

Santa Maria High School
Comprehensive School Safety Plan

SDM Reviewed
2/9/2022

Approved:
School Site Council

2/22/22

Approved:
School Board

4/12/22

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Appendix A Incident Management Systems (NIMS)

Appendix B Emergency Event Log

Appendix C Education Code 32280-32289
Establishes School Safety Plan

Assessment of the Current Status of School Crime

School Crime Data Report In Aeries

1. Go to AERIES by school and start on Icon Page
2. Click on View all Reports
3. Click on Add Filter (bottom left)
4. Type in Discipline and enter
5. Click on Print Discipline Distribution Report to highlight that line
6. Hit OK
7. Click on OK again
8. Print report

You may manipulate dates if you chose before printing. When you look at the data, it will give you totals for specific offenses. You may need to combine certain offenses such as use of drugs, possession of drugs, use of alcohol, possession of alcohol, possession of drug paraphernalia. If multiple codes are used to enter discipline by date, it may add to each code listed, so you may have 3-4 codes for each referral, but this gives you a great look at trends.

Santa Maria High School

2/28/2022

Discipline Distribution Report from 8/12/2021 to 2/28/2022

Page 1

Code # and Name	Total	Grade											Gender			Hispanic/Latino?							Race (Not Hispanic)								
		9	10	11	12	F	M	O	G	N	Y	100	200	300	400	600	700	999	100	200	300	400	600	700	999						
00 Juvenile Court reported offsite c	1	-	-	1	-	-	1	0	-	1	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
01 (c) 48900 *Alcohol, Possessor	12	2	4	2	4	3	9	0	10	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
02 (c) 48900 *Alcohol, Use of (E)	9	2	4	-	3	3	6	0	9	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
04 (a2) 48900 *Physical Force or	20	8	8	1	3	8	12	0	20	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
07 (i) 48900 *Drugs, Paraphernalia	34	16	11	4	3	10	24	0	32	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
08 (c) 48900 *Drugs, Possession	56	27	19	3	7	18	38	0	53	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
10 (c) 48900 *Drugs, Use of (E)	28	13	8	5	2	8	20	0	26	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
12 (b) 48900 *Explosives, Posses	6	2	3	1	-	1	5	0	6	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
16 Loitering/Trespassing	1	1	-	-	-	-	1	0	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
17 (f) 48900 *Property, Deface/Ta	3	1	2	-	-	-	3	0	2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
18 (f) 48900 *Property, Destructio	1	1	-	-	-	-	1	0	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
22 .2 48900 *Sexual Harassment	1	-	1	-	-	1	-	0	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
23 (g) 48900 *Theft (S)	1	-	-	1	-	-	1	0	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
24 (f) 48900 *Vandalism (S)	2	-	1	-	1	1	1	0	2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
27 (r) 48900 Bullying, including ele	3	1	1	-	1	1	2	0	3	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
36 (k) 48900 Behavior, Defiance/In	115	43	39	26	7	21	94	0	114	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
42 Class, Leave without Permission	13	6	4	1	2	5	8	0	12	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
43 Contract/Violation	2	1	-	-	1	-	2	0	2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
48 Dress, Code Violation	36	14	11	5	6	26	10	0	33	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
52 Electronic Device	9	3	3	3	-	-	9	0	9	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
53 (a1) 48900 (S) Caused, Attempt	47	15	16	11	5	12	35	0	45	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
54 (m) 48900 Firearm, Imitation (E	1	-	-	1	-	-	1	0	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
60 (o) 48900 Harassment, Witness	1	-	1	-	-	-	1	0	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
61 .3 48900 Hate Statement/Violator	2	-	2	-	-	-	2	0	2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
63 Harassment/Bullying - Race, C	3	-	3	-	-	1	2	0	3	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
64 (q) Hazing	1	1	-	-	-	-	1	0	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
65 (i) 48900 Language, Obscene	17	7	6	3	1	-	17	0	17	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-

Santa Maria High School

2/28/2022

Discipline Distribution Report from 8/12/2021 to 2/28/2022

Page 2

2021-2022

Code # and Name	Total	Grade											Gender		Hispanic/Latino?		Race (Not Hispanic)						
		9	10	11	12	F	M	O	G	N	Y	N	100	200	300	400	600	700	999				
69 Materials, Lack of	2	2	-	-	-	1	1	0					2										
71 Non-participation	2	2	-	-	-	-	2	0					2										
72 (l) 48900 Obscene Act (S)	8	6	1	1	-	1	7	0					8										
74 PE, Non-suit	413	245	123	30	15	109	302	2					392		10	2	-	1	4	3	1		
83 Tardy, Habitual	45	11	16	10	8	16	29	0					43								2		
86 (a1) 48900 Threats to Others (S)	3	1	1	-	1	1	2	0					3										
89 (h) 48900 Tobacco, Possessio	1	1	-	-	-	1	-	0					1										
91 Truant	45	14	22	7	2	10	35	0					39								1	2	
94 Verbal Altercation	7	5	1	-	1	2	5	0					7										
99 Other	40	15	10	8	7	16	24	0					40										
A1 (a1) 48915 Cause serious injur	4	-	4	-	-	-	4	0					3									1	
A2 (a2) 48915 Possession of knife	8	3	2	1	2	1	7	0					6		1							1	
A5 (a5) 48915 Assault/Battery (PC	1	-	1	-	-	-	1	0					1										
Totals:	1,004	469	328	125	82	277	725	2					955		15	5	-	2	8	18	1		

Programs and Strategies that Provide School Safety

The administration and staff of Santa Maria High School have made several improvements to the school in an effort to improve student safety. The items listed below document the progress made over the past few years analyzing campus safety and addressing the elements that will improve the safety and security of the school.

- Saint Pride; improving the school pride and atmosphere of the campus
 - Trash
 - Academics: C grade or higher
 - Behavior: respectful to all levels
 - Commitment to each other
- Standards of Excellence
 - High expectations
 - SMHS as a learning institution, not an extension of the street
- ID Card Campaign - all students are required to present their IDs on entering campus and upon request.
- Full-time School Resource Officer (SRO) on campus Monday-Friday
- Close coordination with Probation Officer for individual case management
- Modified Security assistant assignments to improve the coverage of the campus
- Earthquake, and fire drills to include school evacuation to Football Field
- Facilities Manager Leadership, planning and management of the Safety and Security Plan
- Well attended Parent Meetings (Cafecito and Coffee with the Principal). It is important to note which students are behavior or safety issues so that the appropriate parent meeting is generated that can get those parents engaged
- Security Expectations - de-escalate, build relationships, and maintain professionalism
- Security cameras:
 - Installed 90 surveillance cameras
 - Server based archiving and retrieval software for IP cameras
- Security Training:
 - Security Coordinator completed CPI Training
 - Security coordinator and Security Assistants completed 24 SB1626 Security Training
- Counselor involvement
- Community Liaison and Outreach Consultant Involvement
- Community Health Center Partnership
- Interventions per the “Response to Intervention”
- Cultural Proficiency Training

- Single Assistant Principal responsible for discipline - provides consistency; but also, need the right person/approach to administer discipline in a culturally proficient and progressive manner that can communicate with the majority of the parent population
- Campaigns that improve school culture (Saint Pride Campaign, Testing Campaign, Saints Standards of Excellence)
- Bully Button is available on the school website to provide anonymous reporting of bullying incidents; this program was announced to parents
- Tactical Response Training on 6/19/2019, Winter 2020 to review the campus layout and prepare for accessing the school in the event of an emergency

The school's resource office (SRO) primary assignment is patrolling in and around the school. The officer may be called for other needs and the Police Department needs change through the day. The SRO & Probation Officer attend several after school events as scheduled by the Police Department.

Attendance is controlled and monitored via the District Attendance Policy. Santa Barbara County funded a School Attendance Review Board (SARB) program to reduce truancy; that funding was discontinued.

A tardy policy is in place to encourage students to be on time to school.

The school employs eight Campus Safety (Security) Officers:

- (1) 8 hours – Coordinator I
- (7) 7.5 hours II
- (0) 7.25 hours I
- (0) 6 hours I
- (1) 2 hours II
- (0) 5 hours I

Communications for critical safety issues are available to site administrators and campus security via two-way radio and cell phones. Additionally, the school has a campus-wide general public address system. Each classroom has a telephone.

There are several other resources employed to provide a safe environment for the school's students: Safe School Specialist funded by Santa Maria Youth and Family and At Risk Family, Crisis Intervention Specialist, Guidance Technicians, School Nurse (one day per week), Community Liaison, Psychologist, and School Counselors.

In School Intervention is now staffed by a full time, certificated teacher providing instruction and attention to suspended students. This function was previously staffed by campus security personnel. The change will improve the learning opportunities for students and encourage them to remain in their primary classes.

Students are identifiable by their ID cards. Students are to carry school identification cards. The school ID card policy is available for review in the Principals office. The cards are used for several services: books, meals, and entrance to school events, transportation.

Visitors to the campus must check-in through the front office. A visitor parking lot was opened to provide parking. All gates are locked after the morning tardy bell so that the only path into the campus is through the front office. Visitors must register and receive temporary identification badges.

The school has several avenues for students to express themselves, explore their interests, and get involved. The ASB promotes 32 clubs, 27 organizations, and 22 varsity teams.

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 of 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: includes teachers, administrators, classified employees, athletic coaches, supervisors of child welfare and attendance, certificated pupil personnel staff. District employed child care 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 physical “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.

To Whom is the Report Made: An oral report to designated law enforcement agencies must be made immediately. The observing employee must contact:

- a. Child Welfare Services (CWS - Santa Barbara County): **(800) 367-0166**

Or

- b. The Jurisdictional Law Enforcement Agency:
Emergency Number **911**
Santa Barbara County Sheriff’s Department **(805) 934-6150**
(24 hour non-emergency) **(805) 925-2631**
Santa Maria Police Department (non-emergency) **(805) 343-2112**
Guadalupe Police Department **(805) 343-2112**

The Santa Maria Police Department does meet the notification requirements prescribed by law to receive reports of child abuse.

A follow up written report must be submitted within 36 hours. Forms are available in the principal’s office or online at <https://oag.ca.gov/childabuse/forms>.

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. The law speaks only to abuse which takes place in the home. When law enforcement comes to school to take the 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”.

Step One – 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.

Step Two – The investigator must advise the child of the right to choose a staff member to be present during the interview.

What the school employee should do if:

1. The child chooses not to have a staff member present?
The staff member should leave the room.
2. The child asks for either the mother or father to be present?
School employees do not grant or deny such requests. This responsibility lies with the investigator.
3. The child changes their mind during the interview?
The law gives the child a continuous option to ask for an adult staff member or to send the staff member away.

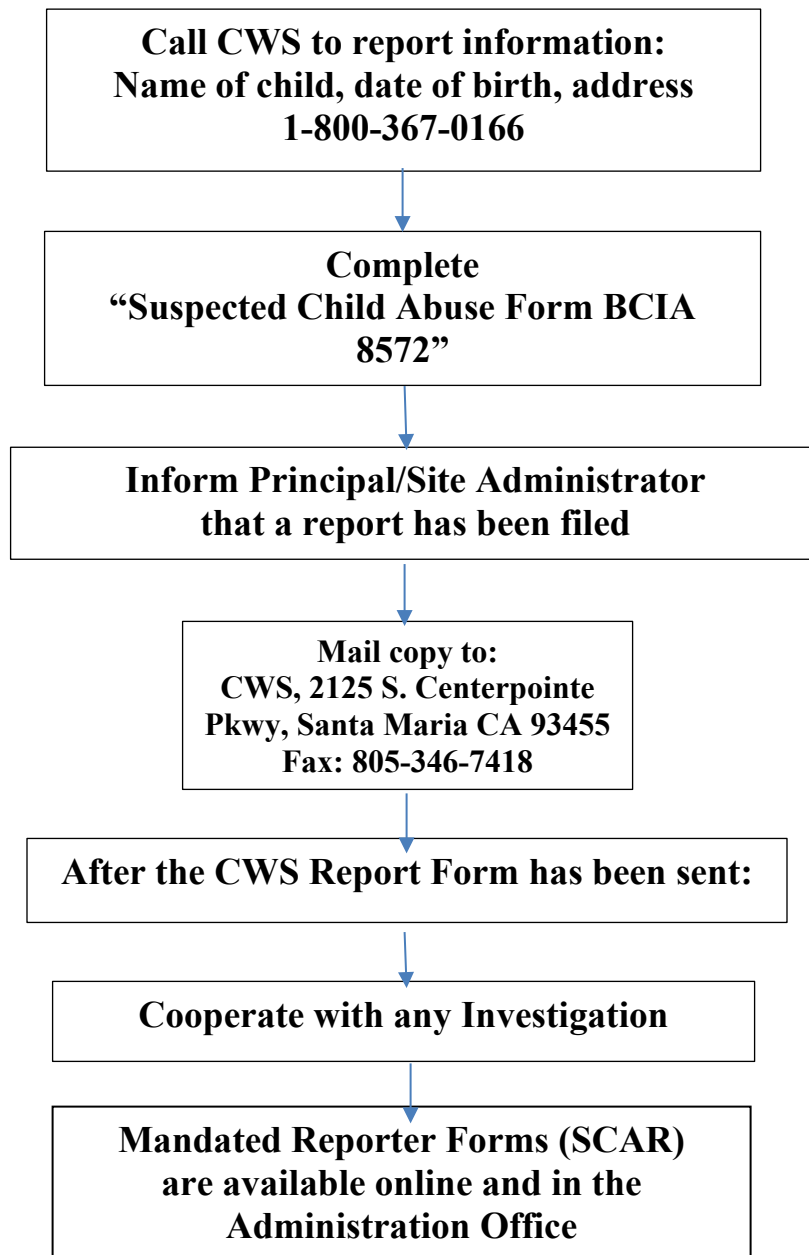
Step Three – The child asks for an adult staff member to be present

What can the selected staff member do:

- a. The staff member, by law, may decline to sit in the interview
- b. The school administrator should inform the selected staff member of their duties during the interview. A copy of Penal Code 11174.3 should be supplied to the staff member who has agreed to be present.
- c. The staff member’s role is one of a “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.
- d. 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.

Child Abuse Mandated Reporting Procedure

If you suspect any form of child abuse, follow the steps listed below:





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

[Print Form](#) [Clear Form](#)

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

CASE NAME: _____

CASE NUMBER: _____

A. REPORTING PARTY	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. REPORT NOTIFICATION	<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				
C. VICTIM One report per victim	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				
D. INVOLVED PARTIES	VICTIMS SIBLINGS								
	NAME		BIRTHDATE	SEX	ETHNICITY	NAME	BIRTHDATE	SEX	ETHNICITY
	1. _____		3. _____		2. _____		4. _____		
	2. _____		4. _____						
VICTIMS PARENTS/GUARDIANS									
NAME (LAST, FIRST, MIDDLE)			BIRTHDATE OR APPROX. AGE	SEX	ETHNICITY				
ADDRESS			Street	City	Zip	HOME PHONE	BUSINESS PHONE		
VICTIMS PARENTS/GUARDIANS									
NAME (LAST, FIRST, MIDDLE)			BIRTHDATE OR APPROX. AGE	SEX	ETHNICITY				
ADDRESS			Street	City	Zip	HOME PHONE	BUSINESS PHONE		
SUSPECT									
SUSPECT'S NAME (LAST, FIRST, MIDDLE)			BIRTHDATE OR APPROX. AGE	SEX	ETHNICITY				
ADDRESS			Street	City	Zip	TELEPHONE			
OTHER RELEVANT INFORMATION									
E. INCIDENT INFORMATION	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.legislature.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

Santa Maria Joint Union HSD

Administrative Regulation

Child Abuse Prevention and Reporting

AR 5141.4

Students

Definitions

Child abuse or neglect includes the following: (Penal Code 11165.5, 11165.6)

1. A physical injury or death inflicted by other than accidental means on a child by another person
2. Sexual abuse of a child, including sexual assault or sexual exploitation, as defined in Penal Code 11165.1
3. Neglect of a child as defined in Penal Code 11165.2
4. Willful harming or injuring of a child or the endangering of the person or health of a child as defined in Penal Code 11165.3
5. Unlawful corporal punishment or injury as defined in Penal Code 11165.4

Child abuse or neglect does not include:

1. A mutual affray between minors (Penal Code 11165.6)
2. An injury caused by reasonable and necessary force used by a peace officer acting within the course and scope of his/her employment (Penal Code 11165.6)

(cf. 3515.3 - District Police/Security Department)

3. An injury resulting from the exercise by a teacher, vice principal, principal, or other certificated employee of the same degree of physical control over a student that a parent/guardian would be privileged to exercise, not exceeding the amount of physical control reasonably necessary to maintain order, protect property, protect the health and safety of students, or maintain proper and appropriate conditions conducive to learning (Education Code 44807)

4. An injury caused by a school employee's use of force that is reasonable and necessary to quell a disturbance threatening physical injury to persons or damage to property, to protect himself/herself, or to obtain weapons or other dangerous objects within the control of the student (Education Code 49001)

(cf. 5144 - Discipline)

5. Physical pain or discomfort caused by athletic competition or other such recreational activity voluntarily engaged in by the student (Education Code 49001)

Mandated reporters include, but are not limited to, teachers; instructional aides; teacher's aides or assistants; classified employees; certificated pupil personnel employees; administrative officers or supervisors of child attendance; administrators and employees of a licensed day care facility; Head Start teachers; district police or security officers; licensed nurse or health care provider; and administrators, presenters, and counselors of a child abuse prevention program. (Penal Code 11165.7)

Reasonable suspicion means that it is objectively reasonable for a person to entertain a suspicion, based upon facts that could cause a reasonable person in a like position, drawing when appropriate on his/her training and experience, to suspect child abuse or neglect. (Penal Code 11166)

Reportable Offenses

A mandated reporter shall make a report using the procedures provided below whenever, in his/her professional capacity or within the scope of his/her employment, he/she has knowledge of or observes a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect. (Penal Code 11166)

Any mandated reporter who has knowledge of or who reasonably suspects that a child is suffering serious emotional damage or is at a substantial risk of suffering serious emotional damage, based on evidence of severe anxiety, depression, withdrawal, or untoward aggressive behavior toward self or others, may make a report to the appropriate agency. (Penal Code 11166.05)

Any person shall notify a peace officer if he/she reasonably believes that he/she has observed the commission of a murder, rape, or lewd or lascivious act by use of force, violence, duress, menace, or fear of immediate and unlawful bodily injury, where the victim is a child under age 14. (Penal Code 152.3, 288)

Responsibility for Reporting

The reporting duties of mandated reporters are individual and cannot be delegated to another person. (Penal Code 11166)

When two or more mandated reporters jointly have knowledge of a known or suspected instance of child abuse or neglect, the report may be made by a member of the team selected by mutual agreement and a single report may be made and signed by the selected member of the reporting team. Any member who has knowledge that the member designated to report has failed to do so shall thereafter make the report. (Penal Code 11166)

No supervisor or administrator shall impede or inhibit a mandated reporter from making a report. (Penal Code 11166)

Any person not identified as a mandated reporter who has knowledge of or observes a child whom he/she knows or reasonably suspects has been a victim of child abuse or neglect may report the known or suspected instance of child abuse or neglect to the appropriate agency. (Penal Code 11166)

Reporting Procedures

1. Initial Telephone Report

Immediately or as soon as practicably possible after knowing or observing suspected child abuse or neglect, a mandated reporter shall make an initial report by telephone to any police department (excluding a school district police/security department), sheriff's department, county probation department if designated by the county to receive such reports, or county welfare department. (Penal Code 11166)

Child Welfare Services
2125 Centerpointe Parkway
Santa Maria, CA 93455
Daytime (800) 367-0166 (Child Abuse Reporting Hotline)
Night (805) 683-2724 (Santa Barbara County Sheriffs' Office)

When the initial telephone report is made, the mandated reporter shall note the name of the official contacted, the date and time contacted, and any instructions or advice received.

2. Written Report

Within 36 hours of knowing or observing the information concerning the incident, the mandated reporter shall then prepare and either send, fax, or electronically submit to the appropriate agency a written follow-up report, which includes a completed Department of Justice form (SS 8572). (Penal Code 11166, 11168)

Mandated reporters may obtain copies of the Department of Justice form from either the district or the appropriate agency.

Reports of suspected child abuse or neglect shall include, if known: (Penal Code 11167)

- a. The name, business address, and telephone number of the person making the report and the capacity that makes the person a mandated reporter
- b. The child's name and address, present location and, where applicable, school, grade, and class
- c. The names, addresses, and telephone numbers of the child's parents/guardians
- d. The information that gave rise to the reasonable suspicion of child abuse or neglect and the source(s) of that information
- e. The name, address, telephone number, and other relevant personal information about the person(s) who might have abused or neglected the child

The mandated reporter shall make a report even if some of this information is not known or is uncertain to him/her. (Penal Code 11167)

Information relevant to the incident of child abuse or neglect may also be given to an investigator from

an agency that is investigating the case. (Penal Code 11167)

3. Internal Reporting

Employees reporting child abuse or neglect to an appropriate agency are encouraged, but not required, to notify the principal as soon as possible after the initial telephone report to the appropriate agency. When so notified, the principal shall inform the Superintendent or designee.

The principal so notified shall provide the mandated reporter with any assistance necessary to ensure that reporting procedures are carried out in accordance with law, Board policy, and administrative regulation. At the mandated reporter's request, the principal may assist in completing and filing the necessary forms.

The mandated reporter shall not be required to disclose his/her identity to the principal. (Penal Code 11166)

He/she may provide or mail a copy of the written report to the principal or Superintendent or designee without his/her signature or name.

Reporting the information to an employer, supervisor, principal, school counselor, co-worker, or other person shall not be a substitute for making a mandated report to the appropriate agency. (Penal Code 11166)

Training

Training of mandated reporters shall include child abuse and neglect identification and mandated reporting. (Penal Code 11165.7)

Training shall also include guidance in the appropriate discipline of students, physical contact with students, and maintenance of ethical relationships with students to avoid actions that may be misinterpreted as child abuse.

(cf. 4119.21/4219.21/4319.21 - Professional Standards)

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

(cf. 5145.7 - Sexual Harassment)

Victim Interviews

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 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 given the choice of being interviewed in private or in the presence of any adult school employee or volunteer aide selected by the child. (Penal Code 11174.3)

A staff member or volunteer aide selected by a child may decline to be present at the interview. If the selected person accepts, the principal or designee shall inform him/her of the following requirements: (Penal Code 11174.3)

1. The purpose of the selected person's presence at the interview is to lend support to the child and enable him/her to be as comfortable as possible.
2. The selected person shall not participate in the interview.
3. The selected person shall not discuss the facts or circumstances of the case with the child.
4. The selected person is subject to the confidentiality requirements of the Child Abuse and Neglect Reporting Act, a violation of which is punishable as specified in Penal Code 11167.5.

If a staff member 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. (Penal Code 11174.3)

Release of Child to Peace Officer

When a child is released to a peace officer and taken into custody as a victim of suspected child abuse or neglect, the Superintendent or designee and/or principal shall not notify the parent/guardian, but rather shall provide the peace officer with the address and telephone number of the child's parent/guardian. It is the responsibility of the peace officer or agent to notify the parent/guardian of the situation. (Education Code 48906)

Peace officers shall be asked to sign an appropriate release or acceptance of responsibility form.

(cf. 5145.11 - Questioning and Apprehension)

Parent/Guardian Complaints

Upon request, the Superintendent or designee shall provide parents/guardians with a copy of the district's administrative regulation that describes how to report suspected child abuse occurring at a school site to appropriate agencies. For parents/guardians whose primary language is other than English, such procedures shall be in their primary language and, when communicating orally regarding those procedures, an interpreter shall be provided.

To file a complaint against a district employee or other person suspected of child abuse or neglect at a school site, parents/guardians may file a report by telephone, in person, or in writing with any appropriate agency identified above under "Reporting Procedures." If a parent/guardian makes a complaint about an employee to any other employee, the employee receiving the information shall notify the parent/guardian of procedures for filing a complaint with the appropriate agency. The employee also is obligated pursuant to Penal Code 11166 to file a report himself/herself using the procedures described above for mandated reporters.

(cf. 1312.1 - Complaints Concerning District Employees)

In addition, if the child is enrolled in special education, a separate complaint may be filed with the California Department of Education pursuant to 5 CCR 4650.

(cf. 1312.3 - Uniform Complaint Procedures)

Notifications

The Superintendent or designee shall provide to all new employees who are mandated reporters a statement that informs them of their status as mandated reporters, of their reporting obligations under Penal Code 11166, and of their confidentiality rights under Penal Code 11167. The district shall also provide these new employees with a copy of Penal Code 11165.7, 11166, and 11167. (Penal Code 11165.7, 11166.5)

Before beginning employment, employees shall sign the statement indicating that they have knowledge of the reporting obligations under Penal Code 11166 and that they will comply with those provisions. The signed statements shall be retained by the Superintendent or designee. (Penal Code 11166.5)

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

Employees who work with dependent adults shall be notified of legal responsibilities and reporting procedures pursuant to Welfare and Institutions Code 15630-15637.

The Superintendent or designee shall also notify all employees that:

1. A mandated reporter who reports a known or suspected instance of child abuse or neglect shall not be held civilly or criminally liable for making a report and this immunity shall apply even if the mandated reporter acquired the knowledge or reasonable suspicion of child abuse or neglect outside of his/her professional capacity or outside the scope of his/her employment. Any other person making a report shall not incur civil or criminal liability unless it can be proven that he/she knowingly made a false report or made a report with reckless disregard of the truth or falsity of the report. (Penal Code 11172)
2. If a mandated reporter fails to report an incident of known or reasonably suspected child abuse or neglect, he/she may be guilty of a crime punishable by a fine and/or imprisonment. (Penal Code 11166)
3. No employee shall be subject to any sanction by the district for making a report. (Penal Code 11166)

Regulation SANTA MARIA JOINT UNION HIGH SCHOOL DISTRICT
approved: August 14, 2002 Santa Maria, California
revised: June 17, 2009

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.

Disaster Procedures

The disaster procedures for Santa Maria High School are listed in Appendix A at the end of this School Safety Plan.

The NIMS compliant Incident Management Plan includes an earthquake emergency procedure, a school building disaster plan, and a drop procedure that shall be practiced each semester.

The District provides two disaster preparedness kits for the school to be used following an earthquake. The kits include supplies and equipment for first aid as well as search & rescue.

All buildings housing students and teachers meet the Field Act for earthquake safety.

The District has communicated with the American Red Cross and is prepared to use any necessary facilities for emergency shelters. The District administration will work with the Red Cross is determining which buildings to utilize and how to accommodate school operation while providing emergency shelter.

Each year the school staff will receive a review of the School Safety Plan and the NIMS compliant Incident Management Plan.

The school will practice an earthquake drill and fire drill each semester.

Each school and the District as a whole will periodically perform a disaster drill.

Suspension and Expulsion Policies

Santa Maria Joint Union HSD

Administrative Regulation

Suspension And Expulsion/Due Process

AR 5144.1

Students

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 Governing Board for students of the same grade level.
2. Referral to a certificated employee designated by the principal to advise students.
3. Removal from the class, but without reassignment to another class or program, for the remainder of the class period without sending the student to the principal or designee as provided in Education Code 48910. 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)

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(u))

Notice of Regulations

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

(cf. 5144 - Discipline)

(cf. 5145.6 - Parental Notifications)

Suspension and Expulsion/Due Process

AR 5144.1(a)

Students

Grounds for Suspension and Expulsion

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

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

1. Caused, attempted to cause, or threatened to cause physical injury to another person; willfully used force or violence upon another person, except in self-defense; or committed as an aider or abettor, as adjudged by a juvenile court, a crime of physical violence in which the victim suffered great or serious bodily injury (Education Code 48900(a) and (t))
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, 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 such controlled substance, alcoholic 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))

Students

8. Possessed or used tobacco or products containing tobacco or nicotine products, including, but not limited to, cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel, except that this restriction shall not prohibit a student from using or possessing his/her own prescription products (Education Code 48900(h))
cf. 5131.62 - Tobacco)
9. Committed an obscene act or engaged in habitual profanity or vulgarity (Education Code 48900(i))
10. Unlawfully possessed, 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))

(cf. 5131.4 - Student Disturbances)
12. Knowingly received stolen school property or private property (Education Code 48900(l))
13. Possessed an imitation firearm (Education Code 48900(m))

Imitation firearm means a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm. (Education Code 48900(m))
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))

Students

17. Engaged in, or attempted to engage in, hazing (Education Code 48900(q))

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

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

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

Bullying shall include any act of sexual harassment, hate violence, or harassment, threat, or intimidation, as defined in Education Code 48900.2, 48900.3, or 48900.4 (items #21-23 below), that has any of the effects described above on a reasonable student.

Electronic act means the creation or transmission of a communication originated on or off school site, including, but not limited to, a message, text, sound, image, or post on a social network Internet web site, by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager. A post on a social network Internet web site shall include, but is not limited to, the posting or creation of a burn page or the creation of a credible impersonation or false profile for the purpose of causing a reasonable student any of the effects of bullying described above.

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

(cf. 1114 - District-Sponsored Social Media)

(cf. 5131.2 - Bullying)

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

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

Suspension and Expulsion/Due Process

AR 5144.1(e)

Students

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

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

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

Sexual harassment means conduct which, when considered from the perspective of a reasonable person of the same gender as the victim, is sufficiently severe or pervasive as to have a negative impact upon the victim's academic performance or to create an intimidating, hostile, or offensive educational environment. (Education Code 212.5, 48900.2)

(cf. 5145.7 - Sexual Harassment)

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

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

(cf. 5145.9 - Hate-Motivated Behavior)

Suspension and Expulsion/Due Process

AR 5144.1(f)

Students

23. 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)

Removal from Class by a Teacher and Parental Attendance

A teacher may remove a student from his/her class for the remainder of the day and the following day only for acts specified in Education Code 48900 and listed under "Grounds for Suspension and Expulsion" above. (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. If that action requires the continuing presence of the student at school, he/she shall be appropriately supervised during the class periods from which he/she has been removed. (Education Code 48910)

As soon as possible after the teacher decides to remove the student, he/she 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 or designee. (Education Code 48910)

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

Suspension by Superintendent, Principal, or Designee

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

Suspension and Expulsion/Due Process

AR 5144.1(g)

Students

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)
3. Unlawfully selling a controlled substance listed in Health and Safety Code 11053-11058
4. Committing or attempting to commit a sexual assault as defined in Penal Code 261, 266c, 286, 288, 288a, or 289, or committing a sexual battery as defined in Penal Code 243.4
5. Possessing an explosive as defined in 18 USC 921

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

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

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

(cf. 5125 - Student Records)

Length of Suspension

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

A student may be suspended from school for not more than 20 school days in any school year. However, when a student enrolls in or is transferred to another regular school, an opportunity school, or continuation school or class for the purpose of adjustment, he/she may be suspended for not more than 30 school days in a school year. The district may count suspensions that occur while a student is enrolled in another school district toward the maximum number of days for which the student may be suspended in any school year. (Education Code 48903, 48911, 48912) (cf. 6184 - Continuation Education)

Students

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

Due Process Procedures for Suspension

Suspensions shall be imposed in accordance with the following procedures:

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

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

2. **Administrative Actions:** All requests for student suspension are to be processed by the principal or designee. A school employee shall report the suspension, including the name of the student and the cause for the suspension, to the Superintendent or designee. (Education Code 48911)
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.

Students

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

Although the parent/guardian is required to respond without delay to a request for a conference about his/her child'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 reinstatement solely because the parent/guardian failed to attend the conference. (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)

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)

If the student involved is a foster youth, the Superintendent or designee shall notify the district liaison for foster youth of the need to invite the student's attorney and a representative of the appropriate county child welfare agency to attend the meeting. (Education Code 48853.5, 48911, 48918.1)

(cf. 6173.1 - Education for Foster Youth)

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

Suspension by the Board

The Board may suspend a student for any of the acts listed under "Grounds for Suspension and Expulsion" above and within the limits specified under "Suspension by Superintendent, Principal, or Designee" above. (Education Code 48912)

Suspension and Expulsion/Due Process

AR 5144.1(j)

Students

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 under "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 a closed session if a public hearing would lead to disclosure of information violating a student's right to privacy under Education Code 49073-49079. (Education Code 35146, 48912)

(cf. 9321 - Closed Session Purposes and Agendas)

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

Supervised Suspension Classroom

A student for whom an expulsion action has not been initiated and who poses no imminent danger or threat to the school, students, or staff may be assigned to a supervised suspension classroom in a separate classroom, building, or site 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. The student shall be responsible for contacting his/her teacher(s) to receive assignments to be completed in the supervised suspension classroom. The teacher(s) shall provide all assignments and tests that the student will miss while suspended. If no such work is assigned, the person supervising the suspension classroom shall assign schoolwork.

At the time a student is assigned to 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)

Suspension and Expulsion/Due Process

AR 5144.1(k)

Students

Authority to Expel

A student may be expelled only by the Board. (Education Code 48918(j))

The Board shall expel, as required by law, any student found to have committed any offense listed below under "Mandatory Recommendation and Mandatory Expulsion." (Education Code 48915)

For all other grounds listed above under "Grounds for Suspension and Expulsion," the Board shall order a student expelled, upon the recommendation of the Superintendent, principal, or designee, only if the Board makes a finding of either or both of the following: (Education Code 48915(b) and (e))

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

Superintendent, Principal, or Designee's Authority to Recommend Expulsion

Unless the Superintendent, principal, or designee determines that expulsion should not be recommended under the circumstances or that an alternative means of correction would address the conduct, he/she shall recommend a student's expulsion for any of the following acts: (Education Code 48915(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) 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 (a) the first offense for the possession of not more than one ounce of marijuana, other than concentrated cannabis, or (b) the student's possession of over-the-counter medication for his/her use or other medication prescribed for him/her by a physician
4. Robbery or extortion
5. Assault or battery, as defined in Penal Code 240 and 242, upon any school employee

Suspension and Expulsion/Due Process

AR 5144.1(I)

Students

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

Mandatory Recommendation and Mandatory Expulsion

The Superintendent, principal, 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, selling, or otherwise furnishing a firearm, unless the student had obtained prior written permission to possess the firearm from a certificated school employee, with the principal or designee's concurrence

However, possession of an imitation firearm, as defined in Education Code 48900(m), shall not be regarded as an offense requiring a mandatory recommendation for expulsion and mandatory expulsion.

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 as defined in Penal Code 261, 266c, 286, 288, 288a, or 289, or committing a sexual battery as defined in Penal Code 243.4
5. Possessing an explosive as defined in 18 USC 921

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

Any student recommended for expulsion shall be entitled to a hearing to determine whether he/she should be expelled. The hearing shall be held within 30 school days after the Superintendent, principal, or designee determines that the student has committed one of the acts listed above under "Grounds for Suspension and Expulsion." (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))

Suspension and Expulsion/Due Process

AR 5144.1(m)

Students

If the Board finds it impractical during the regular 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))

Stipulated Expulsion

After a determination that a student has committed an offense listed above under "Grounds for Suspension and Expulsion" for which expulsion is permitted or mandatory, the Superintendent, principal, or designee shall offer the student and his/her parent/guardian the option to waive a hearing and stipulate to the expulsion. The offer shall be made only after the student or his/her parent/guardian has been given written notice of the expulsion hearing pursuant to Education Code 48918.

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

A stipulated expulsion shall be effective upon approval by the Board.

Rights of Complaining Witness

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

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

Suspension and Expulsion/Due Process

AR 5144.1(n)

Students

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

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

Written Notice of the Expulsion Hearing

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 non-attorney 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.

Non-attorney 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.

Students

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.

Additional Notice of Expulsion Hearing for Foster Youth

At least 10 days prior to a hearing to determine if a student who is a foster youth as defined under Education Code 48853.5 should be expelled for an offense not requiring a mandatory recommendation for expulsion, the Superintendent or designee shall notify the student's attorney and a representative of an appropriate county child welfare agency. If the hearing is pursuant to an offense requiring a mandatory expulsion recommendation, the Superintendent or designee may provide the same notification. The notice shall be provided by the most cost-effective method possible, including by email or a telephone call. (Education Code 48918.1)

Conduct of Expulsion Hearing

1. Closed Session: Notwithstanding 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 a 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 also shall be allowed to attend the closed session. (Education Code 48918(c))

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

Students

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

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

Students

5. Testimony by Complaining Witnesses: The following procedures shall be observed when a hearing involves allegations of sexual assault or sexual battery by a student: (Education Code 48918, 48918.5)
 - 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 in accordance with 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:

Students

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

Alternative Expulsion Hearing: Hearing Officer or Administrative Panel

Instead of conducting an expulsion hearing itself, the Board may contract with the county hearing officer or with the Office of Administrative Hearings of the State of California for a hearing officer. 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 applicable to a hearing conducted by the Board as specified above in "Conduct of Expulsion Hearing," including the requirement to issue a decision within 40 school days of the student's removal from school, unless the student requests that the decision be postponed. (Education Code 48918(a) and (d))

The hearing officer or administrative panel shall, within three school days after the hearing, determine whether to recommend expulsion of the student to the Board. If expulsion is not recommended, the expulsion proceeding shall be terminated and the student shall be immediately 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. The decision to not recommend expulsion shall be final. (Education Code 48918(e))

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

Suspension and Expulsion/Due Process

AR 5144.1(s)

Students

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, 48918)

Final Action by the Board

Whether the expulsion hearing is conducted in closed or public session by the Board, a hearing officer, or an administrative panel or is waived through the signing of a stipulated expulsion agreement, the final action to expel shall be taken by the Board 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 any act listed under "Mandatory Recommendation and Mandatory Expulsion" above, this date shall be one year from the date the expulsion occurred, except that the Board may set an earlier date on a case-by-case basis. For a student expelled for other acts, this date shall be no later than the last day of the semester following the semester in which the expulsion occurred. If an expulsion is ordered during summer session or the intersession period of a year-round program, the Board shall set a date when the student shall be reviewed for readmission not later than the last day of the semester following the summer session or intersession period in which the expulsion occurred. (Education Code 48916)

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

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

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

Suspension and Expulsion/Due Process

AR 5144.1(t)

Students

Written Notice to Expel

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

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

Decision Not to Enforce Expulsion Order

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

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

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

1. The Board may, as a condition of the suspension of enforcement, assign the student to a school, class, or program appropriate for the student's rehabilitation. This rehabilitation program may provide for the involvement of the student's parent/guardian in the student's education. However, a parent/guardian's refusal to participate in the rehabilitation program shall not be considered in the Board's determination as to whether the student has satisfactorily completed the rehabilitation program. (Education Code 48917)

Suspension and Expulsion/Due Process

AR 5144.1(u)

Students

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. (Education Code 48917)
4. When the suspension of enforcement of an expulsion order is revoked, a student may be expelled under the terms of the original expulsion order. (Education Code 48917)
5. Upon satisfactory completion of the rehabilitation assignment, the Board shall reinstate the student in a district school. Upon reinstatement, the Board may order the expunging of any or all records of the expulsion proceedings. (Education Code 48917)
6. The Superintendent or designee shall send written notice of any decision to suspend the enforcement of an expulsion order during a period of probation to the student or parent/guardian. The notice shall inform the parent/guardian of the right to appeal the expulsion to the County Board, the alternative educational placement to be provided to the student during the period of expulsion, and the student's or parent/guardian's obligation to inform any new district in which the student seeks to enroll of his/her status with the expelling district, pursuant to Education Code 48915.1(b). (Education Code 48918(j))
7. Suspension of the enforcement of an expulsion order shall not affect the time period and requirements for the filing of an appeal of the expulsion order with the County Board. (Education Code 48917)

Right to Appeal

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

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

Notification to Law Enforcement Authorities

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

Suspension and Expulsion/Due Process

AR 5144.1(v)

Students

The principal or designee also shall notify appropriate city or county law enforcement authorities of any student acts which may involve the possession or sale of narcotics or of a controlled substance. In addition, law enforcement authorities shall be notified regarding any acts by students regarding the possession, sale, or furnishing of firearms, explosives, or other dangerous weapons in violation of Education Code 48915(c)(1) or (5) or Penal Code 626.9 and 626.10. (Education Code 48902)

Within one school day after a student's suspension or expulsion, the principal or designee shall notify appropriate city or county law 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. 6158 - Independent Study)

(cf. 6185 - Community Day School)

When the placement described above is not available and when the County Superintendent so certifies, students expelled for acts described in items #6-13 and #21-23 under "Grounds for

Suspension and Expulsion" above may be referred to a program of study that is provided at another comprehensive middle, junior, or senior high school or at an elementary school. (Education Code 48915)

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)

Students

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 readmission.
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 re-admittance into the regular program. This notice shall indicate the Board's determination of the educational program which the Board has chosen. The student shall enroll in that program unless the parent/guardian chooses to enroll the student in another school district. (Education Code 48916)

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

Suspension and Expulsion/Due Process

AR 5144.1(x)

Students

Maintenance of Records

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

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

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)

(7/12 11/12) 4/14

Regulation approved:
June 11, 2014

Santa Maria Joint Union High School District
Santa Maria, CA

Policy for Notifying Teachers of Dangerous Pupils

The following page contains a sample of the staff notification form for dangerous pupils.

Staff Notification Form

Date: _____

Teacher: _____

Per Education Code and District Policy, you are hereby notified that one of your students, has been convicted of a violation for which he/she may be suspended and/or expelled under Education Code 48900. Please come to the office and review the student's file as soon as practicable.

REMEMBER, THIS INFORMATION IS CONFIDENTIAL. UNLAWFUL DISSEMINATION OF THIS INFORMATION IS A MISDEMEANOR.

Please sign this notification and return it to the Principal's Office.

Under School Jurisdiction - Ed. Code 48900

a1	Caused, attempted to cause or threatened to cause bodily injury to another
a2	Willfully used force or violence upon the person of another, except in self-defense
b	Possessed, sold, or otherwise furnished any firearm, knife, explosive or dangerous object
c	Unlawfully possessed, sold, intended to sell or otherwise furnished or been under the influence of any controlled substance, alcoholic beverage, intoxicant or look-a-like drug
d	Offered, arranged or negotiated to sell controlled substances
e	Committed or attempted to commit robbery or extortion
f	Caused or attempted to cause damage to school or private property
g	Stole or attempted to steal school or private property
h	Excluded from reporting per EC 49079
i	Committed an obscene act or engaged in habitual profanity or vulgarity
j	Possessed or unlawfully offered, arranged or negotiated to sell drug paraphernalia
k	Disrupted school activities or defied the authority of school personnel
l	Knowingly received stolen private property
m	Possessed an imitation firearm
n	Committed or attempted to commit sexual assault
o	Excluded from reporting per EC 49079
p	Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug SOMA
q	Engaged in, or attempted to engage in, hazing
r	Engaged in the act of bullying

Outside School Jurisdiction at the discretion of the Principal (Welfare and Institutions Code 827)

a	Curfew Violation
b	Gambling
c	Alcohol
d	Drugs
e	Tobacco Products
f	Carrying Weapons
g	Sex Offense (PC 290)
h	Assault or Battery
i	Larceny
j	Vandalism
k	Graffiti

New 3-1-2011 RLT; Revised 3-12-2014 FE

MEMORANDUM

TO: All Teachers
FROM: Frances Evans
SUBJECT: Notice of pupils who have committed, or are suspected of committing expellable offenses.
DATE: February 18, 2014

Pursuant to the provisions of California Education Code Section 49079, you are hereby notified as follows:

The district is required to inform teachers of each pupil who has engaged in, or is reasonably suspected to have engaged in, an offense for which pupils can be expelled under Education Code Section 48900 (other than possession or use of tobacco). A list of pupils at this school and offenses (for the past three school years) is maintained at the school office. If you wish to see this information or information about pupils enrolled in other schools within the district, contact an assistant principal.

Any information received by a teacher pursuant to Education Code 49079 shall be received in confidence for the limited purpose for which it was provided and shall not be further disseminated by the teacher.

Frances Evans

tr
cc: Principals
Assistant Principals

Staff Notification Form

SMJUHSD Comprehensive School Safety Plan 2014-2015

Procedures to notify teachers of dangerous students under the Safe Schools Act (SSA)

Per Education Code and District Policy, staff must be notified of students that have been convicted of a violation for which may be suspended and/or expelled under Education Code 48900.

For students who commit offenses on campus, the disciplinary screen in Aeries under Assertive Discipline generates the notification to teachers. Student information is updated nightly. The teachers roster will have either a red SSA (Aeries .net) or an "*" (ABI) next to the students name. This indicates the student has committed an offense that is considered dangerous by Ed Code standard. The teachers do not see the specifics on the offense. The teacher responds by meeting with the school administration to discuss details of the offense. The teacher signs the confidential Staff Notification Form as verification administration reviewed information with teacher. This information is the students permanent discipline record in Aeries.

2012-2013 Screaming Eagle High School

9/27/2013 ▾ Period 2 (8:55 - 9:45) ▾

IBHstAm2/HEcCv

	Stu#	Name	Grd	Prgm	Lang Flu	A	T	9/27	9/26	9/25	9/24
1	1	Abbott, Allan J. (AJ)	12		E	<input type="checkbox"/>	<input type="checkbox"/>		A	A	
2	215	Beatty, David W. SSA	12	S	E	<input type="checkbox"/>	<input type="checkbox"/>			P	

For students who commit offenses off campus, the school administrator will contact the student’s teachers and meet with the teachers to discuss the offense. The teacher signs the confidential Staff Notification Form as verification administration reviewed information with teacher.

School sites will conduct training with new teachers yearly and all teachers as needed on how to read their classroom roster, and include identification of SSA notations. Additional instructions are available on the district website.

Santa Maria Joint Union HSD

Administrative Regulation

Employee Security

AR 4158

Personnel

An employee may use reasonable and necessary force for his/her self-defense, defense of another person, or protection of property; to quell a disturbance threatening physical injury to others; or to obtain possession of weapons or other dangerous objects within the control of a student. (Education Code 44807, 49001)

(cf. 5131.7 - Weapons and Dangerous Instruments)

(cf. 5144 - Discipline)

Employees shall promptly report to the Principal or other immediate supervisor any attack, assault, or physical threat made against them by a student.

Both the employee and the Principal or other immediate supervisor shall promptly report such instances to the appropriate local law enforcement agency. (Education Code 44014)

In addition, employees shall promptly report to the Principal or supervisor, and may report to law enforcement, any attack, assault, or threat made against them on school grounds by any other individual.

(cf. 3515.2 - Disruptions)

Reports of attack, assault, or threat shall be forwarded immediately to the Superintendent or designee.

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

(cf. 3515.4 - Recovery for Property Loss or Damage)

(cf. 3530 - Risk Management/Insurance)

Notice Regarding Student Offenses Committed While Under School Jurisdiction

The Superintendent or designee shall inform the teacher(s) of each student who has engaged in, or is reasonably suspected of, any act during the previous three school years which could constitute grounds for suspension or expulsion under Education Code 48900, with the exception of the possession or use of tobacco products, or Education Code 48900.2, 48900.3, 48900.4, or 48900.7. This information shall be based upon district records maintained in the ordinary course of business or records received from a law enforcement agency. (Education Code 49079)

(cf. 5125 - Student Records)

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

Upon receiving a transfer student's record regarding acts committed by the student that resulted in his/her suspension or expulsion, the Superintendent or designee shall inform the student's teacher(s) that the student was suspended or expelled from his/her former district and of the act that resulted in the suspension or expulsion. (Education Code 48201)

Information received by teacher(s) shall be received in confidence for the limited purpose for which it was provided and shall not be further disseminated by the teacher. (Education Code 49079)

Notice Regarding Student Offenses Committed While Outside School Jurisdiction

When a minor student has been found by a court of competent jurisdiction to have illegally used, sold, or possessed a controlled substance or committed specified crimes involving serious acts of violence, the district police or security department may provide written notification to the Superintendent. (Welfare and Institutions Code 828.1)

(cf. 3515.3 - District Police/Security Department)

When informed by the court that a minor student has been found by a court to have committed any felony or any misdemeanor involving curfew, gambling, alcohol, drugs, tobacco products, carrying of weapons, a sex offense listed in Penal Code 290, assault or battery, larceny, vandalism, or graffiti, the Superintendent or designee shall so inform the school Principal. (Welfare and Institutions Code 827)

The Principal shall disseminate this information to any counselor who directly supervises or reports on the student's behavior or progress. The Principal also may inform any teacher or administrator he/she thinks may need the information so as to work with the student appropriately, avoid being needlessly vulnerable, or protect others from vulnerability. Welfare and Institutions Code 827)

Any court-initiated information that a teacher, counselor, or administrator receives shall be kept confidential and used only to rehabilitate the student and protect other students and staff. The information shall be further disseminated only when communication with the student, parent/guardian, law enforcement staff, and probation officer is necessary to rehabilitate the student or to protect students and staff. (Welfare and Institutions Code 827)

When a student is removed from school as a result of his/her offense, the Superintendent shall hold the court's information in a separate confidential file until the student is returned to the district. If the student is returned to a different district, the Superintendent shall transmit the information provided by the student's parole or probation officer to the Superintendent of the new district of attendance. (Welfare and Institutions Code 827)

Any confidential file of court-initiated information shall be kept until the student becomes 18, graduates from high school, or is released from juvenile court jurisdiction, whichever occurs first, and shall then be destroyed. (Welfare and Institutions Code 827)

Procedures to Maintain Confidentiality of Student Offenses

In order to maintain confidentiality when providing information about student offenses to counselors and teachers of classes/programs to which a student is assigned, the Principal or designee shall send the staff member a written notification that one of his/her students has committed an offense that requires his/her review of a student's file in the school office. This notice shall not name or otherwise identify the student. The staff member shall be asked to initial the notification and return it to the Principal or designee.

The staff member shall also initial the student's file when reviewing it in the school office. Once the district has made a good faith effort to comply with the notification requirement of Education Code 49079 and Welfare and Institutions Code 827, an employee's failure to review the file constitutes district compliance with the requirement to provide notice to the teacher.

Use of Pepper Spray

Employees wishing to carry pepper spray on school property or to a school-related activity shall submit to the Superintendent or designee a written request setting forth the need for the pepper spray. Should the Superintendent or designee determine that the employee may not carry pepper spray, the employee shall receive a written statement of the reason for this determination.

Regulation SANTA MARIA JOINT UNION HIGH SCHOOL DISTRICT

approved: June 15, 2011 Santa Maria, California

Discrimination and Harassment Policy

Santa Maria Joint Union HSD

Board Policy

Nondiscrimination In Employment

BP 4030

Personnel

The Board of Trustees is determined to provide district employees and job applicants a safe, positive environment where they are assured of full and equal employment access and opportunities, protection from harassment or intimidation, and freedom from any fear of reprisal or retribution for asserting their employment rights in accordance with law. The Board prohibits district employees from discriminating against or harassing any other district employee or job applicant on the basis of the person's actual or perceived race, religious creed, color, national origin, ancestry, age, marital status, pregnancy, physical or mental disability, medical condition, genetic information, military and veteran status, gender, gender identity, gender expression, sex, or sexual orientation.

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

(cf. 4119.41/4219.41/4319.41 - Employees with Infectious Disease)

The Board also prohibits discrimination against any employee or job applicant in compensation, terms, conditions, and other privileges of employment and the taking of any adverse employment action, including, but not limited to, termination or the denial of employment, promotion, job assignment, or training, against an employee or job applicant based on any of the categories listed above.

(cf. 4032 - Reasonable Accommodation)

(cf. 4154/4254/4354 - Health and Welfare Benefits)

Prohibited discrimination on the basis of religious creed includes discrimination based on an employee's or job applicant's religious belief or observance, including his/her religious dress or grooming practices. In accordance with Government Code 12940, prohibited discrimination on the basis of religious creed also includes the district's failure or refusal to use reasonable means to accommodate an employee's or job applicant's religious belief, observance, or practice which conflicts with an employment requirement. However, the district shall not accommodate an employee's religious dress practice or religious grooming practice if it requires segregation of the individual from other employees or the public or if it would result in a violation of this policy or any law prohibiting discrimination.

Prohibited sex discrimination includes discrimination based on an employee's or job applicant's pregnancy, childbirth, breastfeeding, or any related medical condition.

(cf. 4033 - Lactation Accommodation)

Harassment consists of unwelcome verbal, physical, or visual conduct that is based on any of the prohibited categories of discrimination listed above and that is so severe or pervasive that it adversely affects an individual's employment opportunities, has the purpose or effect of unreasonably interfering with the individual's work performance, or creates an intimidating, hostile, or offensive work environment.

(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)

The Board also prohibits retaliation against any district employee or job applicant who opposes any discriminatory employment practice by the district or its employee, agent, or representative or who complains, testifies, assists, or in any way participates in the district's complaint procedures pursuant to this policy. No employee or job applicant who requests an accommodation for any protected characteristic listed in this policy shall be subjected to any punishment or sanction, regardless of whether the request was granted. (Government Code 12940)

Complaints concerning employment discrimination, harassment, or retaliation shall immediately be investigated in accordance with procedures specified in the accompanying administrative regulation.

Any supervisory or management employee who observes or has knowledge of an incident of prohibited discrimination or harassment shall report the incident to the Superintendent or designated district coordinator as soon as practical after the incident. All other employees are encouraged to report such incidents to their supervisor immediately. The district shall protect any employee who does report such incidents from retaliation.

The Superintendent or designee shall use all appropriate means to reinforce the district's nondiscrimination policy. He/she shall provide training and information to employees about how to recognize harassment and discrimination, how to respond appropriately, and components of the district's policies and regulations regarding discrimination. The Superintendent or designee shall regularly review the district's employment practices and, as necessary, shall take action to ensure district compliance with the nondiscrimination laws.

Any district employee who engages in prohibited discrimination, harassment, or retaliation or who aids, abets, incites, compels, or coerces another to engage or attempt to engage in such behavior in violation of this policy shall be subject to disciplinary action, up to and including dismissal.

(cf. 4118 - Dismissal/Suspension/Disciplinary Action)

(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

CIVIL CODE

51.7 Freedom from violence or intimidation

GOVERNMENT CODE

11135 Unlawful discrimination

11138 Rules and regulations

12900-12996 Fair Employment and Housing Act

PENAL CODE

422.56 Definitions, hate crimes

CODE OF REGULATIONS, TITLE 2

11019 Terms, conditions and privileges of employment

CODE OF REGULATIONS, TITLE 5

4900-4965 Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 20

1681-1688 Title IX of the Education Amendments of 1972

UNITED STATES CODE, TITLE 29

621-634 Age Discrimination in Employment Act

794 Section 504 of the Rehabilitation Act of 1973

UNITED STATES CODE, TITLE 42

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

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

2000ff-2000ff-11 Genetic Information Nondiscrimination Act of 2008

2000h-2-2000h-6 Title IX of the Civil Rights Act of 1964

6101-6107 Age discrimination in federally assisted programs

12101-12213 Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 28

35.101-35.190 Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 34

100.6 Compliance information

104.7 Designation of responsible employee for Section 504

104.8 Notice

106.8 Designation of responsible employee and adoption of grievance procedures

106.9 Dissemination of policy

110.1-110.39 Nondiscrimination on the basis of age

COURT DECISIONS

Thompson v. North American Stainless LP, (2011) 131 S.Ct. 863

Shephard v. Loyola Marymount, (2002) 102 Cal.App.4th 837

Management Resources:

CALIFORNIA DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING PUBLICATIONS

California Law Prohibits Workplace Discrimination and Harassment, December 2014

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

Notice of Non-Discrimination, August 2010

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION PUBLICATIONS

Questions and Answers: Religious Discrimination in the Workplace, 2008

New Compliance Manual Section 15: Race and Color Discrimination, April 2006

Enforcement Guidance: Vicarious Employer Liability for Unlawful Harassment by Supervisors, June 1999

WEB SITES

California Department of Fair Employment and Housing: <http://www.dfeh.ca.gov>

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

Equal Employment Opportunity Commission: <http://www.eeoc.gov>

Policy SANTA MARIA JOINT UNION HIGH SCHOOL DISTRICT

adopted: February 9, 2016 Santa Maria, California

Santa Maria Joint Union HSD

Administrative Regulation

Nondiscrimination In Employment

AR 4030

Personnel

The district designates the position identified below as its coordinator for nondiscrimination in employment (coordinator) to coordinate the district's efforts to comply with state and federal nondiscrimination laws and to answer inquiries regarding the district's nondiscrimination policies. The coordinator may be contacted at:

Assistant Superintendent/Human Resources
2560 Skyway Drive
Santa Maria, CA 93455
(805) 922-4573 Ext. 4301

Measures to Prevent Discrimination

To prevent unlawful discrimination, harassment, and retaliation against district employees, volunteers, interns, and job applicants, the Superintendent or designee shall implement the following measures:

1. Publicize the district's nondiscrimination policy and regulation, including the complaint procedures and the coordinator's contact information, to employees, volunteers, interns, job applicants, and the general public by: (5 CCR 4960; 34 CFR 100.6, 106.9)
 - a. Including them in each announcement, bulletin, or application form that is used in employee recruitment
 - b. Posting them in all district schools and offices, including staff lounges and other prominent locations
 - c. Posting them on the district's web site and providing easy access to them through district-supported social media, when available

(cf. 1113 - District and School Web Sites)
(cf. 1114 - District-Sponsored Social Media)

2. Provide to employees a handbook that contains information that clearly describes the district's nondiscrimination policy, procedures for filing a complaint, and resources available to anyone who feels that he/she has been the victim of any discriminatory or harassing behavior

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

3. Provide training to employees, volunteers, and interns regarding the district's nondiscrimination

policy, including what constitutes unlawful discrimination, harassment, and retaliation and how and to whom a report of an incident should be made

- (cf. 1240 - Volunteer Assistance)
- (cf. 4131 - Staff Development)
- (cf. 4231 - Staff Development)
- (cf. 4331 - Staff Development)

4. Periodically review the district's recruitment, hiring, and promotion processes and regularly monitor the terms, conditions, and privileges of employment to ensure district compliance with law

Complaint Procedure

Any complaint by an employee or job applicant alleging discrimination or harassment shall be addressed in accordance with the following procedures:

1. Notice and Receipt of Complaint: A complainant who is an employee shall inform his/her supervisor. However, if the supervisor is the person against whom the employee is complaining, the employee shall inform the coordinator or the Superintendent. A job applicant shall inform the coordinator or the Superintendent or designee.

The complainant may file a written complaint in accordance with this procedure, or if he/she is an employee, may first attempt to resolve the situation informally with his/her supervisor.

A supervisor or manager who has received information about an incident of discrimination or harassment, or has observed such an incident, shall report it to the coordinator, whether or not the complainant files a written complaint.

The written complaint should contain the complainant's name, the name of the individual who allegedly committed the act, a description of the incident, the date and location where the incident occurred, any witnesses who may have relevant information, other evidence of the discrimination or harassment, and any other pertinent information which may assist in investigating and resolving the complaint.

- (cf. 0410 - Nondiscrimination in District Programs and Activities)
- (cf. 4032 - Reasonable Accommodation)
- (cf.4119.11/4219.11/4319.11 - Sexual Harassment)

2. Investigation Process: The coordinator shall initiate an impartial investigation of an allegation of discrimination or harassment within five business days of receiving notice of the behavior, regardless of whether a written complaint has been filed or whether the written complaint is complete.

The coordinator shall meet with the complainant to describe the district's complaint procedure and discuss the actions being sought by the complainant in response to the allegation. The coordinator shall inform the complainant that the allegations will be kept confidential to the extent possible, but that some information may be revealed as necessary to conduct an effective investigation.

(cf. 3580 - District Records)

(cf. 4112.6/4212.6/4312.6 - Personnel Files)

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

If the coordinator determines that a detailed fact-finding investigation is necessary, he/she shall begin the investigation immediately. As part of this investigation, the coordinator should interview the complainant, the person accused, and other persons who could be expected to have relevant information.

When necessary to carry out his/her investigation or to protect employee safety, the coordinator may discuss the complaint with the Superintendent or designee, district legal counsel, or the district's risk manager.

The coordinator also shall determine whether interim measures, such as scheduling changes, transfers, or leaves, need to be taken before the investigation is completed to ensure that further incidents do not occur. The coordinator shall ensure that such interim measures do not constitute retaliation.

3. **Written Report on Findings and Corrective Action:** No more than 20 business days after receiving the complaint, the coordinator shall conclude the investigation and prepare a written report of his/her findings. This timeline may be extended for good cause. If an extension is needed, the coordinator shall notify the complainant and explain the reasons for the extension.

The report shall include the decision and the reasons for the decision and shall summarize the steps taken during the investigation. If a determination has been made that discrimination or harassment occurred, the report also shall include any corrective action(s) that have been or will be taken to address the behavior, correct the effect on the complainant, and ensure that retaliation or further discrimination or harassment does not occur.

The report shall be presented to the complainant, the person accused, and the Superintendent or designee.

4. **Appeal to the Board of Trustees:** The complainant or the person accused may appeal any findings to the Board within 10 business days of receiving the written report of the coordinator's findings. The Superintendent or designee shall provide the Board with all information presented during the investigation. Upon receiving an appeal, the Board shall schedule a hearing as soon as practicable. Any complaint against a district employee shall be addressed in closed session in accordance with law. The Board shall render its decision within 10 business days.

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 9321 - Closed Session Purposes and Agendas)

Other Remedies

In addition to filing a discrimination or harassment complaint with the district, a person may file a complaint with either the California Department of Fair Employment and Housing (DFEH) or the Equal Employment Opportunity Commission (EEOC). The time limits for filing such complaints are

as follows:

1. To file a valid complaint with DFEH, within one year of the alleged discriminatory act(s), unless an exception exists pursuant to Government Code 12960
2. To file a valid complaint directly with EEOC, within 180 days of the alleged discriminatory act(s) (42 USC 2000e-5)
3. To file a valid complaint with EEOC after first filing a complaint with DFEH, within 300 days of the alleged discriminatory act(s) or within 30 days after the termination of proceedings by DFEH, whichever is earlier (42 USC 2000e-5)

Regulation SANTA MARIA JOINT UNION HIGH SCHOOL DISTRICT
approved: February 9, 2016 Santa Maria, California

Santa Maria Joint Union HSD

Board Policy

Bullying

BP 5131.2

Students

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 individual or group shall, through physical, written, verbal, or other means, harass, sexually harass, threaten, intimidate, retaliate, cyberbully, cause bodily injury to, or commit hate violence against any 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 creation or 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 addressing bullying in district schools shall be developed with involvement of key stakeholders, including students, parents/guardians, and staff, and may be incorporated into the comprehensive safety plan, the local control and accountability plan, and other applicable district and school plans.

(cf. 0420 - School Plans/Site Councils)

(cf. 0450 - Comprehensive Safety Plan)

(cf. 0460 - Local Control and Accountability Plan)

(cf. 1220 - Citizen Advisory Committees)

(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)

(cf. 6020 - Parent Involvement)

As appropriate, the Superintendent or designee may collaborate with law enforcement, courts, social services, mental health services, other agencies, and community organizations in the development and implementation of joint strategies to promote safety in schools and the community and to provide services for alleged victims and perpetrators of bullying.

(cf. 1020 - Youth Services)

Bullying Prevention

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

(cf. 5137 - Positive School Climate)

As appropriate, the district shall 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. 6142.8 - Comprehensive Health Education)
(cf. 6142.94 - History-Social Science Instruction)
(cf. 6163.4 - Student Use of Technology)

Staff shall receive related professional development, including information about early warning signs of harassing/intimidating behaviors and effective response.

(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, and 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 an act of bullying shall immediately intervene to stop the incident when it is safe to do so. (Education Code 234.1)

When appropriate based on the severity or pervasiveness of the bullying, the Superintendent or designee shall notify the parents/guardians of victims and perpetrators and may contact law enforcement.

The Superintendent, principal, or principal's designee may refer a victim, witness, perpetrator, or other

student affected by an act of bullying to a school counselor, school psychologist, social worker, child welfare attendance personnel, school nurse, or other school support service personnel for case management, counseling, and/or participation in a restorative justice program as appropriate. (Education Code 48900.9)

(cf. 6164.2 - Guidance/Counseling Services)

Complaints and Investigation

Any complaint of bullying, whether it is discriminatory or nondiscriminatory, shall be investigated and resolved in accordance with law and the district's uniform complaint procedures specified in AR 1312.3 - Uniform Complaint Procedures.

(cf. 1312.3 - Uniform Complaint Procedures)

Any student, parent/guardian, or other individual who believes that a student has been subjected to bullying or who has witnessed bullying may report the incident to a teacher, the principal, a compliance officer, or any other available school employee. Within one business day of receiving such a report, a staff member shall notify the principal of the report, whether or not a uniform complaint is filed. Within two business days of receiving a report of bullying, the principal shall notify a district compliance officer identified in AR 1312.3. In addition, any school employee who observes an incident of bullying involving a student shall, within one business day, report his/her observation to the principal or a district compliance officer, whether or not the alleged victim files a complaint.

When the circumstances involve cyberbullying, individuals with information about the activity shall be encouraged to save and print any electronic or digital messages that they feel constitute cyberbullying and to notify a teacher, the principal, or other employee so that the matter may be investigated. When a student uses a social networking site or service to bully or harass another student, the Superintendent or designee may file a request with the networking site or service to suspend the privileges of the student and to have the material removed.

When a report of bullying is submitted, the principal or a district compliance officer shall inform the student or parent/guardian of the right to file a formal written complaint in accordance with AR 1312.3. The student who is the alleged victim of the bullying shall be given an opportunity to describe the incident, identify witnesses who may have relevant information, and provide other evidence of bullying.

Discipline

Corrective actions for a student who commits an act of bullying of any type may include counseling, behavioral intervention and education, and, if the behavior is severe or pervasive as defined in Education Code 48900, 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)

Any employee who permits or engages in bullying or retaliation related to bullying shall be subject to disciplinary action, up to and including dismissal.

(cf. 4117.3 - Dismissal)
(cf. 4118 - Suspension/Disciplinary Action)
(cf. 4119.21/4219.21/4319.21 - Professional Standards)
(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination
32282 Comprehensive safety plan
32283.5 Bullying; online training
35181 Governing board policy on responsibilities of students
35291-35291.5 Rules
48900-48925 Suspension or expulsion
48985 Translation of notices
52060-52077 Local control and accountability plan

PENAL CODE

422.55 Definition of hate crime
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

CODE OF REGULATIONS, TITLE 5

4600-4687 Uniform complaint procedures

UNITED STATES CODE, TITLE 47

254 Universal service discounts (e-rate)

CODE OF FEDERAL REGULATIONS, TITLE 28

35.107 Nondiscrimination on basis of disability; complaints

CODE OF FEDERAL REGULATIONS, TITLE 34

104.7 Designation of responsible employee for Section 504

106.8 Designation of responsible employee for Title IX

110.25 Notification of nondiscrimination on the basis of age

COURT DECISIONS

Wynar v. Douglas County School District, (2013) 728 F.3d 1062

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

Final Guidance: AB 1266, Transgender and Gender Nonconforming Students, Privacy, Programs, Activities & Facilities, Legal Guidance, March 2014

Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014
Addressing the Conditions of Children: Focus on Bullying, Governance Brief, December 2012

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

Building Healthy Communities: A School Leaders Guide to Collaboration and Community Engagement, 2009

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: Bullying of Students with Disabilities, August 2013

Dear Colleague Letter: Harassment and Bullying, October 2010

WEB SITES

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

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

Common Sense Media: <http://www.common Sense Media.org>

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

ON[the]LINE, digital citizenship resources: <http://www.onthelineca.org>

U.S. Department of Education: <http://www.ed.gov>

Policy SANTA MARIA JOINT UNION HIGH SCHOOL DISTRICT

adopted: March 8, 2016 Santa Maria, California

School Wide Dress Code

The dress code complies with District and State policies. These policies require that student attire be neat, clean, and non-disruptive. Interpretation of this policy rests with the individual classroom instructor, site administrators or any staff member while students are on campus. **Requirements apply to all students, as provided in the Education Code and/or District Policy. They are:**

1. No attire including clothing, jewelry, hats or personal items:
 - May promote or advertise drugs, alcohol or tobacco use.
 - Depict obscenity or lewdness.
 - Be inflammatory with regard to race, religion or heritage.
 - May promote gang affiliation, including tattoos.
 - Only appropriate school sponsored hats will be allowed on campus.
2. Feet must be covered, minimally, providing protection to the bottom of the foot.
3. The upper torso must be covered. Clothes shall be sufficient to conceal undergarments at all times. Halter tops, spaghetti straps (must be two inches wide). See-through or fishnet fabrics, off the shoulder or low-cut tops, bare midriffs and skirts or shorts shorter than mid-thigh are prohibited.
4. Pajamas and slippers are not appropriate school apparel.

Students who are not in compliance with this dress code will:

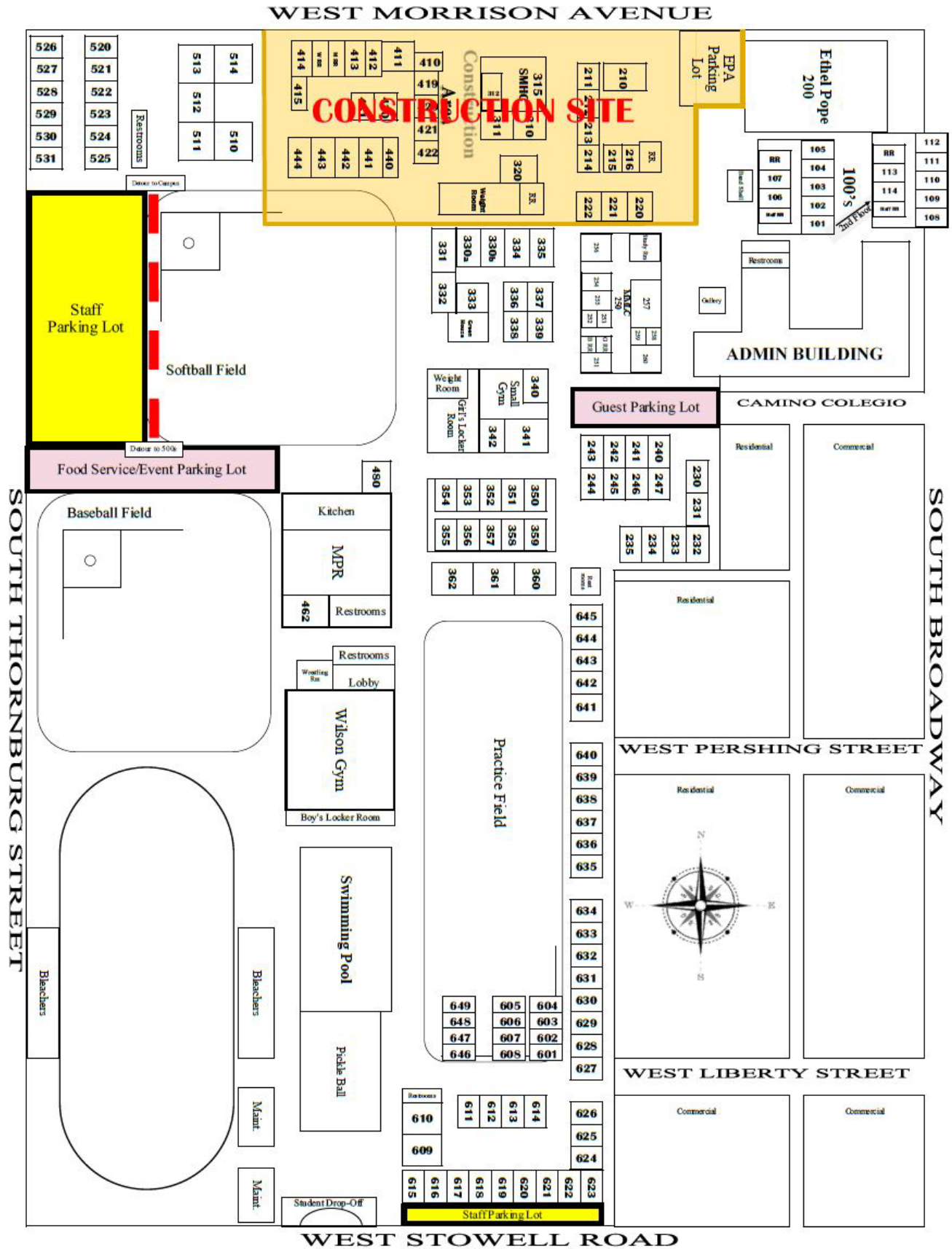
1. Be referred to an assistant principal.
2. Have their parents contacted by the school.
3. Not be permitted to return to class or school until the dress code infraction is corrected. Repeated non-compliance may result in on- or off-campus suspension.

Safe Ingress and Egress Procedures

Using "Safe Schools: A Planning Guide for Action", a committee comprised of school board members, law enforcement agencies, teachers, classified employees, pupils, parents and administrators was developed and met as ad hoc for the purposes of assessing district wide school safety issues. This ad hoc met for 6 months and, among other concerns, requested the district place signs regarding visitors, school rules, smoking and the location of the school administration building at all points of ingress and egress.

In addition, all district operated buses have radio communication with security and administration. In addition to the normal school day, security is available before school, during break, lunch, and after school. Appropriate staff and security (if necessary) are always present during any after-school function.

All school gates are numbered for easy identification in an emergency. The gates are locked after school begins so that the only route into the school during school hours is through the front office.



Ensuring a Safe and Orderly Environment

Santa Maria High School stakeholders endeavor to create a caring and connected school climate. The following is a list of items that promote the desired school climate.

1. School Climate: Create a caring and connected school climate
How does your school site:
 - a. Involve parents.
Parents are encouraged to be involved in their student's education through various meetings and organizations-such as, Parents on a Mission, Un Cafecito, Shared Decision-Making Committee, and School Site Council. Parent communication is promoted through use of Parent Square, the SMHS website, the Parent Information Center in the administration building and the teacher use of Aeries for Parents, and Canvas for Parents.
 - b. Recognize and build on the cultural richness of your school community.
SMHS provides appropriate programs for English Language Learner Students. The Associated Student Body and clubs sponsor many activities throughout the year relevant to different cultures. The SMHS school newspaper, The Breeze, includes a Spanish language section written by Club Somos, and Ballet Folklórico helps promote the richness of the SMHS and community culture, and the Multilingual and Migrant Education Programs provide celebrations for students and families who are reclassified and became English Language proficient.
 - c. Provide training so staff can meet the unique needs of the student body.
Staff is required to do a yearly on-line Mandated Reporter Training. Some staff have attended and continue to attend Cultural Proficiency training and the Institute for Equity and Access in Education, PLC, RTI. Several staff are trained in nonviolent crisis intervention. All staff are trained in ALICE, an active shooter training: Alert, Lockdown, Inform, Counter, and Evacuate.
 - d. Set high academic and behavior goals.
Santa Maria High School establishes high academic standards by placing all regular education students on an A-G, College Preparatory track starting in 9th grade. SMHS provides multiple opportunities for struggling students to succeed (Summer School, ITT, OTCR, IS, and after school tutoring) to keep students on track or get them back on track. Students have the opportunity to meet with counselors and the College and Career Center to set high academic goals. SMHS has added A-G courses, AP courses and concurrent enrollment college courses to challenge our students. Teachers are integrating the Common Core standards in Math, English Language Arts, English Language Development, and the New Generation Science Standards into their curriculum.

- e. Include health and resiliency curriculum.
All students at SMHS are required to pass Health to graduate. This curriculum offers a diverse array of topics regarding health and resiliency.
- f. Address multiple learning styles.
Some SMHS staff have been trained in High Yield Instructional Strategies. All staff has CLAD/BCLAD Certification to provide support for English Language Learners, and support for special needs students.
- g. Promote caring, supportive relationships with students.
Many teachers open their classrooms for lunch tutoring. Teachers also serve as club advisors and many act as athletic coaches. Our faculty is required to attend two student activities a year. SMHS has available for student support guidance technicians, counselors, school psychologists, a parent center, crisis counselor, community liaison, Safe School Therapist and a Response to Intervention Program (RTI). There is a social emotional tier system in place.
- h. Provide opportunities for students to have meaningful participation in school and community service.
SMHS offers numerous clubs, athletics and activities for students (See SMHS website or Parent/Student Handbook). Some clubs promote community service, support school functions and offer this support as needed.
- i. Emphasize critical thinking and respect.
The Common Core and Science standards emphasize critical *and higher level* thinking skills.
- j. Communicate clear standards and consequences that are consistently and fairly enforced.
The Parent/Student handbook is available on the SMHS website and includes the ID, Hat, Dress Code, Attendance and Tardy Policies along with discipline policies. The Administration discipline's department has a tiered consequence structure, and the school has ISI intervention as well. Administration also held class level meetings at the beginning of the semester to share these policies with students.
- k. Communicate procedures to report and deal with threats.
The SMHS Safety Committee and WASC report recognize the need for improved communication. The administration will develop the procedures to deal with threats and communicate them to the staff at staff meetings. The use of a threat assessment will be used when conducting and analyzing future incidents. The 3000 line is available for emergencies on campus.

1. Empower students to take responsibility for safety.
The SMHS Safety Committee will look into programs for empowering students. The ID campaign is a way for students to demonstrate their support towards having a safe campus. The bully button is available for all students.
 - m. Train staff on bullying prevention and tolerance.
The non-profit organization Fighting Back Santa Maria assists with conflict medication, high risk students and the homeless.
 - n. Provide training for student and staff on dangers of drugs and alcohol.
On a rotational basis at high schools throughout the Santa Maria Valley, Fighting Back Santa Maria Valley with the help of the selected high school, enacts a drunk driver crash scenario. SMHS was the participating high school in 2016. Health classes also provide education in this area. As a school, ASB invites the SM Police Dept to come and give trainings on “Teen Safe Driver Safety Week” in October.
 - o. Involve ASB (Student Council -1st period class) in activities that promote and educate students on issues that are prevalent in their world.
Involve ASB (Student Council -1st period class) in activities that promote and educate students on issues that are prevalent in their world. In the fall, ASB hosts a Kindness Week. Information is handed out to students or available during the lunch time activities. In the spring, we host an Awareness Week. ASB partners with groups from the community to come set up booths displaying their services on and off campus and ongoing activities to promote a positive culture.
 - p. Involve Student Council (1 rep per 5th period teacher) in open conversation involving any concern they may have –regarding school climate).
Here students’ voice is heard by the Senate officers who then search for answers or schedule guests to come in and answer in person. Having this body of students on campus allows students to get an answer to their concerns. This body meets once a month, on the first Tuesday of each month.
2. Physical Environment: Create a physical environment that communicates respect for learning and for individuals. How does your school site:
 - a. Maintain classrooms and grounds as pleasant places to meet and learn.
Two additional custodians have been added to daytime operation improving frequency of classroom vacuuming. Classrooms are maintained by utilizing the team cleaning model. This provides for an even across the board standard to be practiced and applied. Grounds are maintained by utilizing a recurring schedule. Landscape upgrades in the 230’s area, Southwest Stadium, and Ethel Pope front are examples that improve the campus environment.

- b. Make sure the school is an important part of the community.
Making school facilities available for public use. The ASB student representative informs the public about school activities at the monthly board meetings. Students participate in athletics, a blood drive, and fundraising for charities through clubs, community service hours and other public activities. SMHS's facilities are used by community groups throughout the year. The addition of an electrical message board provides school news and events to be displayed to the public.
- c. Share information about student crime and truancy with law enforcement.
SMHS currently has one School Resource Officer contracted through the Santa Maria Police Department. Truancy issues are shared with *the* district attorney through the Attendance2Attendance (A2A) program. Truancy Mediation Meetings (TMT) and After School Meetings (ASM) are held to inform all individuals to include law enforcement, parent(s), students of the truancy process and future consequences for truancy.
- d. Make your campus secure from outside criminal activity.
SMHS went to a closed campus in 2007. SMHS currently has 8 security guards on staff ranging from 2 hr. shifts to 8 hr. shifts providing constant perimeter monitoring aids in the defense of outside criminal activity. A student ID card policy was put into place during the 2011-2012 school year. This requires security checks every morning as students enter campus. ID card must be presented when asked for by a staff member.
- e. Limit loitering.
Routine efforts by Administration, staff, security and night operations collectively reduce the loitering in and around campus. No loitering signs were removed as a result of these efforts resulting in a more positive environment.
- f. Monitor and supervise all areas.
Campus security, administration, faculty, and other staff informally monitor all areas of the school. Some teachers step out of their classrooms during breaks to increase supervision and greet students.
- g. Provide a pleasant eating area and healthy food.
A dining hall that seats 288 students at a time is available for breakfast and lunch. The school/district lunch program follows the National School Lunch program. Food carts are located around campus to assist in feeding approximately 3200 students in the 40-minute lunch period.
- h. Maintain clean and safe restrooms.

SMHS maintenance utilizes a no touch cleaning system that effectively eliminates 99.8% of bacteria on surfaces. Restrooms are continually monitored for loitering and tagging. Student restrooms are visited three times a day for cleanliness and stocked supplies. One additional custodian to daytime operations has aided in accomplishing this task.

- i. Provide adequate lighting in all areas.
All spaces at SMHS are inspected annually using a facility inspection tool in accordance with the Williams Settlement. Burned out lamps are changed on a weekly basis.
- j. Provide students with current textbooks and materials.
Per Williams Act, all students have their own textbooks or online access. One to one tablet initiative per the Local Control Accountability Plan is fully implemented and staff have been issued tablets. Tech support is made available to all students and staff in order to maintain access to all electronic devices on campus.
- k. Maintain a variety of sports facilities and equipment.
A variety of sport facilities are available for curricular, extracurricular and public use. SMHS has two gyms, an artificial turf stadium upgraded baseball and softball fields, and a swimming pool.
- l. Provide a well-stocked library.
The Multi-Media Learning Center has 80 new computers for the MMLC, and 67 new computers for the 2 computer labs which were installed in (2022). Multiple books and magazines available for checkout and two library technicians are available to assist students and staff. The MMLC is a learning environment that has computer labs, tutoring, and meeting facilities to serve all school stakeholders.
- m. Communicate procedures for security including NIMS Plan.
The NIMS plan is on OneNote Online for the staff. Improving communications for school safety is ongoing and considered a priority by the SSC. SMHS practices earthquake and fire drills once per semester and plans to include (A.L.I.C.E. training).
- n. Deal with vandalism before students return to school.
The Plant Manager maintains a zero tolerance approach on tagging campus wide. The student restrooms are shut down until tagging is cleaned up and an attempt is made to locate the person(s) responsible.
- o. Inventory, Identify, and store valuable property.
The district performs an asset inventory yearly. Records of inventory are maintained at district office.

- p. Provide training for security personnel and staff.
Security staff who work in excess of 20 hours per week are required to have SB1626 training. The required 24 hours are complete for staff who have been employed with district more than 4 years. Training for new staff and refresher for existing staff is ongoing.
- q. Engage students and the community in campus beautification projects.
The school holds some student cleanup days sponsored by ASB and FBLA. Las Comadres Club participates in campus clean up as part of their community service every Monday.
- r. Promote school and neighborhood watch programs.
SMHS has none of these at this time. Please contact the Director of Student Services at the District Office for additional information.
- s. Zero Tolerance Policy
No Weapons or drugs are allowed on campus. Please refer to the Parent Student Handbook located on the school website.

Discipline Procedures

Zero Tolerance

Santa Maria High School has enforced a “NO TOLERANCE” policy regarding Education Code 48915(c). E.C. 48915© states “The principal or superintendent of schools shall immediately suspend, pursuant to Section 48911, and shall Possible Recommendation for Expulsion of a pupil that he or she determines has committed any of the following acts at school or at school activity off school grounds:

- 1) Possessing, selling, or otherwise furnishing a firearm. This subdivision does not apply to an act of possessing a fire if the pupil had obtained prior written permission to possess the firearm from a certificated school employee, which is concurred in by the principal or the designee of the principal. This subdivision applies to an act of possessing a firearm only if the possession is verified by an employee of a school district.
- 2) Brandishing a knife at another person.
- 3) Unlawfully selling a controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code.
- 4) Committing or attempting to commit a sexual assault as defined in subdivision (n) of Section 48900 or committing a sexual battery as defined in subdivision (n) of Section 48900.
- 5) Possession of an explosive

A student may be suspended or expelled for acts related to school activity or attendance that occur at any time, including but not limited to, any of the following: (1) While on school grounds (2) While going to or coming from school (3) During the lunch period, whether on or off the campus (4) During, or while going to or coming from, a school sponsored activity.

REASONS FOR EXPULSION

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

48900. A pupil shall not be suspended from school or recommended for expulsion, unless the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has committed an act as defined pursuant to any of the subdivisions (a) or (r), inclusive:

- (a) (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
- (b) 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, which is concurred in by the principal or the designee of the principal..
- (c) Unlawfully possessed, used, sold, or otherwise furnished, or was under the influence of, a controlled substance listed in Chapter 2 (commencing with Section 11053) of division 10 of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind.
- (d) Unlawfully offered, arranged, or negotiated to sell any controlled substance listed in chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind, and either sold, delivered, or other wise furnished to a person another liquid, substance, or material and represented the liquid, substance, or material as a controlled substance, alcoholic beverage, or intoxicant.
- (e) Committed or attempted to commit robbery or extortion.
- (f) Caused or attempted to cause damage to school property or private property
- (g) Stolen or attempted to steal school or private property.
- (h) Possessed or used tobacco, or any products containing tobacco or nicotine products, including, but not limited to, cigarettes, cigars, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel. However, this section does not prohibit use or possession by a pupil of his or her own prescription products.
- (i) Committed an obscene act or engaged in habitual profanity or vulgarity.
- (j) Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Section 11014.5 of the Health and Safety Code.
- (k) Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, or school officials, or

other school personnel engaged in the performance of their duties.

(l) Knowingly received stolen school or private property.

(m) Possessed an imitation firearm. As used in this section, "imitation firearm" means a replica of a firearm that is so substantially similar in physical properties to an existing firearm as lead a reasonable person to conclude that the replica is a firearm.

(n) Committed or attempted to commit a sexual assault as defined in Section 261, 266c, 286, 288, 288a, or 289 or the Penal Code or committed a sexual battery as defined in Section 243.4 of the Penal code.

(o) Harassed, threatened, or intimidated a student who is a complaining witness or witness in a school disciplinary proceeding for the purpose of preventing that pupil from being a witness or retaliating against that pupil for being a witness or both.

(p) Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.

(q) Engaged in, or attempted to engage in, hazing. For purposes of this subdivision, "hazing" means a method of initiation or pre initiation into a pupil organization or body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective pupil. For purposes of this subdivision, "hazing" doe not include athletic events or school-sanctioned events.

(r) Engaged in an act of bullying, including, but not limited to, bullying committed by means of an electronic act, as defined in subdivisions 9f) and (g) of Section 32261, directed specifically toward a pupil or school personnel.

(s) A pupil shall not be suspended or expelled for any of the acts enumerated in this section, unless that act is related to school activity or school attendance occurring with in a school under the jurisdiction of the superintendent of the school district or principal or occurring within any other school district. A pupil maybe suspended or expelled for acts that are enumerated in this section and related to school activity or attendance that occur at any time, including, but not limited to, any of the following:

(1) While in school grounds.

(2) While going to or coming from school.

(3) During the lunch period whether on or off the campus.

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

(t) A pupil who aids or abets, as defined in Section 31 of the Penal Code, the infliction or attempted infliction of physical injury to another person may be subject to suspension, but not expulsion, pursuant to this section, except that a pupil who has been adjudged by a juvenile court to have committed as an aider an abettor, a crime of physical violence in which the victim suffered great bodily injury or serious bodily injury shall be subject to discipline pursuant to subdivision (a).

(u) As used in this section, "school property" includes, but is not limited to, electronic files and databases

(v) A superintendent of the school district or principal may use his or her discretion to provide alternatives to suspension or expulsion, including, but not limited to, counseling and an anger management program, for a pupil subject to discipline under this section.

(w) It is the intent of the legislature that alternatives to suspension or expulsion be imposed against a pupil who is truant, tardy, or other wise absent from school activities.

**The recommendation of expulsion shall be based on one or both of the following:

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 (see Section 48915 (b) of the California Education Code.

Major Discipline Policy

The following Major Discipline Policy includes the most common offenses and disciplinary actions. The district has the right to suspend/expel for additional portions of Section 48900 of the Education Code even though they are not listed in the following matrix.

E. C. 48900		1st Offense	2nd Offense	3rd Offense
(a)(1) (a)(2)	Fighting E. C. 48900 (a) P. C. 415, 415.5	<ul style="list-style-type: none"> ●1-5 Day Suspension ●Possible Recommendation for Expulsion ●Referral to Law Enforcement Agency 		
48915 (a)(5) 48900.7	Assault and battery upon any school employee; terrorist threats against school officials, school property, or both E. C. 44811, 44014, 13559, 13560; P. C. 240, 241.6, 242, 243.6, 71, 415.3	<ul style="list-style-type: none"> ●1-5 Day Suspension ●Possible Recommendation for Expulsion ●Referral to Law Enforcement Agency 		
(f)	Arson—Any fire on the campus will be reported to Law Enforcement and investigated by both Law Enforcement and school officials. E. C. 48900 (f); PC 450, 451, 452	<ul style="list-style-type: none"> ●3-5 Day Suspension ●Plus Restitution ●Possible Recommendation for Expulsion ●Law Enforcement Involvement 	<ul style="list-style-type: none"> ●3-5 Day Suspension ●Possible Recommendation for Expulsion ●Referral to Law Enforcement Agency 	
(b)	Fireworks E. C. 48900 (b)	<ul style="list-style-type: none"> ●1-3 Day Suspension ● Possible recommendation for Expulsion ● Law Enforcement Involvement 	<ul style="list-style-type: none"> ●3-5 Day Suspension ●Possible Recommendation for Expulsion ●Referral to Law Enforcement Agency 	
(b) (m)	Possession of a Weapon: An “injurious object” shall mean those objects specified in P. C. 653 (k), 12001, 12020, 12220 and objects capable of inflicting substantial bodily damage; not necessary for the academic purpose of the pupil; such as a knife, an imitation or real firearm, pepper spray, other mace-like items, etc.; E. C. 48900 (b, m); P. C. 12031, P.C. 12403.7	<ul style="list-style-type: none"> ●5-Day Suspension ●Possible Recommendation for Expulsion ●Referral to Law Enforcement Agency 		
(c)	Unlawfully possessed, used, sold or otherwise furnished or been under the influence of alcohol, drugs or controlled substance E. C. 48915 A (3); P. C. 25662, 380, 381 C. C. 11056;E. C. 48900 (c)	<ul style="list-style-type: none"> ●1-5 Day Suspension ●Referral to Law Enforcement Agency ●Recommend Crisis Intervention ●Possible Recommendation for Expulsion 	<ul style="list-style-type: none"> ●1-5 Day Suspension ●Possible Recommendation for Expulsion ●Referral to Law Enforcement Agency 	
(j)	Unlawfully possessed or unlawfully offered, arranged or negotiated to sell any drug paraphernalia as defined in Section 11014.5 of the Health and Safety Code. E. C. 48900 (j)	<ul style="list-style-type: none"> ●1-5 Day Suspension ●Referral to Law Enforcement Agency ●Recommend Crisis Intervention Consultant ● Possible Recommendation for Expulsion 	<ul style="list-style-type: none"> ●1-5 Day Suspension ●Possible Recommendation for Expulsion ●Referral to Law Enforcement Agency 	
(d)	Sale of alcohol or controlled substance, including furnishing such to other students E. C. 48900 (d)	<ul style="list-style-type: none"> ●1-5 Day Suspension ●Recommendation for Expulsion ●Referral to Law Enforcement Agency 		
(e) (f) (g) (l)	Robbery or Extortion; Damaged School or Private Property; Theft of School or Private Property; Received Stolen School or Private Property E. C. 48900(e), (f), (g), (l), (t); E. C. 48915(a)(4)	<ul style="list-style-type: none"> ●1-5 Day Suspension ●Possible Recommendation for Expulsion ●Referral to Law Enforcement Agency ●Restitution if warranted 		
(f)	Vandalism/Graffiti (Parents are liable for damages up to \$10,000 for each incident—up to \$50,000 maximum.) E. C. 48900 (f) P. C. 594, 640.5	<ul style="list-style-type: none"> ●1-5 Day Suspension ●Restitution ●School Community Service ●Possible Expulsion ●Referral to Law Enforcement Agency ●Possible Saturday School 	<ul style="list-style-type: none"> ●1-5 Day Suspension ●Restitution ●Possible Recommendation for Expulsion ●Referral to Law Enforcement Agency 	

MAJOR DISCIPLINE POLICY

E. C. 48900		1st Offense	2nd Offense	3rd Offense
(h)	Smoking or Possession of Tobacco Products E. C. 48900 (h) P. C. 308 (b)	<ul style="list-style-type: none"> •1-5 Day Suspension •Possible Law Enforcement Ticket •Recommend Cessation Program 	<ul style="list-style-type: none"> •1-5 Day Suspension •Law Enforcement Ticket •Possible Recommendation for Expulsion •Recommend Cessation Program 	<ul style="list-style-type: none"> •1-5 Day Suspension •Law Enforcement Ticket •Possible Recommendation for Expulsion •Recommend Cessation Program
(i)	Profanity, Vulgarity E. C. 48900 (i)	<ul style="list-style-type: none"> •Possible 1-5 Day Suspension •Possible Referral to Agency •Possible Recommendation for Expulsion •Possible Law Enforcement Involvement •Possible Saturday School 	<ul style="list-style-type: none"> •1-5 Day Suspension •Possible Recommendation for Expulsion •Possible Law Enforcement Involvement 	<ul style="list-style-type: none"> •1-5 Day Suspension •Possible Recommendation for Expulsion •Possible Law Enforcement Involvement
(k)	Cheating	<ul style="list-style-type: none"> •Refer to Teacher's Course Syllabus •Parent Contact •Possible Saturday School 	<ul style="list-style-type: none"> •1-3 Day Suspension 	<ul style="list-style-type: none"> •3-5 Day Suspension
(k)	Defiance of authority, disruption of school activity, or interfering with an Administrator's effort to maintain a safe campus. E. C. 48900 (k)	<ul style="list-style-type: none"> •1-5 Day Suspension •Possible Recommendation for Expulsion •Administrative Disciplinary Action 		
(k)	Dress Code Violations "Neat, clean and non-disruptive." Appropriate dress per dress code policy	<ul style="list-style-type: none"> •Parent Contact •Student changes clothes •Possible Saturday School 	<ul style="list-style-type: none"> •1-Day Suspension or •Detention •Student changes clothes 	<ul style="list-style-type: none"> •2 Day Suspension
(k)	Electronic Devices (Laser Pens/Pointers) (Pagers/Cell Phones/Cameras/Music players or other electronic devices may not interfere with the instructional process) E. C. 48901.5, E. C. 51512	<ul style="list-style-type: none"> •Confiscate •Parent pick up •Possible Saturday School 	<ul style="list-style-type: none"> •Confiscate •1-Day Suspension •Parent pick up 	<ul style="list-style-type: none"> •Confiscate •2 Day Suspension •Parent pick up in Administrator's Office
(k)	Forgery, falsifying, misrepresentation	<ul style="list-style-type: none"> •1-5 Day Suspension 	<ul style="list-style-type: none"> •3-5 Day Suspension •Possible Recommendation for Expulsion 	<ul style="list-style-type: none"> •5 Day Suspension •Possible Recommendation for Expulsion
(k)	Internet misuse and inappropriate use of technology, including computers, video equipment, digital cameras, cell phone/cameras/text messaging. E. C. 48900 (k)	<ul style="list-style-type: none"> •Parent Contact •Possible Saturday School •Revoke Privileges •1-3 Day Suspension •Possible Law Enforcement Involvement •Restitution if warranted 	<ul style="list-style-type: none"> •3-5 Day Suspension •Possible Law Enforcement Involvement •Restitution if warranted •Revoke Privileges 	
(n)	Sexual Harassment E. C. 48900.2 P. C. 261, 266 (c), 286, 288, 288 (a), 289, 243.4, 243	<ul style="list-style-type: none"> •Possible 1-5 Day Suspension •Possible Recommendation for Expulsion •Possible Law Enforcement Involvement 	<ul style="list-style-type: none"> •5-Day Suspension •Possible Recommendation for Expulsion •Referral to Law Enforcement Agency 	
(o) (n) (a) (1)	Intimidation, Hazing, Sexual assault, Harassment, Bullying or challenging to Fight, Hate violence E. C. 48900.4, 32050, 32051, 48900.3; P. C. 415, 415.5	<ul style="list-style-type: none"> •Possible 1-3 Day Suspension •Possible Referral to Agency •Possible Recommendation for Expulsion 	<ul style="list-style-type: none"> •1-5 Day Suspension •Possible Recommendation for Expulsion •Possible Law Enforcement Involvement 	<ul style="list-style-type: none"> •1-5 Day Suspension •Possible Recommendation for Expulsion

(q) (r)	Bullying, including, but not limited to, bullying committed by means of an electronic act	•Possible Law Enforcement Involvement		•Possible Law Enforcement Involvement
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MAJOR DISCIPLINE POLICY

E. C. 48900		1st Offense	2nd Offense	3rd Offense
(o) (a) (1)	Gang Harassment or Intimidation E. C. 48900.4, P. C. 422.6 (a), 186.22(f), 186.2-186.33(a)	<ul style="list-style-type: none"> •1-5 Day Suspension and/or •Referral to Agency •Possible Recommendation for Expulsion 	<ul style="list-style-type: none"> •3-5 Day Suspension •Possible Recommendation for Expulsion 	<ul style="list-style-type: none"> •5-Day Suspension •Possible Recommendation for Expulsion
	Illegal Parking	<ul style="list-style-type: none"> •Possible Saturday School Tickets will be Issued •Parent Notified 	<ul style="list-style-type: none"> •Tickets will be issued • Parent Notified 	<ul style="list-style-type: none"> •Parent Notified • \$100 ticket •Car will be towed at owners expense •Revoke On-Campus Parking Privilege
	Riding Bicycles, Skateboards, Roller Blades, Scooters, etc. on campus	<ul style="list-style-type: none"> •Warning •Possible Saturday School •Verbal or Written 	<ul style="list-style-type: none"> •Confiscate •Parent must claim •Possible Law Enforcement Involvement 	
	Truant – Includes student brought in by law enforcement agency or staff when students are to be legally in school. E. C. 48264, 48265, 48900	<ul style="list-style-type: none"> •Parent Contact • Possible Saturday School • Detention •Possible County/City Loitering Truancy Ordinance Citation 	<ul style="list-style-type: none"> •Parent Contact • Detention •Possible Suspension for Defiance •Possible County/City Loitering Truancy Ordinance Citation 	<ul style="list-style-type: none"> •Parent Contact •Detention •Possible County/City Loitering Truancy Ordinance Citation •Recommend School Attendance Review Board (SARB)
	Unsafe use of Motor Vehicle (i.e., speeding, braking traction, etc.)	<ul style="list-style-type: none"> •\$25 Ticket •Parent Notified Possible Saturday School •Possible Law Enforcement ticket 	<ul style="list-style-type: none"> •\$35 Ticket/Parent Notified •Revoke On-Campus Parking Privilege •1-5 Day Suspension •Possible Law Enforcement Ticket 	
48915	(a1) Causing serious physical injury (c1) Possessing, selling or otherwise furnishing a firearm (c2) Brandishing a knife (c3) Selling a controlled substance (c4) Committing or attempting to commit sexual assault harassment (c5) Possession of an explosive	<ul style="list-style-type: none"> •5 Day Suspension •Recommendation for Expulsion •Referral to Law Enforcement Agency 		

A student may be suspended or expelled for acts related to school activity or attendance that occur at any time, including but not limited to, any of the following:

- (1) While on school grounds.
- (2) While going to or coming from school.
- (3) During the lunch period, whether on or off the campus.
- (4) During, or while going to or coming from, a school sponsored activity.....E. C. 48900

Santa Maria Joint Union High School District is committed to maintaining a safe school learning environment. In doing so, the administration reserves the right to:

- Assign interventions which may include, but are not limited to: Detention, On-Campus Suspension (OCS) and/or School Community Service, CHC, Cessation Program or Community Service.
- Increase penalties as the severity if the incident warrants.
- Randomly search cars, backpacks, personal belongings and lockers when there is reasonable suspicion that warrants the search.
- Surveillance cameras, alcohol detection devices and metal detectors in order to maintain a positive learning environment at school and school-sponsored activities. The information acquired from these devices will be utilized for disciplinary action, restitution, and prosecution if warranted.
- Utilize the Santa Barbara County or Santa Maria Police Department drug dog in keeping the campus free of illegal substances.

ANY STUDENT THAT HAS BEEN SUSPENDED OR EXPELLED:

1. Shall have the right to request any assignments or tests missed.
2. Shall not report to school during the period of suspension/expulsion without prior arrangement with an administrator.
3. Shall not be allowed to attend any school activity on or off any of the district's campuses.
4. Shall have the right to access his/her records.

THE COMPLETE DISCIPLINE CODE IS AVAILABLE FOR YOUR INSPECTION AT EACH HIGH SCHOOL.