

DUBLIN UNIFIED SCHOOL DISTRICT



STUDENT CODE OF CONDUCT

(Board Adopted June 26th, 2012)

TABLE OF CONTENTS

	<u>Page</u>
CORE VALUES, MISSION, PHILOSOPHY	1
I. RESPONSIBILITIES AND EXPECTATIONS	2
A. Student Responsibilities and Expectations	2
B. District Staff Responsibilities	2
C. Parent Responsibilities.....	2
D. Due Process and the Right to Appeal.....	3
E. Bullying/Cyberbullying.....	3
II. CONDUCT CODE VIOLATIONS AND CONSEQUENCES	4
A. Definition of Student Misconduct.....	4
B. “Related to School Activity or School Attendance”	4
C. Typical Disciplinary Actions	4
1. Parent Conference	5
2. Detention	5
3. Referral to Counseling	5
4. Loss of Privileges	5
5. Weekend School	5
6. Community Service on School Grounds.....	5
7. Behavior Contract	6
8. In-School Suspension	6
9. At-Home Suspension	6
10. Expulsion	6
11. Transfer to An Alternative School Program	6
12. Notice to Law Enforcement Authorities.....	6
D. Student Searches	6
E. Medications	7

III.	ADDITIONAL CONSIDERATIONS	7
A.	More Than One Consequence.....	7
B.	Related to Suspension	8
1.	First Offense Suspensions.....	8
2.	Gang Related	8
3.	Violation of Suspension Rules.....	8
C.	During Suspension	8
1.	Parental Supervision	8
2.	Stay Off School Grounds.....	8
3.	No School-Sponsored Activities.....	8
4.	Make-Up Work	9
D.	Payment for Damages	9
E.	Confiscated Property.....	9
F.	Property Turned in by the Student.....	9
IV.	DISCIPLINE OFFENSES.....	10
A.	General Provisions	10
B.	Offenses Defined	10
1.	Ed Code 48900 (a-u)	
2.	Ed Codes 48900.2; 48900.3; 48900.4; 48900.5; 48900.7	
V.	MANDATORY RECOMMENDATION FOR EXPULSION	16
A.	Offenses Defined	16
VI.	MANDATORY EXPULSIONS	19
A.	Offenses Defined	19

CORE VALUES

We believe...

- ◇ Our most important goal is to maximize learning for every student.
- ◇ Every student deserves the best possible educational experience.
- ◇ Professional learning communities are essential for continuous improvement of student learning.
- ◇ Our most valuable resource is the skills, knowledge, and experience of our teachers, support staff and administrators.

MISSION

Our mission is to ensure that every student becomes a lifelong learner by providing a 21st century education that prepares him/her for college and career or service to our country and for success in the global economy.

PHILOSOPHY

It is the intent of the Dublin Unified School District (“District”) to provide all students with a learning environment in which optimum learning can take place. Parents and students are a key part of that environment. Those who obey rules, respect others and take responsibility for their actions, assist the District in establishing a secure climate so that all students may learn. All stakeholders play a key role in the development of a professional learning community.

The District believes it is essential that public schools prepare youth for productive and effective citizenship by helping each student respect law and order, and assume his/her responsibilities as a citizen. Each student should learn that he/she has freedom of choice and action, so long as that action does not infringe on the rights of others.

This District-wide Code of Conduct is to be read in conjunction with school rules. Its purpose is to inform students and parents about unacceptable behaviors and the consequences for those behaviors. The District asks that parents recognize the importance of school regulations and assist the District in their enforcement. By becoming familiar with this Code of Conduct, students may also learn to make intelligent choices. Students who engage in violations of the Student Code of Conduct will be subject to the appropriate consequences.

I.
RESPONSIBILITIES AND EXPECTATIONS

A. STUDENT RESPONSIBILITIES AND EXPECTATIONS

Students are required by law to attend school from the age of six to eighteen. Daily school attendance is required unless the student is sick or legally excused. Students are also required to participate actively in the educational process. Students must comply with all school rules, pursue their required course of study, and submit to the authority of teachers of the school. Perhaps most importantly, students are expected to take primary responsibility for their own behavior. [Education Code § 35181; Education Code § 48908; Title 5, California Code of Regulations §300.]

B. DISTRICT STAFF RESPONSIBILITIES

To maintain and encourage acceptable standards of student behavior, District personnel shall provide good examples for students in real life. District personnel shall:

- Establish an atmosphere in which productive learning can take place.
- Establish an atmosphere of mutual respect.
- Teach the District standards of behavior as outlined in the Student Code of Conduct.
- Identify the causes of student misconduct.
- Find constructive methods of preventing and controlling such misconduct.
- Consistently and fairly apply classroom, school and District rules.
- Communicate regularly with students and parents regarding the student's academic progress and behavior.

[Title 5, California Code of Regulations §5530; Education Code § 44807.]

C. PARENT RESPONSIBILITIES

Parents are responsible for sending the student to school daily and ensuring that he/she arrives on time. Additional responsibilities include:

- Acknowledge/accept that the school and the Board of Education have the right and the responsibility to maintain standards for all students.

- Cooperate with school staff in helping students with academic, discipline or attendance problems.
- Instill in the student an attitude that school is important.

D. DUE PROCESS AND THE RIGHT TO APPEAL

No student will be suspended or expelled without due process. As an added safeguard, a student and his/her parent/guardian has the right to request an appeal regarding the discipline imposed. Dublin Unified School District Policy 5144.1 and Administrative Regulation 5144.1 set forth a complete explanation of the procedures for suspension, expulsion and appeals.

E. BULLYING/CYBERBULLYING

The Board desires to prevent bullying by establishing a positive, collaborative school climate and clear rules for student conduct. The district shall provide students instruction, in the classroom or other educational settings that promotes communication, social skills, and assertiveness skills and that educates students about appropriate online behavior and strategies to prevent and respond to bullying and cyberbullying. This instruction may involve parents/guardians, staff, and community members.

Students may submit a verbal or written complaint of conduct they consider to be bullying to a teacher or administrator and may also request that their name be kept in confidence. The Superintendent or designee may establish other processes for students to submit anonymous reports of bullying. Complaints of bullying or harassment shall be investigated and resolved in accordance with site-level grievance procedures specified in BP 5131.2 and AR 5145.7 – Sexual Harassment.

When a student is suspected of or reported to be using electronic or digital communications to engage in cyberbullying against other students or staff or to threaten district property, the investigation shall include documentation of the activity, identification of the source, and a determination of the impact or potential impact on school activity or school attendance. Students shall be encouraged to save and print any messages sent to them that they feel constitute cyberbullying and to notify a teacher, the principal, or other employee so that the matter may be investigated.

Any student who engages in cyberbullying using district-owned equipment on school premises or off campus in a manner that impacts a school activity or school attendance shall be subject to discipline in accordance with district policies and regulations. If the student is using a social networking site or service that has terms of use that prohibit posting of harmful material, the Superintendent or designee also may file a complaint with the Internet site or service to have the material removed.

II.

CONDUCT CODE VIOLATIONS AND CONSEQUENCES

A. DEFINITION OF STUDENT MISCONDUCT

A student may be suspended and/or expelled for any of the reasons set forth in the California Education Code. At the current time, this includes the categories of behavior set forth in Education Code sections 48900 and 48915, plus those described in 48900.2, 48900.3, 48900.4, 48900.5 and 48900.7. To assist students in modeling appropriate behavior, District staff have prepared this Student Conduct Code which lists various types of inappropriate behavior. It is not, however, the intent of the District that the Student Conduct Code define in detail every possible situation which may warrant disciplinary action nor to list every possible consequence. The District will proceed with disciplinary action permitted by the Education Code for misconduct even if it is not specifically listed in this Student Conduct Code.

B. “RELATED TO SCHOOL ACTIVITY OR SCHOOL ATTENDANCE”

A student will not be suspended or expelled unless his or her conduct is related to school activity or school attendance. Conduct related to school activity or attendance may occur at any time and include, by way of illustration and not limitation:

- While on school grounds.
- While going to or coming from school.
- During the lunch period whether on or off the campus, or while going to or coming from an off-campus lunch site.
- During, or while going to or coming from, a school-sponsored activity.

C. TYPICAL DISCIPLINARY ACTIONS

Students of the Dublin Unified School District are required to follow and comply with school and District conduct rules. If a student chooses to break the rules, he/she will be subject to various consequences.

A list of typical disciplinary actions which may result from a student’s breach of school regulations is listed below. The actual action taken by the District may vary from the list

below and the level of discipline imposed will depend on the frequency and seriousness of the violation.

1. Parent Conference

A parent/teacher/principal conference may be required to discuss the student's behavior and/or to reach an agreement on the student's behavior.

2. Detention

A student may be assigned to a supervised area for a specific period of time before or after school or on a Saturday.

3. Counseling or Referral to Community Program

A student may be referred to counseling services to discuss problems including, but not limited to: anger management, drug/alcohol use/abuse, personal issues that prevent him/her from being successful in school, depression, etc. (Education Code §48900(v).) Any fees for counseling services will be the parent's responsibility.

4. Loss of Privileges

A student's participation in school activities such as games, dances, field trips, et cetera, may be limited.

5. Weekend School

A student may be required to attend class on a Friday night or Saturday for repeated unexcused absences from class(es) or for other infractions.

6. Community Service on School Grounds

A student may be required to perform community service on school grounds during non-school hours. This may include outdoor beautification, campus betterment and teacher or peer assistance programs. (Education Code 48900.6)

7. Behavior Contract

The District may enter into an agreement with the student wherein he/she agrees to comply with the conditions contained in the contract, and the school rules. The student agrees to refrain from committing the same violation and/or breaking other school regulations. This contract may be in addition to a suspension and/or expulsion and/or in lieu of such actions.

8. In-School Suspension

A student may be assigned to a supervised suspension classroom separated from other students at the school site for the period of the suspension.

9. At-Home Suspension

A student may be suspended from attending regular classes and prohibited from attending school, participating in school activities, and being on school grounds for a period of time.

10. Expulsion

Typically, student expulsions are a last resort after other actions have been tried. In certain situations, however, expulsion is appropriate, or may be required by law, on the first offense. A student may be expelled from all schools in the District and removed from the immediate supervision and control of school personnel. The student would be prohibited from being on school grounds. This is a formal process conducted through a series of hearings. Only the Board of Education has the authority to expel students for serious and/or repeated offenses. A student on a suspended expulsion may not be allowed to participate in extracurricular/co-curricular activities. The activities include, but are not limited to, field trips, athletic events, theater events, proms, student dances, student government, graduation ceremonies, band events or similar activities.

11. Transfer to an Alternative School Program

A student may be directed to enroll in specialized District programs such as (1) opportunity class or school; or (2) a continuation class or school.

12. Notice to Law Enforcement Authorities

The District may notify the appropriate law enforcement authorities for various student violations of school rules and state law. For certain violations, the District is required by law to notify the appropriate law enforcement authorities.

D. STUDENT SEARCHES

School officials may conduct searches of pupils and their personal belongings while on school property or at school-sponsored events. By way of example, and not limitation, “personal belongings” includes: backpacks, purses, brief cases, bags, cell phones, electronic devices, video cams, student vehicles parked on district property, et cetera. Searches are also conducted of school property under joint control. “School property” under joint control includes lockers and desks.

Searches of pupils and personal belongings will be conducted when there are reasonable grounds to suspect that the search will provide evidence that the pupil is violating the law and/or school regulations. The scope of the search will be related to the objectives of the search, the age and sex of the pupil, and the nature of the violation. See District Policy 5144.1, 5145.12.

Lockers are school property under the joint control of the school and the pupil. There is no expectation of privacy. The District may search lockers, or any other school property under joint control, at any time. Searches may be random and without cause of any kind.

Automobiles parked on the school premises or in the school parking lot are subject to search when officials have reason to believe weapons, drugs, or objects prohibited by school policy or state law are contained therein. See District Policy 5144.1, 5145.12.

Canines may be used to search a student's personal belongings and vehicles and school property under joint control. Canine searches may be conducted randomly throughout the school year.

E. MEDICATIONS

The District recognizes that certain pupils may require medication (prescription or non-prescription) during the school day in order to attend school without jeopardizing their health. When such medication is required, designated school personnel must assist the pupil in administering the requisite medication. This also applies to the administration of tests or procedures for medical reasons. (Example, diabetes testing for blood sugar level.)

A pupil who brings medication (prescription or non-prescription) on school grounds and either: 1) gives or sells the medication to other pupils; or 2) self-administers a medication without the District's assistance, may be subject to discipline. [Education Code §§49422,49423, 48900.]

III. ADDITIONAL CONSIDERATIONS

A. MORE THAN ONE CONSEQUENCE

Depending on the nature of the offense, the site administrator will determine whether the consequences should include more than one form of discipline. Typical consequences which are combined by a site administrator include home suspension, in-school suspension, Saturday school, intervention group, detention, community service or counseling.

B. RELATED TO SUSPENSION

1. First Offense Suspensions

For some infractions, the student may be suspended on the first offense if it is determined that the student's presence causes a danger to persons or property or threatens to disrupt the instruction process. [Education Code §48900.5.]

2. Gang Related

Gang-related offenses are generally of the nature where the student's presence does pose a danger to persons or property or threatens to disrupt the instructional process. In such cases, the student may be suspended for five days on the first offense as well as recommended for an alternative educational placement or expulsion.

3. Violation of Suspension Rules

Violation of suspension rules may result in a minimum consequence of a warning and a maximum consequence of a referral to the appropriate law enforcement agency.

C. DURING SUSPENSION

1. Parental Supervision

Students on home suspension are expected to be under the supervision of a parent/guardian during school hours. (7:00 a.m. - 4:30 p.m.)

2. Stay Off School Grounds

Students on home suspension must stay off any school campus unless a prior arrangement has been made with a school administrator to come to the office on official business with the student's parent/guardian.

3. No School-Sponsored Activities

Students on suspension may not attend any school-sponsored activity (whether on or off *any* school campus - including weekends and holidays). This includes, by way of illustration and not limitation, graduation ceremonies, field trips, athletic events, proms, dances, athletic activities, latch key and after-school recreation.

4. Make-Up Work

Per BP/AR 6154 Suspended students are expected to complete work, quizzes and tests missed during their absence. It is the individual responsibility of any suspended student to remain informed of class assignments and due dates. Credit shall be earned for work submitted within a reasonable period of time. Each school site will possess a homework plan with specific guidelines that will define “a reasonable period of time”.

D. PAYMENT FOR DAMAGES

If a student’s misconduct results in damage or injury to school property, or the personal property of any District employee, the student’s parent/guardian is liable for all damages caused by the student.

If the student’s parent/guardian is unable to pay for the damages, the District may provide a program of voluntary work for the minor in lieu of payment of monetary damages.

The parent/guardian is responsible for the amount of a reward paid for information leading to the apprehension of the person causing the damage. [Education Code §§ 48904 and 48905.]

E. CONFISCATED PROPERTY

Any confiscated material (e.g., radios, electronic devices, skateboards, or tobacco) will be returned to the parents and not the student. The District is not responsible for loss of or damage to confiscated materials.

Guns, knives, controlled substances, drug paraphernalia and electronic devices (containing evidence of a crime) will be turned over to the appropriate law enforcement authorities.

F. PROPERTY TURNED IN BY THE STUDENT

If a student finds that he/she has inadvertently brought a dangerous object to school, and he/she immediately turns the object over to a teacher, administrator or other school staff member, the consequences shall be waived.

IV.

DISCIPLINE OFFENSES EDUCATION CODE §48900 SERIES

A. GENERAL PROVISIONS

1. A student who violates an offense in this category (see Paragraph B. below) is subject to discipline.
2. A student who engages in such misconduct may be suspended on the first offense if it is determined that the student's presence causes a danger to persons or property or threatens to disrupt the instructional process. [Education Code §48900.5.]
3. A student may also be recommended for expulsion for such misconduct, on a first offense, if it is determined that:
 - other means of correction have repeatedly failed to bring about proper conduct;
 - other means of correction are not feasible; or
 - due to the nature of the violation, the student's presence causes a danger to persons or property or threatens to disrupt the instructional process.
4. Generally, the minimum consequence constitutes a student conference and/or a parent conference or phone call. The maximum consequences take into consideration the issues surrounding the violation, and the seriousness of the violation which may warrant suspension, extended suspension and recommendation for expulsion.

B. OFFENSES DEFINED: Education Code §48900 et. seq.

- 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 an object of this type, the pupil had obtained written permission to possess the item from a certificated school employee, which is concurred in by the principal or the designee of the principal.
- c. Unlawfully possessed, used sold or otherwise furnished, or been under the influence of, 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.

- 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 otherwise furnished to any 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, including graffiti.
Note: Offenses not specifically described in this Conduct Code may still fall within the definition of §48900(f). Examples include:
 - 1). *Set Fire or Attempted to Set Fire. Notice to fire marshall will accompany consequences.*
 - 2). *Activated a false alarm or tampered with any emergency equipment.*
- g. Stole or attempted to steal school property or private property.
- h. Possessed or used tobacco, or products containing tobacco or nicotine products, including, but not limited to cigarettes, cigars, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel. However, this section does not prohibit use or possession by a pupil of his or her own prescription products.
- i. Committed an obscene act or engaged in habitual profanity or vulgarity.
- j. Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Section 11014.5 of the Health and Safety Code.
- k. Disrupted school activities otherwise willfully defied the valid authority of supervisors, teachers, administrators, school officials, or other school personnel engaged in the performance of their duties.

Note: Offenses not specifically described in this Conduct Code may still fall within the definition of disruptive behavior and willful defiance and warrant disciplinary action. Defiance or disobedience may occur in language or in action against personnel, or by refusing to comply with the reasonable request of school personnel.

Examples Include:

- 1). *Forging, falsifying, altering or using forged school correspondence, passes, or readmission slips.*
- 2). *Failing to identify oneself or giving false information to school personnel.*
- 3). *Committing an act of academic dishonesty. BP 5131.9.*
- 4). *Gambling. [Penal Code §330.]*

- 5). *Interfering with the peaceful conduct of the campus or classroom.*
- 6). *Exhibiting any dress, grooming or appearance which disrupts or tends to disrupt the educational process or affects the health and safety of individuals.*
- 7). *Loitering on or about campus without an apparent and lawful purpose. Penal Code 653g.*
- 8). *Possessing disruptive items.*
- 9). *Possessing or using any electronic signaling device.*
- 10). *Taping a fight or other event without permission.*
- 11). *Demonstrating unsafe riding/driving practices with bicycle, skateboard or vehicle.*
- 12). *Leaving campus without proper authorization.*
- 13). *Willfully caused a major disruption of the school activities or interfered with the peaceful conduct of the activities of the school; i.e bomb threats, inciting to riot, gang-related activity(Penal Code 602.9 and 148.1)*

- l. Knowingly received stolen school property or private property. “School property” includes, but is not limited to, electronic files and databases.
- m. Possessed an imitation firearm. As used in this section, “imitation firearm” means a replica of a firearm that is as substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm.
- n. Committed or attempted to commit a sexual assault as defined in Section 261, 266c, 286, 288, 288a, or 289 of the Penal Code or committed either preventing that pupil from being a witness or retaliating against that pupil for being a witness, or both.
- o. Harassed, threaten, or intimidated a pupil who is a complaining witness or a witness in a school disciplinary proceeding for the purpose of either preventing that pupil from being a witness or retaliating against that pupil for being a witness, or both.
- p. Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.
- q. Engaged in, or attempted to engage in, hazing. For the purpose of this subdivision, “hazing” does 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 (f) and (g) of Section 32261 of the Education Code, directed specifically toward a pupil or school personnel.

Bullying is defined as any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, that has the effect of or can reasonably be predicted to have the effect of:

- (i) *placing a reasonable pupil in fear of harm to his or her person or property;*

- (ii) *causing a reasonable pupil to experience a substantially detrimental effect on his or her physical or mental health;*
 - (iii) *causing a reasonable pupil to experience substantial interference with his or her academic performance; or*
 - (iv) *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.*
- s. A pupil may be 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 on school grounds.
 - 2) While going to or coming from school.
 - 3) During the lunch period whether on or off the campus.
 - 4) During, or while going to or coming from, a school sponsored activity.
- t. A pupil who aids or abets, as defined in Section 31 of the Penal Code, the infliction or attempted infliction of physical injury to another person may be subject to suspension, but not expulsion, pursuant to this section, except that a pupil who has been adjudged by a juvenile court to have committed, as an aider and abettor, a crime of physical violence in which the victim suffered great bodily injury 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 data bases.

Education Code §48900.2.

Committed Sexual Harassment.

Explanation:

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

-Submission to the conduct is made a term or condition of a person's academic status or progress;

-Submission to or rejection of the conduct by the person is used as a basis of an academic decision affecting the person;

-The conduct has the purpose or effect of having a negative impact on the person's academic performance, or of creating an intimidating, hostile or offensive educational environment;

-Submission to or rejection of the conduct by the person is used as the basis for any decision affecting the person regarding honors, programs or activities available at or through the school district. *[For information on District grievance procedures, please see Board Policy 4119.11.]* This section does not apply to students in grades Kindergarten, First, Second or Third.

Education Code §48900.3, Penal Code 422.6, 422.7 and 422.75

Caused, Attempted to Cause, Threatened to Cause, or Participated in an Act of Hate Violence.

Explanation:

No person shall by force or threat of force, willfully injure, intimidate, interfere with, oppress, or threaten any other person, or knowingly deface, damage or destroy the real or personal property of any other person for the purpose of intimidating or interfering with the free exercise or enjoyment of any right or privilege secured to the other person by the Constitution or laws of this state or the U.S. Constitution because of the other person's race, color, religion, ancestry, national origin, disability, gender or sexual orientation, or because he/she perceives that the other person has one or more of those characteristics. This section does not apply to students in Kindergarten, First, Second or Third grade.

Education Code §48900.4

Intentionally Engaged in Harassment, Threats or Intimidation Directed Against a Student or Group of Students that is Sufficiently Severe or Pervasive to have the Actual or Reasonably Expected Effect of Materially Disrupting Class Work, Creating Substantial Disorder, and Invading the Rights of That Student/Group of Students by Creating an Intimidating or Hostile Educational Environment.

This section applies only to students in grades 4 through 12.

Education Code §48900.5

Suspension: restrictions on imposition; exception

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

Education Code §48900.7

Made Terroristic Threats Against School Officials, School Employees, School Organizations and/or School Property.

Explanation:

No person shall willfully threaten (verbally or in writing/texting) 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).

A terroristic threat is one which:

- 1) is made with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying out the threat; and
- 2) is made under circumstances which would cause a reasonable person to believe that execution of the threat is imminent; and
- 3) causes the person threatened to reasonably fear for his/her own safety/personal property, or his/her immediate family's safety/personal property, or for the protection of school district property.

V.

MANDATORY RECOMMENDATION FOR EXPULSION

A principal or the superintendent or the superintendent designee **shall** recommend expulsion for each of the offenses listed below unless the principal finds that expulsion is inappropriate due to the particular circumstances. This finding must be included in the report of the incident.

These offenses need only be *related to school activity or school attendance*. Acts related to school activity or school attendance include, by way of illustration and not limitation, that which are committed:

- going to or coming from school
- going to or coming from a school sponsored activity
- during the lunch period whether on or off campus
- while on school grounds at any time

A. OFFENSES DEFINED

1. **Caused Serious Physical Injury to Another Person, Except in Self Defense.** [Education Code §48915(a) and §48900(a).]

Explanation:

Serious physical 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. [Penal Code §243]

Consequence:

On a **first offense**, five-day suspension, recommendation for expulsion, notification to law enforcement agency.

2. **Caused, Attempted to Cause, or Threatened to Cause Physical Injury Upon School Staff/Personnel or any Adult Volunteer Performing Duties of School Staff.** [Education Code §48900(a) and §44014, Penal Code 240 and 242.]

Consequence:

On a **first offense**, five-day suspension, recommendation for expulsion, unless unique circumstances warrant against it, notice to law enforcement agency.

3. Possessed, Sold or Otherwise Furnished any Firearm, Knife, Explosive, or Other Dangerous Object. [Education Code §48900(b), §48915(a).]

Explanation:

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 approved by the principal or the principal's designee.

By statute, possession of a firearm or explosive is a Mandatory Recommendation offense if it occurs on campus or at a school activity off school grounds.

Consequence:

On a **first offense**, five-day suspension, recommendation for expulsion, notification to law enforcement agency.

4. Controlled Substances.

- a. Unlawfully possessed, used, furnished, or was under the influence of any controlled substance listed in the Health and Safety Code 11053 (except for the first offense of less than one ounce of marijuana other than concentrated cannabis). [Education Code §48900(c) and §48915(a).]
- b. Unlawfully sold or furnished an alcoholic beverage or an intoxicant of any kind. [Education Code §48900(c) and §48915(b).]
- c. Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma. [Education Code §48900(p) and §48915(c)(3).]

Explanation:

By statute, sale of a controlled substance is a Mandatory Recommendation offense if it occurs on campus or at a school activity.

Consequences:

On a **first offense**, five-day suspension, recommendation for expulsion and successful completion of a District approved Substance Abuse Program prior to readmission, and notice to law enforcement agency.

The first offense of less than one ounce of marijuana other than concentrated cannabis, with no prior school suspensions, may result in an action other recommendation for expulsion; specifically, five day

suspension, administrative transfer to another school, successful completion of a District approved rehabilitation plan, and notification to law enforcement agency.

5. **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 11053, an Alcoholic Beverage or an Intoxicant of Any Kind and Then Sold, Delivered, or Furnished Look-Alikes or In-Lieu Substances. [Education Code §48900(d).]**

Consequences:

On **first offense**, five-day suspension, recommendation for expulsion, notification to law enforcement agency.

6. **Committed or Attempted to Commit Robbery or Extortion. [Education Code §48900(e) and §48915(a).]**

Explanation:

Extortion is the obtaining of property from another, with his consent, or the obtaining of an official act of a public officer, induced by wrongful use of force or fear, or under color of official light. Penal Code 518.

Fear, that will constitute extortion, may be induced by a threat either: 1) to do an unlawful injury to the person or property of the individual threatened or of a third person; or 2) to accuse the individual threatened, or any relative of his, or member of his family, of any crime; or 3) to expose, or to impute to him or them any deformity, disgrace or crime; or 4) to expose any secret affecting him or them.

Consequences:

On **first offense**, five-day suspension, recommendation for expulsion, notification to law enforcement agency.

7. **To Commit or Attempt to Commit a Sexual Assault as Defined in Section 261, 266c, 286, 288, 288a, or 289 of the Penal Code or Commit a Sexual Battery as Defined in Section 243.4 of the Penal Code. [Education Code §48900(n).]**

Explanation:

By statute, this is a Mandatory Recommendation offense if it occurs on campus or at a school activity off school grounds.

Consequences:

On **first offense**, five-day suspension, recommendation for expulsion, notice to law enforcement agency.

VI. MANDATORY

EXPULSION

A principal or the superintendent or the superintendent designee **shall** immediately suspend and recommend expulsion for each of the offenses listed below. They do not have the ability to consider extenuating circumstances. The Board of Education must expel the pupil if the offense is proven. A mandatory expulsion must be *committed at school or at a school activity off school grounds*. In this regard, they are different from the previous category which must merely be related to school activity or attendance.

A. OFFENSES DEFINED

1. **Possessed, Sold or Otherwise Furnished a Firearm. [Education Code §48915(c)(1).]**

Explanation:

Possession must be verified by a school employee. Expulsion will not occur if the student possessed the firearm with prior written approval of a certificated school employee which has been concurred in by the principal.

Consequences:

On a **first offense**, five-day suspension, recommendation for expulsion, notification to law enforcement agency.

2. Brandished a Knife at Another Person. [Education Code §48915(c)(2).]

Explanation:

“Brandish” means to wave, shake, or exhibit in a menacing, challenging or exultant way. For purposes of mandatory expulsion, a knife means (1) a dirk, dagger or other weapon with a fixed, sharpened blade fitted primarily for stabbing, (2) a weapon with a blade fitted primarily for stabbing, (3) a weapon with a blade longer than 3½ inches, (4) a folding knife with a blade that locks into place, or (5) a razor with an unguarded blade.

Consequences:

On a **first offense**, five-day suspension, recommendation for expulsion, notification to law enforcement agency.

3. Unlawfully Sold a Controlled Substance Listed in Chapter 2 (Commencing with Section 11053) of Division 10 of the Health and Safety Code. [Education Code §48915(c)(3).]

Consequences:

On a **first offense**, five-day suspension, recommendation for expulsion, notification to law enforcement agency.

4. Committed, or Attempted to Commit, a Sexual Assault or Committed a Sexual Battery. [Education Code §48915(c)(4).]

Consequences:

On a **first offense**, five-day suspension, recommendation for expulsion, notification to law enforcement agency.

5. Possessed an Explosive. [Education Code §48915(c)(5)]

Consequences:

On a **first offense**, a five-day suspension, recommendation for expulsion, successful completion of a District approved rehabilitation plan, and notification to law enforcement agency.