

SAN JUAN UNIFIED SCHOOL DISTRICT

K-12 Pupil Disciplinary Guidelines

2013-2014

The K-12 Pupil Disciplinary Guidelines are designed to allow school administration to assess incidents on an individual basis, issue pupil discipline that is age appropriate, and based on a progressive discipline model. Under California Education Code section 48900.5 (a), “Suspension, including supervised suspension as described in Section 48911.1, shall be imposed only when other means of correction fail to bring about proper conduct. A school district may document the other means of correction used and place that documentation in the pupil's record, which may be accessed pursuant to Section 49069. However, a pupil, including an individual with exceptional needs, as defined in Section 56026, may be suspended, subject to Section 1415 of Title 20 of the United States Code, for any of the reasons enumerated in Section 48900 upon a first offense, if the principal or superintendent of schools determines that the pupil violated subdivision (a), (b), (c), (d), or (e) of Section 48900 or that the pupil's presence causes a danger to persons.”

Education Code Violation	1 st Violation	2 nd Violation	Additional Violations
48900(a)(1) Caused, attempted to cause, or threatened to cause physical injury to another person. <ul style="list-style-type: none"> • Threats • Fight 	Alternative to suspension or home suspension Alternative to suspension or home suspension	Alternative to suspension or home suspension Alternative to suspension or home suspension	Home suspension, and possible request for expulsion Home suspension and possible request for expulsion
48900(a)(2) Willfully used force or violence upon another person.	Alternative to suspension or home suspension, and law enforcement notification	Home suspension, law enforcement notification, and possible request for expulsion	Home suspension, law enforcement notification, and request for expulsion
48900(b) Possession, sale, or furnishing of any knives, firearms, or other dangerous objects.	Alternative to suspension or home suspension, law enforcement or fire marshal notification, and possible request for expulsion	Home suspension, law enforcement notification or fire marshal notification, and possible request for expulsion	Home suspension, law enforcement or fire marshal notification, and request for expulsion
48900(c) Possession, use, sale, or furnishing, or otherwise being under the influence of alcohol, controlled substance, or an intoxicant. <ul style="list-style-type: none"> • Under the influence • Possession • Furnishing • Sale 	Alternative to suspension or home suspension Alternative to suspension or home suspension Alternative to suspension or home suspension 5 day home suspension, law enforcement notification, and mandatory expulsion	Home suspension and possible request for expulsion Home suspension and possible request for expulsion Home suspension and possible request for expulsion _____	Home suspension and request for expulsion Home suspension and request for expulsion Home suspension and request for expulsion _____
48900(d) Offering, arranging, or negotiating to sell drugs, alcohol or any intoxicant and then substituting a look-alike substance intended to represent drugs, alcohol, or an intoxicant.	Alternative to suspension or home suspension, and law enforcement notification	Home suspension, law enforcement notification, and possible request for expulsion	Home suspension, law enforcement notification, and request for expulsion
48900(e) Committed or attempted to commit robbery or extortion.	Home suspension, law enforcement notification, possible request for expulsion unless the principal finds that expulsion is inappropriate, due to the particular circumstance	Home suspension, law enforcement notification, and possible request for expulsion	Home suspension, law enforcement notification, and request for expulsion

Education Code Violation	1st Violation	2nd Violation	Additional Violations
48900(f) Caused or attempted to cause damage to school or private property. <ul style="list-style-type: none"> Minimal damage Extensive damage 	Alternative to suspension and restitution Alternative to suspension, home suspension, restitution, law enforcement notification, possible request for expulsion	Alternative to suspension, home suspension, and restitution Home suspension, restitution, law enforcement notification, and possible request for expulsion	Home suspension and restitution Home Suspension, restitution, law enforcement notification, and request for expulsion
48900(g) Stealing or attempting to steal school or private property.	Alternative to suspension, home suspension, restitution, and possible law enforcement notification	Alternative to suspension, home suspension, restitution, and possible law enforcement notification	Home suspension, restitution, law enforcement notification, and possible request for expulsion
48900(h) Possessed or used tobacco or nicotine products.	Alternative to suspension	Alternative to suspension or home suspension	Alternative to suspension or home suspension
48900(i) Committed an obscene act or engaged in habitual profanity <ul style="list-style-type: none"> Obscene act Habitual Profanity 	Alternative to suspension or home suspension Alternative to suspension	Alternative to suspension or home suspension Alternative to suspension, or home suspension	Home suspension, and possible request for expulsion Home suspension
48900(j) Possessed, offered, arranged, or negotiated to sell any drug paraphernalia	Alternative to suspension or home suspension	Alternative to suspension or home suspension	Home suspension and possible request for expulsion
48900(k) Willful Defiance and/or Disruption of School Activities <ul style="list-style-type: none"> * Cheating/Plagiarism * Forgery * Dress code violation * Gang affiliation or behavior * Gambling * Defiance of authority * Unauthorized parking * Failed to serve Saturday detention * Electronic device violation * Closed campus violation * Initiating a false fire alarm * Inappropriate computer access * Reckless driving * Trespassing * Verbal altercation * Other disruptive or defiant behavior 	Alternative to suspension	Alternative to suspension or home suspension	Alternative to suspension, home suspension, and possible request for expulsion if there is a pervasive pattern of defiance and disruption
48900(l) Knowingly received stolen school or private property.	Alternative to suspension	Alternative to suspension or home suspension	Alternative to suspension or home suspension
48900(m) Possession of an imitation firearm that is substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude the replica is a firearm.	Alternative to suspension	Alternative to suspension or home suspension, and possible request for expulsion	Home suspension, and possible request for expulsion
48900(n) Committed or attempted to commit sexual assault or battery.	5 day Home suspension, law enforcement notification, and mandatory recommendation for expulsion	_____	_____
48900(o) Harassed, threatened, or intimidated a pupil who is a witness in a school disciplinary proceeding for the purpose of intimidation or retaliation.	Alternative to suspension or home suspension	Alternative to suspension or home suspension, and possible request for expulsion	Home suspension and possible request for expulsion
48900(p) Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.	Alternative to suspension or home suspension, and law enforcement notification	Home suspension and possible request for expulsion	Home suspension and request for expulsion
48900(q) Engaged or attempted to engage in an act of hazing initiation or pre-initiation into a student organization or any pastime or amusement engaged in with respect to such an organization which causes, or is likely to cause bodily danger, physical harm, or personal degradation, or disgrace resulting in physical or mental harm, to any student or other person attending any school.	Alternative to suspension or home suspension	Alternative to suspension or home suspension and possible request for expulsion	Home suspension and request for expulsion

Education Code Violation	1 st Violation	2 nd Violation	Additional Violations
48900(r) Engaged in an act of bullying, including, but not limited to, bullying committed by means of an electronic act.	Alternative to suspension and possible law enforcement notification	Alternative to suspension or home suspension, and possible law enforcement notification	Home suspension, possible request for expulsion, and possible law enforcement notification
48900(t) Aided or abetted in the infliction or attempted infliction of physical injury to another person.	Alternative to suspension or home suspension	Alternative to suspension or home suspension and possible request for expulsion	Home suspension, and request for expulsion
48900.2 Prohibited sexual harassment includes, but is not limited to, unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature (Applies to grades 4-12).	Alternative to suspension	Alternative to suspension or home suspension	Home suspension and possible request for expulsion
48900.3 Causing, threatening, or attempting to cause, or participating in an act of hate violence as defined as willfully interfering with or threatening another person or property rights because of race, ethnicity, national origin, religion, disability, or sexual orientation; speech that threatens violence, when the perpetrator has the apparent ability to carry out threat, may be considered an act of hate violence (Grades 4-12).	Alternative to suspension or home suspension	Alternative to suspension or home suspension, and possible request for expulsion	Home suspension and request for expulsion
48900.4 Students in grades 4 through 12: Intentionally engaged in harassment, threats and/or intimidation which are directed against school district personnel or pupils, that is sufficiently severe or pervasive, and invading the rights of either school personnel or pupils by creating substantial disorder, and creates an intimidating or hostile educational environment.	Alternative to suspension or home suspension	Home suspension and possible request for expulsion	Home suspension, and request for expulsion
48900.7 Making terrorist threats against students, school officials and/or property.	Alternative to suspension, home suspension, law enforcement notification, and possible request for expulsion	Home suspension, law enforcement notification and possible request for expulsion	Home suspension, law enforcement notification and request for expulsion
48915(a)(1)(A) Causing serious physical injury to another person, except in self-defense.	3-5 day home suspension, law enforcement notification, request for expulsion unless the principal finds that expulsion is inappropriate, due to the particular circumstance	5 day home suspension, law enforcement notification, and request for expulsion	_____
48915(a)(1)(B) Possession of any knife, or other dangerous object of no reasonable use to the pupil.	3-5 day home suspension, law enforcement notification, request for expulsion unless the principal finds that expulsion is inappropriate, due to the particular circumstance	5 day home suspension, law enforcement notification, and request for expulsion	_____
48915(a)(1)(C) Unlawful possession of any controlled substance except for the first offense of possession of not more than one ounce of marijuana.	3-5 day home suspension, law enforcement notification, request for expulsion unless the principal finds that expulsion is inappropriate, due to the particular circumstance	5 day home suspension, law enforcement notification, and request for expulsion	_____
48915(a)(1)(D) Robbery or extortion.	3-5 day home suspension, law enforcement notification, request for expulsion unless the principal finds that expulsion is inappropriate, due to the particular circumstance	5 day home suspension, law enforcement notification, and request for expulsion	_____
48915(a)(1)(E) Assault or battery upon a school employee.	3-5 day home suspension, law enforcement notification, request for expulsion unless the principal finds that expulsion is inappropriate, due to the particular circumstance	5 day home suspension, law enforcement notification, and request for expulsion	_____
48915(c)(1) Possession, selling, or otherwise furnishing a firearm.	5 day home suspension, law enforcement notification, and mandatory recommendation for expulsion	_____	_____
48915(c)(2) Brandishing a knife.	5 day home suspension, law enforcement notification, and mandatory recommendation for expulsion	_____	_____
48915(c)(3) Unlawfully selling a controlled substance.	5 day home suspension, law enforcement notification, and mandatory recommendation for expulsion	_____	_____
48915(c)(4) Committing or attempting to commit sexual assault or battery.	5 day home suspension, law enforcement notification, and mandatory recommendation for expulsion	_____	_____
48915(c)(5) Possession of an explosive.	5 day home suspension, law enforcement notification, and mandatory recommendation for expulsion	_____	_____

School District Responsibilities

A pupil shall not be disciplined, suspended, or recommended for expulsion unless the superintendent, a designee or the principal of the school in which the pupil is enrolled determines the pupil has violated one or more parts of the California Education Code. A pupil may be disciplined, suspended or expelled for acts enumerated in the California Education Code that are related to school activity or school attendance occurring at any district school or within any other school district, including, but not limited to, any of the following: while on school grounds; while going to or coming from school; during the lunch period whether on or off campus; during, while going to or coming from a school-sponsored activity.

Student Responsibilities

All pupils shall comply with the regulations, pursue the required course of study, and submit to the authority of the teachers of the schools - California Education Code section 48908.

Parent/Guardian Home Interventions - When Pupil Is Suspended

Home suspension is an effective intervention when it is used as a teachable moment with a pupil. Consider the following strategies: Request homework and missed assignments for the period of suspension (it may take teachers a day or two to put this work together for you). Make sure the pupil completes any missed assignments. During the suspension, try to make this time as boring as possible so they won't want to be on suspension again. Provide adult supervision on the day(s) of suspension. Limit or restrict access to television, phone, internet, video games and friends. Help the pupil think of other ways they could have dealt with the situation. Pupils are less likely to get into trouble when they are involved in positive activities. Find something the pupil likes and get them involved (sports, arts, youth groups, drama, etc.). Connect with community resources to help the pupil - see www.211Sacramento.org or ask a school counselor/administrator. Model forgiveness. We all make mistakes. The goal of suspension is for the pupil to learn from their mistakes and not repeat them.

Definitions

- **Suspension:** is the removal of a pupil from the classroom for disciplinary reasons for a defined period of time. A principal or designee may suspend a pupil for up to five days. A suspension may be extended under certain conditions. Pupils placed on home suspension are not permitted on or near the school campus, nor are they allowed to participate in any school activities during suspension.
- **Expulsion:** as ordered by the Board of Education, is the removal of a pupil from all schools in the San Juan Unified School District for violating the California Education Code. The expulsion is for a defined period of time not to exceed one calendar year.
- **Brandishing:** is to wave a weapon menacingly.
- **Assault:** is an unlawful attempt, coupled with present ability, to commit a violent injury on the person of another.
- **Battery:** is any willful and unlawful use of force or violence upon the person of another.
- **Serious bodily injury:** means a serious impairment of physical condition, including, but not limited to, the following: loss of consciousness; concussion; bone fracture; protracted loss or impairment of function of any bodily member or organ; a wound requiring extensive suturing; and serious disfigurement.
- **Self-defense:** to establish the defense, the person must be free from fault or provocation; must have no means of escape or retreat; and there must be an impending peril.
- **Terroristic threat:** shall include any statement, whether written or oral, by a person who willfully threatens to commit a crime which will result in death, great bodily injury to another person, or property damage in excess of one thousand dollars (\$1,000), with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out.
- **Bullying:** any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, and including one or more acts committed by a pupil or group of pupils as defined in Education Code section 48900.2, 48900.3, or 48900.4, directed toward one or more pupils that has or can be reasonably predicted to have the effect of one or more of the following:
 - (A) Placing a reasonable pupil or pupil in fear of harm to that pupil's or those pupils' person or property.
 - (B) Causing a reasonable pupil to experience a substantially detrimental effect on his or her physical or mental health.
 - (C) Causing a reasonable pupil to experience substantial interference with his or her academic performance.
 - (D) Causing a reasonable pupil to experience substantial interference with his or her ability to participate in or benefit from the services, activities, or privileges provided by a school.
- **Electronic act:** the transmission, by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager, of a communication, including, but not limited to, any of the following:
 - 1. A message, text, sound, or image.
 - 2. A post on a social network Internet Web site including, but not limited to:
 - a) Posting to or creating a burn page. "Burn page" means an Internet Web site created for the purpose of having one or more of the effects listed in the definition of bullying.
 - b) Creating a credible impersonation of another actual pupil for the purpose of having one or more of the effects listed in the definition of bullying. "Credible impersonation" means to knowingly and without consent impersonate a pupil for the purpose of bullying the pupil and such that another pupil would reasonably believe, or has reasonably believed that the pupil was or is the pupil who was impersonated.
 - c) Creating a false profile for the purpose of having one or more of the effects listed in the definition of bullying. "False profile" means a profile of a fictitious pupil or a profile using the likeness or attributes of an actual pupil other than the pupil who created the false profile.

Notwithstanding an electronic act shall not constitute pervasive conduct solely on the basis that it has been transmitted on the Internet or is currently posted on the Internet. "Reasonable pupil" means a pupil, including, but not limited to, an exceptional needs pupil, who exercises average care, skill, and judgment in conduct for a person of his or her age, or for a person of his or her age with his or her exceptional needs.

Alternatives To Suspension Include But Not Limited To:

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| • Student Study Team | • Parent/Guardian to school | • Saturday school | • Campus beautification |
| • Helping the lunch staff | • Behavior contract | • Assist with the sports program | • Visit from law enforcement |
| • Involuntary transfer | • Detention | • Class/Schedule change | • Restorative justice |
| • Student mentor | • Creates "awareness" packet | • Teen Intervene Program | • Conflict mediation |
| • Parent/Guardian conference | • Assign as teacher assistant | • No contact contract | • Voluntary transfer |
| • Positive Behavior Intervention Support | • Assign to "buddy" classroom | • Write letter of apology | • Gang contract |
| • Daily attendance check | • Loss of recess | • Join student activity group | • Community service |
| • Substance abuse contract | • Administrative check-in | • Timeout from classroom | • Social restrictions |