

# Comprehensive School Safety Plan

*Updated 11/07/2022*



# Comprehensive School Safety Plan

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## Introduction

Per **SB 187**, individual schools in districts with over 2,500 students must adopt a comprehensive school safety plan by March 1, 2000, and must review and update the plan by March 1 of every year after. (Amended Ed. Codes 35294.1 & 35294.6)

Beginning July 1, 2000, each school must report on the status of its school safety plan, including a description of its key elements in the school accountability report card, and must continue to do so every July thereafter after that (Ed. Code 35294.6).

**The School Site Council** is responsible for developing the School Site Safety Plan or delegating the responsibility to a School Safety Planning Committee. Ed. Code 35294.1

The School Site Safety Committee shall be composed of the following members: the principal or designee; one teacher who is a representative of the recognized certificated employee organization; one parent/guardian whose child attends the school; one classified employee who is a representative of the recognized, classified employee organization; other members if desired. (Ed. Code 35294.1)

Local law enforcement has been consulted (Ed. Code 35294.1), and other local agencies, such as health care and emergency services, may be consulted if desired. (Ed. Code 35294.2)

Other school or community members may provide valuable insights as members of the School Safety Planning Committee. Additional members may include:

- o Representative from the local law enforcement agency
- o School Resource Officers
- o Guidance Counselor
- o Special Education Department Chair
- o One or more key community service providers
- o Student representative (s)
- o Staff leaders
- o Additional parent representatives

The annual review and update of the School Comprehensive Safety Plan shall be certified by the members of the School Site Council or School Safety Planning Committee (if designated by the Council), the School Site Council President, and the School Principal. An assessment of the school climate in relation to the current status of crimes committed on campus and at school related functions will be completed. The updated plan will then be presented to the Board of Trustees for final review and adoption each March 1.

### **Mandated Components:**

- Goals/ Action Plans to Create a Safe and Orderly Environment Conducive to Learning
- Child Abuse Reporting Procedures
- Policies pursuant to Education Code 48915 for Suspension and Expulsion
- Procedures to Notify Teachers and Counselors of Dangerous Students
- Discrimination and Sexual Harassment Policies
- Dress Code
- Procedures for Safe Ingress/Egress
- Rules and Procedures for School Discipline
- Hate Crime Reporting Procedures
- Bullying Prevention Procedures
- Procedures for Conducting Tactical Response to Criminal Threats and Incidents
  - Twin Rivers Unified School District PD Rapid Response and Deployment Policy No. 412
- Disaster Preparedness (Emergency Operations)

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## Certification of School Safety Plan

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The School Site Council (SSC) recommends this Comprehensive Safe School Plan to the district governing board for approval and assures the board of the following:

1. The School Site Council is correctly constituted, and was formed in accordance with district governing board policy and state law.
2. Under California Education Code 32281, the School Site Council or its delegates formed a school safety planning committee with a minimum of the following members:
  - The principal or the principal's designee
  - One teacher who is a representative of the recognized certificated employee organization
  - One parent whose child attends the school
  - One classified employee who is a representative of the recognized classified employee organization
  - Other members, if desired
3. The School Site Council reviewed the content of the Comprehensive Safe School Plan and believes all requirements as outlined in the Twin Rivers Unified School District Comprehensive Safe School Plan template have been met.
4. This school plan was adopted by the school site council on:

\_\_\_\_\_ (Date)

School Principal: \_\_\_\_\_ (Signature)

Name: \_\_\_\_\_

Date: \_\_\_\_\_

SSC Chairperson: \_\_\_\_\_ (Signature)

Name: \_\_\_\_\_

Date: \_\_\_\_\_

**Please submit this completed and signed Certification form by January 6, 2023 to:**  
[debra.gordon@twinriversusd.org](mailto:debra.gordon@twinriversusd.org)



# Comprehensive School Safety Plan

Safe and Orderly Environment Conducive to Learning

**MISSION STATEMENT:**

Goal 1:

Action Plan 1:

Goal 2:

Action Plan 2:



# Comprehensive School Safety Plan

## Child Abuse Reporting Procedures

A mandated reporter who knows or reasonably suspects that a minor is the victim of child abuse must report immediately by telephone and in writing by follow-up report within 36 hours to a law enforcement agency. The law penalizes the failure to report by imposing a jail sentence on the defaulting mandated reporter. On the other hand, the law rewards the reporter who meets the reporting obligation by granting absolute immunity from civil or criminal prosecution (Penal Code Section 11166).

Mandated Reporter: a "child care custodian" includes teachers, administrators, supervisors of child welfare and attendance, certificated pupil personnel staff. If specifically trained in child abuse detection, also includes instructional aides, teacher aides, and teacher assistants. District employed child case workers and health practitioners (doctors, nurses, and psychologists) are also mandated reporters.

Knowledge of or Reasonably Suspects Abuse: When a mandated reporter observes a child with "injuries which appear to have been inflicted...by other than accidental means by any other person..." Whether or not there are visible physical injuries, all suspected sexual abuse must be reported.

### Reporting:

An oral report to designated law enforcement agencies must be made immediately. The observing employee must contact:

- a. The Child Protective Services (CPS) Unit of the local Welfare or Human Services Department; or
- b. The Jurisdictional Law Enforcement Agency - County Sheriffs' Department, Police Department (non-emergency); Emergency Number - 911

Some District law enforcement may not meet the notification requirements prescribed by law to receive reports of child abuse. However, all law enforcement officers are mandated reporters.

A follow-up written report must be submitted within 36 hours. Forms are available on page 10 and 11.

## Interviewing:

School Interview Law: Penal Code 11174.3 imposes both a time sequence and series of duties on school personnel and the law enforcement investigator. This law is limited to child abuse victims only, and the law speaks only to abuse which takes place in the home. If law enforcement comes to school to take a child into custody, rather than question the child, the interview procedures do not apply. The child is effectively under arrest.

Law enforcement (Sheriff, Police, or CPS) may interview suspected victims of child abuse on school premises during school hours concerning child abuse in the home. The child may choose to be interviewed in private or may select an adult staff member to be present "to lend support".

The Interview: The investigator comes to school. All investigations begin in the school office. The staff member "in-charge" should ask for identification and the purpose of the proposed interview. When it is made clear that the interview will focus on allegation of abuse in the home, the staff member in-charge should be present with the child before the interview begins.

The investigator must advise the child of the right to choose a staff member to be present during the interview. If the child chooses not to have a staff member present, the staff member should leave the room. However, the child has the right to change their mind during the interview process. The law gives continuous option to ask for an adult to be present, or to send the staff member away. If the child asks for the mother or father to be present, this is the responsibility of the investigator. The school employee cannot grant or deny such requests.

If the child asks for an adult staff member to be present:

- The staff member, by law, may decline to sit in the interview
- The school administrator should inform the selected staff member of their duties during the interview. A copy of Penal Code 11174.3 (see Attachment 1 to this Tab) should be supplied to the selected staff member who has agreed to be present.
- The staff member's role is that of comforter during the interview. There is no questioning by the staff member and no discussion of the child abuse incident with the child. There must be no prompting by the staff member. Investigators should not attempt to ask or direct the staff member to coerce, suggest, or elicit a response from the child.
- The law forbids disclosure of what the staff member hears or learns during the interview. This confidentiality disappears when a court orders testimony. No written report is required by the staff member.



**California Penal Code 11174.3**  
**"School Interview Law"**

11174.3. (a) Whenever a representative of a government agency investigating suspected **child abuse** or neglect or the State Department of Social Services deems it necessary, a suspected victim of **child abuse** or neglect may be interviewed during **school** hours, on **school** premises, concerning a report of suspected **child abuse** or neglect that occurred within the **child's** home or out-of-home care facility. The **child** shall be afforded the option of being interviewed in private or selecting any adult who is a member of the staff of the **school**, including any certificated or classified employee or volunteer aide, to be present at the **interview**. A representative of the agency investigating suspected **child abuse** or neglect or the State Department of Social Services shall inform the **child** of that right prior to the **interview**.

The purpose of the staff person's presence at the **interview** is to lend support to the **child** and enable him or her to be as comfortable as possible. However, the member of the staff so elected shall not participate in the **interview**. The member of the staff so present shall not discuss the facts or circumstances of the case with the **child**. The member of the staff so present, including, but not limited to, a volunteer aide, is subject to the confidentiality requirements of this article, a violation of which is punishable as specified in Section 11167.5. A representative of the **school** shall inform a member of the staff so selected by a **child** of the requirements of this section prior to the **interview**. A staff member selected by a **child** may decline the request to be present at the **interview**. If the staff person selected agrees to be present, the **interview** shall be held at a time during **school** hours when it does not involve an expense to the **school**. Failure to comply with the requirements of this section does not affect the admissibility of evidence in a criminal or civil proceeding.



## SUSPECTED CHILD ABUSE REPORT (Pursuant to Penal Code section 11166)

**To Be Completed by Mandated Child Abuse Reporters**  
PLEASE PRINT OR TYPE

CASE NAME: \_\_\_\_\_

CASE NUMBER: \_\_\_\_\_

<b>A. REPORTING PARTY</b>	NAME OF MANDATED REPORTER		TITLE		MANDATED REPORTER CATEGORY					
	REPORTER'S BUSINESS/AGENCY NAME AND ADDRESS - Street City Zip				DID MANDATED REPORTER WITNESS THE INCIDENT? <input type="checkbox"/> YES <input type="checkbox"/> NO					
	REPORTER'S TELEPHONE (DAYTIME)		SIGNATURE			TODAY'S DATE				
<b>B. REPORT NOTIFICATION</b>	<input type="checkbox"/> LAW ENFORCEMENT <input type="checkbox"/> COUNTY PROBATION		AGENCY							
	<input type="checkbox"/> COUNTY WELFARE / CPS (Child Protective Services)									
ADDRESS Street City Zip		DATE/TIME OF PHONE CALL								
OFFICIAL CONTACTED - NAME AND TITLE					TELEPHONE					
<b>C. VICTIM One report per victim</b>	NAME (LAST, FIRST, MIDDLE)			BIRTHDATE OR APPROX. AGE	SEX	ETHNICITY				
	ADDRESS Street City Zip		TELEPHONE							
	PRESENT LOCATION OF VICTIM			SCHOOL	CLASS	GRADE				
	PHYSICALLY DISABLED? <input type="checkbox"/> YES <input type="checkbox"/> NO	DEVELOPMENTALLY DISABLED? <input type="checkbox"/> YES <input type="checkbox"/> NO	OTHER DISABILITY (SPECIFY)			PRIMARY LANGUAGE SPOKEN IN HOME				
	IN FOSTER CARE? <input type="checkbox"/> YES <input type="checkbox"/> NO	IF VICTIM WAS IN OUT-OF-HOME CARE AT TIME OF INCIDENT, CHECK TYPE OF CARE: <input type="checkbox"/> DAY CARE <input type="checkbox"/> CHILD CARE CENTER <input type="checkbox"/> FOSTER FAMILY HOME <input type="checkbox"/> FAMILY FRIEND <input type="checkbox"/> GROUP HOME OR INSTITUTION <input type="checkbox"/> RELATIVE'S HOME			TYPE OF ABUSE (CHECK ONE OR MORE): <input type="checkbox"/> PHYSICAL <input type="checkbox"/> MENTAL <input type="checkbox"/> SEXUAL <input type="checkbox"/> NEGLECT <input type="checkbox"/> OTHER (SPECIFY) _____					
	RELATIONSHIP TO SUSPECT			PHOTOS TAKEN? <input type="checkbox"/> YES <input type="checkbox"/> NO	DID THE INCIDENT RESULT IN THIS VICTIM'S DEATH? <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNK					
<b>D. INVOLVED PARTIES</b>	<b>VICTIM'S SIBLINGS</b>									
	NAME		BIRTHDATE	SEX	ETHNICITY	NAME		BIRTHDATE	SEX	ETHNICITY
	1. _____				3. _____					
	2. _____				4. _____					
	NAME (LAST, FIRST, MIDDLE)		BIRTHDATE OR APPROX. AGE		SEX	ETHNICITY				
	ADDRESS Street City Zip			HOME PHONE		BUSINESS PHONE				
	NAME (LAST, FIRST, MIDDLE)		BIRTHDATE OR APPROX. AGE		SEX	ETHNICITY				
	ADDRESS Street City Zip			HOME PHONE		BUSINESS PHONE				
<b>SUSPECT</b>	SUSPECT'S NAME (LAST, FIRST, MIDDLE)			BIRTHDATE OR APPROX. AGE		SEX	ETHNICITY			
	ADDRESS Street City Zip			TELEPHONE						
	OTHER RELEVANT INFORMATION									
<b>E. INCIDENT INFORMATION</b>	IF NECESSARY, ATTACH EXTRA SHEET(S) OR OTHER FORM(S) AND CHECK THIS BOX <input type="checkbox"/> IF MULTIPLE VICTIMS, INDICATE NUMBER: _____									
	DATE/TIME OF INCIDENT			PLACE OF INCIDENT						
	NARRATIVE DESCRIPTION (What victim(s) said/what the mandated reporter observed/what person accompanying the victim(s) said/similar or past incident's involving the victim(s) or suspect)									

DO NOT submit a copy of this form to the Department of Justice (DOJ). The investigating agency is required under Penal Code section 11169 to submit to DOJ a Child Abuse or Severe Neglect Indexing Form BCIA 8583 if (1) an active investigation was conducted and (2) the incident was determined to be substantiated.



## SUSPECTED CHILD ABUSE REPORT (Pursuant to Penal Code section 11166)

### DEFINITIONS AND GENERAL INSTRUCTIONS FOR COMPLETION OF FORM BCIA 8572

All Penal Code (PC) references are located in Article 2.5 of the California PC. This article is known as the Child Abuse and Neglect Reporting Act (CANRA). The provisions of CANRA may be viewed at: <http://leginfo.ca.gov/faces/codes.xhtml> (specify "Penal Code" and search for sections 11164-11174.3). A mandated reporter must complete and submit form BCIA 8572 even if some of the requested information is not known. (PC section 11167(a).)

#### I. MANDATED CHILD ABUSE REPORTERS

Mandated child abuse reporters include all those individuals and entities listed in PC section 11165.7.

#### II. TO WHOM REPORTS ARE TO BE MADE ("DESIGNATED AGENCIES")

Reports of suspected child abuse or neglect shall be made by mandated reporters to any police department or sheriff's department (not including a school district police or security department), the county probation department (if designated by the county to receive mandated reports), or the county welfare department. (PC section 11165.9.)

#### III. REPORTING RESPONSIBILITIES

Any mandated reporter who has knowledge of or observes a child, in his or her professional capacity or within the scope of his or her employment, whom he or she knows or reasonably suspects has been the victim of child abuse or neglect shall report such suspected incident of abuse or neglect to a designated agency immediately or as soon as practically possible by telephone and shall prepare and send a written report thereof *within 36 hours* of receiving the information concerning the incident. (PC section 11166(a).)

No mandated reporter who reports a suspected incident of child abuse or neglect shall be held civilly or criminally liable for any report required or authorized by CANRA. Any other person reporting a known or suspected incident of child abuse or neglect shall not incur civil or criminal liability as a result of any report authorized by CANRA unless it can be proven the report was false and the person knew it was false or made the report with reckless disregard of its truth or falsity. (PC section 11172(a).)

#### IV. INSTRUCTIONS

**SECTION A – REPORTING PARTY:** Enter the mandated reporter's name, title, category (from PC section 11165.7), business/agency name and address, daytime telephone number, and today's date. Check yes/no whether the mandated reporter witnessed the incident. The signature area is for either the mandated reporter or, if the report is telephoned in by the mandated reporter, the person taking the telephoned report.

#### IV. INSTRUCTIONS (*continued*)

**SECTION B – REPORT NOTIFICATION:** Complete the name and address of the designated agency notified, the date/time of the phone call, and the name, title, and telephone number of the official contacted.

**SECTION C – VICTIM (One Report per Victim):** Enter the victim's name, birthdate or approximate age, sex, ethnicity, address, telephone number, present location, and, where applicable, enter the school, class (indicate the teacher's name or room number), and grade. List the primary language spoken in the victim's home. Check the appropriate yes/no box to indicate whether the victim may have a developmental disability or physical disability and specify any other apparent disability. Check the appropriate yes/no box to indicate whether the victim is in foster care, and check the appropriate box to indicate the type of care if the victim was in out-of-home care. Check the appropriate box to indicate the type of abuse. List the victim's relationship to the suspect. Check the appropriate yes/no box to indicate whether photos of the injuries were taken. Check the appropriate box to indicate whether the incident resulted in the victim's death.

**SECTION D – INVOLVED PARTIES:** Enter the requested information for Victim's Siblings, Victim's Parents/Guardians, and Suspect. Attach extra sheet(s) if needed (provide the requested information for each individual on the attached sheet(s)).

**SECTION E – INCIDENT INFORMATION:** If multiple victims, indicate the number and submit a form for each victim. Enter date/time and place of the incident. Provide a narrative of the incident. Attach extra sheet(s) if needed.

#### V. DISTRIBUTION

**Reporting Party:** After completing form BCIA 8572, retain a copy for your records and submit copies to the designated agency.

**Designated Agency:** *Within 36 hours* of receipt of form BCIA 8572, the initial designated agency will send a copy of the completed form to the district attorney and any additional designated agencies in compliance with PC sections 11166(j) and 11166(k).

#### ETHNICITY CODES

1 Alaskan Native	6 Caribbean	11 Guamanian	16 Korean	22 Polynesian	27 White-Armenian
2 American Indian	7 Central American	12 Hawaiian	17 Laotian	23 Samoan	28 White-Central American
3 Asian Indian	8 Chinese	13 Hispanic	18 Mexican	24 South American	29 White-European
4 Black	9 Ethiopian	14 Hmong	19 Other Asian	25 Vietnamese	30 White-Middle Eastern
5 Cambodian	10 Filipino	15 Japanese	21 Other Pacific Islander	26 White	31 White-Romanian



# Comprehensive School Safety Plan

## Policies for Suspension and Expulsion

### Board Policy 5144 Student Discipline

The Board of Trustees desires to prepare students for responsible citizenship by fostering self-discipline and personal responsibility. The Board believes that high expectations for student behavior, effective classroom management and parent involvement can minimize the need for discipline. Staff shall use preventative measures and positive conflict resolution techniques whenever possible.

(cf. 5020 - Parent Rights and Responsibilities)

(cf. 5137 - Positive School Climate)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.9 - Hate-Motivated Behavior)

(cf. 6020 - Parent Involvement)

Board policies and regulations shall delineate acceptable student conduct and provide the basis for sound disciplinary practices. Each school shall develop disciplinary rules to meet the school's individual needs.

(cf. 5131 - Conduct)

(cf. 5131.1 - Bus Conduct)

When misconduct occurs, staff shall implement appropriate discipline and attempt to identify and address the causes of the student's behavior. Continually disruptive students may be assigned to alternative programs or removed from school in accordance with law, Board policy and administrative regulation. At all times, the safety of students and staff and the maintenance of an orderly school environment shall be priorities in determining appropriate discipline.

(cf. 0450 - Comprehensive Safety Plan) (cf.

3515 - Campus Security)

(cf. 3515.3 - District Police/Security Department) (cf.

3515.4 - Recovery for Property Loss or Damage)

(cf. 4158/4258/4358 - Employee Security) (cf. 5136 - Gangs)

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

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

6164.5 - Student Success Teams)

(cf. 6159.4 - Behavioral Interventions for Special Education Students)

(cf. 6184 - Continuation Education)

(cf. 6185 - Community Day School)

Staff shall enforce disciplinary rules fairly, consistently and without discrimination. (cf.

0410 - Nondiscrimination in District Programs and Activities)

(cf. 5145.3 - Nondiscrimination/Harassment)

The Superintendent or designee shall provide professional development as necessary to assist staff in developing classroom management skills and implementing effective disciplinary techniques.

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

Legal Reference:

CIVIL CODE

1714.1 Parental liability for child's misconduct

EDUCATION CODE

32280-32288 School safety plans

35146 Closed sessions

35291 Rules

35291.5-35291.7 School-adopted discipline rules

37223 Weekend classes

44807.5 Restriction from recess

48900-48926 Suspension and expulsion

48980-48985 Notification of parents or guardians

49000-49001 Prohibition of corporal punishment

49330-49335 Injurious objects

## CODE OF REGULATIONS, TITLE 5

307 Participation in school activities until departure of bus 353

Detention after school

Management Resources:

## CSBA PUBLICATIONS

Protecting Our Schools: Governing Board Strategies to Combat School Violence, 1999 CDE

## PROGRAM ADVISORIES

1010.89 Physical Exercise as Corporal Punishment, CIL 89/9-3 1223.88

Corporal Punishment, CIL: 88/9-5

## WEB SITES

CDE: <http://www.cde.ca.gov>

USDOE: <http://www.ed.gov>

## Policy TWIN RIVERS UNIFIED SCHOOL DISTRICT

adopted: July 25, 2008 McClellan, California

## **Administrative Regulation 5144 Student Discipline**

### **Corporal Punishment**

Corporal punishment shall not be used as a disciplinary measure against any student. Corporal punishment includes the willful infliction of, or willfully causing the infliction of, physical pain on a student. (Education Code 49001)

For purposes of this policy, corporal punishment does not include an employee's use of force that is reasonable and necessary to protect the employee, students, staff or other persons or to prevent damage to property or to obtain possession of weapons or other dangerous objects within the control of the student. (Education Code 49001)

(cf. 4158/4258/4358 - Employee Security)

(cf. 5131.7 - Weapons and Dangerous Instruments)

### **Recess Restriction**

A teacher may restrict a student's recess time when he/she believes that this action is the most effective way to bring about improved behavior, 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.
2. The student shall remain under a certificated employee's supervision during the period of restriction.
3. Teachers shall inform the principal of any recess restrictions they impose.

### **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 of Trustees, Superintendent, principal or principal's designee

may, at his/her discretion, require a student to perform community service on school grounds, or with written permission of the student's parent/guardian off school grounds, during nonschool hours. 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 a student may be required to perform community service for the resulting suspension pursuant to this section. (Education Code 48900.6)

#### Notice to Parents/Guardians and Students

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 48980)

(cf. 5145.6 - Parental Notifications)

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

Regulation TWIN RIVERS UNIFIED SCHOOL DISTRICT

approved: July 25, 2008 McClellan, California



## **Board Policy 5144.1- Student Suspension and Expulsion/Due Process**

The Board of Trustees has established policies and standards of behavior in order to promote learning and protect the safety and well-being of all students. When these policies and standards are violated, it may be necessary to suspend or expel a student from regular classroom instruction.

(cf. 5144 - Discipline)

Suspended or expelled students shall be denied the privilege of participation in all extracurricular activities during the period of suspension or expulsion.

(cf. 6145 - Extracurricular and Cocurricular Activities)

Except where suspension for a first offense is warranted in accordance with law, suspension shall be imposed only when other means of correction fail to bring about proper conduct. (Education Code 48900.5)

Expulsion is an action taken by the Board for severe or prolonged breaches of discipline by a student. Except for single acts of a grave nature, expulsion shall be used only when there is a history of misconduct, when other forms of discipline, including suspension, have failed to bring about proper conduct, or when the student's presence causes a continuing danger to self or others.

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

### **Student Due Process**

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

(cf. 5119 - Students Expelled from Other Districts)

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

### **Supervised Suspension Classroom**

The Board recognizes that students who are suspended from school often have no supervision or guidance during the school hours when they are off campus and may fall behind in the coursework. The Board believes that, in many cases, it would be better to manage the student's behavior by keeping the student at school and providing him/her with supervision that is separated from the regular classroom.

The Superintendent or designee shall establish a supervised classroom suspension program which meets the requirements of law for students suspended for any of the reasons enumerated in Education Code 48900 and 48900.2, who pose no imminent danger or threat at school, and for whom an expulsion action has not been initiated.

The Superintendent or designee shall examine alternatives to off-campus suspension and may establish a suspension program which involves progressive discipline during the school day on campus; use of conferences between staff, parents/guardians and students; detention; student study teams or other assessment-related teams;

and/or referral to school support services staff. The use of such alternatives does not preclude off-campus suspensions.

### Required Parental Attendance

The Board believes that parental involvement plays an important role in the resolution of classroom behavior problems. The Board expects that teachers will communicate with parents/guardians when behavior problems arise.

Whenever a student is suspended from class by a teacher because he/she committed an obscene act, engaged in habitual profanity or vulgarity, disrupted school activities, or otherwise willfully defied valid staff authority, the teacher of the class from which the student was removed may provide that the student's parent/guardian attend a portion of a school day in the class from which the student was suspended. (Education Code 48900.1)

Before requiring parental attendance, the teacher shall make reasonable efforts to have the parent/guardian visit the class voluntarily. The teacher also may inform the parent/guardian about available resources and parent education opportunities. Teachers should reserve the option of required parental attendance for cases in which they have determined that it is the best strategy to promote positive interaction between the student and the parent/guardian and to improve classroom behavior.

The teacher shall apply this policy uniformly to all students within the classroom. This policy shall apply only to a parent/guardian who lives with the student. (Education Code 48900.1)

When a teacher requires parental attendance, the principal shall send a written notice to the parent/guardian stating that his/her attendance is pursuant to law. (Education Code 48900.1)

The notice shall specify that the attendance may be on either the date the student is scheduled to return to class or within one week thereafter.

A parent/guardian who has received a written notice shall attend class as specified in the notice. After completing the classroom visit and before leaving school premises, the parent/guardian also shall meet with the principal or designee. (Education Code 48900.1)

The principal or designee shall contact a parent/guardian who does not respond to the request to attend school. The Board recognizes that parent/guardian compliance with this policy may be delayed, modified, or prevented for reasons such as serious illness/injury/disability, absence from town, or inability to get release time from work.

District regulations and school-site rules for student discipline shall include procedures for implementing parental attendance requirements. Parents/guardians shall be notified of this policy prior to its implementation. (Education Code 48900.1)

### Decision Not to Enforce Expulsion Order

On a case-by-case basis, the enforcement of an expulsion order may be suspended by the Board pursuant to the requirements of law:

Legal Reference:

EDUCATION CODE

212.5 Sexual harassment

1981 Enrollment of students in community school

17292.5 Program for expelled students

32261 Interagency School Safety Demonstration Act of 1985

35146 Closed sessions (re suspensions)

35291 Rules (for government and discipline of schools)

35291.5 Rules and procedures on school discipline

48660-48667 Community day schools

48900-48927 Suspension and expulsion

48950 Speech and other communication

49073-49079 Privacy of student records

#### 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

#### HEALTH AND SAFETY CODE

11014.5 Drug paraphernalia

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868.5 Supporting person; attendance during testimony of witness

## WELFARE AND INSTITUTIONS CODE

729.6 Counseling

## UNITED STATES CODE, TITLE 18

921 Definitions, firearm

## UNITED STATES CODE, TITLE 20

7151 Gun free schools

## 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

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. 91 (1997)

80 Ops.Cal.Atty.Gen. 85 (1997)

Management Resources:

#### WEB SITES

CSBA: <http://www.csba.org>

California Attorney General's Office: <http://www.caag.state.ca.us>

California Department of Education: <http://www.cde.ca.gov>

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

#### Policy TWIN RIVERS UNIFIED SCHOOL DISTRICT

adopted: July 25, 2008 McClellan, California

## **Administrative Regulation 5144.1 Student Suspension and Expulsion/Due Process**

### Definitions

Suspension from school 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 Board of Trustees 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. Removal from a particular class shall not occur more than once every five school days.

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

Day means a calendar day unless otherwise specifically provided. (Education Code 48925)

School day means a day upon which the schools of the district are in session or weekdays during the summer recess. (Education Code 48925)

Student includes a student's parent/guardian or legal counsel. (Education Code 48925)

Principal's designee means one or more administrators or, if there is not a second administrator at one school site, a certificated person specifically designated by the principal, in writing, to assist with disciplinary procedures. Only one such person may be designated at any time as the principal's primary designee and only one such person may be designated as secondary designee for the school year. The names of such persons shall be on file in the principal's office. (Education Code 48911)

School property, for the purposes described in Education Code 48900, includes, but is not limited to, electronic files and databases. (Education Code 48900(s))

### 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, suspension and expulsion. (Education Code 48900.1, 48980)

(cf. 5144 - Discipline)

(cf. 5145.6 - Parental Notifications)

### Grounds for Suspension and Expulsion

A student may be subject to suspension or expulsion when it is determined that he/she:

1. Caused, attempted to cause, or threatened to cause physical injury to another person or willfully used force or violence upon the person of another, except in self-defense. (Education Code 48900(a))

A student who aids or abets the infliction or attempted infliction of physical injury on another person, as defined in Penal Code 31, may be suspended, but not expelled. However, a student may be suspended or expelled pursuant to Education Code 48900(a) once he/she has been adjudged by a juvenile court to have committed, as an aider or abettor, a crime of physical violence in which the victim suffered great or serious bodily injury. (Education Code 48900(s))

2. 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)

3. Unlawfully possessed, used, sold, or 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)

4. Unlawfully 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 controlled substance, alcohol beverage, or intoxicant. (Education Code 48900(d))

5. Committed or attempted to commit robbery or extortion. (Education Code 48900(e))

6. Caused or attempted to cause damage to school property or private property. (Education Code 48900(f))

7. Stole or attempted to steal school property or private property. (Education Code 48900(g))

8. Possessed or used tobacco or any products containing tobacco or nicotine products, including but not limited to cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel. This restriction shall not prohibit a student from using or possessing his/her own prescription products. (Education Code 48900(h))

9. Committed an obscene act or engaged in habitual profanity or vulgarity. (Education Code 48900(i))

10. Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code 11014.5. (Education Code 48900(j))

11. Disrupted school activities or otherwise willfully defied 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))

12. Knowingly received stolen school property or private property. (Education Code 48900(l))

13. Possessed an imitation firearm, i.e., 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))
14. 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))
15. 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))
16. Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma. (Education Code 48900(p))
17. Engaged in, or attempted to engage in, hazing as defined in Education Code 48900(q). (Education Code 48900(q))
18. Made terrorist threats against school officials and/or school property. (Education Code 48900.7)

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

19. Committed sexual harassment as defined in Education Code 212.5 (Education Code 48900.2)  
(cf. 5145.7 - Sexual Harassment)
20. 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)  
(cf. 5145.9 - Hate-Motivated Behavior)
21. 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 invading the rights of school personnel or students by creating an intimidating or hostile educational environment (Education Code 48900.4)  
(cf. 5145.3 - Nondiscrimination/Harassment)

A student may be suspended or expelled for any of the acts listed above if the act is related to school activity or school attendance occurring at any district school under the jurisdiction of the Superintendent or principal or within any other school district, including but not limited to the following circumstances: (Education Code 48900)

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
4. During, going to, or coming from a school-sponsored activity



The Superintendent or principal may use his/her discretion to provide alternatives to suspension or expulsion for a student subject to discipline under this administrative regulation, including, but not limited to, counseling and an anger management program. (Education Code 48900(r))

(cf. 5138 - Conflict Resolution/Peer Mediation)

Alternatives to suspension or expulsion shall be used with students who are truant, tardy, or otherwise absent from assigned school activities.

(cf. 5113 - Absences and Excuses) (cf.

5113.1 -Truancy)

#### Removal from Class by a Teacher/Parental Attendance

A teacher may suspend any student from his/her class for the remainder of the day and the following day for any act listed in "Grounds for Suspension and Expulsion" above. (Education Code 48910)

A teacher also may refer a student to the principal or designee for consideration of suspension from school. (Education Code 48910)

When removing a student from his/her 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. The student shall be appropriately supervised during the class periods from which he/she has been removed. (Education Code 48910)

As soon as possible, the teacher shall ask the student's parent/guardian to attend a parent-teacher conference regarding the removal. 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 removed from class shall not be returned to class during the period of removal without the approval of the teacher of the class and the principal. (Education Code 48910)

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

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

Pursuant to Board policy, a teacher may provide that the parent/guardian of a student whom the teacher has removed attend a portion of a school day in his/her child's classroom. When a teacher makes this request, the principal shall send the parent/guardian a written notice that the parent/guardian's attendance is requested pursuant to law. (Education Code 48900.1)

This notice shall also:

1. Inform the parent/guardian when his/her presence is expected and by what means he/she may arrange an alternate date

2. State that if the parent/guardian does not have a means of transportation to school, he/she may ride the school bus with the student
3. Ask the parent/guardian to meet with the principal after the visit and before leaving school, as required by Education Code 48900.1

#### Suspension by Superintendent, Principal or Principal's Designee

The Superintendent, principal or principal's designee may suspend a student from school for not more than five consecutive school days unless the suspension is extended pending expulsion. (Education Code 48911)

The Superintendent or designee shall immediately suspend any student found at school or at a school activity to be: (Education Code 48915)

1. Possessing, as verified by a district employee, selling, or otherwise furnishing a firearm, unless the student had obtained prior written permission to possess the item from a certificated school employee, with the principal or designee's concurrence
2. Brandishing a knife, as defined in Education Code 48915(g), 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 or committing a sexual battery as defined in item #14 under "Grounds for Suspension and Expulsion" above
5. Possession of an explosive as defined in 18 USC 921

Suspension also may be imposed upon a first offense if the Superintendent, principal or designee determines that the student violated items #1-5 listed in "Grounds for Suspension and Expulsion" above or if the student's presence causes a danger to persons or property or threatens to disrupt the instructional process. (Education Code 48900.5)

A student may be suspended from school for not more than 20 school days in any school year, unless for purposes of adjustment the student enrolls in or is transferred to another regular school, an opportunity school, or continuation school or class, in which case suspension shall not exceed 30 days in any school year. However, this restriction on the number of days of suspension does not apply when the suspension is extended pending an expulsion. (Education Code 48903, 48911, 48912)

The Superintendent or designee 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)

Suspensions shall be initiated according to the following procedures:

1. Informal Conference: Suspension shall be preceded by an informal conference conducted by the principal, designee, or the Superintendent 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 and the evidence against him/her; the student shall be 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 principal, designee, or the Superintendent determines that an emergency situation exists. An emergency situation involves 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 a conference. 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 case, the conference shall be held as soon as the student is physically able to return to school. (Education Code 48911)

2. Administrative Actions: All requests for student suspension are to be processed by the principal or designee of the school in which the student is enrolled at the time of the misbehavior. A school employee shall report the suspension, including the name of the student and the cause for the suspension, to the Superintendent or designee.

3. 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 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. If school officials wish to ask the parent/guardian to confer regarding matters pertinent to the suspension, the notice may add that state law requires the parent/guardian to respond to such requests without delay.

4. Parent/Guardian Conference: Whenever a student is suspended, school officials may meet with the parent/guardian to discuss the causes and duration of the suspension, the school policy involved and any other pertinent matter. (Education Code 48914)

While the parent/guardian is required to respond without delay to a request for a conference about a student's behavior, 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 readmission solely because the parent/guardian failed to attend. (Education Code 48911)

5. 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. (Education Code 48911(g))

Any extension of the original period of suspension shall be 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. Extension of the suspension may be made only if 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)

#### Suspension by the Board

The Board may suspend a student for any of the acts listed in "Grounds for Suspension and Expulsion" above and within the limits specified in "Suspension by Superintendent, Principal or Principal's 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 if any of the acts listed in "Grounds for Suspension and Expulsion" occurred. 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 closed sessions 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 certified mail. 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)

#### Supervised Suspension Classroom

Students for whom an expulsion action has not been initiated and who pose no imminent danger or threat to the school may be assigned to a separate, supervised suspension classroom for the entire period of suspension. The following conditions shall apply: (Education Code 48911.1)

1. The supervised suspension classroom shall be staffed in accordance with law.
2. The student shall have access to appropriate counseling services.
3. The supervised suspension classroom shall promote completion of schoolwork and tests missed by the student during the suspension.
4. Each 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 a supervised 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 shall be made in writing. (Education Code 48911.1)

#### Authority to Expel

A student may be expelled only by the Board. The Board shall expel, as required by law, any student found to have committed any offense listed below under "Mandatory Recommendation and Mandatory Expulsion."

The Board may also order a student expelled for any of the acts listed above under "Grounds for Suspension and Expulsion" upon recommendation by the principal, Superintendent, hearing officer or administrative panel, based on either or both of the following finding(s): (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

#### Mandatory Recommendation for Expulsion

Unless the principal, Superintendent or designee finds that expulsion is inappropriate due to particular circumstances, the principal or the Superintendent or designee shall recommend a student's expulsion for any of the following acts: (Education Code 48915(a))

1. Causing serious physical injury to another person, except in self-defense
2. Possession of any knife as defined in Education Code 48915(g), explosive, or other dangerous object of no reasonable use to the student
3. Unlawful possession of any controlled substance, as listed in Health and Safety Code 11053-11058, except for the first offense for the possession of not more than one ounce of marijuana, other than concentrated cannabis
4. Robbery or extortion
5. Assault or battery, as defined in Penal Code 240 and 242, upon any school

#### employee Mandatory Recommendation and Mandatory Expulsion

The principal, Superintendent or designee shall recommend that the Board expel any student found at school or at a school activity to be: (Education Code 48915(c))

1. Possessing, as verified by a district employee, or selling or otherwise furnishing a firearm, unless the student had obtained prior written permission to possess the item from a certificated school employee, with the principal or designee's concurrence
2. Brandishing a knife as defined in Education Code 48915(g) 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 or committing a sexual battery as defined in item #14 under "Grounds for Suspension and Expulsion" above
5. Possessing an explosive as defined in 18 USC 921

Upon finding that the student committed any of the above acts, the Board shall expel the student. (Education Code 48915)

#### Student's Right to Expulsion Hearing

The student is entitled to a hearing to determine whether the student should be expelled. The hearing shall be held within 30 school days after the principal or Superintendent or designee determines that one of the acts listed under "Grounds for Suspension and Expulsion" has occurred. (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 school year to comply with these time requirements for conducting an expulsion hearing, the Superintendent or designee 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))

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

### 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 in 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

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)

5. 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 advisor.

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 advisor 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.

6. The right to inspect and obtain copies of all documents to be used at the hearing.

7. The opportunity to confront and question all witnesses who testify at the hearing.

8. The opportunity to question all evidence presented and to present oral and documentary evidence on the student's behalf, including witnesses.

#### Conduct of Expulsion Hearing

1. Closed Session: Notwithstanding the provisions of Government Code 54953 and 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 request is made, the meeting shall be public unless another student's privacy rights would be violated. (Education Code 48918(c))

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 shall also 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))

2. 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))

3. 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 the 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 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))

4. 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" above. (Education Code 48918(h))

Findings of fact shall be based solely on the evidence at the hearing. While 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.

5. Testimony by Complaining Witnesses: The following procedures shall be observed when hearings involve allegations of sexual assault or sexual battery by a student: (Education Code 48918, 48918.5)

a. Any complaining witness shall be given five days' notice before being called to testify.

b. 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.

c. Before a complaining witness testifies, support persons shall be admonished that the hearing is confidential.

d. The person presiding over the hearing may remove a support person whom he/she finds is disrupting the hearing.

e. If one or both support persons are also witnesses, the hearing shall be conducted according to Penal Code 868.5.

f. 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 complaining witness shall not be admissible for any purpose.



g. 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:

(a) Arrange the seating within the hearing room so as to facilitate a less intimidating environment for the complaining witness

(b) 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

(c) Permit one of the support persons to accompany the complaining witness to the witness stand

6. Decision Within 10 School Days: The Board's decision on whether to expel a student shall be made within 10 school days after the conclusion of the hearing, unless the student requests in writing that the decision be postponed. (Education Code 48918(a))

7. Decision Within 40 School Days: If the Board does not meet on a weekly basis, its decision on 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. Alternatively, the Board may 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(d))

A hearing conducted by the hearing officer or administrative panel shall conform to the same procedures as apply to a hearing conducted by the Board as specified above in "Conduct of Expulsion Hearing." (Education Code 48918(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 student shall be immediately reinstated. The Superintendent or designee shall place the student in a classroom instructional program, any other instructional program, a rehabilitation program, or any combination of these programs after consulting with district staff, including the student's teachers and with the student's parent/guardian. (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(±))

In accordance with Board policy, the hearing officer or administrative panel may recommend that the Board suspend

the enforcement of the expulsion for a period of one year. (Education Code 48917)

The Board shall make its decision about the student's expulsion within 40 school days after the date of the student's removal from school unless the student requests in writing that the decision be postponed. (Education Code 48918(a))

#### 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, the final action to expel shall be taken by the Board at a public meeting. (Education Code 48918(j))

(cf. 9321.1 - Closed Session Actions and Reports)

If the Board conducts the hearing and reaches a decision not to expel, this decision shall be final and the student shall be reinstated immediately.

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 an 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 the 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)

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 of the student at the time of review for readmission
2. Recommendations for improved academic performance, tutoring, special education assessments, job training, counseling, employment, community service, and 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 in Education Code 48900, 48900.2, 48900.3, 48900.4, 48900.7, or 48915 (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 of Education (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 Not to Enforce Expulsion Order

In accordance with Board policy, when deciding whether to suspend the enforcement of an expulsion, 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 rehabilitation program

The suspension of the enforcement of an expulsion shall be governed by the following: (Education Code 48917)

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.
2. During the period when enforcement of the expulsion order is suspended, the student shall be on probationary status.
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" above or violates any of the district's rules and regulations governing student conduct.
4. When the suspension of the enforcement of an expulsion order is revoked, a student may be expelled under the terms of the original expulsion order.
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.
6. 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 of Education.
7. 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 also inform the parent/guardian of the right to appeal the expulsion to the County Board of Education. (Education Code 48918(j)).

#### Right to Appeal

The student or parent/guardian is entitled to file an appeal of the Board's decision with the County Board of

Education. The appeal must be filed within 30 days of the Board's decision to expel, even if the expulsion action is suspended and the student is placed on probation. (Education Code 48919)

The student shall submit 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 of Education. The district shall provide the student with these documents within 10 school days following the student's written request. (Education Code 48919)

#### Notifications 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 or possession of weapons or firearms in violation of 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 enforcement authorities, by telephone or other 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)

#### Post-Expulsion Placements

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 such a site
3. Not housed at the school site attended by the student at the time of suspension (cf. 6185 - Community Day School)

When the placement described above is not available, and when the County Superintendent of Schools so certifies, students expelled for acts described in items #6-13 and #18-21 under "Grounds for Suspension and Expulsion" above may be instead 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)

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

Readmission procedures shall be as follows:

1. On the date set by the Board when it ordered the expulsion, the district shall consider readmission of the student. (Education Code 48916)

2. 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.
3. The Superintendent or designee shall transmit to the Board his/her recommendation regarding readmission. The Board shall consider this recommendation in closed session if information would be disclosed in violation of Education Code 49073-49079. If a written request for open session is received from the parent/guardian or adult student, it shall be honored.
4. 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 re-admission.
5. 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)
6. 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. (Education Code 48916)
7. 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)

#### Maintenance of Records

The Board shall maintain a record of each expulsion, including the specific cause of the expulsion. The expulsion record shall be maintained in the student's mandatory interim record and sent to any school in which the student subsequently enrolls upon receipt of a written request by the admitting school. (Education Code 48900.8, 48918(k))

The 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) (cf.

5125 - Student Records)

#### Outcome Data

The Superintendent or designee shall maintain the following data: (Education Code 48900.8, 48916.1)

1. The number of students recommended for expulsion
2. The specific grounds for each recommended expulsion
3. Whether the student was subsequently expelled

4. Whether the expulsion order was suspended
5. The type of referral made after the expulsion
6. The disposition of the student after the end of the expulsion

period Regulation TWIN RIVERS UNIFIED SCHOOL DISTRICT

approved: July 25, 2008 McClellan, California

## **Board Policy 5144.2 Student Suspension and Expulsion (Student's with Disabilities)**

A student identified as an individual with disabilities pursuant to the Individuals with Disabilities Education Act (IDEA) is subject to the same grounds for suspension and expulsion which apply to students without disabilities.

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

### **Procedures for Students Not Yet Eligible for Special Education Services**

A student who has not been officially identified as a student with disabilities pursuant to IDEA and who has engaged in behavior that violated the district's code of student conduct may assert any of the protections under IDEA only if the district had knowledge that the student is disabled before the behavior that precipitated the disciplinary action occurred. (20 USC 1415(k)(5); 34 CFR 300.534)

The district shall be deemed to have knowledge that the student has a disability if one of the following conditions exists: (20 USC 1415(k)(5); 34 CFR 300.534)

1. The parent/guardian has expressed concern to district supervisory or administrative personnel in writing, or to a teacher of the student, that the student 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 34 CFR 300.300-300.311.

(cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)

3. The teacher of the student or other district personnel has expressed specific concerns directly to the district's director of special education or to other supervisory district personnel about a pattern of behavior demonstrated by the student.

The district would be deemed to not have knowledge that a student is disabled if the parent/guardian has not allowed the student to be evaluated for special education services or has refused services. In addition, the district would be deemed to not have knowledge if the district conducted an evaluation pursuant to 34 CFR 300.300-300.311 and determined that the student was not an individual with a disability. When the district is deemed to not have knowledge of the disability, the student shall be disciplined in accordance with procedures established for students without disabilities who engage in comparable behavior. (20 USC 1415(k)(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)(5); 34 CFR 300.534)

### **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.

(cf. 6159 - Individualized Education Program)

The district 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 be deemed to have occurred under any 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:
  - a. The series of removals total more than 10 school days in a school year.
  - b. The student's behavior is substantially similar to his/her behavior in previous incidents that resulted in the series of removals.
  - c. 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 the removal has been determined to be a change of placement as specified in items #1-2 above, the student's IEP team shall determine the appropriate educational services. (34 CFR 300.530)

#### Services During Suspension

Any student suspended for more than 10 school days in the same school year shall continue to receive services during the term of the suspension. School personnel, in consultation with at least one of the student's teachers, shall determine the extent to which services are needed as provided in 34 CFR 300.101(a), so as to enable the student to continue to participate in the general education curriculum in another setting and to progress toward meeting the goals as set out in his/her IEP. (20 USC 1412(a)(1)(A); 34 CFR 300.530)

If a student with disabilities is excluded from school bus transportation, the student shall be provided with an alternative form of transportation at no cost to the student or his/her parent/guardian, provided that transportation is specified in his/her IEP. (Education Code 48915.5)

(cf. 3541.2 - Transportation for Students with Disabilities)

#### Interim Alternative Educational Placement Due to 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, when the student commits one of the following acts while at school, going to or from school, or at a school-related function: (20 USC 1415(k)(1)(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 I-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)(1)(G), 34 CFR 300.531)

On the date the decision to take disciplinary action is made, the parents/guardians of the student shall 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)

A student who has been removed from his/her current placement because of dangerous behavior shall receive services to the extent necessary to allow him/her to participate in the general education curriculum and to progress toward meeting the 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)(1)(D); 34 CFR 300.530)

#### Manifestation Determination

The following procedural safeguards shall apply when a student is suspended for more than 10 consecutive school days, when a series of removals 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 parents/guardians of the student shall 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)

(cf. 5145.6 - Parental Notifications)

(cf. 6159.1 - Procedural Safeguards and Complaints for Special Education)

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)(1)(E); 34 CFR 300.530)

a. Caused by or had a direct and substantial relationship to the student's disability

b. 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 a condition in either #a or #b above was met, the conduct shall then be determined to be a manifestation of the student's disability. (20 USC 1415(k)(1)(E); 34 CFR 300.530)

3. Determination that Behavior is a Manifestation of the Student's Disability: When the conduct has been

determined to be a manifestation of the student's disability, the IEP team shall conduct a functional behavioral assessment, unless a functional behavioral assessment had 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 behavior 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 district 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)

(cf. 6159.4 - Behavioral Interventions for Special Education Students)

4. Determination that Behavior is Not a Manifestation of the Student's Disability: If the manifestation determination review team determines that the student's behavior was not a manifestation of his/her disability, the student may be disciplined in accordance with the procedures for students without disabilities. (20 USC 1415(k)(1)(D); 34 CFR 300.530)

The student shall receive services to the extent necessary 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. 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)(1)(D); 34 CFR 300.530)

(cf. 6158 - Independent Study)

(cf. 6185 - Community Day School)

#### Due Process Appeals

If the parent/guardian disagrees 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 hearing if 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 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 hearing is 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/guardian or 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 otherwise. (20 USC 1415(k)(4); 34 CFR 300.533)

#### Readmission

Readmission procedures for students with disabilities shall be the same as those used for all students. Upon readmission, an IEP team meeting shall be convened.

## Suspension of Expulsion

The Board of Trustees'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

Prior to the suspension or expulsion of any student with a disability, the principal or designee shall notify appropriate city or county law enforcement authorities of any act of assault with a deadly weapon 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 acts by any student with a disability which may involve the possession or sale of narcotics or of a controlled substance or possession of weapons or firearms in violation of Penal Code 626.9 and 626.10. (Education Code 48902)

Within one school day after a suspension or expulsion of a student with disabilities, the principal or designee shall notify appropriate city or county law enforcement authorities, by telephone or other appropriate means, of any act by the student 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)

(cf. 5131.7 - Weapons and Dangerous Instruments)

## Report to County Superintendent of Schools

The Superintendent or designee shall report to the County Superintendent 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 action. (Education Code 48203)

## Legal Reference:

### EDUCATION CODE

35146 Closed sessions (re suspensions)

35291 Rules (of governing board)

48203 Reports of severance of attendance of disabled students

48900-48925 Suspension and expulsion

56000 Special education; legislative findings and declarations

56320 Educational needs; requirements

56321 Development or revision of individualized education program

56329 Independent educational assessment

56340-56347 Individual education program teams

56505 State hearing

## PENAL CODE

245 Assault with deadly weapon

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

626.9 Gun-Free School Zone Act

626.10 Dirks, daggers, knives, razors or stun guns

## UNITED STATES CODE, TITLE 18

930 Weapons

1365 Serious bodily injury

## UNITED STATES CODE, TITLE 20

1412 State eligibility

1415 Procedural safeguards

## UNITED STATES CODE, TITLE 21

812(c) Controlled substances UNITED

STATES CODE, TITLE 29

706 Definitions

794 Rehabilitation Act of 1973, Section 504

## CODE OF FEDERAL REGULATIONS, TITLE 34

104.35 Evaluation and placement

104.36 Procedural safeguards

300.1-300.818 Assistance to states for the education of students with disabilities, especially:

300.530-300.537 Discipline procedures

## COURT DECISIONS

Schaffer v. Weast (2005) 125 S. Ct. 528

Parents of Student W. v. Puyallup School District, (1994 9th Cir.) 31 F.3d 1489

M.P. v. Governing Board of Grossmont Union High School District, (1994) 858 F.Supp. 1044

Honig v. Doe, (1988) 484 U.S. 305

Management Resources:

FEDERAL REGISTER

Rules and Regulations, August 14, 2006, Vol. 71, Number 156, pages 46539-46845

WEB SITES

California Department of Education, Special Education: <http://www.cde.ca.gov/sp/se>

U.S. Department of Education, Office of Special Education Programs:

<http://www.ed.gov/about/offices/list/osers/osep/index.html>

Regulation TWIN RIVERS UNIFIED SCHOOL DISTRICT

approved: July 25, 2008 McClellan, California

## **Administrative Regulation 5144.2 Student Suspension and Expulsion (Students with Disabilities)**

A student identified as an individual with disabilities pursuant to the Individuals with Disabilities Education Act (IDEA) is subject to the same grounds for suspension and expulsion which apply to students without disabilities.

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

### **Procedures for Students Not Yet Eligible for Special Education Services**

A student who has not been officially identified as a student with disabilities pursuant to IDEA and who has engaged in behavior that violated the district's code of student conduct may assert any of the protections under IDEA only if the district had knowledge that the student is disabled before the behavior that precipitated the disciplinary action occurred. (20 USC 1415(k)(5); 34 CFR 300.534)

The district shall be deemed to have knowledge that the student has a disability if one of the following conditions exists: (20 USC 1415(k)(5); 34 CFR 300.534)

1. The parent/guardian has expressed concern to district supervisory or administrative personnel in writing, or to a teacher of the student, that the student 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 34 CFR 300.300-300.311.

(cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)

3. The teacher of the student or other district personnel has expressed specific concerns directly to the district's director of special education or to other supervisory district personnel about a pattern of behavior demonstrated by the student.

The district would be deemed to not have knowledge that a student is disabled if the parent/guardian has not allowed the student to be evaluated for special education services or has refused services. In addition, the district would be deemed to not have knowledge if the district conducted an evaluation pursuant to 34 CFR 300.300-300.311 and determined that the student was not an individual with a disability. When the district is deemed to not have knowledge of the disability, the student shall be disciplined in accordance with procedures established for students without disabilities who engage in comparable behavior. (20 USC 1415(k)(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)(5); 34 CFR 300.534)

### **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.

(cf. 6159 - Individualized Education Program)

The district 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 be deemed to have occurred under any 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:
  - a. The series of removals total more than 10 school days in a school year.
  - b. The student's behavior is substantially similar to his/her behavior in previous incidents that resulted in the series of removals.
  - c. 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 the removal has been determined to be a change of placement as specified in items #1-2 above, the student's IEP team shall determine the appropriate educational services. (34 CFR 300.530)

#### Services During Suspension

Any student suspended for more than 10 school days in the same school year shall continue to receive services during the term of the suspension. School personnel, in consultation with at least one of the student's teachers, shall determine the extent to which services are needed as provided in 34 CFR 300.101(a), so as to enable the student to continue to participate in the general education curriculum in another setting and to progress toward meeting the goals as set out in his/her IEP. (20 USC 1412(a)(1)(A); 34 CFR 300.530)

If a student with disabilities is excluded from school bus transportation, the student shall be provided with an alternative form of transportation at no cost to the student or his/her parent/guardian, provided that transportation is specified in his/her IEP. (Education Code 48915.5)

(cf. 3541.2 - Transportation for Students with Disabilities)

#### Interim Alternative Educational Placement Due to 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, when the student commits one of the following acts while at school, going to or from school, or at a school-related function: (20 USC 1415(k)(1)(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 I-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)(1)(G), 34 CFR 300.531)

On the date the decision to take disciplinary action is made, the parents/guardians of the student shall 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)

A student who has been removed from his/her current placement because of dangerous behavior shall receive services to the extent necessary to allow him/her to participate in the general education curriculum and to progress toward meeting the 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)(1)(D); 34 CFR 300.530)

#### Manifestation Determination

The following procedural safeguards shall apply when a student is suspended for more than 10 consecutive school days, when a series of removals 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 parents/guardians of the student shall 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)

(cf. 5145.6 - Parental Notifications)

(cf. 6159.1 - Procedural Safeguards and Complaints for Special Education)

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)(1)(E); 34 CFR 300.530)

a. Caused by or had a direct and substantial relationship to the student's disability

b. 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 a condition in either #a or #b above was met, the conduct shall then be determined to be a manifestation of the student's disability. (20 USC 1415(k)(1)(E); 34 CFR 300.530)

3. Determination that Behavior is a Manifestation of the Student's Disability: When the conduct has been



determined to be a manifestation of the student's disability, the IEP team shall conduct a functional behavioral assessment, unless a functional behavioral assessment had 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 behavior 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 district 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)

(cf. 6159.4 - Behavioral Interventions for Special Education Students)

4. Determination that Behavior is Not a Manifestation of the Student's Disability: If the manifestation determination review team determines that the student's behavior was not a manifestation of his/her disability, the student may be disciplined in accordance with the procedures for students without disabilities. (20 USC 1415(k)(1)(D); 34 CFR 300.530)

The student shall receive services to the extent necessary 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. 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)(1)(D); 34 CFR 300.530)

(cf. 6158 - Independent Study)

(cf. 6185 - Community Day School)

#### Due Process Appeals

If the parent/guardian disagrees 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 hearing if 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 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 hearing is 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/guardian or 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 otherwise. (20 USC 1415(k)(4); 34 CFR 300.533)

#### Readmission

Readmission procedures for students with disabilities shall be the same as those used for all students. Upon readmission, an IEP team meeting shall be convened.

## Suspension of Expulsion

The Board of Trustees'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

Prior to the suspension or expulsion of any student with a disability, the principal or designee shall notify appropriate city or county law enforcement authorities of any act of assault with a deadly weapon 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 acts by any student with a disability which may involve the possession or sale of narcotics or of a controlled substance or possession of weapons or firearms in violation of Penal Code 626.9 and 626.10. (Education Code 48902)

Within one school day after a suspension or expulsion of a student with disabilities, the principal or designee shall notify appropriate city or county law enforcement authorities, by telephone or other appropriate means, of any act by the student 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)

(cf. 5131.7 - Weapons and Dangerous Instruments)

## Report to County Superintendent of Schools

The Superintendent or designee shall report to the County Superintendent 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 action. (Education Code 48203)

## Legal Reference:

### EDUCATION CODE

35146 Closed sessions (re suspensions)

35291 Rules (of governing board)

48203 Reports of severance of attendance of disabled students

48900-48925 Suspension and expulsion

56000 Special education; legislative findings and declarations

56320 Educational needs; requirements

56321 Development or revision of individualized education program 56329

Independent educational assessment

56340-56347 Individual education program teams

56505 State hearing

## PENAL CODE

245 Assault with deadly weapon

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

626.9 Gun-Free School Zone Act

626.10 Dirks, daggers, knives, razors or stun guns

## UNITED STATES CODE, TITLE 18

930 Weapons

1365 Serious bodily injury

## UNITED STATES CODE, TITLE 20

1412 State eligibility

1415 Procedural safeguards

## UNITED STATES CODE, TITLE 21

812(c) Controlled substances UNITED

STATES CODE, TITLE 29

706 Definitions

794 Rehabilitation Act of 1973, Section 504

## CODE OF FEDERAL REGULATIONS, TITLE 34

104.35 Evaluation and placement

104.36 Procedural safeguards

300.1-300.818 Assistance to states for the education of students with disabilities, especially:

300.530-300.537 Discipline procedures

## COURT DECISIONS

Schaffer v. Weast (2005) 125 S. Ct. 528

Parents of Student W. v. Puyallup School District, (1994 9th Cir.) 31 F.3d 1489

M.P. v. Governing Board of Grossmont Union High School District, (1994) 858 F.Supp. 1044

Honig v. Doe, (1988) 484 U.S. 305

Management Resources:

FEDERAL REGISTER

Rules and Regulations, August 14, 2006, Vol. 71, Number 156, pages 46539-46845

WEB SITES

California Department of Education, Special Education: <http://www.cde.ca.gov/sp/se>

U.S. Department of Education, Office of Special Education Programs:

<http://www.ed.gov/about/offices/list/osers/osep/index.html>

Regulation TWIN RIVERS UNIFIED SCHOOL DISTRICT

approved: July 25, 2008 McClellan, California



# Comprehensive School Safety Plan

## Procedures to Notify Teachers of Dangerous Students

- Students who violate education code requiring a schools act date are tagged in the student information system (Aeries) with a date of violation.
- Teacher class rosters in ABI will show teachers those students with a safe schools act date.
- Teachers may inquire with site administration to get additional discipline or support information regarding the safe schools act date notation.



# Comprehensive School Safety Plan

## Discrimination and Harassment Policy

### Board Policy 5145.7 - Sexual Harassment

The Board of Trustees is committed to maintaining an educational environment that is free from harassment. The Board prohibits sexual harassment of students by other students, employees or other persons, at school or at school-sponsored or school-related activities. The Board also prohibits retaliatory behavior or action against persons who complain, testify, assist or otherwise participate in the complaint process established pursuant to this policy and the administrative regulation.

### Instruction/Information

The Superintendent or designee shall ensure that all district students receive age-appropriate instruction and information on sexual harassment. Such instruction and information shall include:

1. What acts and behavior constitute sexual harassment, including the fact that sexual harassment could occur between people of the same gender
2. A clear message that students do not have to endure sexual harassment
3. Encouragement to report observed instances of sexual harassment, even where the victim of the harassment has not complained
4. Information about the person(s) to whom a report of sexual harassment should be

made (cf. 5131.5 - Vandalism, Theft and Graffiti)

(cf. 5137 - Positive School Climate)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 6142.1 - Sexual Health and HIV/AIDS Prevention Instruction)

### Complaint Process

Any student who feels that he/she is being, or has been subjected to sexual harassment shall immediately contact

his/her teacher or any other employee. A school employee to whom a complaint is made shall, within 24 hours of receiving the complaint, report it to the principal or designee.

Any school employee who observes any incident of sexual harassment involving a student shall report this observation to the principal or designee, whether or not the victim files a complaint.

In any case of sexual harassment involving the principal or any other district employee to whom the complaint would ordinarily be made, the employee who receives the student's report or who observes the incident shall report to the nondiscrimination coordinator or the Superintendent or designee.

(cf. 4119.1 1/4219.11/4319.11 - Sexual Harassment)

(cf. 5141.4 - Child Abuse Prevention and Reporting)

(cf. 5145.3 - Nondiscrimination/Harassment)

The principal or designee to whom a complaint of sexual harassment is reported shall immediately investigate the complaint in accordance with administrative regulation. Where the principal or designee finds that sexual harassment occurred, he/she shall take prompt, appropriate action to end the harassment and address its effects on the victim. The principal or designee shall also advise the victim of any other remedies that may be available. The principal or designee shall file a report with the Superintendent or designee and refer the matter to law enforcement authorities, where required.

(cf. 1312.1 - Complaints Concerning District Employees)

#### Disciplinary Measures

Any student who engages in sexual harassment of anyone at school or at a school-sponsored or school-related activity is in violation of this policy and shall be subject to disciplinary action. For students in grades 4 through 12, disciplinary action may include suspension and/or expulsion, provided that in imposing such discipline the entire circumstances of the incident(s) shall be taken into account.

#### Record-Keeping

The Superintendent or designee shall maintain a record of all reported cases of sexual harassment to enable the district to monitor, address and prevent repetitive harassing behavior in its schools.

All complaints and allegations of sexual harassment shall be kept confidential except as necessary to carry out the investigation or take other subsequent necessary action. (5 CCR 4964)

(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information) Legal

#### Reference:

#### EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex

48900.2 Additional grounds for suspension or expulsion; sexual harassment

48904 Liability of parent/guardian for willful student misconduct

48980 Notice at beginning of term

## CIVIL CODE

51.9 Liability for sexual harassment; business, service and professional relationships 1714.1

Liability of parents/guardians for willful misconduct of minor

## CODE OF REGULATIONS, TITLE 5

4900-4965 Nondiscrimination in elementary and secondary education programs receiving state financial assistance

## UNITED STATES CODE, TITLE 20

1681-1688 Title IX, Discrimination

## UNITED STATES CODE, TITLE 42

2000d-2000d-7 Title VI, Civil Rights Act of 1964

2000e-2000e-17 Title VII, Civil Rights Act of 1964 as amended

## CODE OF FEDERAL REGULATIONS, TITLE 34

106.1-106.71 Nondiscrimination on the basis of sex in education programs

## COURT DECISIONS

Reese v. Jefferson School District, (2001) 208 F.3d 736

Davis v. Monroe County Board of Education, (1999) 526 U.S. 629 Gebser v.

Lago Vista Independent School District, (1998) 118 S.Ct. 1989 Nabozny v.

Podlesny, (1996, 7th Cir.) 92 F.3d 446

Doe v. Petaluma City School District, (1995, 9th Cir.) 54 F.3d 1447

Oona R.-S. etc. v. Santa Rosa City Schools et al, (1995) 890 F.Supp. 1452

Rosa H. v. San Elizario Ind. School District, (W.D. Tex. 1995) 887 F. Supp. 140, 143 Clyde K.

v. Puyallup School District #3, (1994) 35 F.3d 1396

Patricia H. v. Berkeley Unified School District, (1993) 830 F.Supp. 1288



Franklin v. Gwinnet County Schools, (1992) 112 S. Ct. 1028

Kelson v. City of Springfield, Oregon, (1985, 9th Cir.) 767 F.2d 651

Management Resources:

OFFICE OF CIVIL RIGHTS AND NATIONAL ASSOCIATION OF ATTORNEYS GENERAL

Protecting Students from Harassment and Hate Crime: A Guide for Schools, January 1999

OFFICE OF CIVIL RIGHTS' PUBLICATIONS

Revised Sexual Harassment Guidance, January 2001

Sexual Harassment Guidance, March 1997

WEB SITES

OCR: <http://www.ed.gov/offices/OCR>

Policy TWIN RIVERS UNIFIED SCHOOL DISTRICT

adopted: July 25, 2008 McClellan, California

## Administrative Regulation 5145.7 - Sexual Harassment

Prohibited sexual harassment includes, but is not limited to, unwelcome sexual advances, unwanted requests for sexual favors or other unwanted verbal, visual or physical conduct of a sexual nature made against another person of the same or opposite gender, in the educational setting, when: (Education Code 212.5; 5 CCR 4916)

1. Submission to the conduct is explicitly or implicitly made a term or condition of a student's academic status or progress
2. Submission to or rejection of the conduct by a student is used as the basis for academic decisions affecting the student
3. The conduct has the purpose or effect of having a negative impact on the student's academic performance, or of creating an intimidating, hostile or offensive educational environment
4. Submission to or rejection of the conduct by the student is used as the basis for any decision affecting the student regarding benefits and services, honors, programs, or activities available at or through any district program or activity

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

1. Unwelcome leering, sexual flirtations or propositions
2. Sexual slurs, epithets, threats, verbal abuse, derogatory comments or sexually degrading descriptions
3. Graphic verbal comments about an individual's body, or overly personal conversation
4. Sexual jokes, notes, stories, drawings, pictures or gestures
5. Spreading sexual rumors
6. Teasing or sexual remarks about students enrolled in a predominantly single-gender class
7. Massaging, grabbing, fondling, stroking or brushing the body
8. Touching an individual's body or clothes in a sexual way
9. Purposefully cornering or blocking normal movements
10. Displaying sexually suggestive

objects Notifications

A copy of the district's sexual harassment policy and regulation shall:

1. Be included in the notifications that are sent to parents/guardians at the beginning of each school year (Education Code 48980; 5 CCR 4917)

(cf. 5145.6 - Parental Notifications)

2. Be displayed in a prominent location in the main administrative building or other area where notices of district rules, regulations, procedures and standards of conduct are posted (Education Code 231.5)
3. Be provided as part of any orientation program conducted for new students at the beginning of each quarter, semester or summer session (Education Code 231.5)
4. Appear in any school or district publication that sets forth the school's or district's comprehensive rules, regulations, procedures and standards of conduct (Education Code 231.5)
5. Be provided to employees and employee organizations

#### Investigation of Complaints at School (Site-Level Grievance Procedure)

1. The principal or designee shall promptly investigate all complaints of sexual harassment. In so doing, he/she shall talk individually with:

- a. The student who is complaining
- b. The person accused of harassment
- c. Anyone who witnessed the conduct complained of
- d. Anyone mentioned as having related information

2. The student who is complaining shall have an opportunity to describe the incident, present witnesses and other evidence of the harassment, and put his/her complaint in writing.

3. The principal or designee shall discuss the complaint only with the people described above. When necessary to carry out his/her investigation or for other good reasons that apply to the particular situation, the principal or designee also may discuss the complaint with the following persons:

- a. The Superintendent or designee
- b. The parent/guardian of the student who complained
- c. If the alleged harasser is a student, his/her parent/guardian
- d. A teacher or staff member whose knowledge of the students involved may help in determining who is telling the truth
- e. Child protective agencies responsible for investigating child abuse

reports (cf. 5141.4 - Child Abuse Prevention and Reporting)

f. Legal counsel for the district

4. When the student who complained and the alleged harasser so agree, the principal or designee may arrange for them to resolve the complaint informally with the help of a counselor, teacher, administrator or trained mediator.

The student who complained shall never be asked to work out the problem directly with the accused person unless such help is provided and both parties agree.

5. In reaching a decision about the complaint, the principal or designee may take into account:

- a. Statements made by the persons identified above
- b. The details and consistency of each person's account
- c. Evidence of how the complaining student reacted to the incident
- d. Evidence of any past instances of harassment by the alleged harasser
- e. Evidence of any past harassment complaints that were found to be untrue

6. To judge the severity of the harassment, the principal or designee may take into consideration:

- a. How the misconduct affected one or more students' education
- b. The type, frequency and duration of the misconduct
- c. The number of persons involved
- d. The age and gender of the person accused of harassment
- e. The subject(s) of harassment
- f. The place and situation where the incident occurred
- g. Other incidents at the school, including incidents of harassment that were not related to gender

7. The principal or designee shall write a report of his/her findings, decision, and reasons for the decision and shall present this report to the student who complained and the person accused.

8. The principal or designee shall give the Superintendent or designee a written report of the complaint and investigation. If the principal or designee verifies that sexual harassment occurred, this report shall describe the actions taken to end the harassment, address the effects of the harassment on the student harassed, and prevent retaliation or further harassment.

9. Within two weeks after receiving the complaint, the principal or designee shall determine whether or not the student who complained has been further harassed. The principal or designee shall keep a record of this information and shall continue this follow-up.

#### Enforcement

The Superintendent or designee shall take appropriate actions to reinforce the district's sexual harassment policy. As needed, these actions may include any of the following:

1. Removing vulgar or offending graffiti.

2. Providing staff inservice and student instruction or counseling.
3. Notifying parents/guardians of the actions taken.
4. Notifying child protective services.
5. Taking appropriate disciplinary action. In addition, the principal or designee may take disciplinary measures against any person who is found to have made a complaint of sexual harassment which he/she knew was not true.

Regulation TWIN RIVERS UNIFIED SCHOOL DISTRICT

approved: July 25, 2008 McClellan, California

## Board Policy 1312.3 - Uniform Complaint Procedures

The Board of Trustees recognizes that the district has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs. The district shall investigate and seek to resolve any complaints alleging failure to comply with such laws and/or alleging unlawful discrimination, harassment, intimidation, or bullying in accordance with the uniform complaint procedures.

The district shall use the uniform complaint procedures to resolve any complaint alleging unlawful discrimination, harassment, intimidation, or bullying in district programs and activities based on actual or perceived characteristics of race or ethnicity, color, ancestry, nationality, national origin, ethnic group identification, age, religion, marital or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, gender expression, or genetic information, or any other characteristic identified in Education Code 200 or 220, Penal Code 422.55, or Government Code 11135, or based on association with a person or group with one or more of these actual or perceived characteristics.

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

4030 - Nondiscrimination in Employment)

(cf. 4031 - Complaints Concerning Discrimination in Employment) (cf.

5131.2 - Bullying)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

Uniform complaint procedures shall also be used to address any complaint alleging the district's failure to comply with the prohibition against requiring students to pay fees, deposits, or other charges for participation in educational activities, the requirements for the development and adoption of a school safety plan, and state and/or federal laws in adult education programs, consolidated categorical aid programs, migrant education, career technical and technical education and training programs, child care and development programs, child nutrition programs, and special education programs.

(cf. 0450 - Comprehensive Safety Plan)

(cf. 1312.1 - Complaints Concerning District Employees) (cf.

1312.2 - Complaints Concerning Instructional Materials) (cf.

3260 - Fees and Charges)

(cf. 3320 - Claims and Actions Against the District)

(cf. 3553 - Free and Reduced Price Meals)

(cf. 3555 - Nutrition Program Compliance)

(cf. 5141.4 - Child Abuse Prevention and Reporting)

(cf. 5148 - Child Care and Development)

(cf. 6159 - Individualized Education Program)

(cf. 6171 - Title I Programs)

(cf. 6174 - Education for English Language Learners) (cf.

6175 - Migrant Education Program)

(cf. 6178 - Career Technical Education) (cf.

6178.1 - Work-Based Learning)

(cf. 6178.2 - Regional Occupational Center/Program) (cf.

6200 - Adult Education)

The Board prohibits any form of retaliation against any complainant in the complaint process. Participation in the complaint process shall not in any way affect the status, grades, or work assignments of the complainant.

The Board encourages the early, informal resolution of complaints at the site level whenever possible.

The Board recognizes that a neutral mediator can often suggest a compromise that is agreeable to all parties in a dispute. In accordance with the uniform complaint procedures, whenever all parties to a complaint agree to try resolving the problem through mediation, the Superintendent or designee shall initiate that process. The Superintendent or designee shall ensure that the results are consistent with state and federal laws and regulations.

In investigating complaints, the confidentiality of the parties involved and the integrity of the process shall be protected. As appropriate for any complaint alleging discrimination, harassment, intimidation, or bullying, the Superintendent or designee may keep the identity of a complainant confidential to the extent that the investigation of the complaint is not obstructed.

(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)

(cf. 5125 - Student Records)

(cf. 9011 - Disclosure of Confidential/Privileged Information)

The district's Williams uniform complaint procedures, AR 1312.4, shall be used to investigate and resolve any complaint related to the following:

1. Sufficiency of textbooks or instructional materials
2. Emergency or urgent facilities conditions that pose a threat to the health or safety of students or staff
3. Teacher vacancies and misassignments
4. Deficiency in the district's provision of instruction and/or services to any student who, by the completion

of grade 12, has not passed one or both parts of the high school exit examination

(cf. 1312.4 - Williams Uniform Complaint Procedures)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

8200-8498 Child care and development programs

8500-8538 Adult basic education

18100-18203 School libraries

32289 School safety plan, uniform complaint procedures 35186

Williams uniform complaint procedures

37254 Intensive instruction and services for students who have not passed exit exam

41500-41513 Categorical education block grants

48985 Notices in language other than English

49010-49013 Student fees

49060-49079 Student records

49490-49590 Child nutrition programs

52160-52178 Bilingual education programs

52300-52490 Career technical education

52500-52616.24 Adult schools

52800-52870 School-based program coordination

54000-54028 Economic impact aid programs

54100-54145 Miller-Unruh Basic Reading Act

54400-54425 Compensatory education programs

54440-54445 Migrant education

54460-54529 Compensatory education programs



56000-56867 Special education programs

59000-59300 Special schools and centers

64000-64001 Consolidated application process

#### GOVERNMENT CODE

11135 Nondiscrimination in programs or activities funded by state

12900-12996 Fair Employment and Housing Act

#### PENAL CODE

422.55 Hate crime; definition

422.6 Interference with constitutional right or privilege CODE

#### OF REGULATIONS, TITLE 5

3080 Application of section

4600-4687 Uniform complaint procedures

4900-4965 Nondiscrimination in elementary and secondary education programs

#### UNITED STATES CODE, TITLE 20

6301-6577 Title I basic programs

6601-6777 Title II preparing and recruiting high quality teachers and principals

6801-6871 Title III language instruction for limited English proficient and immigrant students

7101-7184 Safe and Drug-Free Schools and Communities Act

7201-7283g Title V promoting informed parental choice and innovative programs

7301-7372 Title V rural and low-income school programs

Management Resources:

#### WEB SITES

CSBA: <http://www.csba.org>

California Department of Education: <http://www.cde.ca.gov>

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

TWIN RIVERS UNIFIED SCHOOL DISTRICT

adopted: March 18, 2008 McClellan, California

revised: February 12, 2013

## Administrative Regulation-1312.3 Uniform Complaint Procedure

Except as the Board of Trustees may otherwise specifically provide in other Board policies, the uniform complaint procedures shall be used only to investigate and resolve complaints alleging violations of federal or state laws or regulations governing specific educational programs, the prohibition against requiring students to pay fees, deposits, or other charges for participating in educational activities, and unlawful discrimination, harassment, intimidation, or bullying, as specified in accompanying Board policy.

(cf. 1312.1 - Complaints Concerning District Employees) (cf.

1312.2 - Complaints Concerning Instructional Materials) (cf.

1312.4 - Williams Uniform Complaint Procedures)

(cf. 4031 - Complaints Concerning Discrimination in Employment)

The district's uniform complaint procedures policy and administrative regulation shall be posted in all district schools and offices, including staff lounges and student government meeting rooms. If 15 percent or more of students enrolled in a particular district school speak a single primary language other than English, the district's policy, regulation, forms, and notices concerning uniform complaint procedures shall be translated into that language. (Education Code 234.1, 48985)

(cf. 5145.6 - Parental Notifications) Compliance

### Officers

The following compliance officer shall receive and investigate complaints and shall ensure district compliance with law:

Assistant Superintendent of School, Community and Employee Relations 3222

Winona Way

North Highlands, CA 95660 (916)

566-1629

The Superintendent or designee shall ensure that employees designated to investigate complaints are knowledgeable about the laws and programs for which they are responsible. Designated employees may have access to legal counsel as determined by the Superintendent or designee.

(cf. 9124 - Attorney)

### Notifications

The Superintendent or designee shall annually provide written notification of the district's uniform complaint procedures to students, employees, parents/guardians, the district advisory committee, school advisory committees, appropriate private school officials or representatives, and other interested parties. (Education Code 262.3, 49013; 5 CCR 4622)

(cf. 0420 - School Plans/Site Councils)

(cf. 1220 - Citizen Advisory Committees)

(cf. 3260 - Fees and Charges)

(cf. 4112.9/4212.9/4312.9 - Employee Notifications) (cf.

5145.6 - Parental Notifications)

The notice shall:

1. Identify the person(s), position(s), or unit(s) responsible for receiving complaints
2. Advise the complainant of any civil law remedies that may be available to him/her under state or federal discrimination laws, if applicable
3. Advise the complainant of the appeal process, including, if applicable, the complainant's right to take a complaint directly to the California Department of Education (CDE) or to pursue remedies before civil courts or other public agencies
4. Include statements that:
  - a. The district has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs.
  - b. The complaint review shall be completed within 60 calendar days from the date of receipt of the complaint unless the complainant agrees in writing to an extension of the timeline.
  - c. A complaint alleging unlawful discrimination, harassment, intimidation, or bullying must be filed not later than six months from the date it occurred, or six months from the date the complainant first obtained knowledge of the facts of the alleged discrimination, harassment, intimidation, or bullying.
  - d. The complainant has a right to appeal the district's decision to the CDE by filing a written appeal within 15 calendar days of receiving the district's decision.
  - e. The appeal to the COE must include a copy of the complaint filed with the district and a copy of the district's decision.
  - f. Copies of the district's uniform complaint procedures are available free of charge.

Procedures

All complaints shall be investigated and resolved within 60 calendar days of the district's receipt of the complaint. (5 CCR 4631)

Compliance officers shall maintain a record of each complaint and subsequent related actions, including all

information required for compliance with 5 CCR 4631 and 4633.

All parties involved in allegations shall be notified when a complaint is filed, when a complaint meeting or hearing is scheduled, and when a decision or ruling is made.

### Step 1: Filing of Complaint

Any individual, public agency, or organization may file a written complaint of the district's alleged noncompliance with federal or state laws or regulations governing educational programs. (5 CCR 4630)

A complaint concerning unlawful discrimination, harassment, intimidation, or bullying may be filed only by a person who alleges that he/she personally suffered unlawful discrimination, harassment, intimidation, or bullying or by a person who believes that an individual or any specific class of individuals has been subjected to it. The complaint shall be initiated no later than six months from the date when the alleged discrimination, harassment, intimidation, or bullying occurred, or six months from the date when the complainant first obtained knowledge of the facts of the alleged discrimination, harassment, intimidation, or bullying. However, upon written request by the complainant, the Superintendent or designee may extend the filing period for up to 90 calendar days. (5 CCR 4630)

A complaint alleging noncompliance with the law regarding the prohibition against requiring students to pay student fees, deposits, and charges may be filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance. (Education Code 49013)

The complaint shall be presented to the compliance officer who shall maintain a log of complaints received, providing each with a code number and a date stamp.

If a complainant is unable to put a complaint in writing due to conditions such as a disability or illiteracy, district staff shall assist him/her in the filing of the complaint. (5 CCR 4600)

### Step 2: Mediation

Within three business days of receiving the complaint, the compliance officer may informally discuss with all the parties the possibility of using mediation. If the parties agree to mediation, the compliance officer shall make all arrangements for this process.

Before initiating the mediation of a complaint alleging discrimination, harassment, intimidation, or bullying, the compliance officer shall ensure that all parties agree to make the mediator a party to related confidential information.

If the mediation process does not resolve the problem within the parameters of law, the compliance officer shall proceed with his/her investigation of the complaint.

The use of mediation shall not extend the district's timelines for investigating and resolving the complaint unless the complainant agrees in writing to such an extension of time. (5 CCR 4631)

### Step 3: Investigation of Complaint

Within 10 calendar days of receiving the complaint, the compliance officer shall provide the complainant and/or his/her representative an opportunity to present the complaint and any evidence, or information leading to evidence, to support the allegations in the complaint. The compliance officer also shall collect all documents and interview all witnesses with information pertinent to the complaint.

A complainant's refusal to provide the district's investigator with documents or other evidence related to the allegations in the complaint, failure or refusal to cooperate in the investigation, or engagement in any other obstruction of the investigation may result in the dismissal of the complaint because of a lack of evidence to support the allegation. (5 CCR 4631)

In accordance with law, the district shall provide the investigator with access to records and other information related to the allegation in the complaint and shall not in any way obstruct the investigation. Failure or refusal of the district to cooperate in the investigation may result in a finding based on evidence collected that a violation has occurred and in the imposition of a remedy in favor of the complainant. (5 CCR 4631)

#### Step 4: Response

Within 30 calendar days of receiving the complaint, the compliance officer shall prepare and send to the complainant a written report of the district's investigation and decision, as described in Step #5 below. If the complainant is dissatisfied with the compliance officer's decision, he/she may, within five business days, file his/her complaint in writing with the Board.

The Board may consider the matter at its next regular Board meeting or at a special Board meeting convened in order to meet the 60-day time limit within which the complaint must be answered. The Board may decide not to hear the complaint, in which case the compliance officer's decision shall be final.

If the Board hears the complaint, the compliance officer shall send the Board's decision to the complainant within 60 calendar days of the district's initial receipt of the complaint or within the time period that has been specified in a written agreement with the complainant. (5 CCR 4631)

#### Step 5: Final Written Decision

The district's decision shall be in writing and sent to the complainant. (5 CCR 4631)

The district's decision shall be written in English and, when required by Education Code 48985, in the complainant's primary language.

For all complaints, the decision shall include: (5 CCR 4631)

1. The findings of fact based on the evidence gathered
2. The conclusion(s) of law
3. Disposition of the complaint
4. Rationale for such disposition
5. Corrective actions, if any are warranted
6. Notice of the complainant's right to appeal the district's decision within 15 calendar days to the CDE and procedures to be followed for initiating such an appeal

In addition, any decision concerning a discrimination, harassment, intimidation, or bullying complaint based on state law shall include a notice that the complainant must wait until 60 calendar days have elapsed from the filing of an

appeal with the CDE before pursuing civil law remedies. (Education Code 262.3)

If investigation of a complaint results in discipline to a student or an employee, the decision shall simply state that effective action was taken and that the student or employee was informed of district expectations. The report shall not give any further information as to the nature of the disciplinary action.

If a complaint alleging noncompliance with the laws regarding student fees, deposits, and other charges is found to have merit, the district shall provide a remedy to all affected students and parents/guardians, which, where applicable, shall include reasonable efforts to ensure full reimbursement to them. (Education Code 49013)

#### Appeals to the California Department of Education

If dissatisfied with the district's decision, the complainant may appeal in writing to the CDE. (Education Code 49013; 5 CCR 4632)

The complainant shall file his/her appeal within 15 calendar days of receiving the district's decision and the appeal shall specify the basis for the appeal of the decision and whether the facts are incorrect and/or the law has been misapplied. The appeal shall be accompanied by a copy of the locally filed complaint and a copy of the district's decision. (5 CCR 4632)

Upon notification by the CDE that the complainant has appealed the district's decision, the Superintendent or designee shall forward the following documents to the CDE: (5 CCR 4633)

1. A copy of the original complaint
2. A copy of the decision
3. A summary of the nature and extent of the investigation conducted by the district, if not covered by the decision
4. A copy of the investigation file including, but not limited to, all notes, interviews, and documents submitted by the parties and gathered by the investigator
5. A report of any action taken to resolve the complaint
6. A copy of the district's uniform complaint procedures
7. Other relevant information requested by the CDE

The CDE may directly intervene in a complaint without waiting for action by the district when one of the conditions listed in 5 CCR 4650 exists, including when the district has not taken action within 60 calendar days of the date the complaint was filed with the district. (5 CCR 4650)

#### Civil Law Remedies

A complainant may pursue available civil law remedies outside of the district's complaint procedures. Complainants may seek assistance from mediation centers or public/private interest attorneys. Civil law remedies that may be imposed by a court include, but are not limited to, injunctions and restraining orders.

For complaints alleging discrimination, harassment, intimidation, and bullying based on state law, a complainant

shall wait until 60 calendar days have elapsed from the filing of an appeal with the CDE before pursuing civil law remedies, provided the district has appropriately and in a timely manner apprised the complainant of his/her right to file a complaint in accordance with 5 CCR 4622. The moratorium does not apply to injunctive relief and to discrimination complaints based on federal law. (Education Code 262.3)

Regulation TWIN RIVERS UNIFIED SCHOOL DISTRICT

approved: March 18, 2008 McClellan, California

revised: February 12, 2013





# Comprehensive School Safety Plan

## School-wide Dress Code

Board Policy 5132 - Dress Code

The Board of Trustees believes that appropriate dress and grooming contribute to a productive learning environment. The Board expects students to give proper attention to personal cleanliness and to wear clothes that are suitable for the school activities in which they participate. Students' clothing must not present a health or safety hazard or a distraction which would interfere with the educational process.

(cf. 4119.22 - Dress and Grooming)

(cf. 5145.2 - Freedom of Speech/Expression)

Students and parents/guardians shall be informed about dress and grooming standards at the beginning of the school year and whenever these standards are revised. A student who violates these standards shall be subject to appropriate disciplinary action.

(cf. 5144 - Discipline)

## Gang-Related Apparel

The principal, staff and parents/guardians at a school may establish a reasonable dress code that prohibits students from wearing gang-related apparel when there is evidence of a gang presence that disrupts or threatens to disrupt the school's activities. Such a dress code may be included as part of the school safety plan and must be presented to the Board for approval. The Board shall approve the plan upon determining that it is necessary to protect the health and safety of the school's students.

(cf. 0450 - Comprehensive Safety Plan) (cf.

5136 - Gangs)

## Uniforms

In order to promote student safety and discourage theft, peer rivalry and/or gang activity, the principal, staff and parents/guardians at a school may establish a reasonable dress code requiring students to wear uniforms. Such a

dress code may be included as part of the school safety plan and must be presented to the Board for approval. The Board shall approve the plan upon determining that it is necessary to protect the health and safety of the school's students.

If a school's plan to require uniforms is adopted, the Superintendent or designee shall establish procedures whereby parents/guardians may choose to have their children exempted from the school uniform policy. Students shall not be penalized academically, otherwise discriminated against or denied attendance to school if their parents/guardians so decide. (Education Code 35183)

The Superintendent or designee shall ensure that resources are identified to assist economically disadvantaged students in obtaining uniforms.

Legal Reference:

#### EDUCATION CODE

32281 School safety plans

35183 School dress codes; uniforms

35183.5 Sun-protective clothing

48907 Student exercise of free expression

49066 Grades; effect of physical education class apparel CODE

#### OF REGULATIONS, TITLE 5

302 Pupils to be neat and clean on entering school

#### COURT DECISIONS

Marvin H. Jeglin et al v. San Jacinto Unified School District et al, (C.D. Cal. 1993) 827

F.Supp. 1459

Arcadia Unified School District v. California Department of Education, (1992) 2 Cal. 4th 251

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

#### Policy TWIN RIVERS UNIFIED SCHOOL DISTRICT

adopted: July 15, 2008 McClellan, California

## **Administrative Regulation 5132 - Dress Code**

In cooperation with teachers, students and parents/guardians, the principal or designee shall establish school rules governing student dress and grooming which are consistent with law, Board of Trustees policy and administrative regulations. These school dress codes shall be regularly reviewed.

(cf. 0420 - School Plans/Site Councils)

Each school shall allow students to wear sun-protective clothing, including but not limited to hats, for outdoor use during the school day. (Education Code 35183.5)

In addition, the following guidelines shall apply to all regular school activities:

1. Shoes must be worn at all times. Sandals must have heel straps. Thongs or backless shoes or sandals are not acceptable.
2. Clothing, jewelry and personal items (backpacks, fanny packs, gym bags, water bottles etc.) shall be free of writing, pictures or any other insignia which are crude, vulgar, profane or sexually suggestive, which bear drug, alcohol or tobacco company advertising, promotions and likenesses, or which advocate racial, ethnic or religious prejudice.
3. Hats, caps and other head coverings shall not be worn indoors.
4. Clothes shall be sufficient to conceal undergarments at all times. See-through or fish-net fabrics, halter tops, off-the-shoulder or low-cut tops, bare midriffs and skirts or shorts shorter than mid-thigh are prohibited.
5. Gym shorts may not be worn in classes other than physical education.

Coaches and teachers may impose more stringent dress requirements to accommodate the special needs of certain sports and/or classes.

(cf. 3260 - Fees and Charges)

No grade of a student participating in a physical education class shall be adversely affected if the student does not wear standardized physical education apparel because of circumstances beyond the student's control. (Education Code 49066)

(cf. 5121 - Grades/Evaluation of Student Achievement)

The principal, staff, students and parent/guardians at each school may establish reasonable dress and grooming regulations for times when students are engaged in extracurricular or other special school activities.

### **Gang-Related Apparel**

At individual schools that have a dress code prohibiting gang-related apparel at school or school activities, the principal, staff and parents/guardians participating in the development of the school safety plan shall define "gang-related apparel" and shall limit this definition to apparel that reasonably could be determined to threaten the health and safety of the school environment if it were worn or displayed on a school campus. (Education Code 32282)

Because gang-related symbols are constantly changing, definitions of gang-related apparel shall be reviewed at least once each semester and updated whenever related information is received.

## Uniforms

In schools where a schoolwide uniform is required, the principal, staff and parents/guardians of the individual school shall jointly select the specific uniform to be worn. (Education Code 35183)

At least six months before a school uniform policy is implemented, the principal or designee shall notify parents/guardians of this policy. (Education Code 35183)

Parents/guardians shall also be informed of their right to have their child exempted.

Students who participate in a nationally recognized youth organization shall be allowed to wear organization uniforms on days when the organization has a scheduled meeting. (Education Code 35183)

Regulation TWIN RIVERS UNIFIED SCHOOL DISTRICT

approved: July 15, 2008 McClellan, California



# Comprehensive School Safety Plan

## Safe Ingress/Egress Procedures

### SAFETY PROCEDURES TO AND FROM SCHOOL

#### **PEDESTRIANS:**

Students who walk to and from school are to abide by all public safety rules such as:

- 1) using crosswalks
- 2) using sidewalks when available
- 3) walking against the traffic
- 4) walking single file when in groups (When there are no sidewalks)
- 5) wearing light outer clothing on dark mornings

#### **BICYCLISTS:**

Students who ride bicycles to and from school are to follow all California traffic laws including:

- 1) wearing a proper helmet
- 2) riding with traffic
- 3) crossing streets at intersections by walking the bike across in the crosswalk
- 4) riding single file while in groups of riders
- 5) walking the bicycle while on campus
- 6) securing the bicycle with a lock in the designated bike storage area

**ALL BICYCLISTS MUST LOCK THEIR BIKES BY THE REAR TIRE FOR OPTIMUM THEFT PROTECTION.** Although the Twin Rivers Unified School District provides bike racks for students' convenience, the school is NOT responsible for theft of bicycles or for loss to students to and from school. Students should not leave helmets, pumps, seat covers or baskets on their bikes.

#### **CAR TRANSPORTATION:**

Drivers are never to off load or pick up passengers in the bus zone in front of the school. VISITORS may park in the visitor parking lot in front of the school. If a parent or guardian is dropping off students AND visiting the office, he or she should park in the visitor parking lot. Do not park in the drop off zone as your car will block others who are dropping off passengers. After off-loading, exit slowly, paying close attention to pedestrians.

## **STUDENTS ON CAMPUS**

Once students arrive on campus, they are not to leave unless signed out from the office.

## **EARLY DISMISSAL**

- Students leaving during the day for any reason should bring a note from a parent or guardian authorizing the release of the child
- If any adult other than the guardian comes for the student, a signed not from the parent or guardian permitting release of the child is required. If the adult is not known to staff, check emergency card and verify release by phone call to the child's guardian.
- Student must be released through the office, where parent is required to list the date and time of dismissal on the sign out sheet.
- All early dismissals must also be entered into AERIES.

## **CUSTODY CONCERNS**

- Custody issues should be noted both on the student's emergency card and in AERIES
- Follow required steps to verify adult
- If release of child seems suspicious, contact TRPD

# **POLICIES FOR A SECURE CAMPUS**

## **SITE STAFF**

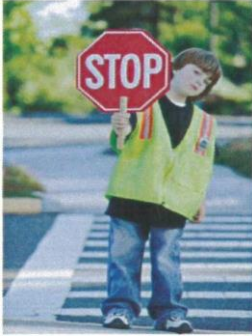
- All staff members must wear name badges while on campus, including substitute teachers
- Start and end times of school and when students are allowed on campus will be publicized
- Teachers should keep classroom doors locked at all times
- If campus is not closed off by fences, if possible, custodians should close and lock all gates leading onto school grounds
- At night, all outside lights should be in working condition and turned on

## **VISITORS and VOLUNTEERS**

- All visitors must check in with the office and sign in to the binder
- Visitors who stay on campus are required to wear a visible visitor sticker or badge
- Visitors must also leave campus through the office, checking out by signing the binder

## **DISTRICT AND INDIVIDUAL SCHOOL SITE RESPONSIBILITIES**

- Each site produces procedures for a secure campus based on facility configurations and fencing at the present time
- Facility inspection should include information on the adequacy of security systems on site (cameras, lights, fencing, etc.)
- Individual schools need to publish and distribute procedures for drop off and pick up of students
- All entries/exits, crosswalks, and bus zones need to be clearly marked with paint and signage



# Comprehensive School Safety Plan

## School Discipline

### All Students Have a Right to a High-Quality Education

The right to a high-quality education ensures that school disciplinary measures will not be used to exclude students from school or otherwise deprive them of such an education, unless it is necessary to preserve the safety of students and staff. One objective of discipline in schools is to *assist students in learning and displaying self-discipline or control of their own behavior*. Attainment of this objective depends on the good judgment and compassion of all parents/ guardians within the community. Success with this discipline plan depends on the cooperative effort between parents, students and staff.

### General Principles

The goal of student discipline is to teach students to behave in ways that contribute to academic achievement and school success, as well as support a school climate where students and staff are responsible and respectful.

### Apply Reasonable Consequences

District programs and school will make every reasonable effort to correct student misbehavior through site-based resources at the lowest possible level, and support students in learning the skills necessary to enhance a positive school environment and avoid negative behavior.

Teachers can address the vast majority of disciplinary issues at the classroom level. In all instances school discipline should be reasonable, timely, fair, age-appropriate, and match the severity of the student's behavior. The use of out of school suspensions, expulsions and referrals to alternative schools should be minimized.

### Due Process

School and district officials must make sure that disciplinary due process rights are explained to students and parents. A failure to provide students and parents/ guardians with due process could possibly result in the breakdown of trust between school and some students, families, and the communities they serve. To ensure effective relationships and adequate communication in student disciplinary matters, there should be consideration and respect for: parents/ guardians right to be immediately notified when their child faces disciplinary action; students' right to a fair hearing; and parents/ students right to appeal suspensions, expulsions, and referrals to alternative schools.

### Out of School Suspensions or Voluntary Transfers

The use of measures such as out of school suspension or involuntary transfers excludes students from school and should

be minimized. These measures typically result in loss of instructional time and should be reserved for infractions that cannot be appropriately addressed through other interventions and disciplinary responses.

### **Referrals to Alternative School Programs**

The referral to alternative school should receive careful consideration. Has the home school exhausted all possible resources in supporting student success prior to making a referral for either voluntary or involuntary transfers? Referrals to the alternative schools to access credit recovery will only be considered after attendance and disciplinary interventions and supports on the comprehensive school site have been attempted and failed to bring about the desired response.

### **District Collaboration of Services Transfer Process (D-COST)**

D-COST is a district level meeting of secondary school site administrators and Student Services support personnel to address and resolve credit and behavioral issues facing students from the district's secondary school programs.

Students who have credit, attendance or behavioral issues which have not been successful on the comprehensive school campus can be presented to this team for possible voluntary transfer to available alternative school placements. These transfers are only approved after all site interventions have been attempted and failed to produce the desired result.

Attendance and behavioral issues must have a Site SART in place for at least 30 days. Before a voluntary transfer can be considered the student's parent must have agreed to the transfer as evidenced by the signed Voluntary Transfer contract (Appendix ?)

Students who arrive in Twin Rivers USO sometime during the school year who have not been successful in their previous school placement can be considered for a voluntary transfer. Typically the student should be enrolled in their neighborhood school prior to being referred to an alternative school site, but there are exceptions to this rule. It is best to contact the Student Services office for further guidance on the most appropriate placement. Another exception to this rule would be any student who is coming from an alternative school program in another district. They can be referred to Student Services for evaluation and placement.

### **Students with Disabilities**

Many students with disabilities require intense academic support and removal from the learning environment can have a negative impact on their achievement. Learning environments which experience few interruptions (out of school suspensions, expulsions, referrals to alternative school, etc.) will likely achieve the greatest educational benefit. When considering suspensions and expulsions, school administrators must carefully determine if the behavior is a manifestation of the student's disability. It is important that behavioral interventions are positive and in accordance with the student's Individualized Education Program (IEP), behavior support plan and 504 plan. A student with special needs can only be suspended for up to ten (10) days without a manifestation determination to evaluate the support services necessary to bring about student success.

A student with special needs can be referred to an alternative school site if their IEP and BSP are current and there is space available in the alternative school program. To make this determination the site administrator should consult the Department Chair or Program Specialist assigned to school to determine whether all paperwork is up to date.



## Tier 2 Behavioral Supports Matched to Motivational Functions

It is important to look at the possible reasons for the persistent behaviors that have been identified as areas/ environments of concern. Below are possible motivational factors with strategies that can be implemented to provide solutions and supports typically at the Tier 2 level of services. Directions for completing the document are as follows: "Identify the possible reason for the persistent behavior; mark the strategies you have implemented to offer Tier 2 behavioral supports and; provide evidence of implementation for RTI team review."

Motivational Functions of Behavior	Mark Behavioral Supports & Provide Evidence
<p><b>Options for Ability:</b> Sometimes behaviors occur because the student does not have the neurological or physiological ability to behave the way the teacher would like. Interventions include: teaching replacement behaviors for the new skill or making behavioral accommodations.</p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Teach classroom/ environmental routines</li> <li><input type="checkbox"/> Teach expectations</li> <li><input type="checkbox"/> Teach and review policies and procedures</li> <li><input type="checkbox"/> Provide visual, auditory and kinesthetic supports</li> <li><input type="checkbox"/> Reinforce the desired behavior</li> <li><input type="checkbox"/> Other (please describe)</li> </ul>
<p><b>Options for Awareness:</b> Students may exhibit patterns about which they are almost completely unaware. Interventions include: helping the student become aware of the behavior through cueing or self-monitoring.</p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Correct immediately</li> <li><input type="checkbox"/> Provide goal setting</li> <li><input type="checkbox"/> Use signals/ prompts</li> <li><input type="checkbox"/> Implement Replacement behaviors/ positive options</li> <li><input type="checkbox"/> Reinforce the desired behavior</li> <li><input type="checkbox"/> Other (please describe)</li> </ul>
<p><b>Options for Adult Attention:</b> In order to get attention from an adult, some students may seek attention in inappropriate ways. Interventions include: ways to increase the frequency, duration, and intensity of adult attention the student receives when exhibiting positive behavior.</p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Correct calmly</li> <li><input type="checkbox"/> Planned discussion- confer with student</li> <li><input type="checkbox"/> Provide non-contingent attention</li> <li><input type="checkbox"/> Circulate frequently</li> <li><input type="checkbox"/> Reinforce the desired behavior</li> <li><input type="checkbox"/> Other (please describe)</li> </ul>
<p><b>Options for Peer Attention:</b> Some students demonstrate inappropriate behavior to seek attention from peers - playing class clown, showing off, arguing, bullying, or being annoying. Interventions include: an increase of positive attention when appropriate peer interactions occur.</p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Increase pro-social peer interaction</li> <li><input type="checkbox"/> Provide explicit instruction in social skills</li> <li><input type="checkbox"/> Work with peer group on planned ignoring</li> <li><input type="checkbox"/> Change seat location</li> <li><input type="checkbox"/> Reinforce the desired behavior</li> <li><input type="checkbox"/> Other: (please describe)</li> </ul>
<p><b>Options for Power/ Control:</b> Some students seek power or control by eliciting emotional reactions from staff. Interventions include: giving the student control over certain aspects when he/ she exhibits positive behaviors and avoids power struggles or arguments.</p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Data collection</li> <li><input type="checkbox"/> Put student in charge of an area or role in the classroom</li> <li><input type="checkbox"/> Manage the cycle of behavioral escalation</li> <li><input type="checkbox"/> Give viable choices</li> <li><input type="checkbox"/> Reinforce the desired behavior</li> <li><input type="checkbox"/> Other (please describe)</li> </ul>
<p><b>Options for Avoidance:</b> Typically, the student is trying to escape or avoid something. Interventions include: a skill-building component and ways to learn the behavior that is desired.</p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Adjust expectations/ procedures</li> <li><input type="checkbox"/> Planned discussion-confer with student</li> <li><input type="checkbox"/> Use first/ then</li> <li><input type="checkbox"/> Adapt instruction</li> <li><input type="checkbox"/> Increase assignment interest</li> <li><input type="checkbox"/> Change schedule</li> <li><input type="checkbox"/> Other (please describe)</li> </ul>

## Suspension, Expulsion, and Involuntary Transfer

According to Education Code sections 48900, a pupil who commits any offense related to school activities or attendance involving the following acts or offenses may be removed from his or her school setting through suspension, expulsion or involuntary transfer to a continuation school, opportunity program or county community school:

- Physical injury of another person
- Drug or alcohol offense
- Obscene acts, profanity
- Hate-motivated behavior
- Theft
- Drug or alcohol offense
- Weapons possession
- Disruption/ defiance
- Sexual harassment
- Harassment, threats, or intimidation
- Robbery {or attempts}
- Receipt of stolen property
- Gang behavior
- Terroristic threats
- Bullying

Suspension	Expulsion	Involuntary Transfer
<p><b>Definition:</b></p> <p>A short-term removal of a pupil from on-going instruction at a school for adjustment purposes. {may only be used when other means of correction fail to bring about proper conduct, except for specified offenses or safety concerns) Ed. Code 48900.5</p>	<p>Long-term removal of a pupil from the school district by action of the governing board, which may suspend the expulsion with specified conditions. {Ed. Code 48915, 48918, 48925}</p> <p>For special education students, there must be a pre-expulsion IEP. {Ed. Code 48915.5}</p>	<p>Transfer of irregularly attending truant or disruptive pupil to a continuation school or opportunity program. {Ed. Code 48432.5, 48637}</p>
<p><b>Who has the authority:</b></p> <p>Principals or their designees are given the power by the superintendent to suspend students from school. Teachers may suspend from the classroom. {Ed. Code 48900, 48910, 48911}</p>	<p>Principal or superintendent {or designee} must recommend expulsion if a pupil causes serious physical injury; brandishes a knife, or dangerous object, arranges sale of a controlled substance or assault or battery on a school employee. The referral must have substantial evidence.</p> <p>Board makes the final decision to expel or suspend the expulsion. {Ed. Code 48915}</p>	<p>Principal or designee present cases to be considered for transfer to continuation school, opportunity school or county community school. A committee makes the final determination. {Ed. Code 48432.5, 48637.1, 48637.2}</p>
<p><b>How long:</b></p> <p>Principals or their designees can</p>		

<p>suspend for up to 5 days per incident for a total of 20 days per school year. {Ed. Code 48903, 4812.5}</p> <p>Teachers may suspend from their class for the remainder of that day and 1 additional day. {Ed. Code 48910} May request the parent attend class with</p>	<p>Until the governing board permits readmission. {Ed. Code 48915.1, 48916}</p>	<p>Until the end of the semester following the semester during which the acts leading to the transfer occurred. {Ed. Code 48432.5}</p>
<p>their child. (Ed. Code 48900.1)</p>		
<p><b>Due-process steps:</b></p> <ol style="list-style-type: none"> <li>1. Conduct informal conference with pupil, referring school employee, and principal or designee. (Ed. Code 48911)</li> <li>2. Tell pupil reasons for discipline and allow an opportunity to present his/her side. (Ed. Code 48911)</li> <li>3. Contact parent/ guardian by telephone and in writing. (Ed. Code 48911)</li> <li>4. Record suspension in Assertive Discipline.</li> <li>5. If recurring request conference parent/ guardian and school. (Ed. Code 48911)</li> </ol>	<ol style="list-style-type: none"> <li>1. Hearing within 30 school days of act unless governing board meets less than weekly, in which case 40 school days are allowed. (Ed. Code 48918)</li> <li>2. Give student and parent/ guardian written notice, facts and charges, along with a copy of the specific Ed. Code violation. Also advise the parent on the right to have counsel, a redacted copy of the documents, question witnesses, and present evidence at the hearing.</li> <li>3. The Board determines whether the student is expelled subsequent to the recommendation from the hearing panel.</li> <li>4. Expulsion decision must be based on <b>substantial evidence relevant to the charges.</b> (Ed. Code 48918)</li> <li>5. Deliberation is held in closed session, but decision is made public. (Ed. Code 48918)</li> <li>6. Student must be advised that he/ she may appeal to the county board of education. (Ed. Code 48918-48924)</li> </ol>	<ol style="list-style-type: none"> <li>1. Student and parent are notified of proposed involuntary transfer in writing. Parent/ guardian/ student may request appeal with the superintendent's designee. (ed. Code 48432.5)</li> <li>2. At the meeting, student and parents are informed of facts and reasons for transfer. They are offered the opportunity to inspect the documents and present their own evidence. (ed. Code 48432.5, 48637)</li> <li>3. Written decision must give reasons for the transfer (based on Ed. Code 48900, truancy, or irregular attendance). (Ed. Code 48432.5, 48637).</li> </ol>

## Expulsion Procedures At a Glance

### Principal determine whether to expel:

1. Determine as quickly as possible if the case is going to be referred for expulsion
  - a. If you are not sure of your circumstances contact the Student Services coordinator to discuss the incident. (50853)
2. Complete the 1st page of the expulsion packet and email it to the clerk and coordinator in Student Services.
3. Mark the discipline screen in Aeries with the suspension and then choose "Add New" and choose "EXRF" for Expulsion Referral.
  - a. When doing the suspension choose the Description and Code which are the most serious. It is not necessary to mark 48900 (k) Disrupted school activities unless it is a necessary part of the incident. (see Expulsion - Policy and Procedures)
  - b. If a weapon was involved select "Additional Information" tab. Complete the following
    - i. Law enforcement notified?
    - ii. Incident#
    - iii. Weapon type
    - iv. Student is Special Education?
  - c. Also if a weapon of any sort is involved take pictures immediately by placing a ruler beside the item. This is to demonstrate size or scale for the picture.
4. For a Student with Special Needs notify the Dept. Chair and psychologist assigned to your school site. Make sure to notify the program specialist of the first day of suspension. A manifestation Determination must be held within 10 days. Every effort should be made to continue the support services during the suspension.

### Incident investigation:

1. Collect statements from all involved students or staff that support your reason for requesting expulsion. The accused student must be given an opportunity to tell their side. If they refuse, make note of it in your investigative summary.
2. Identify and interview witnesses. Have them give written or verbal statements as soon as possible after the incident.

### Complete the expulsion packet

1. Within 5 to 7 days submit a complete packet to Student Services
  - a. Email the completed packet in Word to the Student Services clerk and drop off the complete packet with all original witness statements.
2. Make sure that the address and phone numbers are current.
3. Student Services coordinator will extend the suspension for an additional 5 days

### Additional Findings necessary for expulsion

1. Identify "other means of corrections that you have attempted" by include interventions attempted at the school site in your expulsion packet.
2. If you feel that the presence of this student on your campus poses a potential threat to the safety of that student or others make note of your reasons in the packet.

## Expulsion of Students - Policy and Procedures

### Principal's Discretion on Recommending Expulsion

Education Code 48915 describes offenses for which principals are mandated to recommend student expulsion and those for which principals may exercise their discretion to determine whether or not an expulsion recommendation is appropriate.

A. Mandatory Expellable Offenses with No Principal Discretion

The principal shall immediately suspend and recommend a student's expulsion if he or she determines that the student committed any of the following acts while at school or at a school related activity off school grounds:

1. Possessing, selling, or furnishing a firearm.
2. Brandishing a knife at another person
3. Unlawfully selling a controlled substance
4. Committing or attempting to commit a sexual assault or committing a sexual battery.
5. Possession of an explosive.

B. Offenses Subject to Limited Principal Discretion

The principal shall recommend a student's expulsion if he or she determines that the student committed one or more of the following acts while at school or at a school related activity off school grounds unless the principal also determines that expulsion is inappropriate due to particular circumstances:

1. Causing serious physical injury to another person, except in self-defense.
2. Possession of a knife or dangerous object of no reasonable use to the pupil.
3. Unlawful possession of any controlled substance, except for the first offense for possession of not more than one ounce of marijuana.
4. Robbery or extortion.
5. Assault or battery upon any school employee.

**NOTE:** Serious physical injury is defined as "An injury that requires substantial risk of death; extreme physical pain; protracted and obvious disfigurement; or protracted loss or impairment of function of a bodily member, organ or mental faculty." (Paragraph (3) of subsection (h) of section 1365 of title 18, United States Code)

C. Offenses Subject to Broad Principal Discretion

The principal has maximum discretion to recommend or not recommend expulsion when he or she determines that a student has committed any of the following offenses at any time, including, but not limited to, while at school or at a school related activity off school grounds; while going to or coming from school; or school related activity.

1. Caused, attempted to cause, or threatened to cause physical injury to another person.
2. Willfully used force or violence upon the person of another, except in self-defense.
3. Unlawfully possessed, used, sold, or otherwise furnished, or been under the influence of, a controlled substance.
4. Committed or attempted to commit robbery or extortion.
5. Caused or attempted to cause damage to school property or private property.
6. Stole or attempted to steal school property or private property.
7. 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 electronic

cigarettes.

8. Committed an obscene act or engaged in habitual profanity or vulgarity.
9. Unlawfully offered, arranged, or negotiated to sell a controlled substance an alcoholic beverage, or an intoxicant of any kind, and either sold, delivered, or otherwise furnished to a person another liquid, substance, or material alcoholic beverage, or intoxicant.
10. 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.
11. Knowingly received stolen school property or private property.
12. 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.
13. 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.
14. Committed sexual harassment (applicable to grades 4 through 12 only)
15. Caused, attempted to cause, threatened to cause, or participated in an act of, hate violence.(applicable to grades 4 through 12 only)
16. Intentionally engaged in harassment, threats, or intimidation, directed against school district personnel or pupils.(applicable to grades 4 through 12 only)
17. Made terroristic threats against school officials or school property, or both.
18. Engaged in, or attempted to engage in, hazing
19. Engaged in an act of bullying, including, but not limited to bullying committed by means of an electronic act.

D. Additional Findings Necessary for Expulsion.

For the offenses listed above in Sections Band C, Sections 48915 (b) and (e) require that, in addition to the findings that the student committed the offense, to expel the governing board **must** also make one of the following findings:

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

Therefore, the principal who makes the expulsion recommendation is responsible for providing the additional evidence that will support at least one of the additional findings, in addition to the evidence substantiating the allegation that is the immediate cause of the expulsion recommendation. In the event the principal does not provide sufficient facts or information to support an additional finding, the expulsion request will be terminated.

### **School-site Expulsion Procedures**

At the school level, only the principal is authorized to recommend a student's expulsion. However, the principal's designee may assist the principal in preparing expulsion cases. The following are steps the school principal or designee should take whenever a student is accused of an act for which expulsion may or must be recommended.

A. Incident Investigation

As soon as the alleged incident occurs, the principal shall immediately investigate the matter prior to issuing a suspension, except when the principal has determined that an "emergency situation" exists. E.C. section 48911 (c) defines "emergency situation" as one that constitutes a " ...clear and present danger to the lives, safety, or health of pupils or school personnel."

Within 24 hours the school principal must complete the Call-in (first page of the expulsion document) notifying Student Services personnel that a student is being considered for an expulsion recommendation to ensure that appropriate steps are taken. The school principal shall be responsible for ensuring that each step listed below is completed:

1. Collect relevant information surrounding the incident.
2. Identify and interview witness(es) and the accused student.
3. Secure verbal and written statements from the accused student, victim(s), and witness(es) who observed the incident and may corroborate any piece of information obtained.
4. Review the appropriate pupil records, such as cumulative record, attendance, previous discipline history, and, when applicable, Individualized Education Plan (IEP).
5. Contact law enforcement, as applicable.
6. When appropriate take pictures, to support your evidence of the incident and proceed with the discipline process as appropriate.

**B. Misconduct Occurring at a School Other Than the Student's School of Enrollment**

If the misconduct occurred at or near a school other than the student's school of enrollment, the principal of the school where the incident occurred shall immediately report the matter to the principal of the student's school of enrollment. It is the principal of the student's school of enrollment who must determine whether or not to recommend expulsion. The principal of the school where the incident occurred should within three (3) school days provide the other principal with the following:

1. Inter-office correspondence which describes the alleged misconduct.
2. Signed and dated written statements from the victim(s) and/or witness(es).
3. Any other information that may assist the school of enrollment principal in the investigation.

**C. Mandatory Notification and Reporting**

1. Notification of Law Enforcement. (TRPD)

E.C. section 48902 requires that the school principal, prior to suspending or recommending the student for expulsion, notify law enforcement if it is reasonably suspected that the student committed any of the following acts:

2. Assault with a deadly weapon (California Penal Code Section 245).
3. Possession or sale of narcotics or a controlled substance or sale or delivery of a substance represented as alcohol, a controlled substance, or intoxicant (E.C. Sections 48900(c) and (d)).
4. Possession of a firearm(s) at a public school (California Penal Code Section 626.9).
5. Possession of a dirk, dagger, ice pick, knife having a fixed blade longer than 2 ½ inches, folding knife with a blade that locks into place, razor with an unguarded blade, taser or stun gun, BB or pellet or other type of air gun, or spot marker upon the grounds of any school within the K-12 school district (California Penal Code 626.10).

If the student is arrested, or released to law enforcement, the school principal or designee shall take steps to notify the parent regarding the place to which the student is reportedly being taken. Prior to the release of the student to the law enforcement, the principal or designee should obtain the name, badge number and contact information of the officer taking custody of the student. This information should be shared with the parent. Efforts to notify the parent should be documented.

### **Student Suspension Prior to Expulsion**

#### **A. Informal Suspension Conference**

Prior to issuing suspension, the principal or designee shall conduct an informal conference with the student. At this conference, the principal or designee shall:

1. Discuss with the student the details surrounding the charge(s).
2. Provide the student the opportunity to respond to the charge(s) and to present a defense.
3. Inform the student of the grounds upon which a suspension is based, if a suspension is warranted.

The principal's informal conference with the student prior to the student's suspension may be postponed if an "emergency situation" exists, as defined in **School Site Procedures**.

#### **B. Issuance of Lawful Suspension**

1. A student should be suspended only when the principal determines that the student has committed one or more of the acts described in E.C. sections 48900. and other means of correction have been attempted and failed or are not deemed appropriate in this situation.. Such a determination should be based on an objective review of the facts relating to the alleged incident and should not be based on speculation, rumor, conjecture or bias.
2. A student may be suspended only one time per charge and for no more than five (5) consecutive school days at a time. The suspension may be extended if the student is being recommended for expulsion. The student must be allowed to return to the school if an alternative school placement has not been made prior to the end of the student's suspension.
3. A student may not be suspended in absentia. Therefore, when a student has been arrested or released to law enforcement, or has otherwise left the campus, the student cannot be suspended until and unless the student returns to school.

#### **C. Due Process Conference**

The law requires that expulsion cases be processed within a prescribed timeline and in accordance with generally accepted principals of due process. For this reason, a decision to recommend expulsion may not be made until after the principal has held a conference to notify the parent of the decision to refer for expulsion. If at all possible, the student should be present. At the conclusion of the conference, if the principal determines to not recommend expulsion, appropriate alternative intervention should be implemented.

Within ten (10) days of the referral for expulsion the Coordinator of Behavior must conduct a Due Process meeting with the parent and student.

1. The Coordinator shall make every effort to contact the family, including by phone and by mail, to schedule the Due Process conference. At the conference the coordinator shall:
  - a. Inform the student and the parent of each applicable charge.
  - b. Provide the student and the parent with the opportunity to discuss the allegations.
  - c. Ask the student to respond, verbally and in writing, to the allegation(s) and provide the student opportunity to admit, deny, or qualify his or her participation and to present any explanation, justification, or other information



relevant to the alleged misconduct.

- d. Keep record of all pertinent comments made during the conference, particularly those made by the student or parent.
  - e. Advise the student and parent of their obligation to not engage in harassment, intimidation, or threatening behavior against potential witnesses.
  - f. Explain the expulsion procedure and the process of an interim placement should the expulsion process continue.
    - i. The coordinator may offer the student and the parent the opportunity to waive their right to an expulsion meeting and admit to the terms of the expulsion.
    - ii. An Agreement to Complete Rehabilitation Plan may be signed by the student, the parent and the district representative.
    - iii. The terms of the expulsion may be stipulated in this agreement including placement, duration of contract and counseling or other agreements made at the Due Process meeting.
2. If student and parent do not attend the due process conference, the coordinator shall:
- a. Exercise all due diligence to reschedule the conference within a reasonable period of time and document in the student's expulsion folder the details of each attempt.
  - b. Carefully review all information and documents gathered from the investigation of the alleged misconduct and insure that all evidence is available to support the alleged misconduct.
  - c. If the expulsion is warranted, proceed with the expulsion recommendation.
  - d. Mail to the parent's last known address the Due Process letter which outlines the grounds for suspension and expulsion, Summary of Expulsion Procedures, and the School Discipline Policy/ Student Code of Conduct.
  - e. When the accused is a student who has an IEP or a 504 Plan, the pre-expulsion IEP or manifestation meeting must be held within ten {10} school days and prior to the Due Process meeting.
    - i. The interim placement for special education students should be addressed in the student's pre expulsion IEP meeting. Prior to the meeting, arrangements must be made by the Special Education coordinator for an offer of FAPE. Interim placements for special education students are to be arranged by the referring school with assistance from the Special Education coordinator.

D. Preparation of Expulsion Case Materials

The principal or designee should prepare the expulsion case documents and forward them to Student Services within five (5) days from the date of the expulsion referral.

NOTE: Documents obtained or generated during the course of the process are pupil records and must be kept confidential. At no time should any record of student discipline be affixed to the student's cumulative record folder.

**1. A complete set of materials includes:**

- a. One copy of the Expulsion packet, including the Call-in sheet, Action Subject to Expulsion Form, and the letter to the Director of Student Services.
- b. A letter from the administrator assigned to the case summarizing the circumstances surrounding the incident and subsequent actions that led to the expulsion recommendation.
- c. Written statements of the witness(es) and the accused student(s).
  - i. These statements must be original handwritten statements that are signed and dated, and should

include information sufficient to identify a person and to describe specific details.

- ii. If the witness is too young or otherwise incapable of writing his or her statement, or if the statement needs to be translated into English, a school district official may write or translate the statement on the witness's behalf.

**NOTE:** Student witnesses should be advised that they may be asked to testify at a hearing or have their statement read into permanent record. They should be encouraged to give complete and accurate information.

- iii. The school may use an Anonymous Sworn Declaration of Witness statement if fear of reprisal is possible.

- d. Physical evidence and/or a photograph of the evidence.

**NOTE:** Before law enforcement books the physical evidence into custody, the school shall always take a photograph or make a photocopy of the physical evidence alongside a ruler to show scale.

- e. Student Discipline Record

Include the detailed account of the student's discipline referrals indicating the date, specific infraction(s), and behavioral intervention(s) for each incident that took place for the previous school years.

## The Expulsion Hearing

### A. Applicable Law

**Education Code Section 48918** mandates that a pupil be invited to participate in a hearing to determine (1) whether the evidence supports the allegation(s) and (2) whether that pupil should or can be expelled. Therefore, an Expulsion Review Committee (ERC) hearing is conducted for each student who is recommended for expulsion unless the expulsion is withdrawn by the principal or the student and family agree to waive their right to an expulsion hearing. The expulsion hearing must be conducted in a manner consistent with the student's due process rights and must follow general rules of administrative procedure.

### B. School Official's Presentation of the Case.

At the ERC hearing, the school administrator or designee will be required to present factual evidence, in the form of live testimony, upon which the expulsion recommendation is based.

1. Describe all allegations of misconduct upon which the expulsion recommendation is based.
2. Describe the alleged incident in which the accused student was involved and the circumstances surrounding the incident.
3. Describe evidence of providing due process.
4. Provide direct witness testimony and documentary evidence in support of the school's allegation and the school's investigation.
5. Provide facts or information in support of additional findings, when necessary.

### C. Evidence

**Education Code section 48918 (f)** provides that an Expulsion Review Committee may consider only the evidence that is introduced at the expulsion hearing. Therefore, it is the principal's responsibility to ensure that all necessary evidence is secured and made available for presentation at the hearing. If the school administrator is aware of any exculpatory evidence that excuses, justifies, or suggests that the student did not engage in the misconduct, the administrator must present this evidence at the hearing.

A student may not be expelled on the basis of written statement alone. Failure to present credible direct evidence sufficient to support the recommendation for expulsion, or failure to comply with statutory deadlines or general principles of due process, may result in a determination of not recommended for expulsion.

### D. Witnesses

1. The principal who recommends expulsion is responsible for making all arrangements for the presence of any witnesses who will testify on behalf of the school. If the witness is a student, the principal must:
  - a. Obtain parental consent.
  - b. Complete appropriate paperwork such as a fieldtrip slip.
  - c. Arrange for transportation, if necessary.
  - d. Arrange for an adult to supervise the witness(es) if necessary.

#### 2. Anonymous Sworn Declaration of Witness

Any person who directly observes an incident, or is victim of misconduct, should be strongly encouraged to come forward with testimony. However, participation by witnesses at expulsion hearings is voluntary. If a witness does not wish to testify due to fear of reprisal, it is appropriate to allow an anonymous sworn statement to be used in lieu of live testimony.

## E. Placement of Students Who Are Not Recommended for Expulsion

1. Students who are not recommended for expulsion by the ERC shall be returned to the referring school unless the school administrator can provide good cause, supported by facts, to deny such arrangement. In this case, the Student Services representative, will review the evidence and make an appropriate placement. Such placement will be authorized "District placement" by the Superintendent or his designee. This placement will be for a designated time line, either the duration of the current semester or a semester plus one more.

If a student and his parent agree to stay at this placement past the designated time line, this placement will become the student's new home school.

### **Board Action**

Only the governing board has authority to issue an expulsion order. After receiving a recommendation from the Expulsion Review Committee, the Board may order one of the following actions:

#### A. Expulsion

1. Expulsion without Suspended Enforcement or Mandatory Expulsion - The student is expelled and is not allowed to attend any school or educational program within the Twin Rivers Unified School District during the term of expulsion, except as precluded by law. In this case the student is referred to the Sacramento County Office of Education for placement in a county community school.
2. Expulsion with a Suspended Enforcement - The student is expelled and is allowed to attend a school or educational program within the TRUSD on a probationary basis, at the discretion of the District.

#### B. No Expulsion

The Board may reject the recommendation of the Expulsion Committee and choose to not expel the student. In this case the student will be referred to the Student Services coordinator to ensure that the student is immediately re enrolled in the referring school, or in another comparable school.

#### C. Revocation of Suspended Enforcement

Students who have been placed on expulsion with suspended enforcement may have their suspended enforcement status revoked and be expelled outright if it is determined that, during the period of suspended enforcement, the student committed another violation of the Education Code 48900. Procedures to initiate revocation of suspended enforcement include the following:

1. Initiate a student suspension, if applicable.
2. Contact the Student Services coordinator to recommend revocation of suspended enforcements.
3. Discuss another alternative placement with the coordinator.

### **Admission of Students Expelled From Other School Districts**

Students who are under current expulsion orders from other school districts and move to reside within TRUSD boundaries, whose parent(s) want to enroll their child in a TRUSD school, should be directed to call the Student Services coordinator for the admission process.

- A. A Student Services staff member will conduct an intake and request necessary records from the expelling district.
- B. The Student Services coordinator will conduct an admission hearing to determine whether the student poses a potential

danger to either the students or employees of the District based on the documentary evidence and face to face assessment of the student.

- C. If the applicant is a student with disabilities, an interim school placement in an appropriate setting according to the students current IEP will be provided.
- D. The coordinator will make every effort to place the student in a school program similar to that which is recommended in the previous school district's expulsion order.

#### **Types of Evidence to Support Disciplinary Referrals**

- A. **Physical evidence** - Items that were left at the scene or confiscated following an incident. {weapons, drugs, etc.) Take pictures with a ruler next to it with your phone. Email the pictures to Student Services.
  - a. All photo evidence should be properly marked with date, time, place
- B. **Substantial evidence** refers to the nature and quality of evidence as to distinguish no doubt to its ability to support a decision to expel.
- C. **Direct testimony** - Evidence that is given by an eyewitness who provides live testimony to what was seen or heard. Direct evidence is the most convincing type of evidence because it leaves little room for error.
- D. **Sworn Declarations** -A witness may be represented in the form of sworn declarations if the hearing panel finds that the disclosure of the identity of a witness and the testimony of that witness at the hearing would subject the witness to unreasonable risk of either physical or psychological harm.
- E. **Hearsay-** Evidence based on statements or documents made by someone other than the witness. Hearsay evidence cannot be tested by cross-examination. There is no opportunity to resolve ambiguities in statements or documents presented. A recommendation to expel cannot be based solely on hearsay evidence; it must be supported by direct testimony or a signed admission of guilt.

#### **Evidence Guidelines**

- A. Evidence must be substantial. Based on all the types of evidence presented, is it reasonable to conclude that the pupil committed the alleged act?
- B. Is the evidence presented substantial enough to allow any reasonable person to conclude the pupil did commit the alleged act?
- C. If you use only hearsay evidence, it cannot be used as the only basis for expelling a pupil.
- D. Direct evidence is the most convincing form of evidence.
- E. Circumstantial evidence is permitted; such evidence does not necessarily demand a finding of guilt. Think of circumstantial evidence as links in a chain. Each link should clearly link to the next in order to support a decision.

## Discipline Matrix

<b>Levels of Interventions and Disciplinary Responses</b>		
<b>Level 1</b>	<ul style="list-style-type: none"> <li>* Teacher/ Student Conference</li> <li>* Reminders and Redirection</li> <li>* Teaching of Expectations and Skills</li> <li>* Written Apology</li> </ul>	<ul style="list-style-type: none"> <li>* Reflective Essay or Other Reflective Activity</li> <li>* Independent Study</li> <li>* Role Play</li> <li>* Substance Use Intervention Group</li> </ul>
<b>Level 2</b>	<ul style="list-style-type: none"> <li>* Any Lower-Level Intervention</li> <li>* Parent/ Guardian Outreach</li> <li>* In-Class Time-out</li> <li>* Loss of Privileges (e.g. exclusion from group lunch or extra activities.</li> <li>* Self-Charting Behaviors</li> <li>* Daily Report Card on Behavior, Task Completion, and Achievement</li> </ul>	<ul style="list-style-type: none"> <li>* Reprimand by Administrator</li> <li>* Removal from Class to Supervised Time-Out in another Classroom</li> <li>* Seat Change or Schedule Change</li> <li>* Mini Course/ Training (Conflict resolution, anger management, social skills, or appropriate behavior)</li> <li>* Substance Abuse Intervention Group</li> </ul>
<b>Level 3</b>	<ul style="list-style-type: none"> <li>* Any Lower - Level Interventions</li> <li>* Modification of IEP or Manifestation/ <b>BSP</b></li> <li>* Referral to Support Staff (e.g. counselor, psychologist, nurse, etc.</li> <li>* Short -term Behavior Progress Reports</li> <li>* Behavior Support Plan (BSP)</li> <li>* Referral to After School Program (CHARGE, etc)</li> <li>* In-school suspension</li> </ul>	<ul style="list-style-type: none"> <li>* Community Service</li> <li>* Mentoring Program</li> <li>* Site Attendance Review Team meeting (SART) either attendance or Behavior</li> <li>* Structured Behavior Assessment</li> <li>* ACCESS Referral or other Community Based Services</li> <li>* Peer Mediation</li> <li>* Substance Use Intervention Group</li> </ul>
<b>Level 4</b>	<ul style="list-style-type: none"> <li>* Any Lower-Level Interventions</li> <li>* Detention After School</li> <li>* Saturday School/ Friday School etc</li> <li>* Restorative Justice</li> <li>* In-School Suspension ( 1 to 3 days)</li> </ul>	<ul style="list-style-type: none"> <li>* Peer Court or Jury</li> <li>* Pay Restitution</li> <li>* Out-of -School Suspension (1 - 3 days)</li> <li>* Substance Use Intervention Group</li> <li>* Referral to DCOST</li> </ul>
<b>Level 5</b>	<ul style="list-style-type: none"> <li>* Any Lower-Level Interventions</li> <li>* Out of School Suspension (1 - 5 days)</li> <li>* Referral to Law Enforcement</li> </ul>	<ul style="list-style-type: none"> <li>* Referral to DCOST</li> <li>* Referral for Involuntary Transfer</li> <li>* Referral for Expulsion</li> </ul>
<b>Level 6</b>	<ul style="list-style-type: none"> <li>* Referral to Law Enforcement</li> <li>* Mandatory Expulsion Referral (must have supporting evidence and documentation)</li> </ul>	

Please note that the above list is not intended to be exhaustive and is only a representative sample of disciplinary responses/ interventions that a site administrator may consider. With proper documentation (e.g. behavior/ disciplinary history, behavior charts, support plans, parent conferences) administrators can elevate the level of disciplinary response.

**Note:** On the first instance of inappropriate or disruptive behavior, use one or more interventions from the lowest level indicated for that behavior, or any lower level. If the same behavior is repeated during the same school year, one or more interventions from the next highest level may be used. Lower-level interventions may always be used, but interventions/disciplinary responses from the shaded boxes should only be considered with proper documentation.

Inappropriate or Disruptive Behavior	Levels					
	1	2	3	4	5	6
<b>Assaults [ Batter [ Mutual Combat</b>						
<b>(a) Attempted/ threatened to cause physical injury; mutual combat</b> (injury or minor injury; no malicious intent; honest misunderstanding; resolved after counseling with student and parent; includes written or verbal threats.)		*	*	*		
<b>(a1) Willfully caused minor injury, except in self-defense</b> (Not mutual combat; minor injury; no cuts or bruises; no or minor medical attention required; willful and unlawful force or violence upon another; clear aggression.)			*	*	*	
<b>(a2) Willfully caused serious injuries; except in self-defense</b> (can include mutual combat; heavy bruises and/or cuts, broken bones, medical attention required; willful and unlawful force or violence upon another)						*
<b>(.7) Assault or battery on any school employee</b> (must be a physical assault or battery)						*
<b>(n) Sexual assault or sexual battery</b> (sexual <u>battery</u> is the unwanted touching of intimate parts for sexual gratification; sexual assault is rape or attempted rape)						*
<b>(t) Aids or abets</b> (inflicting or attempting to inflict physical injury; not a basis for expulsion)			*	*	*	
<b>{b} Possessed or Sold Explosives, Knives, Dangerous Objects, Imitation Firearms</b>						
<b>(b) Firearms [real gun, pistol, rifle, etc.], Knives, Explosives, Dangerous Objects;</b> (possession of weapon, explosive, imitation firearm (if brandished or discharged), or other dangerous object [M-80, cherry bomb, or larger])						*
<b>(b) Brandishing a knife</b> (weapon with blade longer than 3 1/2" or folding knife with locking blade or unguarded razor blade or fixed; threatening another individual with a knife)						*
<b>(b) Possessed, sold, or furnished firecrackers or firework</b> other than M80's or cherry bombs			*	*	*	
<b>(m) Possessed, sold, or furnished imitation firearms</b>			*	*	*	
<b>{c} Controlled Prohibited Substances</b> <i>Unlawfully possessed, used, sold, or otherwise furnished, or was under the influence of any controlled/ prohibited substance in lieu of alcohol or intoxicant.</i>						

(c) Possessed and/ or used controlled/ prohibited substance, alcohol/ intoxicant				*	*	
(d) Furnished or sold controlled/ prohibited substance, alcohol/ intoxicant						*
(c) Possession of an amount for more than personal use (1 ounce)					*	*
(d) Offered, arranged to sell, or sold SOMA						*

Inappropriate or Disruptive Behavior	Levels					
	1	2	3	4	5	6
<b>{d} Substance in Lieu of Controlled Substances</b>						
<i>Unlawfully offered, arranged, or negotiated to sell controlled substance as defined in Health and Safety Code and then either sold, delivered or otherwise furnished to any person another liquid, substance or material and <b>represented the liquid, substance, or materials as a controlled substance.</b></i>			*	*	*	
<b>{ e } Robbery, Extortion (includes attempts)</b>						
( e ) <b>Robbery</b> (the felonious taking of personal property in the possession of another against his/ her will as accomplished by force or fear.)				*	*	
( e ) <b>Extortion</b> (obtaining of property with his/ her consent induced by wrongful use of force or fear)				*	*	
<b>{ f } Caused Property Damage to School Property</b>						
(f) Attempted to cause minor damage		*	*			
(f) Caused minor damage		*	*	*		
(f) Caused major damage			*	*	*	
<b>{ g } Stolen or attempted to steal school property or private property while at school.</b>						
(g) Attempted to steal school property		*	*			
(g) Stole school property			*	*	*	



( I ) Receipt of stolen property			*	*	*	
{ h } Tobacco or Nicotine Product <i>Possessed, used, sold, or otherwise furnished a product with tobacco or nicotine. Suspension may be waived by completing an Insight course.</i>	*					
(h} First Offense						
(h} Second Offense		*				
(h} Third Offense			*			
(h} Fourth Offense				*		
{ i } Committed an Obscene Act or Engaged in Habitual Vulgarly or Profanity						
(i) Committed an obscene act.		*	*			
(i) Engaged in habitual profanity/ vulgarity			*	*	*	
{ j } Drug Paraphernalia <i>Had unlawful possession of, or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia</i>	*	*	*			
(j) Unlawful possession						
(j) Unlawfully offered, arranged, or negotiated to sell		*	*	*		

Inappropriate or Disruptive Behavior	Levels					
	1	2	3	4	5	6
<p><b>{ k} Disruption/ Defiance</b></p> <p><i>Disrupted school activities or willfully defied the valid authority of supervisors, teachers, administrators, school officials, or other school personnel engaged in the performance of their duties.</i></p> <p><b>(k) Minor disruption/ defiance</b> ( classroom, school-sponsored event, failure to follow teacher/ supervisor directions, verbal abuse or defiance of teacher/ supervisor.</p>	*	*	*			
<p><b>(k) Major Disruption/ defiance</b> (one or more classrooms, school sponsored events, verbal abuse or defiance of teacher/ supervisor requiring assistance.)</p>		*	*	*	*	
<p><b>{ .2} Sexual Harassment {Grades 4-12}</b></p>						
<p><b>(.2) Verbal/ visual</b> (creating signs, gestures, and/or verbal statements that causes a negative impact. )</p>		*	*			
<p><b>(.2) Physical contact</b> (involving a physical contact of non-intimate parts of another in the act of harassment)</p>			*	*		
<p><b>(.2) Continual verbal, visual, physical sexual harassment</b></p>			*	*	*	
<p><b>{.3} Hate Violence {Grades 4-12}</b></p> <p><i>Incident must be motivated in part or in whole by hostility toward a person's real or perceived disability, gender, nationality, race, religion, or sexual orientation. An act must be intended to cause emotional suffering, physical injury or property damage.</i></p>						
<p><b>(.3) Mutual combat</b> (fight motivated by racial differences, real or perceived sexual orientation, or other hate-related matters.)</p>				*	*	
<p><b>(.3) Offensive comment</b> (intent to harm - racial slur, derogatory comment about nationality, etc.)</p>		*	*	*		
<p><b>(.3) Use of physical force, minor injury</b> (not mutual combat; no or minor medical attention required, no cuts or bruises; willful and unlawful force or violence upon another; clear aggressor.)</p>			*	*		
<p><b>(.3) Use of physical force, serious injury</b> (not mutual combat, Medical attention required; heavy bruises and/ or cuts, broken bones; willful and unlawful force or violence upon another; clear aggressor)</p>						*
<p><b>(.3) Threat of violence</b> ( must be hate motivated)</p>		*	*	*		

(.3) Vandalism or graffiti that is hate-motivated or conveys a racist or otherwise hateful message			*	*	*	
<u>{ .7 } or { o }</u> Threats and Intimidation ( o ) Witness intimidation using harassment and/ or threat		*	*	*	*	
( .7 ) Threat of death or grave bodily injury against school official or against school property (at least \$1000)			*	*	*	
( o ) Knowingly retaliate against a pupil for being a witness.			*	*	*	
<u>{ r } Engaged in the Act of Bulling</u>						

"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 includes one or more acts committed by a pupil or a group of pupils.	Must report to <a href="mailto:stogbullying@twinriversusd.org">stogbullying@twinriversusd.org</a>					
( r ) Causing a reasonable pupil to experience substantially detrimental effect on his or her physical or mental health.		*	*	*	*	
( r ) "Electronic act" means the transmission of a communication including but not limited to a message, text, sound, or image, or a post on a social network.		*	*	*	*	
<b>Inappropriate or Disruptive Behavior</b>	<b>Levels</b>					
	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>
<i>Engaged in or attempted to engage in, hazing as defined in subdivision (b) of Section 245.6 of the Penal Code.</i>		*	*	*		
<b>Academic Dishonest</b>	*	*	*	*		
<b>Bus Disruptions</b>	*	*	*	*		
<b>False Activation of Fire Alarm</b>				*	*	
<b>Gambling</b>		*	*			
<b>Portable Electronic Devices Used at Unauthorized Times</b>	*	*	*			
<b>Unauthorized Use of School Equipment</b>	*	*	*			



# Comprehensive School Safety Plan

## **Hate Crime Reporting Procedures**

Any student who believes that he/she is a victim of a hate-motivated behavior shall immediately contact the principal or designee, or an adult staff member of their choice.

Staff who are informed of hate-motivated behavior or personally observe such behavior shall notify the principal or designee, and law enforcement, as appropriate.

The principal or designee shall ensure that all staff members receive appropriate training to recognize hate-motivated behavior, methods of handling such behavior in appropriate ways, and reporting procedures.

If a student who believes that he/she is a victim of a hate-motivated behavior and that the situation has not been remedied by the principal or designee, he/she may file a complaint in accordance with district complaint procedures.

Students who engage in hate-motivated behavior shall be subject to discipline in accordance with the district's discipline policies.



# Comprehensive School Safety Plan

## Bullying Prevention Procedures

### Board Policy 5131.2 - Bullying

The Board of Trustees recognizes the harmful effects of bullying on student learning and school attendance and desires to provide safe school environments that protect students from physical and emotional harm. District employees shall establish student safety as a high priority and shall not tolerate bullying of any student.

No student or group of students shall, through physical, written, verbal, or other means, harass, sexually harass, threaten, intimidate, cyberbully, cause bodily injury to, or commit hate violence against any other student or school personnel.

(cf. 5131 - Conduct)

(cf. 5136 - Gangs)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

(cf. 5145.9 - Hate-Motivated Behavior)

Cyberbullying includes the transmission of harassing communications, direct threats, or other harmful texts, sounds, or images on the Internet, social media, or other technologies using a telephone, computer, or any wireless communication device. Cyberbullying also includes breaking into another person's electronic account and assuming that person's identity in order to damage that person's reputation.

(cf. 5145.2 - Freedom of Speech/Expression)

Strategies for bullying prevention and intervention shall be developed with involvement of key stakeholders in accordance with law, Board policy, and administrative regulation governing the development of comprehensive safety plans and shall be incorporated into such plans.

(cf. 0420 - School Plans/Site Councils)  
(cf. 0450 - Comprehensive Safety Plan)  
(cf. 1220 - Citizen Advisory Committees)  
(cf. 1400 - Relations Between Other Governmental Agencies and the Schools) (cf.

6020 - Parent Involvement)

## Bullying Prevention

To the extent possible, district and school strategies shall focus on prevention of bullying by establishing clear rules for student conduct and strategies to establish a positive, collaborative school climate. Students shall be informed, through student handbooks, district and school websites and other appropriate means, of district and school rules related to bullying, mechanisms available for reporting incidents or threats, and the consequences for perpetrators of bullying.

(cf. 5137 - Positive School Climate)

(cf. 6164.2 - Guidance/Counseling Services)

The district may provide students with instruction, in the classroom or other educational settings, that promotes effective communication and conflict resolution skills, social skills, character/values education, respect for cultural and individual differences, self-esteem development, assertiveness skills, and appropriate online behavior.

(cf. 6163.4 - Student Use of Technology)

(cf. 6142.8 - Comprehensive Health Education) (cf.

6142.94 - History-Social Science Instruction)

School staff shall receive related professional development, including information about early warning signs of and/or pervasive harassing/intimidating behaviors and effective prevention and intervention strategies.

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

Based on an assessment of bullying incidents at school, the Superintendent or designee may increase supervision and security in areas where bullying most often occurs, such as classrooms, playgrounds, hallways, restrooms, cafeterias.

## Intervention

Students are encouraged to notify school staff when they are being bullied or suspect that another student is being victimized. In addition, the Superintendent or designee shall develop means for students to report threats or incidents confidentially and anonymously.

School staff who witness bullying shall immediately intervene to stop the incident when it is safe to do so. (Education Code 234.1)

As appropriate, the Superintendent or designee shall notify the parents/guardians of victims and perpetrators. He/she also may involve other appropriate personnel, which could include outside law enforcement.

#### Complaints and Investigation

Students, parents/guardians and or staff may submit to a teacher or administrator a verbal or written complaint of conduct they consider to be bullying. Complaints of bullying shall be investigated and resolved in accordance with site-level grievance procedures specified in AR 5145.7 - Sexual Harassment.

When a student is reported to be engaging in bullying off campus, the Superintendent or designee shall investigate and document the activity and shall identify specific facts or circumstances that explain the impact or potential impact on a school related function, school attendance, or the targeted student's educational performance.

When the circumstances involve cyberbullying, individuals with information about the activity shall be encouraged to save and report the existence of the information that they feel constitute cyberbullying and to notify a teacher, the principal, or other employee so that the matter may be investigated.

If the student is using a social networking site or service that has terms of use that prohibit posting of harmful material, the Superintendent or designee also may file a complaint with the Internet site or service to have the material removed.

#### Discipline

Any student who engages in bullying to or from school, on school premises, or off campus in a manner that causes or is likely to cause a substantial disruption of a school related function or school attendance, shall be subject to discipline, which may include suspension or expulsion, in accordance with district policies and regulations.

(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. 6159.4 - Behavioral Interventions for Special Education Students)

#### Legal Reference:

##### EDUCATION CODE

200-262.4 Prohibition of discrimination

32282 Comprehensive safety plan

35181 Governing board policy on responsibilities of students

35291-35291.5 Rules

48900-48925 Suspension or expulsion

48985 Translation of notices

## PENAL CODE

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

647.7 Use of camera or other instrument to invade person's privacy; punishment

653.2 Electronic communication devices, threats to safety UNITED

## STATES CODE, TITLE 47

254 Universal service discounts (e-rate)

## COURT DECISIONS

J.C. v. Beverly Hills Unified School District, (2010) 711 F.Supp.2d 1094 Lavine

v. Blaine School District, (2002) 279 F.3d 719

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

Health Education Content Standards for California Public Schools: Kindergarten Through Grade Twelve, 2008

Bullying at School, 2003

## U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS

Dear Colleague Letter: Harassment and Bullying, October 2010 WEB

## SITES

CSBA: <http://www.csba.org>

California Cybersafety for Children: <http://www.cybersafety.ca.gov>

California Department of Education, Safe Schools Office: <http://www.cde.ca.gov/ls/ss> Center

for Safe and Responsible Internet Use: <http://cyberbully.org>

National School Boards Association: <http://www.nsba.org>



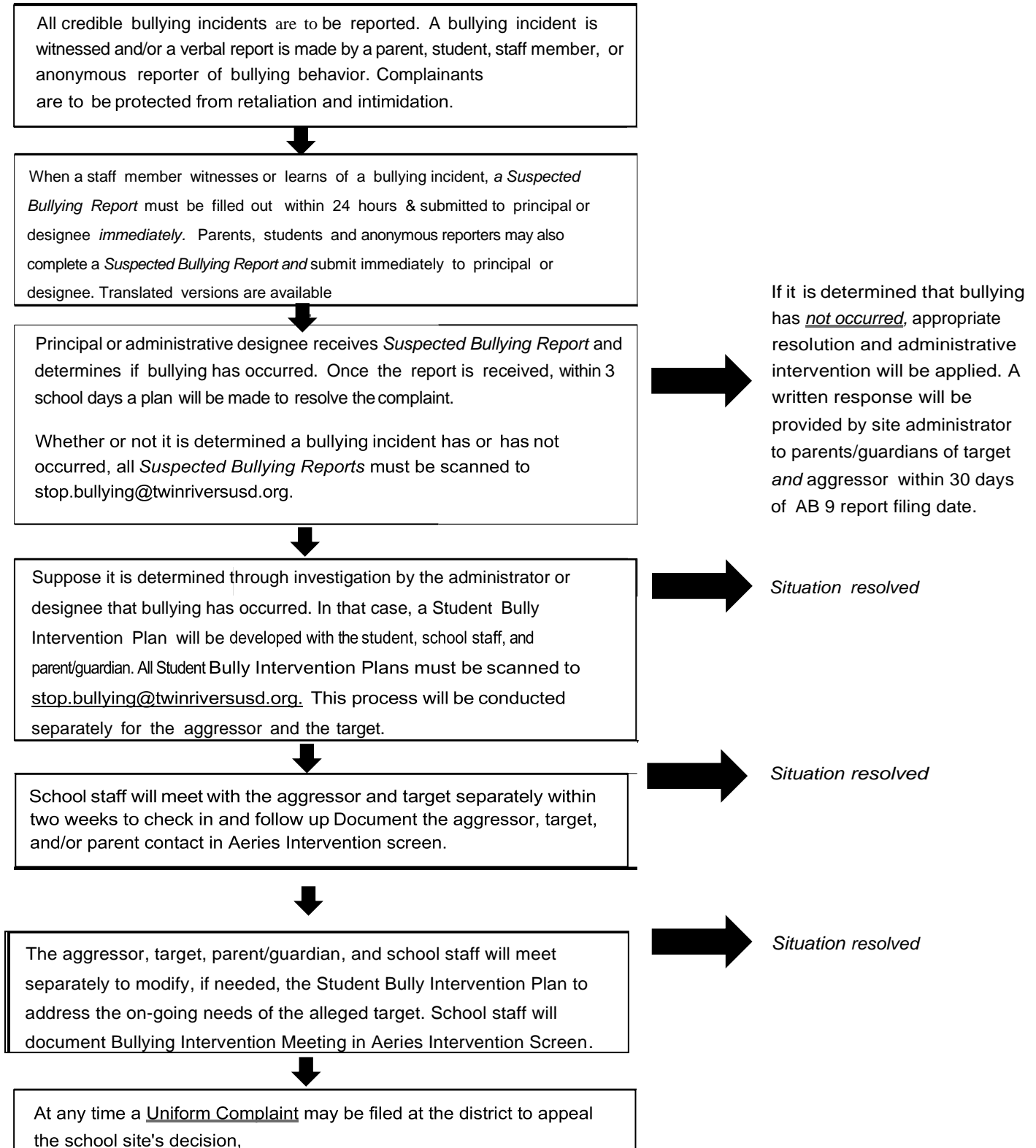
National School Safety Center: <http://www.schoolsafety.us>

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

TWIN RIVERS UNIFIED SCHOOL DISTRICT

adopted: June 26, 2012 McClellan, California

## AB 9 "Safe Place to Learn Act" Bullying Investigation Process





# **Comprehensive School Safety Plan**

## **Procedures for Conducting Tactical Response to Criminal Threats and Incidents**

The Twin Rivers Unified School District Police Department will endeavor to plan for rapid response to crisis situations and to coordinate response planning with other emergency services as well as with those that are responsible for operating sites that may be the target of a critical incident.

## Rapid Response and Deployment

### 412.1 PURPOSE AND SCOPE

Violence that is committed in schools, workplaces, and other locations by individuals or a group of individuals who are determined to target and kill persons and to create mass casualties presents a difficult situation for law enforcement. The purpose of this policy is to identify guidelines and factors that will assist responding officers in situations that call for rapid response and deployment.

### 412.2 POLICY

The Twin Rivers Unified School District Police Department will endeavor to plan for rapid response to crisis situations and to coordinate response planning with other emergency services as well as with those that are responsible for operating sites that may be the target of a critical incident.

Nothing in this policy shall preclude the use of reasonable force, deadly or otherwise, by members of the Department in protecting themselves or others from death or serious injury.

### 412.3 CONSIDERATIONS

When dealing with a crisis situation members should:

- (a) Assess the immediate situation and take reasonable steps to maintain operative control of the incident.
- (b) Obtain, explore and analyze sources of intelligence and known information regarding the circumstances, location and suspect involved in the incident.
- (c) Attempt to attain a tactical advantage over the suspect by reducing, preventing or eliminating any known or perceived threat.
- (d) Attempt, if feasible and based upon the suspect's actions and danger to others, a negotiated surrender of the suspect and release of the hostages.

### 412.4 FIRST RESPONSE

If there is a reasonable belief that acts or threats by a suspect are placing lives in imminent danger, first responding officers should consider reasonable options to reduce, prevent or eliminate the threat. Officers must decide, often under a multitude of difficult and rapidly evolving circumstances, whether to advance on the suspect, take other actions to deal with the threat or wait for additional resources.

If a suspect is actively engaged in the infliction of serious bodily harm or other life-threatening activity toward others, officers should take immediate action, if reasonably practicable, while requesting additional assistance.

Officers should remain aware of the possibility that an incident may be part of a coordinated multi-location attack that may require some capacity to respond to other incidents at other locations.

When deciding on a course of action officers should consider:

# Twin Rivers Unified School District Police Department

Twin Rivers Unified School District PD Policy Manual

## *Rapid Response and Deployment*

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- (a) Whether to advance on or engage a suspect who is still a possible or perceived threat to others. Any advance or engagement should be based on information known or received at the time.
- (b) Whether to wait for additional resources or personnel. This does not preclude an individual officer from taking immediate action.
- (c) Whether individuals who are under imminent threat can be moved or evacuated with reasonable safety.
- (d) Whether the suspect can be contained or denied access to victims.
- (e) Whether the officers have the ability to effectively communicate with other personnel or resources.
- (f) Whether planned tactics can be effectively deployed.
- (g) The availability of rifles, shotguns, shields, breaching tools, control devices, and any other appropriate tools, and whether the deployment of these tools will provide a tactical advantage.

In a case of a barricaded suspect with no hostages and no immediate threat to others, officers should consider summoning and waiting for additional assistance (special tactics and/or hostage negotiation team response).

### **412.5 PLANNING**

The Lieutenant should coordinate critical incident planning. Planning efforts should consider:

- (a) Identification of likely critical incident target sites, such as schools, shopping centers, entertainment, and sporting event venues.
- (b) Availability of building plans and venue schematics of likely critical incident target sites.
- (c) Communications interoperability with other law enforcement and emergency service agencies.
- (d) Training opportunities in critical incident target sites, including joint training with site occupants.
- (e) Evacuation routes in critical incident target sites.
- (f) Patrol first-response training.
- (g) Response coordination and resources of emergency medical and fire services.
- (h) Equipment needs.
- (i) Mutual aid agreements with other agencies.
- (j) Coordination with private security providers in critical incident target sites.

### **412.6 TRAINING**

The Lieutenant should include rapid response to critical incidents in the training plan. This training should address:

# Twin Rivers Unified School District Police Department

Twin Rivers Unified School District PD Policy Manual

## *Rapid Response and Deployment*

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- (a) Orientation to likely critical incident target sites, such as schools, shopping centers, entertainment, and sporting event venues.
- (b) Communications interoperability with other law enforcement and emergency service agencies.
- (c) Patrol first-response training, including patrol rifle, shotgun, breaching tool, and control device training.
  - 1. This should include the POST terrorism incident training required for officers assigned to field duties (Penal Code § 13519.12).
- (d) First aid, including gunshot trauma.
- (e) Reality-based scenario training (e.g., active shooter, disgruntled violent worker).



# **Comprehensive School Safety Plan**

**Emergency Operations Procedures – not public**

(Intranet/misc/emergency-procedures)