**Cuyama Joint Unified School District Board Policy**

**Vision**

BP 0000

**Philosophy, Goals, Objectives and Comprehensive Plans**

The Governing Board believes that a clearly stated purpose and direction for the district provide the foundation for continuous improvement and accountability. The Board shall adopt a

long-range vision for district programs and activities that focuses on the achievement and well-being of all students and reflects the importance of preparing students for the future academically, professionally, and personally. The vision shall recognize the unique role of students, parents/guardians, staff, and community partners in contributing to a high-quality

education for all students. The district's vision may be incorporated into its mission or purpose statement, philosophy or motto, long-term goals, short-term objectives, and comprehensive plans such as the local control and accountability plan (LCAP).

(cf. 0100 - Philosophy)

(cf. 0200 - Goals for the School District) (cf. 0400 - Comprehensive Plans)

(cf. 0460 - Local Control and Accountability Plan) (cf. 9000 - Role of the Board)

The Superintendent or designee shall recommend an appropriate process, with clearly defined procedures, timelines, and responsibilities, for establishing, reviewing, and updating the district's vision statements. This process shall include a review of relevant district documents and data including, but not limited to, information about student demographics, student achievement, current programs, and emerging educational issues. The process shall incorporate an analysis and identification of district strengths and areas in which growth is needed. Input shall be solicited from parents/guardians, students, staff, and community members through methods such as surveys, focus groups, advisory committees, and/or public meetings and forums.

(cf. 1220 - Citizen Advisory Committees)

(cf. 2230 - Representative and Deliberative Groups) (cf. 6020 - Parent Involvement)

The Board shall review the district's vision statements annually, in conjunction with the update to the LCAP, to ensure consistency among all documents that set direction for the district.

Following these reviews, the Board may revise or reaffirm the direction it has established for the district.

The Superintendent or designee shall communicate the district's vision to staff, parents/guardians, and the community.

**Page 1 of 2**

(cf. 1113 - District and School Web Sites) (cf. 1100 - Communication with the Public)

Board decisions regarding curriculum, policies, the budget, collective bargaining agreements, and other district operations shall be aligned with the district's vision. In addition, the Superintendent or designee shall ensure that staffs implementation of district programs and activities supports attainment of the district's vision.

The Superintendent or designee shall regularly report to the Board regarding district progress toward the vision.

(cf. 0500 - Accountability)

Legal Reference:

EDUCATION CODE

52060-52077 Local control and accountability plan

Management Resources: CSBA PUBLICATIONS

The School Board Role in Creating the Conditions for Student Achievement: A Review of the Research, May 2017

Governing to Achieve: A Synthesis of Research on School Governance to Support Student Achievement, August 7, 2014

Defining Governance, Issue 4: Governance Decisions, Governance Brief, June 2014 Defining Governance, Issue 3: Governance Practices, Governance Brief, April 2014 WEB SITES

CSBA: [http://www.csba.org](http://www.csba.org/)

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### Cuyama Joint Unified School District Board Policy

**Philosophy**

BP 0100

**Philosophy, Goals, Objectives and Comprehensive Plans**

In order to establish and support a guiding vision for the district, the Governing Board shall develop, articulate, and regularly review an overarching set of fundamental principles which describe the district's core beliefs, values, and tenets. The Board and district staff shall incorporate these principles into all programs, activities, and operations of the district.

(cf. 0000 - Vision)

(cf. 0200 - Goals for the School District)

(cf. 0460 - Local Control and Accountability Plan) (cf. 9000 - Role of the Board)

It is the philosophy of the district that:

1. All students can learn and succeed.
2. Every student should have an opportunity to receive a quality education regardless of his/her social, cultural, or economic background.

(cf. 0410 - Nondiscrimination in District Programs and Activities)

1. Every student in the district has a right to be free from discrimination, harassment, intimidation, and bullying, as prohibited by law or district policy.
2. The future of our nation and community depends on students possessing the skills to be lifelong learners, collaborative and creative problem solvers, and effective, contributing members of a global and technologically advanced society.
3. Highly skilled and dedicated teachers and educational support staff have the capacity to guide students toward individual achievement and growth, and have a direct and powerful influence on student learning and life experiences.
4. A safe, nurturing environment and positive school climate are necessary for learning, academic achievement, and student development.

(cf. 5131.2 - Bullying)

(cf. 5137 - Positive School Climate)

Page **1 of 3**

1. Parents/guardians have a right and an obligation to be engaged in their child's education and to be involved in the intellectual, physical, emotional, and social development and

well-being of their child.

(cf. 6020 - Parent Involvement)

1. The needs of the whole child must be addressed, as the ability of children to learn is affected by social, health, and economic conditions and other factors outside the classroom.
2. Early identification of learning and behavioral difficulties and timely and appropriate support and intervention contribute to student success.
3. Students and staff are encouraged and motivated by high expectations and recognition for their accomplishments.
4. School improvement is a dynamic process requiring flexibility and innovation to meet the needs of students in a changing world.
5. Professional development for the Board and district staff is essential for the growth and success of the district and its students.

(cf. 4131 - Staff Development) (cf. 4231 - Staff Development) (cf. 4331 - Staff Development) (cf. 9240 - Board Training)

1. The diversity of the student body and school staff enriches the learning experience, promotes cultural awareness and acceptance, and serves as a model for citizenship in a global society.
2. A common set of norms and protocols is crucial to effective governance.
3. Communication, trust, respect, collaboration, and teamwork strengthen the relationship among Board members and between the Board and Superintendent, and contribute to the effectiveness of the governance team.
4. The community and district are inextricably connected partners, wherein the community's engagement in issues that impact the schools enhances the district's programs and student learning.

(cf. 1000 - Concepts and Roles)

1. Two-way communication with all stakeholders is essential for establishing continuity, support, and shared goals both within the district and with the surrounding community.

Page 2 of 3

1. The Board has a responsibility to advocate on behalf all students, keep current on legislative issues affecting education, and build positive relationships with local, state, and federal representatives.
2. A fiscally sound budget which is reflective of the district's vision is imperative to the financial stability of the district and to the attainment of its goals.
3. Responsibility for district programs and operations is shared by the entire educational community, with ultimate accountability resting with the Board as the basic embodiment of representative government.

Legal Reference:

EDUCATION CODE

51002 Local development of programs based on stated philosophy and goals 51019 Definition of philosophy

51100-51101 Parental involvement

Management Resources: CSBA PUBLICATIONS

The School Board Role in Creating the Conditions for Student Achievement: A Review of the Research, May 2017

Governing to Achieve: A Synthesis of Research on School Governance to Support Student Achievement, August 7, 2014

Defining Governance, Issue 2: Governing Commitments, Governance Brief, February 2014 WEB SITES

CSBA: [http://www.csba.org](http://www.csba.org/)

National School Climate Center: [http://schoolclimate.org](http://schoolclimate.org/)

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### Cuyama Joint Unified School District Board Policy

**Goals For The School District**

BP 0200

**Philosophy, Goals, Objectives and Comprehensive Plans**

As part of the Governing Board's responsibility to set direction for the school district, the Board shall adopt long-term goals focused on the achievement of all district students. The district's goals shall be aligned with the district's vision, mission, philosophy, and priorities.

(cf. 0000 - Vision)

(cf. 0100 - Philosophy)

(cf. 9000 - Role of the Board)

In developing goals and identifying strategies to achieve those goals, the Board and Superintendent shall solicit input and review from key stakeholders. The Board shall also review and consider quantitative and/or qualitative data, including data disaggregated by student subgroup and school site, to ensure that district goals are aligned with student needs.

Goals shall be established for all students and each numerically significant subgroup as defined in Education Code 52052, which may include ethnic subgroups, socioeconomically disadvantaged students, English learners, students with disabilities, foster youth, and homeless students and shall address each of the state priorities identified in Education Code 52060 and any additional local priorities established by the Board. These goals shall be incorporated into the district's local control and accountability plan (LCAP). (Education Code 52060, 52062, 52063; 5 CCR 15497.5)

(cf. 0460 - Local Control and Accountability Plan) (cf. 3553 - Free and Reduced Price Meals)

(cf. 6159 - Individualized Education Program) (cf. 6173.1 - Education for Foster Youth)

(cf. 6174 - Education for English Learners)

The LCAP shall include a clear description of each goal, one or more of the state or local priorities addressed by the goal, any student subgroup(s) or school site(s) to which the goal is applicable, and expected progress toward meeting the goal for the term of the LCAP and in each year. (5 CCR 15497)

Each year the district's update to the LCAP shall review progress toward the goals and describe any changes to the goals. (Education Code 52060-52061)

(cf. 0500 - Accountability)

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Page **1 of 3**

(cf. 6190 - Evaluation of the Instructional Program)

In addition to the goals identified in the LCAP, and consistent with those goals, the district and each school site may establish goals for inclusion in another district or school plan or for any other purpose. Such goals may address the improvement of governance, leadership, fiscal integrity, facilities, community involvement and collaboration, student wellness and other conditions of children, and/or any other areas of district or school operations. As appropriate, each goal shall include benchmarks or short-term objectives that can be used to determine progress toward meeting the goal.

(cf. 0400 - Comprehensive Plans)

(cf. 0420 - School Plans/Site Councils) (cf. 0440 - District Technology Plan) (cf. 5030 - Student Wellness)

(cf. 6171 - Title I Programs)

(cf. 7110 - Facilities Master Plan)

Legal Reference:

EDUCATION CODE

17002 State School Building Lease-Purchase Law, including definition of good repair 42238.01-42238.07 Local control funding formula

44258.9 County superintendent review of teacher assignment

51002 Local development of programs based on stated philosophy and goals 51020 Definition of goal

51021 Definition of objective

51041 Evaluation of the educational program 51210 Course of study for grades 1-6

51220 Course of study for grades 7-12

52050-52059 Public Schools Accountability Act, especially:

52052 Academic Performance Index; numerically significant student subgroups 52060-52077 Local control and accountability plan

60119 Sufficiency of textbooks and instructional materials; hearing and resolution 64000-64001 Consolidated application process

CODE OF REGULATIONS, TITLE 5

15497 Local control and accountability plan template UNITED STATES CODE, TITLE 20

6311 State plan

6312 Local educational agency plan

Management Resources: CSBA PUBLICATIONS

State Priorities for Funding: The Need for Local Control and Accountability Plans, Fact Sheet, August 2013

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CSBA: [http://www.csba.org](http://www.csba.org/)

California Department of Education: [http://www.cde.ca.gov](http://www.cde.ca.gov/)

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### Cuyama Joint Unified School District Board Policy

**Conduct**

BP 5131

**Students**

The Governing Board believes that all students have the right to be educated in a positive learning environment free from disruptions. Students shall be expected to exhibit appropriate conduct that does not infringe upon the rights of others or interfere with the school program while on school grounds, going to or coming from school, at school activities, or using district transportation.

(cf. 0450 - Comprehensive Safety Plan) (cf. 5131.1 - Bus Conduct)

(cf. 5137 - Positive School Climate) (cf. 6145.2 - Athletic Competition)

The Superintendent or designee shall ensure that each school develops standards of conduct and discipline consistent with Board policies and administrative regulations. Students and

*)* parents/guardians shall be notified of district and school rules related to conduct.

Prohibited student conduct includes, but is not limited to:

* 1. Conduct that endangers students, staff, or others, including, but not limited to, physical violence, possession of a firearm or other weapon, and terrorist threats

(cf. 5131.7 - Weapons and Dangerous Instruments) (cf. 5142 - Safety)

* 1. Discrimination, harassment, intimidation, or bullying of students or staff, including sexual harassment, hate-motivated behavior, cyberbullying, hazing or initiation activity, extortion, or any other verbal, written, or physical conduct that causes or threatens to cause violence, bodily harm, or substantial disruption

(cf. 5131.2 - Bullying)

(cf. 5145.3 - Nondiscrimination/Harassment) (cf. 5145.7 - Sexual Harassment)

(cf. 5145.9 - Hate-Motivated Behavior)

* 1. Conduct that disrupts the orderly classroom or school environment

(cf. 5131.4 - Student Disturbances)

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* 1. Willful defiance of staffs authority
  2. Damage to or theft of property belonging to students, staff, or the district (cf. 3515.4 - Recovery for Property Loss or Damage)

(cf. 5131.5 - Vandalism and Graffiti)

The district shall not be responsible for students' personal belongings which are brought on campus or to a school activity and are lost, stolen, or damaged.

* 1. Obscene acts or use of profane, vulgar, or abusive language (cf. 5145.2 - Freedom of Speech/Expression)
  2. Possession, use, or being under the influence of tobacco, alcohol, or other prohibited drugs

(cf. 5131.6 - Alcohol and Other Drugs) (cf. 5131.62 -Tobacco)

(cf. 5131.63 - Steroids)

* 1. Possession or use of a laser pointer, unless for a valid instructional or other school-related purpose (Penal Code 417.27)

Prior to bringing a laser pointer on school premises for a valid instructional or school-related purpose, a student shall obtain permission from the principal or designee.

* 1. Use of a cellular/digital telephone, pager, or other mobile communications device during instructional time

Such devices shall be turned off in class, except when being used for a valid instructional or other school-related purpose as determined by the teacher or other district employee, and at any other time directed by a district employee. Any device with camera, video, or voice recording function shall not be used in any manner which infringes on the privacy rights of any other person.

No student shall be prohibited from possessing or using an electronic signaling device that is determined by a licensed physician or surgeon to be essential for the student's health and the use of which is limited to purposes related to the student's health. (Education Code 48901.5)

* 1. Plagiarism or dishonesty on school work or tests (cf. 5131.9 - Academic Honesty)

(cf. 6162.54 - Test Integrity/Test Preparation)

Page 2 of 5

(cf. 6162.6 - Use of Copyrighted Materials)

* 1. Inappropriate attire

(cf. 5132 - Dress and Grooming)

* 1. Tardiness or unexcused absence from school (cf. 5113 - Absences and Excuses)

(cf. 5113.1 - Chronic Absence and Truancy)

* 1. Failure to remain on school premises in accordance with school rules (cf. 5112.5 - Open/Closed Campus)

Employees are expected to provide appropriate supervision to enforce standards of conduct and, if they observe or receive a report of a violation of these standards, to immediately intervene or call for assistance. If an employee believes a matter has not been resolved, he/she shall refer the matter to his/her supervisor or an administrator for further investigation.

When a school official suspects that a search of a student or his/her belongings will tum up evidence of the student's violation of the law or school rules, such a search shall be conducted in accordance with BP/AR 5145.12 - Search and Seizure.

(cf. 5145.12 - Search and Seizure)

When a student uses any prohibited device, or uses a permitted device in any unethical or illegal activity, a district employee may confiscate the device. The employee shall store the item in a secure manner until an appropriate time.

Students who violate district or school rules and regulations may be subject to discipline including, but not limited to, suspension, expulsion, transfer to alternative programs, referral to a student success team or counseling services, or denial of participation in extracurricular or cocurricular activities or other privileges in accordance with Board policy and administrative regulation. The Superintendent or designee shall notify local law enforcement as appropriate.

(cf. 1020 - Youth Services)

(cf. 1400 - Relations Between Other Governmental Agencies and the Schools) (cf. 5020 - Parent Rights and Responsibilities)

(cf. 5127 - Graduation Ceremonies and Activities) (cf. 5138 - Conflict Resolution/Peer Mediation) (cf. 5144 - Discipline)

(cf. 5144.1 - Suspension and Expulsion/Due Process)

(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities)) (cf. 6020 - Parent Involvement)

**Page 3** of **5**

(cf. 6145 - Extracurricular and Cocurricular Activities)

(cf. 6159.4 - Behavioral Interventions for Special Education Students) (cf. 6164.2 - Guidance/Counseling Services)

(cf. 6164.5 - Student Success Teams) (cf. 6184 - Continuation Education) (cf. 6185 - Community Day School)

Students also may be subject to discipline, in accordance with law, Board policy, or administrative regulation, for any off-campus conduct during nonschool hours which poses a threat or danger to the safety of students, staff, or district property, or substantially disrupts school activities.

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination 32280-32289 Comprehensive safety plan

35181 Governing board authority to set policy on responsibilities of students 35291-35291.5 Rules

44807 Duty concerning conduct of students 48900-48925 Suspension and expulsion

51512 Prohibition against electronic listening or recording device in classroom without perm1ss1on

CIVIL CODE

1714.1 Liability of parents and guardians for willful misconduct of minor PENAL CODE

288.2 Harmful matter with intent to seduce

313 Harmful matter

417.25-417.27 Laser scope or laser pointer

647 Use of camera or other instrument to invade person's privacy; misdemeanor

653.2 Electronic communication devices, threats to safety VEHICLE CODE

23123-23124 Prohibitions against use of electronic devices while driving CODE OF REGULATIONS, TITLE 5

300-307 Duties of students UNITED STATES CODE, TITLE 42

2000h-2000h6 Title IX, 1972 Education Act Amendments COURT DECISIONS

J.C. v. Beverly Hills Unified School District, (2010) 711 F.Supp.2d 1094 LaVine v. Blaine School District, (2000, 9th Cir.) 257 F.3d 981

Emmett v. Kent School District No. 415, (2000) 92 F.Supp. 1088

Bethel School District No. 403 v. Fraser, (1986) 478 U.S. 675

New Jersey v. T.L.O., (1985) 469 U.S. 325

Tinker v. Des Moines Independent Community School District, (1969) 393 U.S. 503

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Management Resources: CSBA PUBLICATIONS

Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011

Providing a Safe, Nondiscriminatory School Environment for All Students, Policy Brief, April 2010

Cyberbullying: Policy Considerations for Boards, Policy Brief, July 2007 CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Bullying at School, 2003 WEB SITES

CSBA: [http://www.csba.org](http://www.csba.org/)

California Department of Education, Safe Schools Office: <http://www.cde.ca.gov/ls/ss> Center for Safe and Responsible Internet Use: [http://cyberbully.org](http://cyberbully.org/)

National School Boards Association: [http://www.nsba.org](http://www.nsba.org/) National School Safety Center: [http://www.schoolsafety.us](http://www.schoolsafety.us/)

* 1. Department of Education: [http://www.ed.gov](http://www.ed.gov/)

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### i Cuyama Joint Unified School District

**Administrative Regulation**

**Bus Conduct**

AR5131.1

**Students**

Bus Rider Rules

The following rules apply at all times when students are riding a school bus, including when on school activity trips:

* + 1. Riders shall follow the instructions and directions of the bus driver at all times. (cf. 3542 - School Bus Drivers)
    2. Riders should arrive at their designated bus stop on time and stand in a safe place a.t the stop to wait quietly for the bus.

(cf. 3541 - Transportation Routes and Services)

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* + 1. Riders shall enter the bus in an orderly manner and go directly to their seats.
    2. Riders shall sit down and fasten any passenger restraint systems. Riders shall remain seated while the bus is in motion.
    3. Riders shall not block the aisle or emergency exit with their body or personal belongings. Riders may bring large or bulky items, such as class projects or musical instruments, on the bus only if the item does not displace any other rider or obstruct the driver's vision.
    4. Riders should be courteous to the driver and to fellow passengers. Vulgarity, rude, or abusive behavior is prohibited.
    5. Any noise or behavior that could distract the driver, such as loud talking, scuffling or fighting, throwing objects, or standing or changing seats, is prohibited and may lead to suspension of riding privileges.

(cf. 5144 - Discipline)

* + 1. Riders shall not use tobacco products, eat, or drink while riding the bus. (cf. 5131.62 - Tobacco)

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* + 1. Riders may bring electronic devices onto the bus only if such devices are permitted at school. If the use of cellular telephones or similar devices disrupts the safe operation of the school bus, the bus driver may direct the student to no longer use the device on the bus.

(cf. 5131 - Conduct)

* + 1. Riders shall not put any part of the body out of the window nor throw any item from the bus.
    2. Riders shall help keep the bus and the area around the bus stop clean. Riders shall not damage or deface the bus or tamper with bus equipment.
    3. Service animals are permitted on school transportation services; all other animals are prohibited. (Education Code 39839; 13 CCR 1216)

(cf. 6163.2 - Animals at School)

* + 1. Upon reaching their destination, riders shall remain seated until the bus comes to a complete stop and upon the signai from the driver, unfasten any restraint system, enter the aisie, and go directly to the exit.
    2. Riders should be alert for traffic when leaving the bus and shall follow the district's transportation safety plan when crossing the road and exiting the bus.

(cf. 3543 - Transportation Safety and Emergencies)

The driver or any passenger shall report any violation of the district's bus rules to the principal or designee. The principal or designee shall notify the student's parent/guardian of the misbehavior, determine the severity of the misconduct, and take action accordingly. In instances of a severe violation or repeated offenses, the rider may be denied transportation for a period of time determined appropriate by the principal or designee.

Bus drivers shall not deny transportation services except as directed by the principal or designee. Bus Surveillance Systems

The Superintendent or designee shall monitor the use and maintenance of the district's bus surveillance system. Students are prohibited from tampering with the bus surveillance system. Any student found tampering with the system shall be subject to discipline and shall be responsible for the costs of any necessary repairs or replacement.

(cf. 3515.4 - Recovery for Property Loss or Damage) (cf. 5131.5 - Vandalism and Graffiti)

Camera supports may be installed in all buses. Cameras may be rotated among the buses and activated at the discretion of the Superintendent or designee.

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The content of any recording is a student record and may only be accessed in accordance with the district's policy and administrative regulation concerning student records.

(cf. 5125 - Student Records)

(cf. 5125.1 - Release of Directory Info ation)

pt Reading: April 14, 2016

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- · \ **Cuyama Joint Unified School District Board Policy**

**Bus Conduct**

BP 5131.1

**Students**

In order to help ensure the safety and well-being of students, bus drivers, and others, the Governing Board expects students to exhibit appropriate and orderly conduct at all times when using school transportation, including while preparing to ride, riding, or leaving the bus.

(cf. 0450 - Comprehensive Safety Plan)

(cf. 3516 - Emergencies and Disaster Preparedness Plan) (cf. 3540 - Transportation)

(cf. 3541.2 - Transportation for Students with Disabilities) (cf. 3543 - Transportation Safety and Emergencies)

(cf. 5131 - Conduct)

The Superintendent or designee shall establish regulations related to student conduct on buses, bus driver authority, and the suspension of riding privileges. He/she shall make these rules

) available to parents/guardians, students, and other interested parties. (5 CCR 14103) (cf. 3452 - School Bus Drivers)

Students found to be in violation of the district's bus conduct rules shall be subject to discipline in accordance with Board policy and administrative regulation.

(cf. 5144 - Discipline)

(cf. 5144.1 - Suspension and Expulsion/Due Process)

The Superintendent or designee may deny a student the privilege of using school transportation upon the student's continued disorderly conduct or his/her persistent refusal to submit to the authority of the driver. (5 CCR 14103)

Bus Surveillance Systems

The Board believes that the use of surveillance systems on school buses will help to deter misconduct and improve discipline, ensure the safety of students and bus drivers, and prevent vandalism. Therefore, surveillance systems may be installed and used on school buses to monitor student behavior while traveling to and from school and school activities.

(cf. 3515 - Campus Security)

Page **1 of 3**

The Superintendent or designee shall notify students, parents/guardians, and staff that surveillance may occur on any school bus and that the contents of a recording may be a student record and, as such, may be used in student disciplinary proceedings or referred to local law enforcement, as appropriate. In addition, a prominent notice shall be placed in each bus stating that the bus is equipped with a surveillance monitoring system.

(cf. 5125 - Student Records)

Legal Reference:

EDUCATION CODE

35160 Authority of governing boards 39800 Transportation

39839 Transportation of guide dogs, signal dogs, service dogs 44808 Duty to supervise conduct of students

48900 Grounds for suspension and expulsion 48918 Expuision procedures

49060-49079 Student records

49073-49079 Privacy of student records GOVERNMENT CODE

6253-6270 California Public Records Act CODE OF REGULATIONS, TITLE 5

14103 Authority of the driver

CODE OF REGULATIONS, TITLE 13

1200-1228 General provisions, school bus regulations UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 Family Educational Rights and Privacy

Management Resources:

NATIONAL INSTITUTE OF JUSTICE PUBLICATIONS

The Appropriate and Effective Use of Security Technologies in U.S. Schools: A Guide for Schools and Law Enforcement Agencies, 1999

WEB SITES

CSBA: [http://www.csba.org](http://www.csba.org/)

California Department of Education, Office of School Transportation: <http://www.cde.ca.gov/ls/tn>

* 1. Department of Education, Family Policy Compliance Office: <http://www.ed.gov/policy/gen/guid/fpco>

pt Reading: April 14, 2016

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2nd Reading: May 12, 2016

Adopted: May 12, 2016

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**Board Policy**

**Drug Testing**

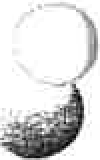
BP 5131.61

**Students**

The Governing Board is committed to maximizing the health and safety of district students and recognizes the district's role in helping to protect students from the dangers associated with illegal drug use and drug abuse. To support the district's substance abuse prevention efforts, the Board desires to establish a drug testing program in the district's high schools that will provide a deterrent from drug use and help refer drug users to appropriate counseling and rehabilitative services.

(cf. 5131.6 -Alcohol and Other Drugs) (cf. 5131.63 - Steroids) ·

The Superintendent or designee shall establish a nonvoluntary, drug testing program for all students participating in athletics: - - -- - --·--·---- -- - - -- -· - --

 (cf. 3260 - Fees and Charges)

(cf. 6145 - Extracurricular and Cocurricular Activities)

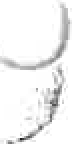
(cf. 6145.2 - Athletic Competition)

Prior to implementing the drug testing program, the Superintendent or designee shall invite input from students, staff, parents/guardians, community leaders, and representatives of local healthcare agencies, community service agencies and businesses. The district's program shall be developed in consultation with drug treatment and prevention professionals, the laboratory contracted to conduct the tests, and district legal counsel.

The uperintendent or designee shall develop:

* + 1. A drug testing consent form to be signed by the student and his/her parent/guardian prior to allowing the student to participate in any athletic or extracurricular activity listed above

The consent form shall indicate any prescription medication the student has been or is presently taking. The student shall present either a copy of the prescription or a physician's written verification of this fact with the consent form.

* + 1. Procedures addressing how students will be selected, how often tests will be conducted, how samples will be collected and transported, and how results will be confirmed

Drug testing procedures shall ensure appropriate individual privacy while maintaining the

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viability of the process. If urinalysis testing is used, the supervisor collecting the specimen shall be the same gender as the student and the specimen shall be collected in a private facility behind a closed stall.

Parents/guardians shall be notified after any positive test results are confirmed. Test results shall be kept separate from the student's other educational records and shall be disclosed only to school staff designated by the Superintendent or designee as responsible for program implementation. The district shall not release test results to law enforcement authorities.

(cf. 5125 - Student Records)

No disciplinary or punitive action shall be taken against any student who tests positive, other than removing him/her from participation in extracurricular activities. Students who test positive shall be enco aged to participate in an assistance program and may be required to take subsequent drug tests. A student who has been removed from participation in extracurricular activities may appeal that decision to the Superintendent or designee and then to the Board.

Students and parents/guardians shall receive a copy of the district's policy and procedures on drug testing. In addition, at the beginning of the school year and prior to the commencement of the drug testing program, the Superintendent or designee shall conduct an orientation session with students participating in athletics and extracurricular activities and their parents/guardians. This session shall explain the district's policy and outline the procedures for drug testing and the consequences if a positive result is obtained.

The Superintendent or designee shall provide training to principals, coaches and staff advisors regarding the district's drug testing program.

Legal Reference:

EDUCATION CODE

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350 Fees not permitted COURT DECISIONS

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WEB SITES

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Office of National Drug Control Policy: [http://www.whitehousedrugpolicy.gov](http://www.whitehousedrugpolicy.gov/) National Institute on Drug Abuse: [http://www.nida.nih.gov](http://www.nida.nih.gov/)

Partnership for a Drug-Free America: [http://www.drugfreeamerica.org](http://www.drugfreeamerica.org/)

U.S. Department of Education: [http://www.ed.gov](http://www.ed.gov/)

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2nd Reading/Approved: 10/08/09

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· -) **Cuyama Joint unified School District Administrative Regulation**

**Discipline**

AR5144

**Students**

Site-Level Rules

Site-level rules shall be consistent with district policies and administrative regulations. In developing site-level disciplinary rules, the principal or designee shall solicit the participation, views, and advice of one representative selected by each of the following groups: (Education Code 35291.5)

1. Parents/guardians
2. Teachers
3. School administrators

) 4. School security personnel, if any

(cf. 3515.3 - District Police/Security Department)

5. For junior high and high schools, students enrolled in the school

Annually, site-level discipline rules shall be reviewed and, if necessary, updated to align with any changes in district discipline policies or goals for school safety and climate as specified in the district's local control and accountability plan. A copy of the rules shall be filed with the Superintendent or designee for inclusion in the comprehensive safety plan.

(cf. 0450 - Comprehensive Safety Plan)

(cf. 0460 - Local Control and Accountability Plan)

School rules shall be communicated to students clearly and in an age-appropriate manner.

It shall be the duty of each employee of the school to enforce the school rules on student discipline. (Education Code 35291)

Disciplinary Strategies

To the extent possible, staff shall use disciplinary strategies that keep students in school and participating in the instructional program. Except when a student's presence causes a danger to

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himself/herself or others or he/she commits a single act of a grave nature or an offense for which suspension or expulsion is required by law, suspension or expulsion shall be used only when other means of correction have failed to bring about proper conduct. Disciplinary strategies may include, but are not limited to:

1. Discussion or conference between school staff and the student and his/her parents/guardians

(cf. 5020 - Parent Rights and Responsibilities) (cf. 6020 - Parent Involvement)

1. Referral of the student to the school counselor or other school support service personnel for case management and counseling

(cf. 5138 - Conflict Resolution/Peer Mediation) (cf. 6164.2 - Guidance/Counseling Services)

1. Convening of a study team, guidance team, resource panel, or other intervention-related team to assess the behavior and develop and implement an individual plan to address the behavior in partnership with the student and his/her parents/guardians

(cf. 6164.5 - Student Success Teams)

1. When applicable, referral for a comprehensive psychosocial or psychoeducational assessment, including for purposes of creating an individualized education program or a Section 504 plan

(cf. 6159 - Individualized Education Program)

(cf. 6164.6 - Identification and Education under Section 504)

1. Enrollment in a program for teaching prosocial behavior or anger management
2. Participation in a restorative justice program
3. A positive behavior support approach with tiered interventions that occur during the school day on campus
4. Participation in a social and emotional learning program that teaches students the ability to understand and manage emotions, develop caring and concern for others, make responsible decisions, establish positive relationships, and handle challenging situations capably
5. Participation in a program that is sensitive to the traumas experienced by students, focuses on students' behavioral health needs, and addresses those needs in a proactive manner
6. After-school programs that address specific behavioral issues or expose students to

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positive activities and behaviors, including, but not limited to, those operated in collaboration with local parent and community groups

(cf. 5148.2 - Before/After School Programs)

1. Recess restriction as provided in the section below entitled "Recess Restriction"
2. Detention after school hours as provided in the section below entitled "Detention After School"
3. Community service as provided in the section below entitled "Community Service"
4. In accordance with Board policy and administrative regulation, restriction or disqualification from participation in extracurricular activities

(cf. 6145 "'.' Extracurricular/Cocurricular Activities)

1. Reassignment to an alternative educational environment

(cf. 6158 - Independent Study)

(cf. 6181 - Alternative Schools/Programs of Choice) (cf. 6184 - Continuation Education)

\_) (cf. 6185 - Community Day School)

1. Suspension and expulsion in accordance with law, Board policy, and administrative regulation

(cf. 5144.1 - Suspension and Expulsion/Due Process)

(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))

When, by law or district policy, other means of correction are required to be implemented before a student could be suspended or expelled, any other means of correction implemented shall be documented and retained in the student's records. (Education Code 48900.5)

(cf. 5125 - Student Records) Recess Restriction

A teacher may restrict a student's recess time only when he/she believes that this action is the most effective way to bring about improved behavior. When recess restriction may involve the withholding of physical activity from a student, the teacher shall try other disciplinary measures before imposing the restriction. Recess restriction shall be subject to the following conditions:

1. The student shall be given adequate time to use the restroom and get a drink or eat lunch, as appropriate.

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1. The student shall remain under a certificated employee's supervision during the period of restriction.
2. Teachers shall inform the principal of any recess restrictions they impose.

(cf. 5030 - Student Wellness)

(cf. 6142.7 - Physical Education and Activity) Detention After School

Students may be detained for disciplinary reasons up to one hour after the close of the maximum school day. (5 CCR 353)

If a student will miss his/her school bus on account of being detained after school, or if the student is not transported by school bus, the principal or designee shall notify parents/guardians of the detention at least one day in advance so that alternative transportation arrangements may be made. The student shall not be detained unless the principal or designee notifies the parent/guardian.

In cases where the school bus departs more than one hour after the end of the school day, students may be detained until the bus departs. (5 CCR 307,353)

Students shall remain under the supervision of a certificated employee during the period of detention.

Students may be offered the choice of serving their detention on Saturday rather than after school.

(cf. 6176 - Weekend/Saturday Classes) Community Service

As part of or instead of disciplinary action, the Board, Superintendent, principal, or principal's designee may, at his/her discretion, require a student to perform community service during nonschool hours on school grounds or, with written permission of the student's parent/guardian, off school grounds. Such service may include, but is not limited to, community or school outdoor beautification, campus betterment, and teacher, peer, or youth assistance programs. (Education Code 48900.6)

This community service option is not available for a student who has been suspended, pending expulsion, pursuant to Education Code 48915. However, if the recommended expulsion is not implemented or the expulsion itself is suspended, then the student may be required to perform community service for the resulting suspension. (Education Code 48900.6)

Notice to Parents/Guardians and Students

Page 4 of 5

At the beginning of the school year, the Superintendent or designee shall notify parents/guardians, in writing, about the availability of district rules related to discipline. (Education Code 35291, 48980)

(cf. 5145.6 - Parental Notifications)

The Superintendent or designee shall also provide written notice of disciplinary rules to transfer students at the time of their enrollment in the district.

1st Reading: August 10, 2017

2nd Reading: September 14, 2017

Adopted: September 14, 2017

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**Cuyama Joint Unified School District Board Policy**

**Discipline**

BP 5144

**Students**

The Governing Board is committed to providing a safe, supportive, and positive school environment which is conducive to student learning and to preparing students for responsible citizenship by fostering self-discipline and personal responsibility. The Board believes that high expectations for student behavior, use of effective school and classroom management strategies, provision of appropriate intervention and support, and parent involvement can minimize the need for disciplinary measures that exclude students from instruction as a means for correcting student misbehavior.

(cf. 5131 - Conduct)

(cf. 5131.1 - Bus Conduct) (cf. 5131.2 - Bullying)

(cf. 5137 - Positive School Climate)

(cf. 5138 - Conflict Resolution/Peer Mediation) (cf. 5145.9 - Hate-Motivated Behavior)

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(cf. 6020 - Parent Involvement)

The Superintendent or designee shall design a complement of effective, age-appropriate strategies for maintaining a positive school climate and correcting student misbehavior at district schools. The strategies shall focus on providing students with needed supports; communicating clear, appropriate, and consistent expectations and consequences for student conduct; and ensuring equity and continuous improvement in the implementation of district discipline policies and practices.

In addition, the Superintendent or designee's strategies shall reflect the Board's preference for the use of positive interventions and alternative disciplinary measures over exclusionary discipline measures as a means for correcting student misbehavior.

Disciplinary measures that may result in loss of instructional time or cause students to be disengaged from school, such as detention, suspension, and expulsion, shall be imposed only when required by law or when other means of correction have been documented to have failed. (Education Code 48900.5)

(cf. 5020 - Parent Rights and Responsibilities)

(cf. 5144.1 - Suspension and Expulsion/Due Process)

(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities)) (cf. 6159.4 - Behavioral Interventions for Special Education Students)

(cf. 6164.5 - Student Success Teams)

Page **1 of 3**

The Superintendent or designee shall create a model discipline matrix that lists violations and the consequences for each as allowed by law.

The administrative staff at each school may develop disciplinary rules to meet the school's particular needs consistent with law, Board policy, and district regulations. The Board, at an open meeting, shall review the approved school discipline rules for consistency with Board policy and state law. Site-level disciplinary rules shall be included in the district's comprehensive safety plan. (Education Code 35291.5, 32282)

(cf. 0450 - Comprehensive Safety Plan) (cf. 9320 - Meetings and Notices)

At all times, the safety of students and staff and the maintenance of an orderly school environment shall be priorities in determining appropriate discipline. When misconduct occurs, staff shall attempt to identify the causes of the student's behavior and implement appropriate discipline. When choosing between different disciplinary strategies, staff shall consider the effect of each option on the student's health, well-being, and opportunity to learn.

Staff shall enforce disciplinary rules fairly, consistently, and in accordance with the district's nondiscrimination policies.

(cf. 0410 - Nondiscrimination in District Programs and Activities) (cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

The Superintendent or designee shall provide professional development as necessary to assist staff in developing the skills needed to effectively implement the disciplinary strategies adopted for district schools, including, but not limited to, consistent school and classroom management skills, effective accountability and positive intervention techniques, and development of strong, cooperative relationships with parents/guardians.

(cf. 4131 - Staff Development) (cf. 4231 - Staff Development) (cf. 4331 - Staff Development)

District goals for improving school climate, based on suspension and expulsion rates, surveys of students, staff, and parents/guardians regarding their sense of school safety, and other local measures, shall be included in the district's local control and accountability plan, as required by law.

(cf. 0460 - Local Control and Accountability Plan) (cf. 3100 - Budget)

At the beginning of each school year, the Superintendent or designee shall report to the Board regarding disciplinary strategies used in district schools in the immediately preceding school year and their effect on student learning.

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35291 Rules

35291.5-35291.7 School-adopted discipline rules 37223 Weekend classes

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48900-48926 Suspension and expulsion 48980-48985 Notification of parent/guardian 49330-49335 Injurious objects

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WEB SITES

CSBA: [http://www.csba.org](http://www.csba.org/)

California Department of Education: [http://www.cde.ca.gov](http://www.cde.ca.gov/) Public Counsel: [http://www.fixschooldiscipline.org](http://www.fixschooldiscipline.org/)

U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/about/offices/list/ocr>

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### --'\ Cuyama Joint Unified School District Administrative Regulation

**Suspension And Expulsion/Due Process**

AR 5144.1

**Students**

Definitions

Suspension means removal of a student from ongoing instruction for adjustment purposes. However, suspension does not mean any of the following: (Education Code 48925)

1. Reassignment to another education program or class at the same school where the student will receive continuing instruction for the length of day prescribed by the Governing Board for students of the same grade level
2. Referral to a certificated employee designated by the principal to advise students
3. Removal from the class, but without reassignment to another class or program, for the remainder of the class period without sending the student to the principal or designee as provided in Education Code 48910

) Expulsion means removal of a student from the immediate supervision and control or the general supervision of school personnel. (Education Code 48925)

Notice of Regulations

At the beginning of each school year, the principal of each school shall ensure that all students and parents/guardians are notified in writing of all school rules related to discipline, including suspension and expulsion. (Education Code 35291, 48900.1, 48980)

(cf. 5144 - Discipline)

(cf. 5145.6 - Parental Notifications)

Grounds for Suspension and Expulsion: Grades K-12

Acts for which a student, including a student with disabilities, may be suspended or e;xpelled shall be only those specified as follows:

(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))

1. Caused, attempted to cause, or threatened to cause physical injury to another person; willfully used force or violence upon another person, except in self-defense; or committed as an aider or abettor, as adjudged by a juvenile court, a crime of physical violence in which the victim

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suffered great or serious bodily injury (Education Code 48900(a) and (t))

1. Possessed, sold, or otherwise furnished any firearm, knife, explosive, or other dangerous object, unless, in the case of possession of any object of this type, the student had obtained written permission to possess the item from a certificated school employee, with the principal or designee's concurrence (Education Code 48900(b))

(cf. 5131-Conduct)

(cf. 5131.7 - Weapons and Dangerous Instruments)

1. Unlawfully possessed, used, sold, otherwise furnished, or was under the influence of any controlled substance as defined in Health and Safety Code 11053-11058, alcoholic beverage, or intoxicant of any kind (Education Code 48900(c))

(cf. 5131.6 - Alcohol and Other Drugs)

1. Unlawfuily offered, arranged, or negotiated to sell any controlled substance as defined in Health and Safety Code 11053-11058, alcoholic beverage, or intoxicant of any kind, and then sold, delivered, or otherwise furnished to any person another liquid, substance, or material and represented same as such controlled substance, alcoholic beverage, or intoxicant (Education Code 48900(d))
2. Committed or attempted to commit robbery or extortion. (Education Code 48900(e))
3. Caused or attempted to cause damage to school property or private property. (Education Code 48900(±))
4. Stole or attempted to steal school property or private property (Education Code 48900(g))
5. Possessed or used tobacco or products containing tobacco or nicotine products, including, but not limited to, cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel, except that this restriction shall not prohibit a student from using or possessing his/her own prescription products (Education Code 48900(h))

(cf. 5131.62-Tobacco)

1. Committed an obscene act or engaged in habitual profanity or vulgarity. (Education Code 48900(i))
2. Unlawfully possessed, offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code 11014.5. (Education Code 489000))
3. Knowingly received stolen school property or private property (Education Code 48900(1))

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1. Possessed an imitation firearm. (Education Code 48900(m))

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. (Education Code 48900(m))

1. Committed or attempted to commit a sexual assault as defined in Penal Code 261, 266c, 286,288, 288a, or 289, or committed a sexual battery as defined in Penal Code 243.4 (Education Code 48900(n))
2. Harassed, threatened, or intimidated a student who is a complaining witness or witness in a school disciplinary proceeding for the purpose of preventing that student from being a witness and/or retaliating against that student for being a witness (Education Code 48900(o))
3. Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma. (Education Code 48900(p))
4. Engaged in, or attempted to engage in, hazing. (Education Code 4890D(q))

Hazing means a method of initiation or pre-initiation into a student organization or body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective student. Hazing does not include athletic events or school-sanctioned events. (Education Code 48900(q))

1. Engaged in an act of bullying (Education Code 48900(r))

Bullying means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, directed toward one or more students that has or can reasonably be predicted to have the effect of placing a reasonable student in fear of harm to himself/herself or his/her property; cause the student to experience a substantially detrimental effect on his/her physical or mental health; or cause the student to experience substantial interferences with his/her academic performance or ability to participate in or benefit from the services, activities, or privileges provided by a school. (Education Code 48900(r))

Bullying shall include any act of sexual harassment, hate violence, or harassment, threat, or intimidation, as defined in Education Code 48900.2, 48900.3, or 48900.4 and below in items

#1-3 of "Additional Grounds for Suspension and Expulsion: Grades 4-12," that has any of the effects described above on a reasonable student.

Electronic act means the creation or transmission of a communication originated on or off school site, including, but not limited to, a message, text, sound, image, or post on a social network Internet web site, by means of an electronic device, including, but not limited to, a telephone,

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wireless telephone, or other wireless communication device, computer, or pager. A post on a social network Internet web site shall include, but is not limited to, the posting or creation of a bum page or the creation of a credible impersonation or false profile for the purpose of causing a reasonable student any of the effects of bullying described above. (Education Code 48900(r))

Reasonable student means a student, including, but not limited to, a student who has been identified as a student with a disability, who exercises average care, skill, and judgment in conduct for a person of his/her age, or for a person of his/her age with his/her disability. (Education Code 48900(r))

(cf. 1114 - District-Sponsored Social Media) (cf. 5131.2 - Bullying)

(cf. 6163.4 - Student Use of Technology)

(cf. 6164.4 - Identification and Evaluation of Individuals for Special Education) (cf. 6164.6 - Identification and Education under Section 504)

1. Aided or abetted the infliction or attempted infliction of physical injury on another person, as defined in Penal Code 31. (Education Code 48900(t))
2. Made terrorist threats against school officials and/or school property. (Education Code 48900.7)

A terrorist threat includes any written or oral statement by a person who willfully threatens to commit a crime which will result in death or great bodily injury to another person or property damage in excess of $1,000, with the specific intent that the statement is to be taken as a threat, even ifthere is no intent of actually carrying it out. (Education Code 48900.7)

Additional Grounds for Suspension and Expulsion: Grades 4-12

Any student in grades 4-12 may be suspended, but not expelled, for disrupting school activities or otherwise willfully defying the valid authority of supervisors, teachers, administrators, other school officials, or other school personnel engaged in the performance of their duties. (Education Code 48900(k))

(cf. 5131.4 - Student Disturbances)

A student in grades 4-12 shall be subject to suspension or recommendation for expulsion when it is determined that he/she:

1. Committed sexual harassment as defined in Education Code 212.5. (Education Code 48900.2)

Sexual harassment means conduct which, when considered from the perspective of a reasonable person of the same gender as the victim, is sufficiently severe or pervasive as to have a negative impact upon the victim's academic performance or to create an intimidating, hostile, or offensive

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educational environment. (Education Code 212.5, 48900.2) (cf. 5145.7 - Sexual Harassment)

1. Caused, attempted to cause, threatened to cause, or participated in an act of hate violence as defined in Education Code 233. (Education Code 48900.3)

Hate violence means any act punishable under Penal Code 422.6, 422.7, or 422.75. Such acts include injuring or intimidating a victim, interfering with the exercise of a victim's civil rights, or damaging a victim's property because of the victim's race, ethnicity, religion, nationality, disability, gender, gender identity, gender expression, or sexual orientation; a perception of the presence of any of those characteristics in the victim; or the victim's association with a person or group with one or more of those actual or perceived characteristics. (Education Code 233; Penal Code 422.55)

(cf. 5145.9 - Hate-Motivated Behavior)

1. Intentionally engaged in harassment, threats, or intimidation against district personnel or students that is sufficiently severe or pervasive to have the actual and reasonably expected effect of materially .disrupting .classwork, creating substantial disorder and uwadip.\_gJh rights Qf

school personnel or students by creating an intimidating or hostile educational environment. (Education Code 48900.4)

\ (cf. 5145.3 - Nondiscrimination/Harassment)

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Suspension from Class by a Teacher

A teacher may suspend a student, including a grade K-3 student, from class for the remainder of the day and the following day for disruption, willful defiance, or any of the other acts specified in Education Code 48900 and listed as items #1-18 under "Grounds for Suspension and Expulsion: Grades K-12" above. (Education Code 48910)

When suspending a student from class, the teacher shall immediately report this action to the principal or designee and send the student to the principal or designee for appropriate action. If that action requires the continuing presence of the student at school, he/she shall be appropriately supervised during the class periods from which he/she has been suspended. (Education Code 48910)

As soon as possible after the teacher decides to suspend the student, he/she shall ask the student's parent/guardian to attend a parent-teacher conference regarding the suspension. A counselor or psychologist may attend the conference if it is practicable, and a school administrator shall attend if either the parent/guardian or teacher so requests. (Education Code 48910)

A student suspended from class shall not be returned to class during the period of the suspension without the approval of the teacher of the class and the principal or designee. (Education Code 48910)

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A student suspended from class shall not be placed in another regular class during the period of suspension. However, a student assigned to more than one class per day may continue to attend other regular classes except those held at the same time as the class from which he/she was suspended. (Education Code 48910)

The teacher of any class from which a student is suspended may require the student to complete any assignments and tests missed during the removal. (Education Code 48913)

Suspension by Superintendent, Principal or Principal's Designee

To implement disciplinary procedures at a school site, the principal may, in writing, designate as the principal's designee another administrator or, if the principal is the only administrator at the school site, a certificated employee. As necessary, the principal may, in writing, also designate another administrator or certificated employee as the secondary designee to assist with disciplinary procedures when the principal and the principal's primary designee are absent from the school site.

The Superintendent, principal, or designee shall immediately suspend any student found at school or at a school activity to have committed any of the acts listed in the Board policy under "Authority to Expel" and for which he/she is required to recommend expulsion. (Education Code 48915(c))

The Superintendent, principal, or designee may impose a suspension for a first offense if he/she determines that the student violated any of items #1-5 listed under "Grounds for Suspension and Expulsion: Grades K-12" above or if the student's presence causes a danger to persons. (Education Code 48900.5)

For all other offenses, a student may be suspended only when the Superintendent or principal has determined that other means of correction have failed to bring about proper conduct in the student. (Education Code 48900.5)

When other means of correction are implemented prior to imposing suspension or supervised suspension upon a student, the Superintendent, principal, or designee shall document the other means of correction used and retain them in the student's record. (Education Code 48900.5)

(cf. 5125 - Student Records) Length of Suspension

The Superintendent, principal, or designee may suspend a student from school for not more than five consecutive school days. (Education Code 48911)

A student may be suspended from school for not more than 20 school days in any school year. However, if a student enrolls in or is transferred to another regular school, an opportunity school, or continuation school or class for the purpose of adjustment, he/she may be suspended for not

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') more than 30 school days in a school year. The district may count suspensions that occur while

' a student is enrolled in another school district toward the maximum number of days for which the student may be suspended in any school year. (Education Code 48903, 48911, 48912)

(cf. 6184 - Continuation Education)

These restrictions on the number of days of suspension shall not apply when the suspension is extended pending an expulsion. (Education Code 48911)

Due Process Procedures for Suspension

Suspensions shall be imposed in accordance with the following procedures:

* 1. Informal Conference: Suspension shall be preceded by an informal conference conducted by the Superintendent, principal, or designee with the student and, whenever practicable, the teacher, supervisor, or school employee who referred the student to the principal. At the conference, the student shall be informed of the reason for the disciplinary action, presented with the available evidence against him/her, and given the opportunity to present his/her version and evidence in support of his/her defense. (Education Code 48911)

This conference may be omitted if the Superintendent, principal, or designee determines that an emergency situation exists involving a clear and present danger to the lives, safety, or health of students or school personnel. If a student is suspended without this conference, both the parent/guardian and student shall be notified of the student's right to return to school for the purpose of the conference and the conference shall be held within two school days, unless the student waives his/her right to it or is physically unable to attend for any reason. In such a case, the conference shall be held as soon as the student is physically able to return to school. (Education Code 48911)

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* 1. Administrative Actions: All requests for student suspension are to be processed by the principal or designee. A school employee shall report the suspension, including the name of the student and the cause for the suspension, to the Superintendent or designee. (Education Code 48911)
  2. Notice to Parents/Guardians: At the time of the suspension, a school employee shall make a reasonable effort to contact the parent/guardian by telephone or in person. Whenever a student is suspended, the parent/guardian shall also be notified in writing of the suspension. (Education Code 48911)

This notice shall state the specific offense committed by the student. (Education Code 48900.8)

In addition, the notice may state the date and time when the student may return to school.

* 1. Parent/Guardian Conference: Whenever a student is suspended, school officials may

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request a meeting with the parent/guardian to discuss the cause(s) and duration of the suspension, the school policy involved, and any other pertinent matter. (Education Code 48914)

If school officials request to meet with the parent/guardian, the notice may state that the law requires the parent/guardian to respond to such requests without delay. However, no penalties may be imposed on the student for the failure of the parent/guardian to attend such a conference. The student may not be denied reinstatement solely because the parent/guardian failed to attend the conference. (Education Code 48911)

* 1. Extension of Suspension: If the Board is considering the expulsion of a suspended student from any school or the suspension of a student for the balance of the semester from continuation school, the Superintendent or designee may, in writing, extend the suspension until such time as the Board has made a decision, provided the following requirements are followed: (Education Code 48911)
     1. The extension of the original period of suspension is preceded by notice of such extension with an offer to hold a conference concerning the extension, giving the student an opportunity to be heard. This conference may be held in conjunction with a meeting requested by the student or parent/guardian to challenge the original suspension.
     2. The Superintendent or designee determines, following a meeting in which the student and the student's parent/guardian were invited to participate, that the student's presence at the school or at an alternative school would endanger persons or property or threaten to disrupt the instructional process. (Education Code 48911)
     3. If the student involved is a foster youth, the Superintendent or designee shall notify the district liaison for foster youth of the need to invite the student's attorney and a representative of the appropriate county child welfare agency to attend the meeting. (Education Code 48853.5, 48911, 48918.1)

(cf. 6173.1 - Education for Foster Youth)

* + 1. If the student involved is a homeless child or youth, the Superintendent or designee shall notify the district liaison for homeless students. (Education Code 48918.1)

(cf. 6173 - Education for Homeless Children)

In lieu of or in addition to suspending a student, the Superintendent, principal, or designee may provide services or require the student to participate in an alternative disciplinary program designed to correct his/her behavior and keep him/her in school.

Suspension by the Board

The Board may suspend a student for any of the acts listed under "Grounds for Suspension and Expulsion: Grades K-12" and "Additional Grounds for Suspension and Expulsion: Grades 4-12" above and within the limits specified under "Suspension by Superintendent, Principal, or

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,.- ') Designee" above. (Education Code 48912)

The Board may suspend a student enrolled in a continuation school or class for a period not longer than the remainder of the semester. The suspension shall meet the requirements of Education Code 48915. (Education Code 48912.5)

When the Board is considering a suspension, disciplinary action, or any other action (except expulsion) against any student, it shall hold a closed session if a public hearing would lead to disclosure of information violating a student's right to privacy under Education Code

49073-49079. (Education Code 35146, 48912)

(cf. 9321 - Closed Session Purposes and Agendas)

The Board shall provide the student and his/her parent/guardian with written notice of the closed session by registered or certified mail or personal service. Upon receiving this notice, the student or parent/guardian may request a public meeting, and this request shall be granted if made in writing within 48 hours after receipt of the Board's notice. However, any discussion that conflicts with any other student's right to privacy still shall be held in closed session. (Education Code 35146, 48912} ---

On-Campus Suspension

A student for whom an expulsion action has not been initiated and who poses no imminent danger or threat to the school, students, or staff may be assigned to on-campus suspension in a separate classroom, building, or site for the entire period of suspension. The following conditions shall apply: (Education Code 48911.1)

* + - 1. The on-campus suspension classroom shall be staffed in accordance with law.
      2. The student shall have access to appropriate counseling services.
      3. The on-campus suspension classroom shall promote completion of schoolwork and tests missed by the student during the suspension.
      4. The student shall be responsible for contacting his/her teacher(s) to receive assignments to be completed in the supervised suspension classroom. The teacher(s) shall provide all assignments and tests that the student will miss while suspended. If no such work is assigned, the person supervising the suspension classroom shall assign schoolwork.

At the time a student is assigned to an on-campus suspension classroom, the principal or designee shall notify the student's parent/guardian in person or by telephone. When the assignment is for longer than one class period, this notification may be made in writing. (Education Code 48911.1)

Superintendent or Principal's Authority to Recommend Expulsion

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Unless the Superintendent or principal determines that expulsion should not be recommended under the circumstances or that an alternative means of correction would address the conduct, he/she shall recommend a student's expulsion for any of the following acts: (Education Code 48915)

1. Causing serious physical injury to another person, except in self-defense
2. Possession of any knife or other dangerous object ofno reasonable use to the student
3. Unlawful possession of any controlled substance as listed in Health and Safety Code 11053-11058, except for (a) the first offense for the possession of not more than one ounce of marijuana, other than concentrated cannabis, or (b) the student's possession of over-the-counter medication for his/her use or other medication prescribed for him/her by a physician
4. Robbery or extortion
5. Assault or battery, as defined in Penal Code 240 and 242, upon any school employee

In determining whether or not to recommend the expulsion of a student, the Superintendent, principal, or designee shall act as quickly as possible to ensure that the student does not lose instructional time. (Education Code 48915)

Student's Right to Expulsion Hearing

Any student recommended for expulsion shall be entitled to a hearing to determine whether he/she should be expelled. The hearing shall be held within 30 school days after the Superintendent, principal, or designee determines that the student has committed the act(s) that form the basis for the expulsion recommendation. (Education Code 48918(a))

The student is entitled to at least one postponement of an expulsion hearing for a period of not more than 30 calendar days. The request for postponement shall be in writing. Any subsequent postponement may be granted at the Board's discretion. (Education Code 48918(a))

If the Board finds it impractical during the regular school year to comply with these time requirements for conducting an expulsion hearing, the Superintendent ordesignee may, for good cause, extend the time period by an additional five school days. Reasons for the extension shall be included as a part of the record when the expulsion hearing is held. (Education Code 48918(a))

If the Board finds it impractical to comply with the time requirements of the expulsion hearing due to a summer recess of Board meetings of more than two weeks, the days during the recess shall not be counted as school days. The days not counted during the recess may not exceed 20 school days, as defined in Education Code 48925. Unless the student requests in writing that the expulsion hearing be postponed, the hearing shall be held not later than 20 calendar days prior to the first day of the next school year. (Education Code 48918(a))

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Once the hearing starts, all matters shall be pursued with reasonable diligence and concluded without unnecessary delay. (Education Code 48918(a))

Stipulated Expulsion

After a determination that a student has committed an expellable offense, the Superintendent, principal, or designee shall offer the student and his/her parent/guardian the option to waive a hearing and stipulate to the expulsion or to a suspension of the expulsion under certain conditions. The offer shall be made only after the student or his/her parent/guardian has been given written notice of the expulsion hearing pursuant to Education Code 48918.

The stipulation agreement shall be in writing and shall be signed by the student and his/her parent/guardian. The stipulation agreement shall include notice of all the rights that the student is waiving, including the waiving of his/her right to have a full hearing, to appeal the expulsion to the County Board of Education, and to consult legal counsel.

A stipulated expulsion agreed to by the student and his/her parent/guardian shall be effective upon approval by the Board.

Rights of Complaining Witness

An expulsion hearing involving allegations of sexual assault or sexual battery may be postponed for one school day in order to accommodate the special physical, mental, or emotional needs of a student who is the complaining witness. (Education Code 48918.5)

Whenever the Superintendent or designee recommends an expulsion hearing that addresses allegations of sexual assault or sexual battery, he/she shall give the complaining witness a copy of the district's suspension and expulsion policy and regulation and shall advise the witness of his/her right to: (Education Code 48918.5)

1. Receive five days' notice of his/her scheduled testimony at the hearing
2. Have up to two adult support persons of his/her choosing present at the hearing at the time he/she testifies
3. Have a closed hearing during the time he/she testifies

Whenever any allegation of sexual assault or sexual battery is made, the Superintendent or designee shall immediately advise complaining witnesses and accused students to refrain from personal or telephone contact with each other during the time when an expulsion process is pending. (Education Code 48918.5)

Written Notice of the Expulsion Hearing

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Written notice of the expulsion hearing shall be forwarded to the student and the student's parent/guardian at least 10 calendar days before the date of the hearing. The notice shall include: (Education Code 48900.8, 48918(b))

1. The date and place of the hearing
2. A statement of the specific facts, charges, and offense upon which the proposed expulsion is based
3. A copy of district disciplinary rules which relate to the alleged violation
4. Notification of the student's or parent/guardian's obligation, pursuant to Education Code 48915.1, to provide information about the student's status in the district to any other district in which the student seeks enrollment

This obligation applies when a student is expelled for acts other than those described in Education Code 48915(a) or (c).

(cf. 5119 - Students Expelled from Other Districts)

1. The opportunity for the student or the student's parent/guardian to appear in person or be represented by legal counsel or by a nonattorney adviser

Legal counsel means an attorney or lawyer who is admitted to the practice of law in California and is an active member of the State Bar of California.

Nonattorney adviser means an individual who is not an attorney or lawyer, but who is familiar with the facts of the case and has been selected by the student or student's parent/guardian to provide assistance at the hearing.

1. The right to inspect and obtain copies of all documents to be used at the hearing
2. The opportunity to confront and question all witnesses who testify at the hearing
3. The opportunity to question all evidence presented and to present oral and documentary evidence on the student's behalf, including witnesses

Additional Notice of Expulsion Hearing for Foster Youth and Homeless Students

If the student facing expulsion is a foster student, the Superintendent or designee shall also send notice of the hearing to the student's attorney and a representative of an appropriate child welfare agency at least 10 days prior to the hearing. (Education Code 48918.1)

If the student facing expulsion is a homeless student, the Superintendent or designee shall also send notice of the hearing to the district liaison for homeless students at least 10 days prior to the

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, hearing. (Education Code 48918.1)

*I*

Any notice for these purposes may be provided by the most cost-effective method possible, including by email or a telephone call. (Education Code 48918.1)

Conduct of Expulsion Hearing

* 1. Closed Session: Notwithstanding Education Code 35145, the Board shall conduct a hearing to consider the expulsion of the student in a session closed to the public unless the student requests in writing at least five days prior to the hearing that the hearing be a public meeting. If such a request is made, the meeting shall be public to the extent that privacy rights of other students are not violated. (Education Code 48918)

Whether the expulsion hearing is held in closed or public session, the Board may meet in closed session to deliberate and determine whether or not the student should be expelled. If the Board admits any other person to this closed session, the parent/guardian, the student, and the counsel of the student also shall be allowed to attend the closed session. (Education Code 48918(c))

If a hearing that involves a charge of sexual assault or sexual battery is to be conducted in public, a complaining witness shall have the right to have his/her testimony heard in closed session when testifying in public would threaten serious psychological harm to the witness and when there are no alternative procedures to avoid the threatened harm, including, but not limited to, videotaped deposition or contemporaneous examination in another place communicated to the hearing room by closed-circuit television. (Education Code 48918(c))

* 1. Record of Hearing: A record of the hearing shall be made and may be maintained by any means, including electronic recording, as long as a reasonably accurate and complete written transcription of the proceedings can be made. (Education Code 48918(g))
  2. Subpoenas: Before commencing a student expulsion hearing, the Board may issue subpoenas, at the request of either the student or the Superintendent or designee, for the personal appearance at the hearing of any person who actually witnessed the action that gave rise to the recommendation for expulsion. After the hearing has commenced, the Board or the hearing officer or administrative panel may issue such subpoenas at the request of the student or the County Superintendent of Schools or designee. All subpoenas shall be issued in accordance with Code of Civil Procedure 1985-1985.2 and enforced in accordance with Government Code 11455.20. (Education Code 48918(i))

Any objection raised by the student or the Superintendent or designee to the issuance of subpoenas may be considered by the Board in closed session, or in open session if so requested by the student, before the meeting. The Board's decision in response to such an objection shall be final and binding. (Education Code 48918(i))

If the Board determines, or if the hearing officer or administrative panel finds and

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submits to the Board, that a witness would be subject to unreasonable risk of harm by testifying at the hearing, a subpoena shall not be issued to compel the personal attendance of that witness at the hearing. However, that witness may be compelled to testify by means of a sworn declaration as described in item #4 below. (Education Code 48918(i))

* 1. Presentation of Evidence: Technical rules of evidence shall not apply to the expulsion hearing, but relevant evidence may be admitted and used as proof only if it is the kind of evidence on which reasonable persons can rely in the conduct of serious affairs. The decision of the Board to expel shall be supported by substantial evidence that the student committed any of the acts pursuant to Education Code 48900 and listed in "Grounds for Suspension and Expulsion: Grades K-12" and "Additional Grounds for Suspension and Expulsion: Grades 4-12" above. (Education Code 48918(h))

Findings of fact shall be based solely on the evidence at the hearing. Although no finding shall be based solely on hearsay, sworn declarations may be admitted as testimony from witnesses whose disclosure of their identity or testimony at the hearing may subject them to an unreasonable risk of physical or psychological harm. (Education Code 48918(f))

In cases where a search of a student's person or property has occurred, evidence describing the reasonableness of the search shall be included in the hearing record.

* 1. Testimony by Complaining Witnesses: The following procedures shall be observed when a hearing involves allegations of sexual assault or sexual battery by a student: (Education Code 48918, 48918.5)
     1. Any complaining witness shall be given five days' notice before being called to testify.
     2. Any complaining witness shall be entitled to have up to two adult support persons, including, but not limited to, a parent/guardian or legal counsel, present during his/her testimony.
     3. Before a complaining witness testifies, support persons shall be admonished that the hearing is confidential.
     4. The person presiding over the hearing may remove a support person whom he/she finds is disrupting the hearing.
     5. If one or both support persons are also witnesses, the hearing shall be conducted in accordance with Penal Code 868.5.
     6. Evidence of specific instances of prior sexual conduct of a complaining witness shall be presumed inadmissible and shall not be heard unless the person conducting the hearing determines that extraordinary circumstances require the evidence to be heard. Before such a determination is made, the complaining witness shall be given notice and an opportunity to oppose the introduction of this evidence. In the hearing on the admissibility of this evidence, the complaining witness shall be entitled to be represented by a parent/guardian, legal counsel, or other support person. Reputation or opinion evidence regarding the sexual behavior of a

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"' complaining witness shall not be admissible for any purpose.

* + 1. In order to facilitate a free and accurate statement of the experiences of the complaining witness and to prevent discouragement of complaints, the district shall provide a nonthreatening environment.

1. The district shall provide a room separate from the hearing room for the use of the complaining witness before and during breaks in testimony.
2. At the discretion of the person conducting the hearing, the complaining witness shall be allowed reasonable periods of relief from examination and cross-examination during which he/she may leave the hearing room.
3. The person conducting the hearing may:
   1. Arrange the seating within the hearing room so as to facilitate a less intimidating environment for the complaining witness
   2. . .Limit the time for taking.the testimony of a complaining witness to the hours he/she is normally in school, if there is no good cause to take the testimony during other hours
   3. Permit one of the support persons to accompany the complaining witness to the witness

) stand

* 1. Decision: The Board's decision as to whether to expel a student shall be made within 40 school days after the student is removed from his/her school of attendance, unless the student requests in writing that the decision be postponed. (Education Code 48918(a))

Alternative Expulsion Hearing: Hearing Officer or Administrative Panel

Instead of conducting an expulsion hearing itself, the Board may contract with the county hearing officer or with the Office of Administrative Hearings of the State of California for a hearing officer. The Board may also appoint an impartial administrative panel composed of three or more certificated personnel, none of whom shall be members of the Board or on the staff of the school in which the student is enrolled. (Education Code 48918)

A hearing conducted by the hearing officer or administrative panel shall conform to the same procedures applicable to a hearing conducted by the Board as specified above in "Conduct of Expulsion Hearing," including the requirement to issue a decision within 40 school days of the student's removal from school, unless the student requests that the decision be postponed. (Education Code 48918(a) and (d))

The hearing officer or administrative panel shall, within three school days after the hearing, determine whether to recommend expulsion of the student to the Board. If expulsion is not recommended, the expulsion proceeding shall be terminated and the student shall be immediately

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reinstated and permitted to return to the classroom instructional program from which the referral was made, unless another placement is requested in writing by the student's parent/guardian.

Before the student's placement decision is made by his/her parent/guardian, the Superintendent or designee shall consult with the parent/guardian and district staff, including the student's teachers, regarding other placement options for the student in addition to the option to return to the classroom instructional program from which the student's expulsion referral was made. The decision to not recommend expulsion shall be final. (Education Code 48918(e))

If expulsion is recommended, findings of fact in support of the recommendation shall be prepared and submitted to the Board. All findings of fact and recommendations shall be based solely on the evidence presented at the hearing. The Board may accept the recommendation based either upon a review of the findings of fact and recommendations submitted or upon the results of any supplementary hearing the Board may order. (Education Code 48918(f))

In accordance with Board policy, the hearing officer or administrative panel may recommend that the Board suspend the enforcement of the expulsion. If the hearing officer or administrative panel recommends that the Board expel a student but suspend the enforcement of the expulsion, the student shall not be reinstated and permitted to return to the classroom instructional program from which the referral was made until the Board has ruled on the recommendation. (Education Code 48917, 48918)

Final Action by the Board

Whether the expulsion hearing is conducted in closed or public session by the Board, a hearing officer, or an administrative panel or is waived through the signing of a stipulated expulsion agreement, the final action to expel shall be taken by the Board in public. (Education Code 48918G))

(cf. 9321.1 - Closed Session Actions and Reports)

The Board's decision is final. If the decision is to not expel, the student shall be reinstated immediately. If the decision is to suspend the enforcement of the expulsion, the student shall be reinstated under the conditions of the suspended expulsion.

Upon ordering an expulsion, the Board shall set a date when the student shall be reviewed for readmission to a school within the district. For a student expelled for any act listed under "Mandatory Recommendation and Mandatory Expulsion" above, this date shall be one year from the date the expulsion occurred, except that the Board may set an earlier date on a case-by-case basis. For a student expelled for other acts, this date shall be no later than the last day of the semester following the semester in which the expulsion occurred. If an expulsion is ordered during summer session or the intersession period of a year-round program, the Board shall set a date when the student shall be reviewed for readmission not later than the last day of the semester following the summer session or intersession period in which the expulsion occurred. (Education Code 48916)

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At the time of the expulsion order, the Board shall recommend a plan for the student's rehabilitation, which may include: (Education Code 48916)

1. Periodic review, as well as assessment at the time of review, for readmission
2. Recommendations for improved academic performance, tutoring, special education assessments, job training, counseling, employment, community service, or other rehabilitative programs

With parent/guardian consent, students who have been expelled for reasons relating to controlled substances or alcohol may be required to enroll in a county-sponsored drug rehabilitation program before returning to school. (Education Code 48916.5)

Written Notice to Expel

The Superintendent or designee shall send written notice of the decision to expel to the student or parent/guardian. This notice shall include the following:

1. The specific offense committed by the student for any of the causes for suspension or expulsion listed above under "Grounds for Suspension and Expulsion: Grades K-12" or "Additional Grounds for Suspension and Expulsion: Grades 4-12". (Education Code 48900.8)
2. The fact that a description of readmission procedures will be made available to the student and his/her parent/guardian. (Education Code 48916)
3. Notice of the right to appeal the expulsion to the County Board. (Education Code 48918)
4. Notice of the alternative educational placement to be provided to the student during the time of expulsion. (Education Code 48918)
5. Notice of the student's or parent/guardian's obligation to inform any new district in which the student seeks to enroll of the student's status with the expelling district, pursuant to Education Code 48915.1. (Education Code 48918)

Decision to Suspend Expulsion Order

In accordance with Board policy, when deciding whether to suspend the enforcement of an expulsion order, the Board shall take into account the following criteria:

1. The student's pattern of behavior
2. The seriousness of the misconduct
3. The student's attitude toward the misconduct and his/her willingness to follow a

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rehabilitation program

The suspension of the enforcement of an expulsion shall be governed by the following:

1. The Board may, as a condition of the suspension of enforcement, assign the student to a school, class, or program appropriate for the student's rehabilitation. This rehabilitation program may provide for the involvement of the student's parent/guardian in the student's education. However, a parent/guardian's refusal to participate in the rehabilitation program shall not be considered in the Board's determination as to whether the student has satisfactorily completed the rehabilitation program. (Education Code 48917)
2. During the period when enforcement of the expulsion order is suspended, the student shall be on probationary status. (Education Code 48917)
3. The suspension of the enforcement of an expulsion order may be revoked by the Board if the student commits any of the acts listed under "Grounds for Suspension and Expulsion: Grades K-12" or "Additional Grounds for Suspension and Expulsion: Grades 4-12" above or violates any of the district's rules and regulations governing student conduct. (Education Code 48917)
4. When the suspension of enforcement of an expulsion order is revoked, a student may be expelled under the terms of the original expulsion order. (Education Code 48917)
5. Upon satisfactory completion of the rehabilitation assignment, the Board shall reinstate the student in a district school. Upon reinstatement, the Board may order the expunging of any or all records of the expulsion proceedings. (Education Code 48917)
6. The Superintendent or designee shall send written notice of any decision to suspend the enforcement of an expulsion order during a period of probation to the student or parent/guardian. The notice shall inform the parent/guardian of the right to appeal the expulsion to the County Board, the alternative educational placement to be provided to the student during the period of expulsion, and the student's or parent/guardian's obligation to inform any new district in which the student seeks to enroll of his/her status with the expelling district, pursuant to Education Code 48915.l(b). (Education Code 489180))
7. Suspension of the enforcement of an expulsion order shall not affect the time period and requirements for the filing of an appeal of the expulsion order with the County Board. (Education Code 48917)

Appeal

The student or parent/guardian is entitled to file an appeal of the Board's decision with the County Board. The appeal must be filed within 30 days of the Board's decision to expel, even if the expulsion order is suspended and the student is placed on probation. (Education Code 48919)

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If the student submits a written request for a copy of the written transcripts and supporting documents from the district simultaneously with the filing of the notice of appeal with the County Board, the district shall provide the student with these documents within 10 school days following the student's written request. (Education Code 48919)

Notification to Law Enforcement Authorities

Prior to the suspension or expulsion of any student, the principal or designee shall notify appropriate city or county law enforcement authorities of any student acts of assault which may have violated Penal Code 245. (Education Code 48902)

The principal or designee also shall notify appropriate city or county law enforcement authorities of any student acts which may involve the possession or sale of narcotics or of a controlled substance. In addition, law enforcement authorities shall be notified regarding any acts by students regarding the possession, sale, or furnishing of firearms, explosives, or other dangerous weapons in violation of Education Code 48915(c)(l) or (5) or Penal Code 626.9 and 626.10. (Education Code 48902)

Within one school day after a student's suspension or expulsion, the principal or designee shall notify appropriate city or-county law \_enfnrcement authorities, by\_telephone oLother appropriate \_ means, of any student acts which may violate Education Code 48900(c) or (d), relating to the possession, use, offering, or sale of controlled substances, alcohol, or intoxicants of any kind. (Education Code 48902)

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Placement During Expulsion

The Board shall refer expelled students to a program of study that is: (Education Code 48915, 48915.01)

* 1. Appropriately prepared to accommodate students who exhibit discipline problems
  2. Not provided at a comprehensive middle, junior, or senior high school or at any elementary school, unless the program is offered at a community day school established at any of these
  3. Not housed at the school site attended by the student at the time of suspension (cf. 6158 - Independent Study)

(cf. 6185 - Community Day School)

When the placement described above is not available and when the County Superintendent so certifies, students expelled for only acts described in items #6-12 under "Grounds for Suspension and Expulsion: Grades K-12" and items #1-3 under "Additional Grounds for Suspension and Expulsion: Grades 4-12" above may be referred to a program of study that is provided at another comprehensive middle, junior, or senior high school or at an elementary school. (Education Code 48915)

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The program for a student expelled from any of grades K-6 shall not be combined or merged with programs offered to students in any of grades 7-12. (Education Code 48916.1)

Readmission After Expulsion

Prior to the date set by the Board for the student's readmission:

1. The Superintendent or designee shall hold a conference with the parent/guardian and the student. At the conference, the student's rehabilitation plan shall be reviewed and the Superintendent or designee shall verify that the provisions of this plan have been met. School regulations shall be reviewed and the student and parent/guardian shall be asked to indicate in writing their willingness to comply with these regulations.
2. The Superintendent or designee shall transmit to the Board his/her recommendation regarding readmission. The Board shall consider this recommendation in closed session. If a written request for open session is received from the parent/guardian or adult student, it shall be honored to the extent that privacy rights of other students are not violated.
3. If the readmission is granted, the Superintendent or designee shall notify the student and parent/guardian, by registered mail, of the Board's decision regarding readmission.
4. The Board may deny readmission only if it finds that the student has not satisfied the conditions of the rehabilitation plan or that the student continues to pose a danger to campus safety or to other district students or employees. (Education Code 48916)
5. If the Board denies the readmission of a student, the Board shall determine either to continue the student's placement in the alternative educational program initially selected or to place the student in another program that serves expelled students, including placement in a county community school.
6. The Board shall provide written notice to the expelled student and parent/guardian describing the reasons for denying readmittance into the regular program. This notice shall indicate the Board's determination of the educational program which the Board has chosen. The student shall enroll in that program unless the parent/guardian chooses to enroll the student in another school district. (Education Code 48916)

No student shall be denied readmission into the district based solely on the student's arrest, adjudication by a juvenile court, formal or informal supervision by a probation officer, detention in a juvenile facility, enrollment in a juvenile court school, or other such contact with the juvenile justice system. (Education Code 48645.5)

Maintenance of Records

The district shall maintain a record of each suspension and expulsion, including its specific cause(s). (Education Code 48900.8)

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Expulsion records of any student shall be maintained in the student's mandatory interim record and sent to any school in which the student subsequently enrolls upon written request by that school. (Education Code 48918(k))

Toe Superintendent or designee shall, within five working days, honor any other district's request for information about an expulsion from this district. (Education Code 48915.1)

(cf. 5119 - Students Expelled from Other Districts)

1st Reading: August 13, 2015

2nd Reading: September 10, 2015

Adopted: September 10, 2015

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### Cuyama Joint Unified School District Board Policy

**Suspension And Expulsion/Due Process**

BP 5144.1

**Students**

The Governing Board desires to provide district students access to educational opportunities in an orderly school environment that protects their safety and security, ensures their welfare and well-being, and promotes their learning and development. The Board shall develop rules and regulations setting the standards of behavior expected of district students and the disciplinary processes and procedures for addressing violations of those standards, including suspension and/or expulsion.

(cf. 5131 - Conduct)

(cf. 5131.1 - Bus Conduct) (cf. 5131.2 - Bullying)

The grounds for suspension and expulsion and the procedures for considering, recommending, and/or implementing suspension and expulsion shall be only those specified in law, in this policy, and in the accompanying administrative regulation.

Except when otherwise permitted by law, a student may be suspended or expelled only when his/her behavior is related to a school activity or school attendance occurring within any district school or another school district, regardless of when it occurs, including, but not limited to, the following: (Education Code 48900(s))

1. While on school grounds
2. While going to or coming from school
3. During the lunch period, whether on or off the school campus (cf. 5112.5 - Open/Closed Campus)
4. During, going to, or coming from a school-sponsored activity

District staff shall enforce the rules concerning suspension and expulsion of students fairly, consistently, equally, and in accordance with the district's nondiscrimination policies.

(cf. 0410 - Nondiscrimination in District Programs and Activities) Appropriate Use of Suspension Authority

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Except when a student's act violates Education Code 48900(a)-(e), as listed in items #1-5 under "Grounds for Suspension and Expulsion: Grades K-12" of the accompanying administrative regulation, or when his/her presence causes a danger to others, suspension shall be used only when other means of correction have failed to bring about proper conduct. (Education Code 48900.5, 48900.6)

(cf. 1020 - Youth Services)

(cf. 5138 - Conflict Resolution/Peer Mediation) (cf. 5144 - Discipline)

(cf. 6142.4 - Service Learning/Community Service Classes) (cf. 6164.2 - Guidance/Counseling Services)

(cf. 6164.5 - Student Success Teams)

A student's parents/guardians shall be notified as soon as possible when there is an escalating pattern of misbehavior that could lead to on-campus or off-campus suspension.

No student in grades K-3 may be suspended for disruption or willful defiance, except by a teacher pursuant to Education Code 48910. (Education Code 48900)

Students shall not be suspended or expelled for truancy, tardiness, or absenteeism from assigned school activities.

(cf. 5113 - Absences and Excuses)

(cf. 5113.1 - Chronic Absence and Truancy) On-Campus Suspension

To ensure the proper supervision and ongoing learning of students who are suspended for any of the reasons enumerated in Education Code 48900 and 48900.2, but who pose no imminent danger or threat to anyone at school and for whom expulsion proceedings have not been initiated, the Superintendent or designee shall establish a supervised suspension classroom program which meets the requirements oflaw.

Except where a supervised suspension is permitted by law for a student's first offense, supervised suspension shall be imposed only when other means of correction have failed to bring about proper conduct. (Education Code 48900.5)

Authority to Expel

A student may be expelled only by the Board. (Education Code 489180))

As required by law, the Superintendent or principal shall recommend expulsion and the Board shall expel any student found to have committed any of the following "mandatory recommendation and mandatory expulsion" acts at school or at a school activity off school grounds: (Education Code 48915)

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1. Possessing a firearm which is not an imitation firearm, as verified by a certificated employee, unless the student had obtained prior written permission to possess the item from a certificated school employee, with the principal or designee's concurrence

(cf. 5131.7 - Weapons and Dangerous Instruments)

1. Selling or otherwise furnishing a firearm
2. Brandishing a knife at another person
3. Unlawfully selling a controlled substance listed in Health and Safety Code 11053-11058
4. Committing or attempting to commit a sexual assault as defined in Penal Code 261, 266c, 286, 288, 288a, or 289, or committing a sexual battery as defined in Penal Code 243.4
5. Possessing an explosive as defined in 18 USC 921

For all other violations listed in the accompanying administrative regulation under "Grgl.llldsfgr Suspension and Expulsion: Grades K-12" and "Additional Grounds for Suspension and Expulsion: Grades 4-12," the Superintendent or principal shall have the discretion to recommend expulsion of a student. If expulsion is recommended, the Board shall order the student expelled only if it makes a finding of either or both of the following: (Education Code 48915(b) and (e))

1. That other means of correction are not feasible or have repeatedly failed to bring about proper conduct
2. That due to the nature of the violation, the presence of the student causes a continuing danger to the physical safety of the student or others

A vote to expel a student shall be taken in a public session.

The Board may vote to suspend the enforcement of the expulsion order pursuant to the requirements oflaw and the accompanying administrative regulation. (Education Code 48917)

No student shall be expelled for disruption or willful defiance. (Education Code 48900) Due Process

The Board shall provide for the fair and equitable treatment of students facing suspension and/or expulsion by affording them their due process rights under the law. The Superintendent or designee shall comply with procedures for notices, hearings, and appeals as specified in law and administrative regulation. (Education Code 48911, 48915, 48915.5, 48918)

(cf. 5119 - Students Expelled from Other Districts)

(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))

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Maintenance and Monitoring of Outcome Data

The Superintendent or designee shall annually present to the Board a report of the outcome data which the district is required to collect pursuant to Education Code 48900.8 and 48916.1, including the number of students recommended for expulsion, the grounds for each recommended expulsion, the actions taken by the Board, the types of referral made after each expulsion, and the disposition of the students after the expulsion period.

The report shall be disaggregated by school and by numerically significant student subgroups, including, but not limited to, ethnic subgroups, socioeconomically disadvantaged students, English learners, foster youth, and students with disabilities. The report also shall include information about whether and how the district is meeting its goals for improving school climate as specified in its local control and accountability plan.

(cf. 0460 - Local Control and Accountability Plan)

Legal Reference:

EDUCATION CODE

212.5 Sexual harassment

233 Hate violence

1981-1981.5 Enrollment of students in community school 17292.5 Program for expelled students

32261 Interagency School Safety Demonstration Act of 1985 35145 Open board meetings

35146 Closed sessions (regarding suspensions)

35291 Rules (for government and discipline of schools) 35291.5 Rules and procedures on school discipline 48645.5 Readmission; contact with juvenile justice system 48660-48666 Community day schools

48853.5 Foster youth

48900-48927 Suspension and expulsion 48950 Speech and other communication 48980 Parental notifications

49073-49079 Privacy of student records

52060-52077 Local control and accountability plan CIVIL CODE

47 Privileged communication

48.8 Defamation liability CODE OF CIVIL PROCEDURE

1985-1997 Subpoenas; means of production GOVERNMENT CODE

11455.20 Contempt

54950-54963 Ralph M. Brown Act

Page **4** of **7**

HEALTH AND SAFETY CODE

11014.5 Drug paraphernalia

11053-11058 Standards and schedules LABOR CODE

230.7 Discharge or discrimination against employee for taking time off to appear in school on behalf of a child

PENAL CODE

31 Principal of a crime, defined

240 Assault defined

241.2 Assault fines

242 Battery defined

243.2 Battery on school property

243.4 Sexual battery

245 Assault with deadly weapon

245.6 Hazing

261 Rape defined

266c Unlawful sexual intercourse

286 Sodomy defined

1. Lewd or lascivious acts with\_childunder age14 288a Oral copulation
2. Penetration of genital or anal openings

417.27 Laser pointers

422.55 Hate crime defined

* 1. Interference with exercise of civil rights
  2. Aggravating factors for punishment

422.75 Enhanced penalties for hate crimes

626.2 Entry upon campus after written notice of suspension or dismissal without permission

* 1. Gun-Free School Zone Act of 1995
  2. Dirks, daggers, knives, razors, or stun guns

868.5 Supporting person; attendance during testimony of witness WELPARE AND INSTITUTIONS CODE

729.6 Counseling

UNITED STATES CODE, TITLE 18

921 Definitions, firearm

UNITED STATES CODE, TITLE 20

1415(K) Placement in alternative educational setting 7151 Gun-free schools

UNITED STATES CODE, TITLE 42

11432-11435 Education of homeless children and youths COURT DECISIONS

T.H. v. San Diego Unified School District (2004) 122 Cal. App. 4th 1267 Woodbury v. Dempsey (2003) 108 Cal. App. 4th 421

Board of Education of Sacramento City Unified School District v. Sacramento County Board of Education and Kenneth H. (2001) 85 Cal.App.4th 1321

Garcia v. Los Angeles Board of Education (1991) 123 Cal. App. 3d 807

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Fremont Union High School District v. Santa Clara County Board (1991) 235 Cal. App. 3d 1182 John A. v. San Bernardino School District (1982) 33 Cal. 3d 301

ATTORNEY GENERAL OPINIONS

84 Ops.Cal.Atty.Gen. 146 (2001)

80 Ops.Cal.Atty.Gen. 348 (1997)

80 Ops.Cal.Atty.Gen. 91 (1997)

80 Ops.Cal.Atty.Gen. 85 (1997) Management Resources:

CSBA PUBLICATIONS

Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS Dear Colleague Letter on the Nondiscriminatory Administration of School Discipline, January 2014

WEB SITES

CSBA: [http://www.csba.org](http://www.csba.org/)

California Attorney General's Office: [http://www.oag.ca.gov](http://www.oag.ca.gov/) California Department of Education: [http://www.cde.ca.gov](http://www.cde.ca.gov/)

U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/about/offices/list/ocr/docs/crdc-2012-data-summary.pdf>

U.S. Department of Education, Office of Safe and Drug-Free Schools: <http://www.ed.gov/about/offices/list/osdfs>

1st Reading: August 13, 2015

2nd Reading: September 10, 2015

Adopted: September 10, 2015

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**Regulation 5144.2: Suspension And Expulsion/Due Process (Students With Disabilities)**

Original Adopted Date: 11/01/2006 J Last Revised Date: 03/01/2012 ILast Reviewed Date: 03/01 /2012

**Status:** ADOPTED

**A** student identified as an individual with a disability pursuant to the Individuals with Disabilities Education Act (IDEA), 20 USC 1400-1482, is subject to the same grounds and procedures for suspension and expulsion which apply to students without disabilities, except as otherwise specified in this administrative regulation.

**Suspension**

The Superintendent or designee may suspend a student with a disability for up to 10 consecutive school days for a single incident of misconduct, and for up to 20 school days in a school year, as long as the suspension(s) does not constitute a change in placement pursuant to 34 CFR 300.536. (Education Code 48903; 34 CFR 300.530)

The principal or designee shall monitor the number of days, including portions of days, in which a student with a valid individualized education program (IEP) has been suspended during the school year.

The Superintendent or designee shall determine, on a case-by-case basis, whether a pattern of removals of a student from his/her current educational placement for disciplinary reasons constitutes a change of placement. A change of placement shall bedeemed to have occurred under either of the following circumstances: (34 CFR 300.536)

1. The removal is for more than 10 consecutive school days.
2. The student has been subjected to a series of removals that constitute a pattern because of all of the following:
   1. The series of removals total more than 10 school days in a school year.
   2. The student's behavior is substantially similar to his/her behavior in previous incidents that resulted in the series of removals.
   3. Additional factors, such as the length of each removal, the total amount of time the student has been removed, and the proximity of the removals to one another, indicate a change of placement.

If a student's removal is determined to be a change of placement as specified in items #1-2 above, or the student is suspended for more than 10 school days in the same school year, the student's IEP team shall determine the appropriate educational services. Such services shall be designed to enable the studentto continue to participate in the general education curriculum in another setting, to progress toward meeting the goals set out in his/her IEP, and to address the student's behavior violation so that it does not recur. (20 USC 1412(a )(1)(A); 34 CFR 300.530)

If the IEP of a student with a disability requires the district to provide the student withtransportation, the district shall provide the student withan alternative form of transportationat no cost to him/her or to his/her parent/guardianwhen he/she is to be excluded from school bus transportation. (Education Code 48915.5)

Interim Alternative Educational Placement Dueto Dangerous Behavior

The district may unilaterally place a student with a disability in an appropriate interim alternative educational setting for up to 45 school days, without regard to whether the behavior is a manifestation of the student's disability, whenthe student commits one of the following acts while at school, going to or fromschool, or at a school­ related function: (20 USC 1415(k )(l )(G); 34 CFR 300.530)

1. Carries or possesses a weapon, as defined in 18 USC 930
2. Knowingly possesses or uses illegal drugs
3. Sells or solicits the sale of a controlled substance as identified in 21 USC 812(c), Schedules 1- V
4. Inflicts serious bodily injury upon another person as defined in 18 USC 1365

The student's interim alternative educational setting shall be determined by his/her IEP team. (20 USC 1415(k )(l )(G); 34 CFR 300.531)

On the date the decision to take disciplinary action is made, the student's parent/guardian shall be notified of the decision and provided the procedural safeguards notice pursuant to 34 CFR 300.504. (20 USC 1415(k )(l )(H); 34 CFR 300.530)

A student who has been removed from his/her current placement because of dangerous behavior shall receive services, although in another setting, to the extent necessary to allow him/her to participate in the general education curriculum and to progress toward meetingthe goals set out in his/her IEP. As appropriate, the student shall also receive a functional behavioral assessment and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur. (20 USC 1415(k )(l )(D); 34 CFR 300 .530)

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**Manifestation Determination**

The following procedural safeguards shall apply when astudent with a disability issuspended *for* morethan 10 consecutive school days, when a series ofremovals of a student constitutes a pattern, or when a change of placement of a student is contemplated due to a violation of the district's code of conduct:

1. **Notice:** On the date the decision to take disciplinary action is made, the student's parent/guardianshall be notified of the decision and provided the procedural safeguards notice pursuant to 34 CFR 300.504. (20 USC 1415 {k){1){H); 34 CFR 300.530)
2. **Manifestation Determination Review:** Immediately if possible, but in no case later than 10 school days after the date the decision to take disciplinary action is made, a manifestation determination review shall be made of the relationship between the student's disability and the behavior subject to the disciplinary action. (20 USC 1415(k){1)(E); 34 CFR 300.530)

At the manifestation determination review, the district, the student's parent/guardian, and relevant members of the IEP team (as determined by the district and parent/guardian) shall review all relevant information in the student's file, including the student's IEP, any teacher observations, and any relevant information provided by the parents/guardians,to determine whether the conduct in question was either of the following: (20 USC 1415(k}(l){E);34 CFR 300.530)

* 1. Caused by or had a direct and substantial relationship to the student's disability
  2. A direct result of the district's failure to implement the student's IEP, in which case the district shall take immediate steps to remedy those deficiencies

If the manifestation review team determines that either of the above conditions applies, the student's conduct shall then be determined to be a manifestation of his/her disability. (20 USC 1415{k){l)(E); 34 CFR 300.530)

1. Determination that Behavior is a Manifestation of the Student's Disability: When the student's conduct has been determined to be a manifestation of his/her disability, the IEP team shall conduct .a functional behavioral assessment, unl.ess .onehad been conducted before the occurrence of the behavior that resulted in the change of placement, and shall implement a behavioral intervention plan for the student. If a behavioral intervention plan has already been developed, the IEP team shall review the behavioral intervention plan and modify it as necessary to address the behavior. (20 USC 1415{k)(1)(F); 34 CFR 300.530)

The student shall be returned to the placement from which he/she was removed, unless the parent/guardian and Superintendent or designee agree to a change of placement as part of the modification of the behavioral intervention plan. (20 USC 1415{k)(1)(F); 34 CFR 300.530)

1. Determination that **Behavior** is **Not** a Manifestation of the Student's **Disability:** When it has been determined that thestudent's conduct was not a manifestation of his/her disability, the student may be disciplined in accordance with the procedures for students without disabilities. However, the student's IEP team shall determine services necessary to enable him/her to participate in the general education curriculum in another setting and to allow him/her to progress toward meeting the goals set out in his/her IEP. (20 USC 1415{k)(1)(D); 34 CFR 300 .530)

As appropriate, the student also shall receive a functional behavioral assessment and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur. (20 USC 1415(k)(1){D); 34 CFR. 300.530)

**Due Process Appeals**

If the parent/guardiandisagrees with any district decision regarding placement under 34 CFR 300.530 (suspension and removal for dangerous circumstances) or 34 CFR

300.531{interim alternative placement), or the manifestation determination under 34 CFR 300.530(e), he/she may appeal the decision by requesting a hearing. The district may request a hearingif the district believes that maintaining the student's current placement is substantially likely to result in injury to the student or others. In order to request a due process hearing, the requesting party shall file a complaint pursuant to 34 CFR 300.507 and 300.508{a) and (b). (20 USC 1415(k){3); 34 CFR 300.532)

Whenever a hearingis requested as specified above, the parent/guardian or the district shall have an opportunity for an expedited due process hearing consistent with requirements specified in 34 CFR 300.507, 300.508 (a)-(c), and 300.510-300.514.

If the student's parent/guardianor the district has initiated a due process hearing under 34 CFR 300.532 as detailed above, the student shall remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the 45-day time period, whichever occurs first,unless the parent/guardian and district agree othe rwise. (20 USC 1415(k)(4); 34 CFR 300.533)

**Readmission**

Readmission procedures for students with disabilities shall be the same as those adopted for students without disabilities . Upon readmission of a student with disabilities, an IEP team meeting shall be convened to review and, as necessary, modify the student's IEP.

Decision Not to Enforce Expulsion Order

The Governing Board's criteria for suspending the enforcement of an expulsion order shall be applied to students with disabilities in the same manner as they are applied to all other students. {Education Code 48917)

**Notification to Law Enforcement Authorities**

Law enforcement notification requirements involving students withdisabilities shall be the same as those specified for all students in AR 5144.1- Suspension and Expulsion/Due Process.

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When giving any required notification concerning a student with disabi lit ies to any law enforcement official, the principal or designee shall require the law enforcement official to certify in writing that he/she will not disclose the student's information or records to any other person without the prior written consent of the student's parent/guardian. (Education Code 49076)

**Report to County Superintendent of Schools**

The Superintendent or designee shall report to the County Superintendent of Schools when any special education student has been expelled or suspended for more than 10 school days. The report shall include the student's name, last known address, and the reason for the act ion . (Education Code 48203)

Procedures for Students Not Yet Eligible for Special Education Services

**A** student who has not been determined to be eligible for special education and related services and who has violated the district's code of student conduct may nevertheless assert any of the protections under IDEA, if the district had knowledge of the student 's disability. (20 USC 1415{k )(S); 34 CFR 300.534)

Knowledge means that, before the occurrence of the behavior that precipitated the disciplinary action, one of the following occurred: (20 USC 1415{kl(S); 34 CFR 300.534)

1. The parent/ guardian, in writing, has expressed concern to district supervisory or administrative personnel, or to **a** teacher of the student, that thestudent is in need of special education or related services.
2. The parent/ guardian has requested an evaluation of the student for special education pursuant to 20 USC 1414(a)(1l(B) or 34 CFR 300 .300-300 .311.
3. The teacher of the student or other district personnel has expressed specific concerns directly to the district's director of special education or other supervisory district personnel about a pattern of behavior demonstrated by the student.

However, the district shall not be deemed to have knowledge of a student 's disability if the student's parent/guardian has not allowed him/her to be evaluated for special education services or has refused services or, after evaluating the student pursuant to 34 CFR 300 .300 -300 .311, the district determined that he/she was not anindividual with a disability.

When the district is deemed to not have knowledge of a student's disability, the student shall be disciplined in accordance with procedures established for students without disabilities whoengage in comparable behavior. (20 USC 1415(k l( 5); 34 CFR 300 .534)

If a request is made for an evaluation of a student during the time period in which the student is subject to disciplinary measures pursuant to 34 CFR 300.530, the evaluation shall be conducted in an expedited manner. Until the evaluation is completed, the student shall remain in the educational placement determined by school authorities. (20 USC 1415(k)(S); 34 CFR 300 .534)

**Polley Reference** Dlsclalmer:Thesereferences are not intended to be part of the policy itself,nor do they indicate the basis or authority for theboard to enact this policy. Instead, they are provided as additional resources for those interested inthe subject matter of the policy.

**State**

Ed. Code 35146

Ed.Code 35291

Ed.Code 48203

Ed. Code 48900-48925

Ed.Code49076 Ed.Code 56000

Ed. Code 56320 Ed.Code56321 Ed. Code 56329

Ed. Code 56340-56347

Ed. Code 56505

Pen. Code 245

Pen. Code 626.10

Pen. Code 626.2

Pen. Code 626.9

**Description**

Closed sessions regarding suspensions() Rules of governing board ()

Reports of severance of attendance of disabled students() Suspension and expulsion ()

Access to student records ()

Special education; legislative findings and declarations() Educational needs; requirements()

Development or revision of individualized education program() Independent educational assessment()

Individualizededucation program teams() State hearing()

Assault withdeadly weapon ()

Dirks, daggers, knives, razors, or stun guns()

Entry upon campus after written notice of suspension or dismissal without permission() Gun-Free School Zone Act of 1995 ()

**Federal**

18USC 1365

18USC 930

**Description**

Serious bodily injury() Weapons()

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20USC 1412

20USC 1415

21USC812

29USC706

29USC794

34CFR 104.35

34 CFR 104.36

34CFR 300.1-300.818

34 CFR 300 .530-300.537

State eligibility () Procedural safeguards()

Schedule of controlled substances() Definitions()

Rehabilitation Act of 1973, Section 504 () Evaluation and placement()

Procedural safeguards()

Assistance to states for the education of students withdisabilities() Discipline procedures()

**Management Resources**

Court Decision Court Decision Court Decision Court Decision Federal Register W hsit Website

**Description**

Honigv. Doe, (1988) 484 U.S. 305 ()

M.P. v. Governing Board of Grossmont Union High School District, (1994) 858 F.Supp. 1044 () Parents of Student W. v. Puyallup School District, (1994 9th Cir.) 31 F.3d 1489 ()

Schaffer v. Weast, (2005) 546 U.S. 549 ()

Rules and Regulations, August 14, 2006, Vol. 71,Number 156, pages 46539-46845 () C;1lifornia Depa( t/!1fillt of Education. Spedal Education {http://www.cde.ca,gov/s

US.Department of Education. Office of Special Education Programs([http://www2 ed.gov/about/offices /li st/osers/oselll.](http://www2ed.gov/about/offices/list/osers/oselll)

**Cross References**

**Code**

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**Description**

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**Policy 5144.4: Required Parental Attendance**

Original Adopted Date: 04/01/2015 ILast Reviewed Date: 04/01/2015

**Status:** ADOPTED

The Governing Board is committed to providing a safe school environment and setting expectations for appropriate student conduct. The Superintendent or designee may involve parents/guardians in student discipline as necessary to improve a student's behavior and encourage personal responsibility .

When removing a student from class pursuant to Education Code 48910 for committing an act of obscenity, habitual profanity or vulgarity, disruption of school activities, or willful defiance, the teacher of the class may require any parent/guardian who lives with thestudent to accompany the student for a portion of a school day in the class from which the student has been removed. (Education Code 48900.1)

Any teacher requiringparental attendance pursuant to this policy shall apply the policy uniformly to all students within theclassroom . (Education Code 48900.1) District and school-site rules for student discipline shall include procedures for implementing parental attendance requirements. (Ed4cation Code 48900.1)

**Polley Reference** Dlsclaimer:These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

**State**

Ed. Code 35291

Ed. Code 35291.5

Ed.Code 48900

Ed. Code 48900-48927

Ed. Code 48900.1

Ed. Code 48910

**Description**

Rules (for government and discipline of schools)() Rules and procedures on school discipline() Grounds for suspension or expulsion () Suspension and expulsion()

Required parental attendance() Suspension by teacher ()

**Management Resources**

CSBA Publication

U.S. DOE, Office for Civil Rights Publication Website

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**Description**

Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011()

Dear Colleague Letter on the Nondiscriminatory Administrationof School Discipline. January 2014 ()

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**Cross References**

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**Regulation 5144.4: Required Parental Attendance**

**Original Adopted Date:** 04 / 01/2015 I**Last Reviewed Date:** 04/01/2015

**Status:** ADOPTED

Whenever a teacher requires a parent/guardian to attend a portion of a school day with his/her child for the child's commission of an act specified in Education Code 48900(i) or (k), the principal shall send the parent/guardiana written notice that the parent/ guard ian's attendance is required pursuant to law. (Education Code 48900 .1)

The notice shall:

* + 1. Inform the parent/guardianof the date that his/her presence is expected, the length of the visit, and by what means he/she may arrange an alternate date
    2. State that if theparent/ guardian does not have a means of transportationto school, he/she may ride theschool bus with thestudent
    3. Direct the parent/guardian to meet with theprincipal after the visit and before leaving school
    4. Direct the parent/guardianto contact the school if there are reasonable factors that would prevent him/her from complying withtheattendance requirement Attendance of the parent/guardian shall be limited to the class from which the student was removed. (Education Code 48900.1)

A parent/guardian who has received a wr itt en notice shall attend class as specified in the notice. After completing the classroom visit and beforeleaving school premises, the parent/guardian also shall meet with theprincipal or designee. (Education Code 48900.1)

At the meeting with thestudent's parent/ guardian , the principal or designee shall explain the district's and school's discipline policies, including the disciplinary strategies that may be used to achieve proper student conduct.

When a parent/guardian does not respond to the request to attend school, the principal or designee shall contact him/her by any method that maintains the confidentiality of the student's records.

**Policy Reference** Dlsclalmer:These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact thispolicy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

**State**

Ed. Code 35291

Ed. Code 35291 .5

Ed. Code 48900

Ed. Code 48900 -48927

Ed. Code 48900 .1

Ed. Code 48910

**Description**

Rules (for government and discipline of schools)() Rules andprocedures on school discipline() Grounds for suspension or expulsion() Suspension and expulsion ()

Required parental attendance() Suspension by teacher()

**Management Resources**

CSBA Publication

* 1. DOE, Office for Civil Rights Publication Website

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**Description**

Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011()

Dear Colleague Letter on the Nondiscriminatory Administration of School Discipl ine, January 2014 0

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#### Cuyama Joint Unified School District Administrative Regulation

**Extracurricular And Cocurricular Activities**

AR6145

**Instruction**

Definitions

For purposes of applying eligibility criteria for student participation, extracurricular and cocurricular activities shall be defined as follows: (Education Code 35160.5)

* + 1. Extracurricular activities are not part of the regular school curriculum, are not graded, do not offer credit, do not take place during classroom time, and have all of the following characteristics:

1. - - The program is supervised or-financed bythe school districL \_ \_ \_ \_\_
2. Students participating in the program represent the school district.

\ c. Students exercise some degree of freedom in the selection, planning, or control of the program.

*)*

d. The program includes both preparation for performance and performance before an audience or spectators.

* + 1. Cocurricular activities are programs that may be associated with the curriculum in a regular classroom.

An activity is not an extracurricular or cocurricular activity if either of the following conditions applies: (Education Code 35160.5)

1. It is a teacher-graded or required program or activity for a course which satisfies the entrance requirements for admission to the California State University or the University of California.

(cf. 6143 - Courses of Study)

1. It is a program that has as its primary goal the improvement of academic or educational achievement of students.

Eligibility Requirements

**Page 1 of 2**

The grade point average (GPA) used to determine eligibility for extracurricular and cocurricular activities shall be based on grades of the last previous grading period during which the student attended class at least a majority of the time. If a student was not in attendance for all, or a majority of, the grading period due to absences excused by the school for reasons such as serious illness or injury, approved travel, or work, the GPA used to determine eligibility shall be the grading period immediately prior to the excluded grading period(s). (Education Code 35160.5)

(cf. 5113 - Absences and Excuses)

When a student becomes ineligible to participate in extracurricular or cocurricular activities in the upcoming grading period, or when he/she is subject to probation, the principal or designee shall provide written notice to the student and his/her parent/guardian.

Supervision

All extracurricular activities conducted under the name or auspices of a district school or any class or organization of the school, regardless of where the activities are held, shall be under the direct supervision of certificated employees. (5 CCR 5531)

Any noncertificated person working with students in a district-sponsored extracurricular student activity program shall possess an Activity Supervisor Clearance Certificate from the Commission on Teacher Credentialing or shall have cleared a Department of Justice and Federal Bureau of Investigation criminal background check prior to beginning his/her duties, in accordance with BP 4127/4227/4327 - Temporary Athletic Team Coaches. (Education Code 49024)

(cf. 1240 - Volunteer Assistance)

(cf. 4112.5/4212.5/4312.5 - Criminal Record Check)

(cf. 4127/4227/4327 - Temporary Athletic Team Coaches)

pt Reading: May 12, 2016

2nd Reading: June 9, 2016

Adopted: June 9, 2016

Page **2** of **2**

### Cuyama Joint Unified School District Board Policy

**Extracurricular And Cocurricular Activities**

BP 6145

**Instruction**

The Governing Board recognizes that extracurricular and cocurricular activities enrich the educational and social development of students and enhance students' feelings of connectedness with the schools. The district shall encourage and support student participation in extracurricular and cocurricular activities without compromising the integrity and purpose of the educational program.

(cf. 1330 - Use of School Facilities) (cf. 5137 - Positive School Climate) (cf. 6145.2 - Athletic Competition)

(cf.5-148-.;-2 - Jaefore/After-Schooll!rograms) ---- ------

No extracurricular or cocurricular program or activity shall be provided or conducted separately on the basis of any actual or perceived characteristic listed as a prohibited category of discrimination in state or federal law, nor shall any student's participation in an extracurricular or cocurricular activity be required or refused on those bases. Prerequisites for student participation in extracurricular and cocurricular activities shall be limited to those that have been demonstrated to be essential to the success of the activity. (5 CCR 4925)

(cf. 0410 - Nondiscrimination in District Programs and Activities) (cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

(cf. 6145.5 - Student Organizations and Equal Access)

Any complaint alleging unlawful discrimination in the district's extracurricular or cocurricular programs or activities shall be filed in accordance with BP/AR 1312.3 - Uniform Complaint Procedures.

(cf. 1312.3 - Uniform Complaint Procedures)

Unless specifically authorized by law, no fee shall be charged to students for participation in extracurricular and cocurricular activities related to the educational program, including materials or equipment related to the activity.

(cf. 3260 - Fees and Charges)

(cf. 3452 - Student Activity Funds)

Page **1 of 4**

Eligibility Requirements

To be eligible to participate in extracurricular and cocurricular activities, students in grades 7-12 must demonstrate satisfactory educational progress in the previous grading period, including, but not limited to: (Education Code 35160.5)

1. Maintenance of a minimum of 2.0 grade point average on a 4.0 scale in all enrolled classes
2. Maintenance of minimum progress toward meeting high school graduation requirements (cf. 5121 - Grades/Evaluation of Student Achievement)

(cf. 6146.1 - High School Graduation Requirements)

(cf. 6162.52 - High School Exit Examination)

The Superintendent or designee may grant ineligible students a probationary period not to exceed one semester. Students granted probationary eligibility must meet the required standards by the end of the probationary period in order to remain eligible for participation. (Education Code 35160.5)

Any decision regarding the eligibility of any child in foster care or a child of an active duty military family for extracurricular or cocurricular activities shall be made by the Superintendent or designee in accordance with Education Code 48850 and 49701.

(cf. 6173.1 - Education for Foster Youth)

(cf. 6173.2 - Education of Children of Military Families)

The Superintendent or designee may revoke a student's eligibility for participation in extracurricular and cocurricular activities when the student's poor citizenship is serious enough to warrant loss of this privilege.

Student Conduct at Extracurricular/Cocurricular Events

When attending or participating in extracurricular and cocurricular activities on or off campus, district students are subject to district policies and regulations relating to student conduct.

Students who violate district policies and regulations may be subject to discipline including, but not limited to, suspension, expulsion, transfer to alternative programs, or denial of participation in extracurricular or cocurricular activities in accordance with Board policy and administrative regulation. When appropriate, the Superintendent or designee shall notify local law enforcement.

(cf. 5131 - Conduct)

(cf. 5131.1 -Bus Conduct) (cf. 5144 - Discipline)

(cf. 5144.1 - Suspension and Expulsion/Due Process)

(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))

Page 2 of 4

Annual Policy Review

The Board shall annually review this policy and implementing regulations. Legal Reference:

EDUCATION CODE

35145 Public meetings

35160.5 District policy rules and regulations; requirements; matters subject to regulation 35179 Interscholastic athletics; associations or consortia

35181 Students' responsibilities

48850 Participation of foster youth in extracurricular activities and interscholastic sports 48930-48938 Student organizations

49024 Activity Supervisor Clearance Certificate

49700-49704 Education of children of military families CALIFORNIA CONSTITUTION

Article 9, Section 5 Common school system CODE OF REGULATIONS, TITLE 5

350 Fees not permitted

4900-496§ -Nondiserimination in elementary and secondary education programs receiving state financial assistance

5531 Supervision of extracurricular activities of pupils UNITED STATES CODE, TITLE 42

2000h-2-2000h-6 Title IX, 1972 Education Act Amendments COURT DECISIONS

Hartzell v. Connell, (1984) 35 Cal. 3d 899

Management Resources: CSBA PUBLICATIONS

Student Fees Litigation Update, ELA Advisory, May 20, 2011 CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Pupil Fees, Deposits, or Other Charges, Fiscal Management Advisory 11-01, November 9, 2011 CALIFORNIA TASK FORCE REPORT TO THE LEGISLATURE

Compact on Educational Opportunity for Military Children: Preliminary Final Report, March 2009

COMMISSION ON TEACHER CREDENTIALING CODED CORRESPONDENCE

10-11 Information on Assembly Bill 346 Concerning the Activity Supervisor Clearance Certificate (ASCC), July 20, 2010

WEB SITES

CSBA: [http://www.csba.org](http://www.csba.org/)

California Association of Directors of Activities: [http://www.cadal.org](http://www.cadal.org/) California Department of Education: [http://www.cde.ca.gov](http://www.cde.ca.gov/) Commission on Teacher Credentialing: [http://www.ctc.ca.gov](http://www.ctc.ca.gov/)

Page 3 of 4

pt Reading: May 12, 2016

2nd Reading: June 9, 2016

Adopted: June 9, 2016

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**Policy 6153: School-Sponsored Trips**

Original Adopted Date: 03/01/1991ILast Revised Date: 10/01/2017 ILast Reviewed Date: 10/01/ 2017

**Status:** ADOPTED

The Governing Board recognizes that field trips supplement and enrich the classroom learning experience, lead to increasedstudent achievement , and foster student engagement. The Board encourages field trips to reinforce and increase learning opportunities and to enhance district programs.

Field trips shall be conducted in connection withthedistrict's course of study or school-related social, educational , cultural, athletic , school band, **or** other extracurricular or cocurricular activities. **A** field trip to a foreign country may be permitted to familiarize students with the language, history, geography, natural science , and other studies relative to the district's course of study. (Education Code 35330)

Requests for field trips involvingout-of-stat e, out-of-country, or overnight travel shall be submitted to the Superintendent or designee. The Superintendent or designee shall review the request and make a recommendationto the Board as to whether the request should be approved by the Board. All other field trips shall be approved in advance by the principal.

The principal shall establish **a** process for approving a staff member's request to conduct a field trip. When plann ing trips, staff shall consider student safety, objectives of instru ct ion , the most effective use of instructional time, the distance from school, district and student expense, and transportationand supervision requirements.

Principals may exclude from the trip any student whose presence on the trip would pose a safety or disciplinary risk.

No field trip shall be authorized if any student would be excluded from participation because of a lack of sufficient funds. The Superintendent or designee shall coordinate withcommunity groups to supply funds for students in need. (Education Code 35330)

The Board may approve the use of district funds for student expenses for in-state , out-of-state , or out-of-country field trips or excursions when permitted by law. In addition, expenses of instruct ors, chaperones, and other personnel participating in such trips, as well as incidental expenses for the use of district equipment during the trip , may be paid from district funds. (Education Code 35330)

**Polley Reference** Disclaimer.Thesereferences are not intended to bepart of the policy itself, nor do they indicate the basis or authority for theboard to enact this policy. Instead, they are prov idedas additional resourcesfor thoseinterested inthesubject matter of the policy.

**State**

Bus. Code 17550-17550 .30

Bus. Code 17552 -17556.5

Ed. Code 32040-32044

Ed. Code 35330

Ed. Code 35331

Ed. Code 35332

Ed. Code 35350

Ed. Code 44808

Ed. Code 48908

Ed. Code 8760

**Management Resources**

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Educational travel organizations () First aid equipment: field trips()

Field trips and excursions; student fees()

Provision for medical or hospital service for pupils (on field trips)() Transportation by chartered airline()

Transportationof students ()

Liability when students are not onschool property() Dutiesof pupils; authority of teachers()

Authorization of outdoor science and conservation programs()

**Description**

American Red Cross (htt p: // www.redcross.or g)

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**Cross References**

**Code Description**

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**Regulation 6153: School-Sponsored Trips**

Original Adopted Date: 04/01/1987 ILast Revised Date: 07/01/2006 I Last Reviewed Date: 07/01/2006

**Status:** ADOPTED

**Supervision**

Students on school-sponsored trips are under the jurisdictionof the district and shall be subject to district and school rules and regulations.

The Superintendentor designee shall ensure that adequate supervision is provided on all school-sponsored trips and that there is an appropriate ratio of adults to students present on the trip. If the trip involves water activities, this ratio shall be revised as necessary.

**Parent/Guardian Permission**

Before a student can participate in a school-sponsoredtr ip, the teacher shall obtain parent/guardian permission for the trip. Whenever a trip involves water activities , the parent/guardian shall provide specific permission for his/her child to participate in the water activities . The district shall provide an alternative educational experience for students whose parents/guardians do not wish them to participate in a trip.

Allpersons making the field trip orexcursion shall be deemed to have waived all claims against the district or the State of California for injury, accident, illness, or death occurring duringor by reason of the field trip or excursion . All adults takingout-of-state field t rips or excursions and all parents/guardians of students taking out-of-state field trips or excursions shall sign a statement waiving such claims. (Education Code 35330)

**Safety Issues**

1. While conducting a trip, the teacher, employee, or agent of the school shall have the school's first aid kit in his/her possession or immediately available. (Education Code32041)

Whenever trips are conducted in areas known to beinfested with poisonous snakes, the first aid kit taken on the tripshall contain medically accepted snakebite remedies. In addition , a teacher , employee, or agent of the school who has completed a first aid course which is certified by the American Red Cross and which emphasizes the treatment of snakebites shall participate in the trip. (Education Code 32043)

1. The district shall provide or make available medical and/or hospital insurance for students injured while participating in any excursion or field trip. (Education Code 35331)
2. If the Superintendent or designee receives threat level warnings from the Homeland Security Advisory System pertaining to the destination of a school-sponsored trip,he/she shall implement precautions necessary to protect the safety of students and staff.
3. Lifeguards are required for all swimming activities . If the activity is at a private pool, the owner of the pool shall provide a certificate of insurance, designating the district as an additional insured, for not less than $500,000 in liability coverage. Staff shall determine supervisory responsibilities for all chaperones.
4. Before trips of more than one day, the principal or designee may hold a meeting for sta ff , chaperones, parents/guardians, and students to discuss safety and the importance of safety-related rules for the trip.

**Policy Reference** Disclalmer:These references are not intended to bepart of the pcIicy itself, nor do they indicate the basis or authority for theboard toenact this pcIicy. Instead, they are provided as additional resources for those interested inthesubject matter of thepclicy.

**State**

Bus. Code 17550-17550 .30

Bus. Code 17552 -17556.5

Ed. Code 32040-32044

Ed. Code 35330

Ed. Code 35331

Ed. Code 35332

**Description**

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Educational travel organizations() First aid equipment: field trips()

Field trips and excursions; student fees ()

Provision for medical or hospital service for pupils (on field trips}() Transportationby chartered airline ()

Ed. Code 35350

Ed. Code 44808

Ed. Code 48908

Ed. Code 8760

Transportation of students(}

Liability when students are not on school property(} Duties of pupils; authority of teachers(}

Authorization of outdoor science and conservation programs(}

**Management Resources**

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**Description**

American Red Cross (h ttp:// YfWWtr edq oss.org)

U.S. Depart mento f-H omelandSecurity (htt p://www.dhs.!m',').

California Association of Directors of Activities (http :// www.c;ida1.org)

**Cross References**

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