed in this category (see Paragraph B. below) is subject to discipline.
2. A student who engages in such misconduct may be suspended on the first offense if it is determined that the student's presence causes a danger to persons or property or threatens to disrupt the instructional process. [Education Code §48900.5]
3. A student may also be recommended for expulsion for such misconduct, on a first offense, if it is determined that:
  - Other means of correction have repeatedly failed to bring about proper conduct; or
  - Other means of correction are not feasible; or
  - Due to the nature of the violation, the student's presence causes a continuing danger to persons or property or threatens to disrupt the instructional process.
4. This Student Conduct Code describes, in general terms, the minimum and maximum consequences. The circumstances surrounding the violation, and the seriousness of the violation, may warrant suspension, extended suspension or recommendation for expulsion upon a first offense.

### **B. OFFENSES DEFINED**

1. **Caused or Attempted to Cause Damage to School Property or Private Property. [Education Code §48900(f)]**

Explanation:

This includes cutting, defacing, misusing or injuring any school district property, or the injury or destruction of any other person's property. [Penal Code §594]

Gang-related graffiti, tagger graffiti or graffiti of any kind on any school or private property is absolutely prohibited and is generally considered a serious violation which warrants more than the minimum penalty.

Consequences:

Minimum: Warning and/or parent conference.

Maximum: Five-day suspension, recommendation for expulsion, notice to law enforcement agency, restitution for the maximum amount allowable under the law and notice to law enforcement agency.

**2. Stolen or Attempted to Steal School Property or Private Property. [Education Code §48900(g)]**

Consequences:

Minimum: Warning and/or parent conference, restitution for the maximum amount allowable under the law.

Maximum: Five-day suspension, recommendation for expulsion, notice to law enforcement agency, restitution for the maximum amount allowable under the law and notice to law enforcement agency.

**3. Possessed or Used Tobacco or Any Products Containing Tobacco or Nicotine Products. [Education Code §48900(h)]**

Explanation:

These include, but are not limited to, cigarettes, cigars, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel. This section does not prohibit the use or possession of a student's prescription products as long as handled according to District requirements and issued through the school office staff.

Consequences:

Minimum: Warning and/or parent conference and confiscation.

Maximum: Five-day suspension, recommendation for expulsion.

**4. Committed an Obscene Act. [Education Code §48900(i)]**

Consequences:

Minimum: Warning and/or parent conference.

Maximum: Five-day suspension, recommendation for expulsion and notice to law enforcement agency.

**5. Engaged in Habitual Profanity or Vulgarity. [Education Code §48900(i)]**

Consequences:

Minimum: Warning and/or parent conference.

Maximum: Five-day suspension, recommendation for expulsion and notice to law enforcement agency.

**6. Committed Sexual Harassment. [Education Code §48900.2]**

Explanation:

Pursuant to Education Code 212.5, sexual harassment means unwelcome sexual advances, requests for sexual favors and other verbal, visual, or physical conduct of a sexual nature made by someone from or in the education setting under any of the following conditions:

- The conduct has the purpose or effect of having a negative impact on the person's academic performance, or of creating an intimidating, hostile or offensive educational environment;
- Submission to or rejection of the conduct by the person is used as the basis for any decision affecting the person regarding honors, programs or activities available at or through the school district. [For information on District grievance procedures, please see Board Policy 1312.] This section applies only to students in grades 4 through 12.

Types of conduct which are prohibited in the district and which may constitute sexual harassment include, but are not limited to:

- Unwelcome sexual flirtations or propositions
- Sexual slurs, leering, epithets, threats, verbal abuse, derogatory comments or sexually degrading descriptions
- Graphic verbal comments about an individual's body, or overly personal conversation
- Sexual jokes, notes, stories, drawings, pictures or gestures
- Spreading sexual rumors
- Teasing or sexual remarks about students enrolled in a predominantly single-sex class
- Touching an individual's body or clothes in a sexual way
- Displaying sexually suggestive objects

Consequences:

Minimum: Warning and/or parent conference.

Maximum: Five-day suspension, recommendation for expulsion and notice to law enforcement agency.

**7. Knowingly Received Stolen School Property or Private Property. [Education Code §48900(l)]**

Consequences:

Minimum: Warning and/or counseling and/or parent conference.

Maximum: Five-day suspension, recommendation for expulsion, and notice to law enforcement agency.

**8. 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. [Education Code §48900(k)]**

Explanation:

Disciplinary action will be taken if a student's behavior is disruptive to the instructional process or if a student is willfully defiant.

Consequences:

Minimum: Warning and/or counseling and/or parent conference.

Maximum: Five-day suspension, recommendation for expulsion, and notice to law enforcement agency.

**C. EXAMPLES OF DISRUPTIVE ACTIVITIES AND WILLFUL DEFIANCE UNDER EDUCATION CODE §48900**

Note: Even offenses not specifically described in this Conduct Code may still fall within the definition of disruptive behavior and willful defiance and warrant disciplinary action.

**1. Engaging in, Conspiring to Engage in, or Having Any Part in, Hazing as defined in Education Code §§ 32050 and 32051.**

Explanation:

Acts that injure, degrade or disgrace another person.

Consequences:

Minimum: Warning and/or counseling and/or parent conference.

Maximum: Five-day suspension, recommendation for expulsion and notice to law enforcement agency.

**2. Defying or Disobeying School Personnel. [Education Code §48900(k)]**

Explanation:

Defiance or disobedience may occur in language or in action against personnel, or by refusing to comply with the reasonable request of school personnel.

Consequences:

Minimum: Warning and/or counseling and/or parent conference.

Maximum: Five-day suspension and recommendation for expulsion.

**3. Possessing any Replicas of Dangerous Objects on Campus.**

Explanation:

Examples include, but are not limited to, rubber/plastic or look-alike knives, swords, daggers and hypodermic needles. No such item shall be possessed, unless the student has first obtained written permission from a certificated school employee who is approved by the Principal.

Consequences:

Minimum: Warning, parent conference, confiscation.

Maximum: Five-day suspension, recommendation for expulsion, and notice to law enforcement agency.

**4. Forging, Falsifying, Altering or Using Forged School Correspondence, Passes, or Readmission Slips.**

Consequences:

Minimum: Parent conference.

Maximum: Five-day suspension, recommendation for expulsion, notice to law enforcement agency.

**5. Failing to Identify Oneself or Giving False Information to School Personnel.**

Consequences:

Minimum: Warning to student.

Maximum: Five-day suspension, recommendation for expulsion, and notice to law enforcement agency.

**6. Committing an Act of Academic Dishonesty [Ed Code §48900(k) and BP5131.9]**

Explanation:

Academic dishonesty includes lying, cheating in various forms, and plagiarism. Such activities may be done individually or in cooperation with others.

Consequences:

Minimum: Failing grade on assignment, and parent notification.

Maximum: Five-day suspension, failing grade in course, and recommendation for expulsion.

**7. Leaving Campus Without Proper Authorization.**

Consequences:

Minimum: Warning and/or parent conference, unexcused absence.

Maximum: Five-day suspension, notice to law enforcement, and recommendation for expulsion.

**8. Gambling. [Penal Code §330]**

Consequences:

Minimum: Warning and/or parent conference.

Maximum: Five-day suspension, notice to law enforcement agency, and recommendation for expulsion.

**9. Interfering With the Peaceful Conduct of the Campus or Classroom. [Education Code §48900(k)]**

Consequences:

Minimum: Warning and/or parent conference.

Maximum: Five-day suspension, notice to law enforcement, and recommendation for expulsion.

**10. Loitering on or About Campus without an Apparent and Lawful Purpose.**

Explanation:

A student may be subject to arrest according to Penal Code Section 653(g) if he/she loiters at or near any school or public place at or near where students attend or normally congregate, or reenters or comes upon such school or place after being asked to leave by a school official. Penal Code Section 653(g) establishes a fine of up to \$1,000 and/or imprisonment in the county jail for up to six months.

Consequences:

Minimum: Warning and/or parent conference.

Maximum: Five-day suspension and notice to law enforcement agency.

**11. Exhibiting Any Dress, Grooming or Appearance Which Disrupts or Tends to Disrupt the Educational Process or Affects the Health and Safety of Individuals. [Education Code §48900 (k)]**

Explanation:

Any attire, paraphernalia or symbol that displays a logo or other message relating to alcohol, tobacco, drugs, violence, vulgarity or gangs (including gang affiliation) may not be worn or permitted on campus or at any school-related activity. Any body tattoos relating to alcohol, tobacco, drugs or gang (including gang affiliation) must be covered by clothes, bandages, or otherwise, while on school property or at school events.

Consequences:

Minimum: Warning and/or parent conference.

Maximum: Five-day suspension, notice to law enforcement agency, administrative transfer to another school site, successful completion of a District approved rehabilitation plan, and recommendation for expulsion.

**12. Possessing Disruptive Items. [Education Code §48900(k)]**

Explanation:

These include items such as radios, tape players, skateboards, or any other items a school administrator identifies as disruptive. Possession of such items on school grounds is not permitted unless the student has written permission to possess the item from a certificated school employee which is approved by the Principal.

Consequences:

Minimum: Confiscation of object, warning and/or parent conference.

Maximum: Five-day suspension.

**13. Demonstrating Unsafe Riding, Driving Practices With Bicycle/Vehicle.**

Consequences:

Minimum: Warning and/or parent conference.

Maximum: Five-day suspension, police referral, loss of riding/driving privileges on campus.

**14. Engaged in an act of bullying, including, but not limited to, bullying committed by means of an electronic act, directed specifically toward a pupil or school personnel. [Education Code §48900 (r)]**

Consequences:

Minimum: Warning and/or parent conference.

Maximum: Five day suspension, notice to law enforcement agency, and recommendation for expulsion.

## **V. LEVEL TWO OFFENSES**

### **A. GENERAL PROVISIONS/HOME SUSPENSION IS MANDATORY**

1. When a student engages in a Level Two Offense (see Paragraph B. below) it is generally determined that the student's presence causes a danger to persons or property or threatens to disrupt the educational process. As a result, the student is subject to a suspension on a first offense. (48900.5)
2. Depending on the circumstances surrounding the violation and the violation itself, however, the student may not only be suspended but may also have his/her suspension extended and be recommended for expulsion upon a first offense. A student may be recommended for expulsion for such misconduct, if it is determined that:
  - other means of correction have repeatedly failed to bring about proper conduct; or
  - other means of correction are not feasible; or
  - due to the nature of the violation, the student's presence causes a continuing danger to persons or property or threatens to disrupt the instructional process.

### **B. OFFENSES DEFINED**

**1. Set Fire or Attempted to Set Fire. [Education Code §48900(f)]**

Consequences:

Minimum: Five-day suspension, notification to law enforcement agency and fire marshal.

Maximum: Five-day suspension, recommendation for expulsion, notification to law enforcement agency and fire marshal.

**2. Activated a False Alarm or Tampered With Any Emergency Equipment. [Education Code § 48900(k) and possibly (a) or (f)]**

Consequences:

Minimum: Five-day suspension, notification to law enforcement agency and fire marshal.

Maximum: Five-day suspension, recommendation for expulsion, notification to law enforcement agency and fire marshal.

**3. Willfully Caused a Major Disruption of the School Activities or Interfered with the Peaceful Conduct of the Activities of the School. [Education Code §48900(k)]**

Explanation:

Major disruptions include, but are not limited to, bomb threats, inciting to riot, gang-related activity. [Penal Code §§ 602.9 and 148.1.] [Education Code §§ 48900(k)]

Consequences:

Minimum: Five-day suspension, notification to law enforcement agency and District Office.

Maximum: Five-day suspension, recommendation for expulsion and, notification to law enforcement agency.

**4. Possessed an Imitation Firearm. [Education Code §48900(m)]**

Explanation:

An "imitation firearm" means a replica of a firearm that is so substantially similar in appearance to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm.

Consequences:

Minimum: Suspension, parent conference, confiscation.

Maximum: Five-day suspension, recommendation for expulsion, notification to law enforcement agency.

**5. Caused, Attempted to Cause, Threatened to Cause, or Participated in an Act of, Hate Violence. [Education Code §48900.3, Penal Code §§ 422.6, 422.7 and 422.75]**

Explanation:

No person shall by force or threat of force, willfully injure, intimidate, interfere with, oppress, or threaten any other person, or knowingly deface, damage or destroy the real or personal property of any other person for the purpose of intimidating or interfering with the free exercise or enjoyment of any right or privilege secured to the other person by the Constitution or laws of this state or the U.S. Constitution because of the other person's race, color, religion, ancestry, national origin, disability, gender or sexual orientation, or because he/she perceives that the other person has one or more of those characteristics. This section applies only to students in grades 4 through 12.

Consequences:

Minimum: Five-day suspension, parent conference, notification to law enforcement agency.

Maximum: Five-day suspension, recommendation for expulsion, notification to law enforcement agency.

- 6. Intentionally Engaged in Harassment, Threats or Intimidation Directed Against a Student or Group of Students That is Sufficiently Severe or Pervasive to Have the Actual or Reasonably Expected Effect of Materially Disrupting Class Work, Creating Substantial Disorder, and Invading the Rights of That Student or Group of Students by Creating an Intimidating or Hostile Educational Environment. [Education Code §48900.4]**

This section applies only to students in grades 4 through 12.

Consequences:

Minimum: At-home suspension, parent conference.

Maximum: Five-day suspension, recommendation for expulsion, notification to law enforcement agency.

- 7. Harassed, Threatened, or Intimidated a Pupil Who Is a Complainant 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. [Education Code §48900(o)]**

Consequences:

Minimum: Five-day suspension, parent conference.

Maximum: Five-day suspension, recommendation for expulsion, notification to law enforcement agency.

- 8. Caused, Attempted to Cause, or Threatened to Cause Physical Injury to Another Person. [Education Code §48900(a-1)]**

Consequences:

Minimum: Suspension

Maximum: Five-day suspension, recommendation for expulsion, notification to law enforcement agency.

- 9. Aids or Abets, Inflicts or Attempts to Inflict, Physical Injury to Another Person. [Education Code §48900 (t)]**

Explanation:

A pupil who aids or abets, as defined in Section 31 of the Penal Code, the infliction or attempted infliction of physical injury to another person may suffer suspension, pursuant to this section, except that a pupil who has been adjudged by a juvenile court to have

committed, as an aider and abettor, a crime of physical violence in which the victim suffered great bodily injury or serious bodily injury shall be subject to discipline pursuant to subdivision.

Consequences:

Minimum: Suspension

Maximum: Five-day suspension, possible transfer, notification to law enforcement agencies.

**10. Possessed or Offered, Arranged, or Negotiated to Sell Any Drug Paraphernalia as Defined in Health and Safety Code §11014.5 [Education Code §48900(j)]**

Consequence:

Minimum: Five-day suspension, notification to law enforcement agency and District office.

Maximum: Five-day suspension, recommendation for expulsion, notification to law enforcement agency.

**11. Make Terrorist Threats Against School Officials, School Employees, School Organizations and/or School Property. [Education Code §48900.7 and 48915(a)(5)]**

Explanation:

No person shall willfully threaten (verbally or in writing) to commit a crime which will result in death, great bodily injury to another person requiring medical intervention, or property damage in excess of one thousand dollars (\$1,000).

A terrorist threat is one which:

- 1) Is made with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying out the threat; and
- 2) Is made under circumstances which would cause a reasonable person to believe that execution of the threat is imminent; and
- 3) Causes the person threatened to reasonably fear for his/her own safety/personal property, or his/her immediate family's safety/personal property, or for the protection of school district property.

Consequence:

Minimum: Five-day suspension, parent conference

Maximum: Five-day suspension, recommendation for expulsion, notification to law enforcement agency.

**12. Unlawfully Possessed, Used, Furnished, or Was Under the Influence of an Alcoholic Beverage, or an Intoxicant of Any Kind. [Education Code §§ 48900(c); 48915(b)]**

Consequence for first offense:

Minimum: Five-day suspension, notification to law enforcement agency.

Maximum: Five-day suspension, recommendation for expulsion, successful completion of a District approved rehabilitation plan, and notification to law enforcement agency.

Consequence for second offense and subsequent offenses:

Five-day suspension, recommendation for expulsion, successful completion of a District approved rehabilitation plan, and notification to law enforcement agency.

13. **Unlawfully Offered, Arranged, Negotiated to Sell, Sold, 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 [Education Code §§48900(d); 48915(b)]**

Consequence:

Minimum: Five-day suspension, notification to law enforcement agency and District office.

Maximum: Five-day suspension, recommendation for expulsion, notification to law enforcement

14. **Willfully Used Force or Violence upon the Person of Another, Except in Self-Defense [Education Code §§48900(a)(2)]**

Consequence:

Minimum: Five-day suspension, notification to law enforcement agency.

Maximum: Five-day suspension, recommendation for expulsion, successful completion of a District approved rehabilitation plan, and notification to law enforcement agency.

## **VI. LEVEL THREE OFFENSES**

### **A. GENERAL PROVISIONS/RECOMMENDATION FOR EXPULSION IS MANDATORY**

A principal, superintendent, or superintendent's designee shall recommend expulsion for each of the offenses listed below unless the principal, superintendent, or superintendent's designee finds that expulsion is inappropriate due to the particular circumstances. This finding must be included in the report of the incident.

Level Three Offenses must be committed at school or at a school activity off school grounds.

A decision to expel by the Board shall be based on a finding of one or both of the following:

- Other means of correction are not feasible or have repeatedly failed to bring about proper conduct.
- Due to the nature of the act, the presence of the student causes a continuing danger to the physical safety of the student or others.

**B. OFFENSES DEFINED**

- 1. Caused Serious Physical Injury to Another Person, Except in Self-Defense. [Education Code §§ 48915(a)(1) and 48900(a-2)]**

Explanation:

Serious physical injury means a serious impairment of physical condition including, but not limited to, the following: loss of consciousness; concussion, bone fracture; protracted loss or impairment of function of any bodily member or organ; a wound requiring extensive suturing, and serious disfigurement. [Penal Code §243]

Consequence:

On a **first offense**, five-day suspension, recommendation for expulsion, successful completion of a District approved rehabilitation plan, and notification to law enforcement agency.

- 2. Caused, Attempted to Cause, or Threatened to Cause Physical Injury Upon School Staff/Personnel or any Adult Volunteer Performing Duties of School Staff. [Education Code §§ 48900(a-1), 48915(a)(5) and 44014, Penal Code §§ 240 and 242]**

Consequence:

On a **first offense**, five-day suspension, recommendation for expulsion, successful completion of a District approved rehabilitation plan, and notification to law enforcement agency.

- 3. Possessed A Knife or Other Dangerous Object of No Reasonable Use to the Student. [Education Code §48900(b) and 48915(a)(2)]**

Explanation:

In the case of possession of any object of this type, it is not a violation if the student had obtained written permission to possess the item from a certificated school employee, which is approved by the principal or the principal's designee. Education Code §48915(a)(2).

Consequence:

On a **first offense**, up to five-day suspension, possible recommendation for expulsion, successful completion of a District approved rehabilitation plan, and notification to law enforcement agency.

- 4. Controlled Substances.**

**a. Unlawfully Possessed, Used, Furnished, or Was Under the Influence of Any Controlled Substance Listed in Health and Safety Code §11053 (except for the first offense of less than one ounce of marijuana other than concentrated cannabis). [Education Code §§ 48900(c), 48915(a)(3) and 48915(b)]**

**b. Unlawfully Sold an Alcoholic Beverage or an Intoxicant of Any Kind. [Education Code §§48900(c) and 48915(b)]**

**c. Unlawfully Offered, Arranged to Sell, Negotiated to Sell, or Sold the Prescription Drug Soma. [Education Code §48900(p)]**

Consequence:

Five-day suspension, recommendation for expulsion, successful completion of a District approved rehabilitation plan, and notification to law enforcement agency.

The first offense of less than one ounce of marijuana other than concentrated cannabis, may result in an action other than recommendation for expulsion; specifically, five-day suspension, administrative transfer to another school unless the principal or District Hearing Officer (Director of Attendance and Due Process) finds the transfer inappropriate due to particular circumstances, successful completion of a District approved rehabilitation plan, and notification to law enforcement agency.

**5. Abused Substances Not Intended for Human Consumption [Education Code §§ 48900(a-1), 48900(a-2), 48900d, 48900k, and 48915(a)(l)]**

Explanation:

Providing for the use of, and/or inhaling, consuming, or attempting to consume any substance not intended for human consumption that may cause harm to oneself or others.

Consequence:

Five-day suspension, recommendation for expulsion, successful completion of a District approved rehabilitation plan, and notification to law enforcement agency.

The first offense of using substances not intended for human consumption, may result in an action other than recommendation for expulsion; specifically, five-day suspension, administrative transfer to another school unless the principal or District Hearing Officer (Director of Attendance and Due Process) finds the transfer inappropriate due to particular circumstances, successful completion of a District approved rehabilitation plan, and notification to law enforcement agency.

**6. Committed or Attempted to Commit Robbery or Extortion. [Education Code §§ 48900(e) and 48915(a)(4)]**

Explanation:

Extortion is the obtaining of property from another, with his consent, or the obtaining of an official act of a public officer, induced by wrongful use of force or fear, or under color of official light. [Penal Code § 518]

Fear, that will constitute extortion may be induced by a threat either: 1) to do an unlawful injury to the person or property of the individual threatened or of a third person; or 2) to accuse the individual threatened, or any relative of his, or member of his family, of any crime; or 3) to expose, or to impute to him or them any deformity, disgrace or crime; or 4) to expose any secret affecting him or them.

Consequence:

On **first offense**, five-day suspension, recommendation for expulsion, successful completion of a District approved rehabilitation plan, notification to law enforcement agency.

## VII. LEVEL FOUR OFFENSES

### A. **EXPULSION IS MANDATORY**

A Level Four Offense must be committed at school or at a school activity off school grounds.

The principal, superintendent, or superintendent's designee must immediately suspend and must recommend expulsion. They do not have the ability to consider extenuating circumstances. The Board of Education must expel the pupil if the offense is proven.

### B. **OFFENSES DEFINED**

#### 1. **Possessed, Sold or Otherwise Furnished a Firearm. [Education Code §48915(c)(1) and 48900(B)]**

Explanation:

Possession must be verified by a school employee. Expulsion will not occur if the student possessed the firearm with prior written approval of a certificated school employee which has been concurred by the principal.

Consequences:

On a **first offense**, five-day suspension, recommendation for expulsion, successful completion of a District approved rehabilitation plan, and notification to law enforcement agency.

#### 2. **Brandished a Knife at Another Person. [Education Code §48915(c)(2), 48900(B), and 48915(a)(2)]**

Explanation:

"Brandish" means to wave, shake, or exhibit in a menacing, challenging or exultant way. For purposes of mandatory expulsion, a knife means (1) a dirk, dagger or other weapon with a fixed, sharpened blade fitted primarily for stabbing, (2) a weapon with a blade fitted primarily for stabbing, (3) a weapon with a blade longer than 3½ inches, (4) a folding knife with a blade that locks into place, or (5) a razor with an unguarded blade.

Consequences:

On a **first offense**, five-day suspension, recommendation for expulsion, successful completion of a District approved rehabilitation plan, and notification to law enforcement agency.

#### 3. **Unlawfully Sold a Controlled Substance Listed in Chapter 2 (Commencing with Section 11053) of Division 10 of the Health and Safety Code. [Education Code §48915(c)(3) and 48900(c)]**

Consequences:

On a **first offense**, five-day suspension, recommendation for expulsion, successful completion of a District approved rehabilitation plan, and notification to law enforcement agency.

4. **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 a Sexual Battery, as Defined in Section 243.4 of the Penal Code. [Education Code §48915(c)(4) and 48900(n)]**

Consequences:

On a **first offense**, a five-day suspension, recommendation for expulsion, successful completion of a District approved rehabilitation plan, and notification to law enforcement agency.

5. **Possessed an Explosive. [Education Code §§48915(c)(5)]**

Explanation:

The term “explosive” means “destructive device” as described in Section 921(a)(4) of Title 18 of the United States Code.

Pursuant to 18 USC Section 921(a)(4), the term “destructive device” means:

- 1) Any explosive, incendiary, or poison gas:
  - Bomb
  - Grenade
  - Rocket having a propellant charge of more than four ounces
  - Missile having an explosive or incendiary charge of more than one-quarter ounce
  - Mine, or
  - Device similar to any of the devices described in the preceding clauses;
- 2) Any type of weapon (other than a shotgun or a shotgun shell which the Attorney General finds is generally recognized as particularly suitable for sporting purposes) by whatever name known which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore of more than one-half inch in diameter;
- 3) Any combination of parts either designed or intended for use in converting any device into any destructive device described in subparagraph (A) or (B) and from which a destructive device may be readily assembled.

The term “destructive device” shall not include any device which is neither designed nor redesigned for use as a weapon; any device, although originally designed for use as a weapon, which is redesigned for use as a signaling, pyrotechnic, line throwing, safety, or similar device; surplus ordinance sold, loaned, or given by the Secretary of the Army pursuant to the provisions of section 4684(2), 4685, or 4686 of title 10; or any other device which the Attorney General finds is not likely to be used as a weapon, is an antique, or is a rifle which the owner intends to use solely for sporting, recreational, or cultural purposes.

Consequences:

On a **first offense**, a five-day suspension, recommendation for expulsion, successful completion of a District approved rehabilitation plan, and notification to law enforcement agency.