

# SAN JUAN UNIFIED SCHOOL DISTRICT

## 2019-2020 K-12 Pupil Behavior Guidelines

**The K-12 Pupil Behavior Guidelines are designed to allow school administration to assess incidents on an individual basis, and to issue pupil discipline that is age appropriate and based on a progressive discipline model.**

California Education Code section 48900.5(a) states, “*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.*”

**School site administration may use discretion when warranted to provide other means of correction to suspension and/or expulsion. However, alternatives to suspension shall be used with students who are truant, tardy, or otherwise absent from assigned school activities. (EC 48900(w)/AR 5144.1)**

Education Code	Other Means of Correction	May Suspend	May Recommend Expulsion	Contact Safe Schools
<b>48900(a)(1)</b> Caused, attempted to cause, or threatened to cause physical injury to another person.  Threats  Fight	Must be considered  Must be considered	Yes  Yes	Yes  Yes	Optional  Optional
<b>48900(a)(2)</b> Willfully used force or violence upon the person of another, except in self-defense. <b>{Reference: 48915(a)(1)(A) and 48915(a)(1)(E)}</b>	May be considered	Yes	Yes	Required
<b>48900(b)</b> Possessed, sold, or otherwise furnished a firearm, knife, explosive, or other dangerous object, unless in the case of possession of an object of this type, the pupil had obtained written permission to possess the item from a certificated school employee, which is concurred in by the principal or the designee of the principal. <b>{Reference: 48915(a)(1)(B), 48915(c)(1), 48915(c)(2), and 48915(c)(5)}</b>	May be considered	Yes	Yes	Required
<b>48900(c)</b> Unlawfully possessed, used, sold, or otherwise furnished, or been under the influence of, a controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind.  Under the influence  Possession  Furnishing  Sale <b>{Reference: 48915(a)(1)(C) and 48915(c)(3)}</b>	May be considered  May be considered  May be considered  Not considered	Yes  Yes  Yes  Required	Yes  Yes  Yes  Required	Optional  Required  Required  Required
<b>48900(d)</b> Unlawfully offered, arranged, or negotiated to sell a controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind, and either sold, delivered, or otherwise furnished to a person another liquid, substance, or material and represented the liquid, substance, or material as a controlled substance, alcoholic beverage, or intoxicant.	May be considered	Yes	Yes	Optional

Education Code	Other Means of Correction	May Suspend	May Recommend Expulsion	Contact Safe Schools
<b>48900(e)</b> Committed or attempted to commit robbery or extortion. <b>{Reference 48915(a)(1)(D)}</b>	May be considered	Yes	Yes	Required
<b>48900(f)</b> Caused or attempted to cause damage to school property or private property.  Minimal damage Extensive damage	Must be considered May be considered	Yes Yes	No Yes	Optional Required
<b>48900(g)</b> Stole or attempted to steal school property or private property	Must be considered	Yes	Yes	Optional
<b>48900(h)</b> Possessed or used tobacco, or products containing tobacco or nicotine products, including, but not limited to, cigarettes, cigars, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel. However, this section does not prohibit use or possession by a pupil of his or her own prescription products.	Must be considered	Yes	No	No
<b>48900(i)</b> Committed an obscene act or engaged in habitual profanity or vulgarity. Obscene act Habitual Profanity	Must be considered Must be considered	Yes Yes	Yes No	Optional No
<b>48900(j)</b> Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell drug paraphernalia, as defined in Section 11014.5 of the Health and Safety Code.	Must be considered	Yes	Yes	Optional
<b>48900(k)</b> (1) Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, school officials, or other school personnel engaged in the performance of their duties; (2) Except as provided in Section 48910, a pupil enrolled in kindergarten or any of grades 1 to 3, inclusive, shall not be suspended for any of the acts enumerated in this subdivision, and this subdivision shall not constitute grounds for a pupil enrolled in kindergarten or any of grades 1 to 12, inclusive, to be recommended for expulsion. <ul style="list-style-type: none"> <li>• Cheating/Plagiarism</li> <li>• Forgery</li> <li>• Dress code violation</li> <li>• Gang affiliation or behavior</li> <li>• Gambling</li> <li>• Defiance of authority</li> <li>• Unauthorized parking</li> <li>• Failed to serve Saturday detention</li> <li>• Electronic device violation</li> <li>• Closed campus violation</li> <li>• Initiating a false fire alarm</li> <li>• Inappropriate computer access</li> <li>• Reckless driving</li> <li>• Trespassing</li> <li>• Verbal altercation</li> <li>• Other disruptive or defiant behavior</li> </ul>	Must be considered	Yes*  Suspension permissible in grades 4-12 only.  Grades K-3 may not be suspended.	No	No
<b>48900(l)</b> Knowingly received stolen school property or private property.	Must be considered	Yes	Yes	Optional
<b>48900(m)</b> Possessed an imitation firearm. As used in this section, "imitation firearm" means a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm.	Must be considered	Yes	Yes	Optional
<b>48900(n)</b> Committed or attempted to commit a sexual assault as defined in Section 261, 266c, 286, 288, 288a, or 289 of the Penal Code or committed a sexual battery as defined in Section 243.4 of the Penal Code. <b>{Reference 48915(c)(4)}</b>	Not considered	Required	Required	Required

Education Code	Other Means of Correction	May Suspend	May Recommend Expulsion	Contact Safe Schools
<b>48900(o)</b> Harassed, threatened, or intimidated a pupil who is a complaining witness or a witness in a school disciplinary proceeding for purposes of either preventing that pupil from being a witness or retaliating against that pupil for being a witness, or both.	Must be considered	Yes	Yes	Optional
<b>48900(p)</b> Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.	May be considered	Yes	Yes	Required
<b>48900(q)</b> Engaged in, or attempted to engage in, hazing. For purposes of this subdivision, "hazing" means a method of initiation or pre-initiation into a pupil organization or body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective pupil. For purposes of this subdivision, "hazing" does not include athletic events or school-sanctioned events.	Must be considered	Yes	Yes	Optional
<b>48900(r)</b> Engaged in an act of bullying, including, but not limited to, bullying committed by means of an electronic act.	Must be considered	Yes	Yes	Optional
<b>48900(t)</b> A pupil who aids or abets, as defined in Section 31 of the Penal Code, the infliction or attempted infliction of physical injury to another person may be subject to suspension, but not expulsion, pursuant to this section, except that a pupil who has been adjudged by a juvenile court to have committed, as an aider and abettor, a crime of physical violence in which the victim suffered great bodily injury or serious bodily injury.	Must be considered	Yes	Yes	Optional
<b>48900.2</b> In addition to the reasons specified in Section 48900, a pupil may be suspended from school or recommended for expulsion if the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has committed sexual harassment as defined in Section 212.5. For the purpose of this chapter, the conduct described in Section 212.5 must be considered by a reasonable person of the same gender as the victim to be sufficiently severe or pervasive to have a negative impact upon the individual's academic performance or to create an intimidating, hostile, or offensive education environment. <i>This section shall not apply to pupils enrolled in kindergarten and grades 1 to 3, inclusive.</i>	Must be considered	Yes	Yes	Optional
<b>48900.3</b> In addition to the reasons set forth in Sections 48900 and 48900.2, a pupil in any of grades 4 to 12, inclusive, may be suspended from school or recommended for expulsion if the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has caused, attempted to cause, threatened to cause, or participated in an act of, hate violence, as defined in subdivision (e) of Section 233.	May be considered	Yes	Yes	Required
<b>48900.4</b> In addition to the grounds specified in Sections 48900 and 48900.2, a pupil enrolled in any of grades 4 to 12, inclusive, may be suspended from school or recommended for expulsion if the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has intentionally engaged in harassment, threats, or intimidation, directed against school district personnel or pupils, that is sufficiently severe or pervasive to have the actual and reasonable expected effect of materially disrupting classwork, creating substantial disorder, and invading the rights of either school personnel or pupils by creating an intimidating or hostile educational environment.	Must be considered	Yes	Yes	Optional
<b>48900.7</b> In addition to the reasons specified in Sections 48900, 48900.2, 48900.3, and 48900.4, a pupil may be suspended from school or recommended for expulsion if the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has made terroristic threats against school officials or school property, or both.	May be considered	Yes	Yes	Required

\*\*Section 48900.9

The superintendent of a school district or the principal of a school may refer a victim of, witness to, or other pupil affected by, an act of bullying, as defined in paragraph (1) of subdivision (r) of Section 48900, committed on or after January 1, 2015, to the school counselor, psychologist, social worker, child welfare attendance personnel, or other school support service personnel for case management and counseling, as appropriate.

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

<b>Education Code</b>	<b>Other Means Of Correction</b>	<b>May Suspend</b>	<b>May Recommend Expulsion</b>	<b>Contact Safe Schools</b>
<b>48915(a)(1)(A)</b> Causing serious physical injury to another person, except in self-defense.	May be considered	Yes	Yes	Required
<b>48915(a)(1)(B)</b> Possession of any knife or other dangerous object of no reasonable use to the pupil.	May be considered	Yes	Yes	Required
<b>48915(a)(1)(C)</b> Unlawful possession of any controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, except for either of the following: The first offense for the possession of not more than one avoirdupois ounce of marijuana, other than concentrated cannabis. The possession of over-the-counter medication for use by the pupil for medical purposes or medication prescribed for the pupil by a physician.	May be considered	Yes	Yes	Required
<b>48915(a)(1)(D)</b> Robbery or extortion.	May be considered	Yes	Yes	Required
<b>48915(a)(1)(E)</b> Assault or battery, as defined in Sections 240 and 242 of the Penal Code, upon any school employee.	May be considered	Yes	Yes	Required
<b>48915(c)(1)</b> Possessing, selling, or otherwise furnishing a firearm. This subdivision does not apply to an act of possessing a firearm 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. The act of possessing an imitation firearm, as defined in subdivision (m) of Section 48900, is not an offense for which suspension or expulsion is mandatory pursuant to this subdivision and subdivision (d), but it is an offense for which suspension, or expulsion pursuant to subdivision (e), may be imposed.	Not considered	Required	Required	Required
<b>48915(c)(2)</b> Brandishing a knife at another person.	Not considered	Required	Required	Required
<b>48915(c)(3)</b> Unlawfully selling a controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code.	Not considered	Required	Required	Required
<b>48915(c)(4)</b> 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.	Not considered	Required	Required	Required
<b>48915(c)(5)</b> Possession of an explosive.	Not considered	Required	Required	Required

#### **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**

Please make the home suspension a teachable moment for your student. 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](http://www.211Sacramento.org) or ask a school counselor/administrator. The goal of suspension is for the pupil to learn from their mistakes and not repeat them.