

Educating Students for Success

Lodi



Unified School District

K – 12

Student Conduct Code

REVISED: August 2019

Philosophy

It is the intent of the Lodi Unified School District to provide all students with a school environment in which optimum learning can take place. Students who obey school rules, respect others and take responsibility for their behavior contribute in a positive way to that type of learning environment. The District believes it is essential that public schools play a key role in preparing youth to be productive and effective citizens by helping each student respect law and order, and assume his/her responsibilities as a citizen. Each student should learn that he/she has freedom of choice and action, so long as that action does not infringe on the rights of others. This Student Conduct Code is intended to inform students, parents and staff about school rules and the consequences for certain behaviors. The goal of all disciplinary actions or interventions shall be to reinforce and encourage appropriate behavior and respect for others. The District asks that parents recognize the importance of school regulations by reviewing and discussing them with their school age children. Students who engage in violations of this Conduct Code will be subject to the appropriate consequences, which shall be applied consistently. Schools may formalize this process in writing.

I

RESPONSIBILITIES AND EXPECTATIONS

A. Students are required by law to:

1. Attend school from age of 6 to 18 (or high school graduation per Compulsory Attendance). Daily attendance is required unless students are ill or otherwise legally excused.
2. Actively participate in the educational process, comply with all school rules, and pursue the required course of study.
3. Submit to the valid authority of school officials in the performance of their duties.
4. Perhaps most importantly, students are expected to assume primary responsibility for their own behavior. (EC 35181, EC 48908, Title 5, CCR 300)

B. Staff will encourage and maintain high standards of student behavior by:

1. Establishing an atmosphere in which productive learning can take place.
2. Establishing an atmosphere of mutual respect and teaching the standards of appropriate student behavior.
3. Identifying causes of student misconduct and finding constructive methods of preventing/controlling such behavior.
4. Consistently applying classroom, school and District rules.
5. Communicating regularly with students and parents regarding the behavior and academic progress of their students. (Title 5, CCR 5530, EC 44807)

C. Parents are responsible for:

1. Sending their student to school daily and on time (EC 48200).
2. Acknowledging/accepting that the schools and the Board of Education have the legal responsibility to maintain standards of behavior for all students.
3. Cooperating with staff in helping a student with academic, discipline or attendance problems.
4. Encouraging in their student an attitude that learning, good attendance and proper behavior are important.

D. Student Searches

School officials may conduct searches of students and their personal belongings while on school property or at school sponsored events. Personal belongings include, but are not limited to: backpacks, brief cases, bags, purses, vehicles, etc. Searches of students and personal belongings will be conducted when there are reasonable grounds to suspect that the search will provide evidence that the student is violating the law and/or school regulations. The scope of the search will be related to the objectives of the search, the age and gender of the student, and the nature of the violation. Refer to District Policy/Rules for more information.

School properties under joint control are also subject to being searched by school officials. These places include, but are not limited to lockers and desks. Lockers and desks are school property and may be searched at any

time. Searches may be random and without cause of any kind. There is NO expectation to privacy. (Board Policy/Rule 5145.12)

Students who drive a vehicle to school are fully responsible for the contents of that vehicle, even if the vehicle or its contents actually belong to someone else. Vehicles may be searched without prior notice when deemed necessary by school officials.

E. Medications

Students who need to take medication during the school hours (prescription and/or over the counter) are REQUIRED to have a "Medication in School" form completed and signed by their physician. The school will keep all "Medication in School" forms on file and school personnel will assist students in the administration of their medication per physician's instructions. A Certificated School Nurse is available to answer questions as needed and will monitor medications on site regularly.

A student who brings a medication (prescription or non-prescription) to school and either (1) gives or sells the medication to another student or (2) self-administers a medication without the proper District medication form on file, will be subject to appropriate disciplinary action. (EC 49422, EC 49423, Board Policy/Rule 5141.21)

F. Due Process / Right to Appeal Procedure – Board Rule 5144.1

No student will be suspended or expelled without being afforded due process. Parents and students have the right to appeal any disciplinary consequence imposed by school officials. Refer to Board Policy/Rules 5144.1 for more information.

II

CONDUCT CODE VIOLATIONS AND CONSEQUENCES

A. Definition of Student Misconduct

A student may be disciplined, suspended or expelled for any of the reasons set forth in California Education Code 48900, 48900.2, 48900.3, 48900.4, 48900.7 and 48915. Although this Conduct Code lists various types of inappropriate behavior and the consequences, it does not list them all. Therefore, the District will proceed with disciplinary action permitted by the Education Code for misconduct even if it is not specifically listed in this Student Conduct Code.

B. Jurisdiction

Students may be disciplined, suspended or expelled if the conduct is related to school attendance or activity. Jurisdiction for disciplining misconduct, which may occur at any time, includes but is not limited to:

1. While on school grounds.
2. While going to or coming from school.
3. During the lunch period on or off the campus, or while going to or coming from lunch off campus.
4. During or while going to or coming from a school sponsored activity.

C. Disciplinary Actions

Students of the Lodi Unified School District are expected to follow and comply with school and District conduct rules. If a student chooses to violate the rules, he/she will be subject to various consequences that may be assigned by any school official designated for such responsibility. Some of the possible consequences are listed and the level of discipline imposed will depend on the frequency and the seriousness of the violation.

1. **Parent conference** may be required to discuss the student's behavior and expectations for the future.
2. **Referral to school counselor, conflict mediation, Restorative Practices / Positive Behavior**

Intervention Team.

3. **Detention** may be assigned to the student where he/she goes to a specific supervised area before or after school.
4. **Social Probation:** student is prohibited from attending or participating in school extra-curricular activities.
5. **Saturday School:** students have the option to attend Saturday School to clear one all day or single period of unexcused absence or truancy.
6. **Community service on school grounds** during non-school hours. This may include outdoor beautification, campus betterment and teacher or peer assistance program.
7. **Behavior contract:** student agrees to comply with the conditions stipulated in writing. This contract may be implemented independently or in addition to suspension or other forms of disciplinary action.
8. **In-school suspension** assignment to a supervised classroom separated from other students.
9. **At-home suspension** assignment prohibits the student from attending school, participating in any school activity or being on school grounds for a period of time up to five consecutive school days.
10. **Expulsion** from all schools in the District. The student is prohibited from being on school grounds or attending any school activity for a period of time beyond five school days during which time he/she is referred to attend the County Schools Program. Although this action is permitted or required for serious offenses, students would usually be expelled only after other interventions have failed to bring about proper conduct.
11. **Transfer to an alternative school program.**
12. **Notice to law enforcement** is required for some violations and permissive for others. In permissive cases, notice to law enforcement occurs if the evidence indicates a continuing danger to person or property or a threat of disrupting the instructional process.

III

ADDITIONAL CONSIDERATIONS

A. More Than One Consequence

Depending on the nature of the offense, the site administrator will determine whether the consequences should include more than one form of discipline. Typical consequences include, but are not limited to home suspension, in-school suspension, intervention group, detention, community service, counseling or other on-site school developed intervention. Disciplinary actions/interventions shall be applied progressively based on the nature and frequency of the violations. Except in rare and extreme circumstances, a student will not be recommended for expulsion unless "interventions" have been indicated and noted on student's record.

B. Related to Suspension

1. If the nature of the offense makes an alternative placement or an expulsion recommendation appropriate, the student will be suspended for five days for the infraction.
2. For some infractions, the student may be suspended on the first offense, with the exception of 48900(k), provided it is determined that the student's presence causes a danger to persons or property or threatens to disrupt the instructional process. (EC 48900.5)
3. Gang-related offenses are generally of the nature where the student's presence does pose a danger to

persons or property or threatens to disrupt the instructional process. In such cases, the student may be suspended for up to five days on the first offense, as well as recommended for an alternative placement or expulsion.

4. Violation of suspension (student coming on campus or attending school activity while on suspension) may result in a minimum of a warning and a maximum of a referral to the appropriate law enforcement agency.

C. During Suspension

1. Students are expected to be at home or other parent designated location and under the supervision of parents or other designated adult during school hours. (7 AM to 4:30 PM)
2. Students on home suspension are prohibited from being on campus unless a prior arrangement has been made with a school administrator to come to the office on official business with parent/guardian.
3. Students on suspension are prohibited from attending any school sponsored activity on or off campus including weekends and holidays. These activities include, but are not limited to, graduation ceremonies, field trips, athletic events, proms, dances, latch key and after-school recreation.
4. Consequences and restrictions for suspensions that overlap into weekends and/or vacation periods will apply.
5. Teachers may (but are not required to) provide make up work for students on suspension.

D. Payment for Damages

If a student's misconduct results in damage to school or private property or injury to a person, the student's parent/guardian is liable for the cost of all damages. If parent/guardian is unable to pay for the damages, the District will provide a program of voluntary work for the minor in lieu of payment of monetary damages.

E. Confiscated Property

Any confiscated student property (e.g., cell phone, i-pods, skateboards, etc.) will be returned to the parents, not the student. Items that are illegal to possess will be turned over to the appropriate law enforcement agency.

F. Property Voluntarily Turned In by the Student

If a student finds that he/she has inadvertently brought a dangerous object to school, and he/she immediately turns the object over to a teacher, administrator or other school official, the District may take into consideration the student's corrective action in addition to all the circumstances surrounding the violation.

G. Students with Individual Education Programs (IEP's)

Federal and state laws provide additional requirements for students with IEP's including but not limited to modifying the number of suspension days per incident and the provision of educational services for suspensions beyond ten (10) school days. Questions about District implementation with regard to these laws may be directed to school administration, the school's program specialist or psychologist, the office of special education or the office of Child Welfare and Attendance.

H. Social Probation

Student on Social Probation may not attend any school related event for **forty-five (45) school days**. A school related event is any school sponsored activity that occurs outside of regular school hours. School related events include, but are not limited to, participation in or attendance at school sponsored athletic events, band, choir, drama, cheer, drill or speech performances, school dances, after school rallies, student government, club meetings/activities and promotion/graduation ceremonies. (Board Policy and Rule 6145)

I. Two/Three Fight Rule

Students who engage in **two (2) fights in any academic year or for high school students, who engage in three (3) fights within their high school career (grades 9-12)**, may be recommended for expulsion unless the principal finds that expulsion is inappropriate due to the particular circumstances or that an alternative means of correction would address the conduct.

IV.

LEVEL ONE OFFENSES

A. General Provisions

1. A student who violates an offense in this category (see Paragraph B. below) is subject to discipline.
2. A student who engages in such misconduct **may be suspended on the first offense if it is determined that his/her presence causes a danger to persons or property or threatens to disrupt the instructional process.** (EC 48900.5). The exception is 48900 (k) See below.
3. A student may also be recommended for expulsion for such misconduct on a first offense, if it is determined that:
 - * Other means of correction are not feasible or have repeatedly failed to bring about proper conduct and / or
 - * Due to the nature of the act, the presence of the student causes a continuing danger to the physical safety of the student or others.

B. Offenses Defined

1. **EC 48900 (f) - Cause, attempted to cause damage to school** (includes electronic files and databases) **or private property.**

Explanation: This includes, but is not limited to, gang-related graffiti, tagger graffiti or graffiti of any kind on any school or private property and is absolutely prohibited. This type of behavior would generally be considered a serious violation which warrants more than the minimum penalty.

Minimum: Referral to school counselor, conflict mediation, Restorative Practices / Positive Behavior Intervention Team or other on-site school developed intervention.

Maximum: Suspension, notify law enforcement, recommend expulsion.
2. **EC 48900 (g) - Stole or attempted to steal school** (includes electronic file databases) **or private property.**

Minimum: Referral to school counselor, conflict mediation, Restorative Practices / Positive Behavior Intervention Team or other on-site school developed intervention.

Maximum: Suspension, notify law enforcement, recommend expulsion.
3. **EC 48900 (h) - Possess or use tobacco or any products containing tobacco or nicotine products. This also includes the use and/or possession of E-Cigarettes, Vapor Cigarettes, and other Electronic Cigarettes**

Minimum: Referral to school counselor, conflict mediation, Restorative Practices / Positive Behavior Intervention Team or other on-site school developed intervention.

Maximum: Suspension – Based on progressive discipline.
4. **EC 48900 (i) - Commit an obscene act or engage in habitual profanity or vulgarity.**

Minimum: Referral to school counselor, conflict mediation, Restorative Practices / Positive Behavior Intervention Team or other on-site school developed intervention.

Maximum: Suspension, notify law enforcement, recommend expulsion.

5. **EC 48900 (l) - Knowingly receive stolen school (includes electronic files and databases) or private property.**

Minimum: Referral to school counselor, conflict mediation, Restorative Practices / Positive Behavior Intervention Team or other on-site school developed intervention.
Maximum: Suspension, notify law enforcement, recommend expulsion.

6. **EC 48900 (k) - Disruption of school activities or otherwise willfully defied the valid authority of school officials engaged in the performance of their duties. All incidents involving (k) must meet the provision of Assembly Bill 420**

(k) (1) Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, school officials, or other school personnel engaged in the performance of their duties.

(k) (2) Except as provided in Section 48910, a pupil enrolled in kindergarten or any of grades 1 to 3, inclusive, shall not be suspended for any of the acts enumerated in this subdivision, and this subdivision shall not constitute grounds for a pupil enrolled in kindergarten or any of grades 1 to 12, inclusive, to be recommended for expulsion. This paragraph shall become inoperative on July 1, 2018, unless a later enacted statute that becomes operative before July 1, 2018, deletes or extends that date.

V.

LEVEL TWO OFFENSES

A. Mandatory Suspension

A student who engages in **Level Two** conduct as set forth in this section is subject to a **mandatory suspension**. Depending upon the circumstances surrounding the violation and the violation itself, the student may not only be suspended but may also be recommended for expulsion and have the suspension extended by the Coordinator of Child Welfare and Attendance. Elementary school administrators may suspend K-3 students for fewer days than the minimum allows, if on a case-by-case basis, the circumstances warrant such action.

B. Offenses Defined

1. **EC 48900 (a) (1) - Cause, attempt to cause, or threaten to cause physical injury to another person.**

Minimum: Suspension/No Fight Contract / 45 school days of social probation and Referral to school counselor, conflict mediation, Restorative Practices / Positive Behavior Intervention Team or other on-site school developed intervention, may reduce suspension duration.
Maximum: 5 day suspension/No Fight Contract/ 45 school days of social probation, notify law enforcement, possible recommendation for expulsion.

Note: Students who engage in **two (2) fights in any academic year or for high school students, who engage in three (3) fights within their high school career (grades 9-12)**, may be recommended for expulsion unless the principal finds that expulsion is inappropriate due to the particular circumstances or that an alternative means of correction would address the conduct.

2. **EC 48900 (a) (2) - Willfully use force or violence upon another person, except in self-defense.**

Minimum: 5 day suspension, notify law enforcement. 45 days of social probation
Maximum: 5 day suspension, notify law enforcement, possible recommend expulsion.

3. **EC 48900 (c) - Possess, use, furnish or be under the influence of a controlled substance, alcoholic beverage, or intoxicant of any kind.** With additional findings, this offense would be a Level Three.

- Minimum: Suspension, notify law enforcement, 45 school days of social probation.
Maximum: 5 day suspension, notify law enforcement, 45 school days of social probation
4. **EC 48900 (d) - Offered, arranged, or negotiated to sell any controlled substance listed in Chapter 2, Division 10 of the Health and Safety Code, an alcoholic beverage or intoxicant of any kind and then sold, delivered, or furnished look- alike or in-lieu substances.**
- Minimum: 5 day suspension, notify law enforcement - 45 school days of social probation, recommend expulsion
Maximum: 5 day suspension, notify law enforcement - 45 school days of social probation recommend expulsion
5. **EC 48900 (f) – EC 48900 (f) - Cause, attempted to cause damage to school** (includes electronic files and databases) **or private property.** Other areas that fall under 48900 (f)
- **Set fire or attempt to set fire.**
 - **Activate a false fire alarm or tamper with any emergency equipment. EC 48900 (k) and possibly (a) (1)**
- Minimum: Suspension, notify law enforcement and/or fire marshal. Restorative Practices / Positive Behavior Intervention Team or other on-site school developed intervention.
Maximum: 5 day suspension, notify law enforcement and fire marshal, recommend expulsion.
6. **EC 48900 (j) - Unlawfully possess, arrange or negotiate to sell any drug paraphernalia, as defined section 11014.5 of the Health and Safety Code**
- Minimum: Suspension, referral to school counselor, conflict mediation, Restorative Practices / Positive Behavior Intervention Team or other on-site school developed intervention.
Maximum: 5 day suspension, notify law enforcement, recommend expulsion
7. **EC 48900 (m) - Possess an imitation firearm.**
- Explanation: Defined as a replica of a firearm as substantially similar in appearance to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm.
- Minimum: Suspension, confiscation, referral to school counselor, conflict mediation, Restorative Practices / Positive Behavior Intervention Team or other on-site school developed intervention.
Maximum: 5 day suspension, notify law enforcement, recommend expulsion.
8. **EC 48900 (o) - Harass, threaten, or intimidate a student who is a complaining witness or witness in a school disciplinary proceeding for the purpose of either preventing that student from being a witness or retaliating against that student for being a witness, or both**
- Minimum: Suspension, referral to school counselor, conflict mediation, Restorative Justice / Positive Behavior Intervention team or other on-site school developed intervention.
Maximum: 5 day suspension, notify law enforcement, recommend expulsion.
9. **EC 48900 (p) - Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma**
- Minimum: 5 day suspension, notify law enforcement (no additional findings).
Maximum: 5 day suspension, notify law enforcement (with additional findings/recommend expulsion).

10. EC 48900 (q) - Engaged in, or attempted to engage in hazing.

Explanation: Hazing is defined as 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.

Minimum: Suspension, referral to school counselor, conflict mediation, Restorative Practices / Positive Behavior Intervention team or other on-site school developed intervention.
Maximum: 5 day suspension, notify law enforcement, recommend expulsion.

11. EC 48900 (r) (applies grades 4-12) - Engaged in an act of bullying directed specifically toward a student or school personnel, including but not limited to bullying committed by means of an electronic act.)

Minimum: Suspension, notify law enforcement.
Maximum: 5 day suspension, notify law enforcement, recommend expulsion.

- (1) Bullying means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, and including one or more acts committed by a pupil or group of pupils as defined in section 48900.2, 48900.3 or 48900.4, directed toward one or more students that has or can reasonably be predicted to have the effect of one or more of the following:
- (a) placing a reasonable pupil or pupils in fear of harm to that pupil or those pupil's person or property,
 - (b) Causing a reasonable pupil to experience a substantially detrimental effect on his/her physical or mental health.
 - (c) Causing a reasonable pupil to experience substantial interferences with his/her academic performance.
 - (d) Causing a reasonable pupil to experience substantial interferences with his/her ability to participate in or benefit from the services, activities, or privileges provided by a school
- (2)(A) An "Electronic act" means the creation **or** transmission originated on **or** off the school site, by means of an electronic device, including but not limited to; a telephone, wireless telephone, or other wireless communication device, computer, or pager, of a communication, including but not limited to any of the following: a message, text, sound or image, .a post on a social network Internet web site, including, but not limited, posting or creation of a burn page. "Burn page" means an Internet Web site created for the purpose of having one or more of the effects listed in paragraph (1). Creating a credible impersonation of another actual pupil for the purpose of having one or more of the effects listed in paragraph (1). "Credible impersonation" means to knowingly and without consent impersonate a pupil for the purpose of bullying the pupil and such that another pupil would reasonably believe, or has reasonably believed, that the pupil was or is the pupil who was impersonated. Creating a false profile for the purpose of having one or more of the effects listed in paragraph (1). "False profile means a profile of a fictitious pupil or a profile using the likeness or attributes of an actual pupil other than the pupil who created the false profile.
- (3) "Reasonable student" means a student, including, but not limited to, an exceptional needs pupil, who exercises average care, skill, and judgment in conduct for a person of his or he age, or for a person of his/her age with his/her exceptional needs.

12. EC 48900.2 (applies to grades 4-12) Commit sexual harassment.

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

* Submission to the conduct is made a term/condition of a person's academic status/progress.

- * Submission to or rejection of the conduct is used as a basis of an academic decision affecting the person.
- * The conduct has the purpose or effect of having a negative impact on the person's academic performance, or of creating an intimidating, hostile or offensive educational environment.
- * Submission to or rejection of the conduct by the person is used as a basis for any decision affecting the person regarding honors, programs or activities available at or through the school district. **(Refer to Board Policy for more information and grievance procedures)**

Minimum: Suspension, referral to school counselor, conflict mediation, Restorative Practices / Positive Behavior Intervention Team or other on-site school developed intervention.
Maximum: Suspension, notify law enforcement, recommend expulsion.

13. EC 48900.3, (Penal Code 422.6, 422.7, 422.75 grades 4-12) Cause or attempt to cause hate violence

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

Minimum: Suspension, referral to school counselor, conflict mediation, Restorative Practices / Positive Behavior Intervention Team or other on-site school developed intervention, notify law enforcement.
Maximum: 5 day suspension, notify law enforcement, recommend expulsion.

14. EC 48900.4 (grades 4-12) Intentionally engage in harassment, threats or intimidation directed against school district personnel or students, that is sufficiently severe or pervasive to have the actual or reasonably expected effect of materially disrupting class work, creating substantial disorder, and invading the rights of either school personnel or students by creating an intimidating or hostile educational environment.

Minimum: Suspension, parent conference, referral to school counselor, conflict mediation, Restorative Practices / Positive Behavior Intervention Team or other on-site school developed intervention.
Maximum: 5 day suspension, notify law enforcement, recommend expulsion.

15. EC 48900.7 - Made terroristic threat against school officials or school property.

Explanation: This action is defined as including any statement, whether written or oral, by a person who willfully threatens to commit a crime which will result in death, great bodily injury to another person, or property damage in excess of \$1000, with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out, which, on its face and under the circumstances in which it is made, is so unequivocal, unconditional, immediate, and specific as to convey to the person threatened, a gravity of purpose and an immediate prospect of execution of the threat, and thereby causes that person reasonably to be in sustained fear for his or her own safety or for his or her immediate family's safety, or for the protection of school district property, or the personal property of the person threatened or his or her immediate family.

Minimum: 5 day suspension, notify law enforcement (no additional findings), referral to school counselor, conflict mediation, Restorative Practices / Positive Behavior Intervention Team or other on-site school developed intervention.
Maximum: 5 day suspension, notify law enforcement (with additional findings recommend expulsion).

VI.

LEVEL THREE OFFENSES

EC 48900 and 48915 (a)

A. Recommendation for Expulsion with Additional Findings.

For the offenses listed in VI B., with an ***additional finding(s) that other means of correction are not feasible or have repeatedly failed to bring about proper conduct and / or the presence of the student causes a continuing danger due to the nature of the act***, the principal shall recommend expulsion for each of the offenses listed below.

B. Offenses defined:

48900(a) (1)

48900(a) (2)

48900(b)

48900(c)

48900(e)

48915. (a) (1) Except as provided in subdivisions (c) and (e), the principal or the superintendent of schools shall recommend the expulsion of a pupil for any of the following acts committed at school or at a school activity off school grounds, unless the principal or superintendent determines that expulsion should not be recommended under the circumstances or that an alternative means of correction would address the conduct.

A. Caused serious injury to another person, except in self-defense. Penal Code 243

B. Possessed a knife, explosive, or other dangerous object of no reasonable use to the student. (Personal defense products such as mace, tear gas, pepper spray, etc., are considered dangerous objects and therefore prohibited.)

C. Unlawfully possessed a controlled substance listed in Chapter 2, Division 10 of the Health and Safety Code, except for the first offense for the possession of not more than one ounce of marijuana, other than concentrated cannabis.

D. Committed or attempted to commit robbery or extortion.

E. Assault or battery upon any school employee (as defined in Penal Code 240 and 242).

Minimum: 5 day suspension, notify law enforcement (no additional findings), referral to school counselor, conflict mediation, Restorative Practices / Positive Behavior Intervention Team or other on-site school developed intervention.

Maximum: 5 day suspension, notify law enforcement (with additional findings recommend expulsion).

VII.

LEVEL FOUR OFFENSES EC 48900 and 48915 (c)
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A. Expulsion Recommendation Mandatory

For the offenses listed in VII. B., the principal or superintendent shall immediately suspend and shall recommend for expulsion if the act was committed at school or at a school activity off school grounds. The Board of Education shall expel the student. If a Level Four Offense occurs on the way to or from school, the principal/superintendent may recommend expulsion.

B. Offenses Defined

1. **48915 (c) (1) Possessed, sold or furnished a firearm (as defined in the Penal Code 12001).**

2. **48915 (c) (2) Brandished a knife at another person.**

Explanation: "Brandish" means to wave, shake, or exhibit in a menacing, challenging or exultant way. As used in this section, a "knife" means any dirk, dagger or other weapon with a fixed, sharpened blade fitted primarily for stabbing, a weapon with a blade longer than 3 1/2 inches, a folding knife with a blade that locks into place, or a razor with an unguarded blade.

3. **48915 (c) (3) Unlawfully sold a controlled substance listed in Chapter 2, Division 10, H & SC.**

4. **48915 (c) (4) Committed or attempted to commit a sexual assault or committed sexual battery as defined in EC 48900 (n)**

5. **48915 (c) (5) Possessed an explosive**

C. Consequences for Level Four Offenses

1. 5 DAY SUSPENSION ISSUED BY SCHOOL ADMINISTRATION.

2. NOTICE TO LAW ENFORCEMENT BY SCHOOL ADMINISTRATION.

3. **RECOMMEND EXPULSION FROM ALL SCHOOLS IN THE DISTRICT FOR ONE CALENDAR YEAR.**

4. EXTENDED SUSPENSION ISSUED BY DISTRICT OFFICE ADMINISTRATION, IF WARRANTED.

5. BOARD OF EDUCATION ORDERS EXPULSION FROM ALL SCHOOLS IN THE DISTRICT

California Education Code 48900

A pupil shall not be suspended from school or recommended for expulsion, unless the superintendent of the school district or the principal of the school in which the pupil is enrolled determines that the pupil has committed an act as defined pursuant to any of subdivisions (a) to (r), inclusive:

- (a)(1)** Caused, attempted to cause, or threatened to cause physical injury to another person.
- (a)(2)** Willfully used force or violence upon the person of another, except in self-defense.
- (b)** Possessed, sold, or otherwise furnished a firearm, knife, explosive, or other dangerous object, unless, in the case of possession of an object of this type, the pupil had obtained written permission to possess the item from a certificated school employee, which is concurred in by the principal or the designee of the principal.
- (c)** Unlawfully possessed, used, sold, or otherwise furnished, or been under the influence of, a controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, an alcoholic beverage or an intoxicant of any kind.
- (d)** Unlawfully offered, arranged, or negotiated to sell a controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind, and either sold, delivered, or otherwise furnished to a person another liquid, substance, or material and represented the liquid, substance, or material as a controlled substance, alcoholic beverage, or intoxicant.
- (e)** Committed or attempted to commit robbery or extortion.
- (f)** Caused or attempted to cause damage to school property or private property.
- (g)** Stole or attempted to steal school property or private property.
- (h)** Possessed or used tobacco, or products containing tobacco or nicotine products, including, but not limited to, cigarettes, cigars, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel. However, this section does not prohibit use or possession by a pupil of his or her own prescription products.
- (i)** Committed an obscene act or engaged in habitual profanity or vulgarity.
- (j)** Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell drug paraphernalia, as defined in Section 11014.5 of the Health and Safety Code.
- (k)** Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, school officials, or other school personnel engaged in the performance of their duties.
 - ❖ Except as provided in Section 48910, a pupil enrolled in kindergarten or any of grades 1 to 3, inclusive, shall not be suspended for any of the acts enumerated in this subdivision, and this subdivision shall not constitute grounds for a pupil enrolled in kindergarten or any of grades 1 to 12, inclusive, to be recommended for expulsion.
- (l)** Knowingly received stolen school property or private property.
- (m)** Possessed an imitation firearm. As used in this section, "imitation firearm" means a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm.
- (n)** Committed or attempted to commit a sexual assault as defined in Section 261, 266c, 286, 288, 288a, or 289 of the Penal Code or committed a sexual battery as defined in Section 243.4 of the Penal Code.
- (o)** Harassed, threatened, or intimidated a pupil who is a complaining witness or a witness in a school disciplinary proceeding for purposes of either preventing that pupil from being a witness or retaliating against that pupil for being a witness, or both.
- (p)** Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.

- (q)** Engaged in, or attempted to engage in, hazing. For purposes of this subdivision, “hazing” means a method of initiation or pre-initiation into a pupil 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 pupil. For purposes of this subdivision, “hazing” does not include athletic events or school-sanctioned events.
- (r)** Engaged in an act of bullying. For purposes of this subdivision, the following terms have the following meanings:
- (1)** “Bullying” means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, and including one or more acts committed by a pupil or group of pupils as defined in Section 48900.2, 48900.3, or 48900.4, directed toward one or more pupils that has or can be reasonably predicted to have the effect of one or more of the following:
- ❖ Placing a reasonable pupil/pupils in fear of harm to that pupil’s or those pupils’ person or property.
 - ❖ Causing a reasonable pupil to experience a substantially detrimental effect on his or her physical or mental health.
 - ❖ Causing a reasonable pupil to experience substantial interference with his or her academic performance.
 - ❖ Causing a reasonable pupil to experience substantial interference with his or her ability to participate in or benefit from the services, activities, or privileges provided by a school.
- (2a)** “Electronic act” means the creation or transmission originated on or off the school site, by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager, of a communication, including, but not limited to, any of the following:
- (i) A message, text, sound, or image.
 - (ii) A post on a social network Internet Web site, including, but not limited to:
 - ❖ (I) Posting to or creating a burn page. “Burn page” means an Internet Web site created for the purpose of having one or more of the effects listed in paragraph (1).
 - ❖ (II) Creating a credible impersonation of another actual pupil for the purpose of having one or more of the effects listed in paragraph (1). “Credible impersonation” means to knowingly and without consent impersonate a pupil for the purpose of bullying the pupil and such that another pupil would reasonably believe, or has reasonably believed, that the pupil was or is the pupil who was impersonated.
 - ❖ (III) Creating a false profile for the purpose of having one or more of the effects listed in paragraph (1). “False profile” means a profile of a fictitious pupil or a profile using the likeness or attributes of an actual pupil other than the pupil who created the false profile.
- (2b)** Notwithstanding paragraph (1) and subparagraph (A), an electronic act shall not constitute pervasive conduct solely on the basis that it has been transmitted on the Internet or is currently posted on the Internet.
- (2) “Reasonable pupil” means a pupil, including, but not limited to, an exceptional needs pupil, who exercises average care, skill, and judgment in conduct for a person of his or her age, or for a person of his or her age with his or her exceptional needs.
- (s)** *A pupil shall not be suspended or expelled for any of the acts enumerated in this section unless the act is related to a school activity or school attendance occurring within a school under the jurisdiction of the superintendent of the school district or principal or occurring within any other school district. A pupil may be suspended or expelled for acts that are enumerated in this section and related to a school activity or school attendance that occur at any time, including, but not limited to, any of the following:*
- (1) While on school grounds.*
 - (2) While going to or coming from school.*
 - (3) During the lunch period whether on or off the campus.*
 - (4) During, or while going to or coming from, a school-sponsored activity.*

- (t) A pupil who aids or abets, as defined in Section 31 of the Penal Code, the infliction or attempted infliction of physical injury to another person may be subject to suspension, but not expulsion, pursuant to this section, except that a pupil who has been adjudged by a juvenile court to have committed, as an aider and abettor, a crime of physical violence in which the victim suffered great bodily injury or serious bodily injury shall be subject to discipline pursuant to subdivision (a).
- (u) As used in this section, "school property" includes, but is not limited to, electronic files and databases.
- (v) For a pupil subject to discipline under this section, a superintendent of the school district or principal may use his or her discretion to provide alternatives to suspension or expulsion that are age appropriate and designed to address and correct the pupil's specific misbehavior as specified in Section 48900.5.
- (w) It is the intent of the Legislature that alternatives to suspension or expulsion be imposed against a pupil who is truant, tardy, or otherwise absent from school activities.

EDUCATION CODE SECTION 48900.2 through 48900.7

48900.2. Sexual Harassment: Committed sexual harassment as defined in Education Code 212.5. (applies to grades 4-12).

In addition to the reasons specified in Section 48900, a pupil may be suspended from school or recommended for expulsion if the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has committed sexual harassment as defined in Section 212.5. For the purposes of this chapter, the conduct described in Section 212.5 **must be** considered by a reasonable person of the same gender as the victim to be sufficiently severe or pervasive to have a negative impact upon the individual's academic performance or to create an intimidating, hostile, or offensive educational environment. This section shall not apply to pupils enrolled in kindergarten and grades 1 to 3, inclusive.

48900.3. Act of Hate Violence: Caused, attempted to cause, or threatened to cause, or participated in an act of hate violence as defined in Education Code 33032.5. (applies to grades 4-12).

In addition to the reasons set forth in Sections 48900 and 48900.2, a pupil in any of grades 4 to 12, inclusive, may be suspended from school or recommended for expulsion if the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has caused, attempted to cause, threatened to cause, or participated in an act of, hate violence, as defined in subdivision (e) of Section 233.

48900.4. General Harassment: Intentionally engaged in harassment, threats, or intimidation, directed against another pupil or group of pupils severe enough to disrupt class work; create substantial disorder, and create an intimidating or hostile educational environment. (applies to grades 4-12)

In addition to the grounds specified in Sections 48900 and 48900.2, a pupil enrolled in any of grades 4 to 12, inclusive, may be suspended from school or recommended for expulsion if the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has intentionally engaged in harassment, threats, or intimidation, directed against school district personnel or pupils, that is sufficiently severe or pervasive to have the actual and reasonably expected effect of materially disrupting class work, creating substantial disorder, and invading the rights of either school personnel or pupils by creating an intimidating or hostile educational environment.

48900.5. Suspension shall be imposed only when other means of correction fail to bring about proper conduct. However, a pupil, including an individual with exceptional needs, as defined in Section 56026, may be suspended for any of the reasons enumerated in Section 48900 upon a first offense, if the principal or superintendent of schools determines that the pupil violated subdivision (a), (b), (c), (d), or (e) of Section 48900 or that the pupil's presence causes a danger to persons or property or threatens to disrupt the instructional process.

48900.6. As part of or instead of disciplinary action prescribed by this article, the principal of a school, the principal's designee, the superintendent of schools, or the governing board may require a pupil to perform community service on school grounds or, with written permission of the parent or guardian of the pupil, off school grounds, during the pupil's non school hours. For the purposes of this section, "community service" may include, but is not limited to, work performed in the community or on school grounds in the areas of outdoor beautification, community or campus betterment, and teacher, peer, or youth assistance programs. This section does not apply if a pupil has been suspended, pending

expulsion, pursuant to Section 48915. However, this section applies if the recommended expulsion is not implemented or is, itself, suspended by stipulation or other administrative action.

48900.7. Terroristic Threats Against School Officials, School Property or both

(a) In addition to the reasons specified in Sections 48900, 48900.2, 48900.3, and 48900.4, a pupil may be suspended from school or recommended for expulsion if the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has made terroristic threats against school officials or school property, or both.

(b) For the purposes of this section, "terroristic threat" shall include any statement, whether written or oral, by a person who willfully threatens to commit a crime which will result in death, great bodily injury to another person, or property damage in excess of one thousand dollars (\$1,000), with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out, which, on its face and under the circumstances in which it is made, is so unequivocal, unconditional, immediate, and specific as to convey to the person threatened, a gravity of purpose and an immediate prospect of execution of the threat, and thereby causes that person reasonably to be in sustained fear for his or her own safety or for his or her immediate family's safety, or for the protection of school district property, or the personal property of the person threatened or his or her immediate family.

(Updated: 9/10/19)