

The Board of Trustees of the Anaheim Union High School District, in support of the aims of public education, believes that the behavior of students attending public schools shall reflect the standards of good citizenship expected of members in a democratic society. It shall be the policy of the district to carry on with those rules necessary for a good educational program in a teaching and learning atmosphere that is conducive to the development of sound study habits. The Board of Trustees believes also, that while education is a right of American youth, it is not an absolute right. It is qualified first, by eligibility requirements and secondly, by performance requirements. The latter requirement refers to the positions of judiciary that speaks of education as a limited right or a privilege; that is, should the pupil fail to perform those duties required of him/her upon attendance in public school, s/he may then be excluded from school.

If the process of education is to be successful, there must exist a cooperative effort between student, home, and school. All members of this team must execute their own specific duties and responsibilities with skill and efficiency if the process is to be effective. A major responsibility of our endeavor shall be to educate our students in good learning skills and in attitudes of good citizenship that will cause them to be considerate of the welfare of their own fellow students and be law-abiding with respect to the rules and regulations of the school and the state. It shall be the intent and purpose of these rules and regulations to foster and to approve those standards of good conduct that assure continuity of classwork without disruption, protect the school and community against disorder, and ensure the rights and welfare of others.

It shall be the responsibility of each employee to understand all rules of conduct and to share in the duty of communicating these rules to the pupils of the district. The rules of conduct shall be fair, reasonable, and necessary for the operation of the school. Each employee shall assume his or her responsibility for the consistent enforcement of these rules of conduct throughout the entire district, upon the local campus, and within the individual teaching stations.

Discipline is not always punitive in nature. In many cases, a counseling session will bring about a positive change in behavior. It should be the goal of all administrators, counselors, teachers, and parents to exhaust all resources available to develop a positive change in attitude and behavior in the student prior to imposing punitive means of discipline.

SECTION A**GENERAL RESPONSIBILITIES**

In addition to the numerous unwritten duties and responsibilities which students, home, and school alike have been traditionally obligated to perform, there can be found many code sections which describe certain specific duties and responsibilities which must be carried out. A number of these have been selected and included in this section of the policy.

I. DUTIES AND RESPONSIBILITIES OF EMPLOYEES**A. Report of Assault by Pupils Against School Employee: Failure a Misdemeanor**

1. Whenever any employee of a school district or of the office of a county superintendent of schools is attacked, assaulted, or menaced, by any pupil, it shall be the duty of such employee, and the duty of any person under whose direction or supervision such employee is employed in the public school system who have knowledge of such incident, to promptly report the same to the appropriate law enforcement authorities of the county or city in which the same occurred. Failure to make such report shall be a misdemeanor punishable by a fine of not more than two hundred dollars (\$200.00).
2. Compliance with school district governing board procedures relating to the reporting of, or facilitation of reporting of, the incidents specified in subdivision (a) shall not exempt a person under a duty to make the report prescribed by subdivision (a) from making such a report.
3. A member of the governing board of a school district, a county superintendent of schools, or an employee of any school district or the office of any county superintendent of schools, shall not directly or indirectly inhibit or impede the making of the report prescribed by subdivision (a) by a person under a duty to make such report. Such an act to inhibit or impede the making of such a report shall be a misdemeanor, and shall be punishable by a fine of not less than one hundred dollars (\$100.00) or more than two hundred dollars (\$200.00).
4. Neither the governing board of a school district, a member of the governing board, a county superintendent of schools, nor an employee of a school district or of the office of any county superintendent of schools shall impose any sanctions against a person under a duty to make the report prescribed by subdivision (a) for making such a report. (Education Code Section 44014)

B. Notification of Law Enforcement Authorities of Certain Acts by Students:

1. The principal of a school or the principal's designee shall, prior to the suspension or expulsion of any pupil, notify the appropriate law enforcement authorities of the county or city in which the school is situated, of any acts of the student which may be in violation of Section 245 of the Penal Code. (Education Code Section 48902 (a))

2. The principal or the principal's designee shall notify law enforcement authorities about any student possession of weapons and any acts of assault by a student with a firearm or other deadly weapon or instrument. (Education Code Section 48902, Penal Code Sections 245, 626.9, 626.10)
 3. The principal of a school or the principal's designee shall, within one (1) schoolday after suspension or expulsion of any pupil, notify, by telephone or any other appropriate method chosen by the school, the appropriate law enforcement authority of the county or the school district in which the school is situated of any acts of the students which may violate subdivision (c) or (d) of Section 48900 of the Education Code.
 4. Notwithstanding subdivision (b), the principal of a school or the principal's designee shall notify the appropriate law enforcement authorities of the county or city in which the school is located of any acts of a student that may involve the possession or sale of narcotics or of a controlled substance or a violation of Section 626.9 or 626.10 of the Penal Code.
 5. A principal, or the principals' designee, or any other person reporting a known or suspected act described in subdivision (a) or (b) is not civilly or criminally liable as a result of any report authorized by this article unless it can be proven that a false report was made and that the person knew the report was false or the report was made with reckless disregard for the truth or falsity of the report.
- C. Failure to Make Reports:
1. Any principal, teacher, employee, or school officer of any elementary or secondary school who refuses or willfully neglects to make such reports as are required by law is guilty of a misdemeanor and is punishable by a fine of not more than five hundred dollars (\$500.00). (Education Code Section 44030)
- D. Enforcement of Course of Studies, Use of Textbooks, Rules, and Regulations:
1. Every teacher in the public schools shall enforce the course of study, the use of legally authorized textbooks, and the rules and regulations prescribed for schools. (Education Code Section 44805)

- E. Duty Concerning Instruction of Pupils Concerning Morals, Manners, and Citizenship:
1. Each teacher shall endeavor to impress upon the minds of the pupils, the principles of morality, truth, justice, patriotism, and true comprehension of the rights, duties, and dignity of American citizenship, and the meaning of equality and human dignity, including the promotion of harmonious relations, kindness toward domestic pets and the humane treatment of living creatures, to teach them to avoid idleness, profanity, and falsehood, and to instruct them in manners and morals and principles of a free government. (Education Code Section 44806)
 2. Each teacher is also encouraged to create and foster an environment that encourages pupils to realize their full potential and that is free from discriminatory attitudes, practices, events, or activities in order to prevent acts of hate violence, as defined in subdivision (e) of Section 33032.5. (Education Code Section 44806)
- F. Duty Concerning Conduct of Pupils; Limitation on Criminal Prosecution:
1. Every teacher in the public schools shall hold pupils to a strict account for their conduct on the way to and from school, on the playgrounds, or during recess. A teacher, assistant principal, principal, or any other employee of a school district shall not be subject to criminal prosecution or criminal penalties for the exercise, during the performance of his/her duties, of the same degree of physical control over a pupil that a parent would be legally privileged to exercise but which in no event shall exceed the amount of physical control reasonably necessary to maintain order, protect property, or protect the health and safety of pupils, or to maintain proper and appropriate conditions conducive to learning.
 2. Whenever any employee observes a violation of any section of this policy, that employee shall immediately report the violation(s) to the site principal or the principals' designee. Should the violation(s) occur on a school bus, the bus driver shall complete and submit a Consolidated Incident Report to the site principal or the principal's designee upon arrival to the school.

The provisions of this section are in addition to and do not supersede the provisions of Section 49000 of this code. (Education Code Section 44807)

II. RIGHTS, DUTIES, AND RESPONSIBILITIES OF PARENTS**A. Parental Information:**

1. At the beginning of the first semester of every school year, the school district shall notify the parent or guardian of all pupils registered in schools of the availability of rules of the district pertaining to student discipline. (Education Code Sections 35291, 48980)
2. Except for those pupils receiving individual instruction provided pursuant to Section 48206.5, a pupil with a temporary disability which makes attendance in the regular day classes or alternative education program in which the pupil is enrolled impossible or inadvisable, shall receive individual instruction provided by the district in which the pupil is deemed to reside. (Education Code Section 48206.3)
3. It shall be the primary responsibility of the parent or guardian of a pupil with a temporary disability to notify the school district in which the pupil is deemed to reside pursuant to Section 48207 of the pupil's presence in a qualifying hospital within five working days of receipt of the notification, determine whether the pupil will be able to receive individualized instruction, and, if the determination is positive, when the individualized instruction may commence. Individualized instruction shall commence no later than five working days after the positive determination has been rendered. (Education Code Section 48208(a))

B. Compulsory Schooling:

1. A state has the power to make and enforce provisions for the compulsory education of children within the state and the lawmaking body of California has exercised the State's power in this regard.
2. To paraphrase the legislation, each parent, guardian, or other person having control of a child between the ages of 6 and 18 must send the child to school for the entire time during which the schools are in session unless exempted by the proper school authorities. (Education Code Section 48200)
3. Pupils, between the ages of 16 to 18, must attend either full-time school or continuation school. (Education Code Section 48400)

- a. Any parent, guardian, or other person having control or charge of any minor between the ages of 6 and 16 years who removes the minor from any city, city and county, or school district before the completion of the current school term, shall enroll the minor in a public full-time day school of the city, city and county, or school district to which the minor is removed. (Education Code Section 48201)
 - b. Any pupil subject to compulsory full-time education or to compulsory continuation education who is absent from school without valid excuse three full days in one school year or tardy or absent for more than any 30-minute period during the schoolday without a valid excuse on three occasions in one school year, or any combination thereof, is a truant and shall be reported to the attendance supervisor or to the superintendent of the school district. (Education Code Section 48260(a))
 - c. Any pupil who has once been reported as a truant and who is again absent from school without valid excuse one or more days, or tardy on one or more days, shall again be reported as a truant to the attendance supervisor or the superintendent of the district. (Education Code Section 48261(a))
 - d. Any pupil is deemed an habitual truant who has been reported as a truant three or more times per school year, provided that no pupil shall be deemed an habitual truant unless an appropriate district officer or employee has made a conscientious effort to hold at least one conference with a parent or guardian of the pupil and the pupil himself/herself, after the filing of either of the reports required by Section 48260 or Section 48261. (Education Code Section 48262 (a))
4. Any person having control of a pupil who fails to comply with any of the compulsory attendance laws, unless excused or exempted, is guilty of an infraction and subject to fine. (Education Code Sections 48293 and 48450)

C. Liability of Minors Actions:

1. The parent or guardian of any minor whose willful misconduct results in injury or death of any pupil or any person employed by or performing volunteer services for a school district or private school or who willfully cuts, defaces, or otherwise injures in any way any property, real or personal, belonging to a school district or private school, or personal property of any school employees shall be liable for all damages so caused by the minor. The liability of the parent or guardian shall not exceed ten thousand (\$10,000) dollars. The parent or guardian shall also be liable for the amount of any reward not exceeding ten thousand dollars (\$10,000) paid pursuant to Section 53069.5 of the Government Code. The amount of maximum liability shall be adjusted annually at a rate equivalent of the percentage change of the Implicit Price Deflator.
2. The parent or guardian of minor shall be liable to a school district or private school for all property belonging to the school district or private school loaned to the minor and not returned upon demand of an employee of the district or private school authorized to make the demand. (Education Code Section 48904)
3. Any school district or private school whose real or personal property has been willfully cut, defaced, or otherwise injured, or whose property is loaned to a pupil and willfully not returned upon demand of an employee of the district or private school authorized to make the demand may, after affording the pupil his or her due process rights, withhold the grades, diploma, and transcripts of the pupil responsible for the damage until the pupil or the pupil's parent or guardian has paid for the damages thereto, as provided in subdivision (a). (Education Code Section 48904 (b) (1))
4. The school district or private school shall notify the parent or guardian or the pupil in writing of the pupil's alleged misconduct before withholding the pupil's grades, diploma, or transcripts pursuant to this subdivision. When the minor and parent are unable to pay for the damages, or to return the property, the school district or private school shall provide a program of voluntary work for the minor in lieu of the payment of monetary damages. Upon completion of the voluntary work, the grades, diploma, and transcripts of the pupil shall be released. (Education Code Section 48904 (b) (2))

D. Disruption or Disorder:

1. Any parent, guardian, or other person whose conduct in a place where a school employee is required to be in the course of his or her duties materially disrupts classwork or extracurricular activities or involves substantial disorder is guilty of a misdemeanor which is punishable by a fine not exceeding one hundred dollars (\$100), by imprisonment in the county jail for a period of not more than 10 days, or both. This section does not apply to any otherwise lawful employee concerted activity, including, but not limited to, picketing and the distribution of handbills. (Education Code Section 44811).

III. STUDENTS' DUTIES AND RESPONSIBILITIES

Due to recent court decisions and recent legislation, students of our public schools are now enjoying more rights and privileges than ever before. In response to these new rights and privileges the students must realize that they have certain responsibilities to not only school personnel but also to their fellow students for which they must be held accountable.

In California, all pupils have the responsibility of complying with the regulations, pursuing the required courses of study, and submitting to the authority of the teachers of the schools. (Education Code Section 48908)

In addition, it is the responsibility of the students to respect the rights of every individual involved in our educational system.

In short, the students must exhibit responsibility in the exercising of their rights.

Every pupil shall attend school punctually and regularly; conform to the regulations of the school; obey promptly all the directions of his/her teacher and others in authority; observe good order and propriety of deportment; be diligent in study; respectful to his/her teachers and others in authority; kind and courteous to schoolmates; and refrain entirely from the use of profane and vulgar language. (Title 5, 300)

A. Pupils to be Neat and Clean on Entering School:

1. A pupil who goes to school without proper attention having been given to personal cleanliness or neatness of dress, may be sent home to be properly prepared for school, or shall be required to prepare himself/herself for the schoolroom before entering. (Title 5, 302)

B. Duty to Remain at School:

1. A pupil may not leave the school premises at recess, or at any other time before the regular hour for closing school, except in case of emergency, or with the approval of the principal of the school. (Title 5, 303)

C. Detention During Recess or Lunch Break:

1. A pupil shall not be required to serve detention during the intermission at noon, or during any recess. (Title 5, 352)

D. Pupil Responsible for Care of Property:

1. A pupil who defaces, damages, or destroys any school property or willfully or negligently injures another pupil or school employee is liable to suspension or expulsion, according to the nature of the offense. (Title 5, 305)

E. Explanation of Absence:

1. A principal or teacher may require satisfactory explanation from the parent or guardian of a pupil, either in person or by written note, whenever the pupil is absent a part or all of a school day. The explanation shall not be required until the day following. (Title 5, 306)

F. Participation in School Activities Until Departure of Bus:

1. A pupil from whom the district provides transportation facilities may be required to remain at school to participate in activities approved by the superintendent of schools or by the governing board until the departure of the pupil in the vehicle to which s/he has been assigned. (Title 5, 307)

G. Work or Services Required of Pupils:

1. A pupil shall not be required to perform any work or services that may be detrimental to his/her health. (Title 5, 351)

H. Detention After School:

1. A pupil shall not be detained in school for disciplinary or other reasons for more than one hour after the close of the maximum school day, except as otherwise provided in Section 307. (Title 5, 353)

I. Willful Interference with Classroom Conduct:

1. Every minor over 16 years of age or adult who is not a pupil of the school, including but not limited to any such minor or adult who is the parent or guardian of a pupil of the school, who comes upon any school ground or into any schoolhouse and there willfully interferes with the discipline, good order, lawful conduct, or administration of any school class or activity of the school, with the intent to disrupt, obstruct, or inflict damage to property or bodily injury upon any person, is guilty of a misdemeanor, and is punishable by a fine of not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00) or by imprisonment in the county jail for not more than six months, or both. (Education Code Section 44810)

IV. CIVILITY

A. Parent/Community Relations:

1. Members of the Anaheim Union High School District staff will treat parents and other members of the public with respect and expect the same in return. The district is committed to maintaining orderly educational and administrative processes in keeping schools and administrative offices free from disruptions and preventing unauthorized persons from entering school and district grounds.
2. This Anaheim Union High School District policy promotes mutual respect, civility, and orderly conduct among district employees, parents, and the public. This policy is not intended to deprive any person of his/her right to freedom of expression but only to maintain, to the extent possible and reasonable, a safe, harassment-free workplace for our students and staff. In the interest of presenting district employees as positive role models to the children of this district, as well as the community, Anaheim Union High School District encourages positive communication and discourages volatile, hostile, or aggressive actions. The district seeks public cooperation with this endeavor.

B. Disruptions:

1. Any individual who disrupts or threatens to disrupt school/office operations, threatens the health and safety of students or staff, willfully causes property damage, uses loud and/or offensive language which could provoke a violent reaction, or who has otherwise established a continued pattern of unauthorized entry on school district property, will be directed to leave school or school district property promptly by the Chief Administrative Officer or designee.
2. If any member of the public uses obscenities or speaks in a demanding, loud, insulting and/or demeaning manner, the administrator or employee to whom the remarks are directed will calmly and politely admonish the speaker to communicate civilly. If corrective action is not taken by the abusing party, the district employee will verbally notify the abusing party that the meeting/hearing/conference/telephone conversation is terminated and, if the meeting/hearing/conference is on district premises, the offending person will be directed to leave promptly.
3. When an individual is directed to leave under conditions in paragraph 1 or 2, the Chief Administrative Officer or designee shall inform the person that he/she will be guilty of a misdemeanor in accordance with California Education Code 44811 and Penal Codes 415.5 and 626.7, if he/she re-enters any district facility within 30 days after being directed to leave, or within seven days if the person is a parent/guardian of a student attending that school. If an individual refuses to leave upon request or returns before the applicable period of time, the Chief Administrative Officer or designee may notify law enforcement officials. An incident report should be completed for the situations as set forth in paragraphs 1 and 2.

C. Safety and Security:

1. The Superintendent or designee will provide a safety and/or crisis intervention techniques program as provided in order to raise awareness on how to deal with these situations if and when they occur.
2. When violence is directed against an employee, or theft against property, employees shall promptly report the occurrence to their principal or supervisor and complete an incident report and report to law enforcement, any attack, assault or threat made against them on school/district premises or at school/district sponsored activities.

3. An employee whose person or property is injured or damaged by willful misconduct of a student, may ask the district to pursue legal action against the student or the student's parent/guardian.

D. Documentation:

1. When it is determined by staff that a member of the public is in the process of violating the provisions of this policy, an effort should be made by staff to communicate the provisions of this policy or provide a written copy of this policy, including applicable code provisions, at the time of occurrence. The employee will immediately notify his/her supervisor and provide a written report of the incident.

E. Legal References:

1. Education Code Sections

33210	Disturbing school
44014	Assault on personnel
44810	Person on school grounds
44811	Insults and abuses

2. Penal Code Sections

243.5	Arrest on school grounds
415.5	Fighting on school grounds
626.8	Entry of school by person not on lawful business
627.7	Refusal to leave school grounds

SECTION B**STUDENT SUSPENSION**

Suspension shall be imposed only when other means of correction fail to bring about proper conduct. However, a pupil, including an individual with exceptional needs, as defined in Section 56026, may be suspended 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 or property or threatens to disrupt the instructional process. (Education Code Section 48900.5 (a))

In a case where expulsion from any school or suspension for the balance of the semester from continuation school is being processed by the Board of Trustees, the total number of days for which a pupil may be suspended from school shall not exceed 20 school days in any school year, unless for purposes of adjustment, a pupil enrolls in or is transferred to another regular school, an opportunity school or class, or a continuation education school or class, in which case the total number of school days for which the pupil may be suspended shall not exceed 30 days in any school year. (Education Code Section 48903 (a))

Suspended or expelled students shall be excluded from all school-related extracurricular activities during the period of suspension or expulsion.

The Board of Trustees supports a zero tolerance approach to serious offenses. This approach makes the removal of potentially dangerous students from the classroom a top priority.

COMMUNITY SERVICE

The principal of a school, the principal's designee, the superintendent of schools, or the governing board may require a pupil to perform community service on school grounds during non-school hours. For the purposes of this section, "community service" may include, but is not limited to, work performed on school grounds in the areas of outdoor beautification, campus betterment, and teacher or peer assistance programs. This section does not apply if suspension or expulsion is required by this article. (Education Code Section 48900.6 (a))

TEACHER'S RIGHT TO SUSPEND STUDENT FROM CLASS

A teacher may suspend any pupil from the teacher's class, for any of the acts enumerated in Section 48900, for the day of the suspension and the day following. The teacher shall immediately report the suspension to the principal of the school and send the pupil to the principal or the principal's designee for appropriate action. As soon as possible, the teacher shall ask the parent or guardian of the pupil to attend a parent-teacher conference regarding the suspension. Whenever practicable, a school counselor or a school psychologist shall attend the conference. A school administrator shall attend the conference if the teacher or the parent or guardian so requests. The pupil shall not be returned to the class from which he or she was suspended, during the period of the suspension, without the concurrence of the teacher of the class and the principal. (Education Code Section 48910 (a))

SUSPENSION NOTIFICATION

- A. The principal of the school, the principal's designee, or the superintendent of schools may suspend a pupil from the school for any of the reasons enumerated in Section 48900, and pursuant to Section 48900.5, for no more than five consecutive schooldays.
- B. Suspension by the principal, the principal's designee, or the superintendent of schools shall be preceded by an informal conference conducted by the principal or the principal's designee. At the conference, the pupil shall be informed of the reason for the disciplinary action and the evidence against him or her and shall be given the opportunity to present his or her version and evidence in his or her defense.
- C. A principal, the principal's designee, or the superintendent of schools may suspend a pupil without affording the pupil an opportunity for a conference only if the principal, the principal's designee, or the superintendent of schools determines that an emergency situation exists. "Emergency situation," as used in this article, means a situation determined by the principal, the principal's designee, or the superintendent of schools to constitute a clear and present danger to the life, safety, or health of pupils or school personnel. If a pupil is suspended without a conference prior to suspension, both the parent and the pupil shall be notified of the pupil's right to a conference and the pupil's right to return to school for the purpose of a conference. The conference shall be held within two schooldays, unless the pupil waives this right or is physically unable to attend for any reason, including, but not limited to, incarceration or hospitalization. The conference shall then be held as soon as the pupil is physically able to return to school for the conference.

- D. At the time of suspension, a school employee shall make a reasonable effort to contact the pupil's parent or guardian in person or by telephone. Whenever a pupil is suspended from school, the parent or guardian shall be notified in writing of the suspension.
- E. The administration shall report the suspension of the pupil, including the cause therefore, to the school district superintendent.
- F. In a case where expulsion from any school or suspension for the balance of the semester from continuation school is being processed by the Board of Trustees, the school district superintendent or the Director of Human Resources may extend the suspension until the governing board has rendered a decision in the action. (Education Code Section 48911 (a))

SUSPENSION OF STUDENTS WITH DISABILITIES

A student identified as an individual with disabilities pursuant to the Individuals With Disabilities Education Act is subject to the same grounds for suspension and expulsion which apply to regular education students. The district provides procedural safeguards to "non-identified" students if it is determined the district has knowledge that the student was disabled before the behavior occurred. (Administrative Regulation 5144.2 (a)); (cf. 5144.1 and cf. 6159.1); (20 USC 1415 (k))

If it is determined that the district did not have knowledge that the student was disabled, then the student shall be disciplined in accordance with procedures established for students without disabilities. (20 USC 1415)

When traditional disciplinary measures such as counseling, detention or restriction of privileges fail to diffuse a dangerous or disruptive special education student, school officials can suspend the student for up to, but not more than, ten (10) consecutive days to the extent such alternatives would be applied to students without disabilities. (20 USC 145)

The superintendent or designee may suspend a student with disabilities for up to five (5) schooldays for a single incident of misconduct, and for up to twenty (20) schooldays in a school year. If the student is transferred to another school or alternative education program, the student may be suspended for up to thirty (30) schooldays in a school year, but still no more than five (5) days for a single incident of misconduct, unless the student is suspended by the governing board pursuant to Education Code 48912 (Expellable Offenses). (Education Code 48903, 48911)

If the student poses an immediate threat to the safety of himself/herself or others, the superintendent or designee may suspend the student for up to, but not more than, ten (10) consecutive days. (Education Code 48911)

A student with a disability may be placed in an appropriate interim alternative education setting when he/she commits one of the following acts: (20 USC 1415)

- A. Carries a weapon to school or to a school function.
- B. Knowingly possesses or uses illegal drugs while at school or a school function.
- C. Sells or solicits the sale of a controlled substance while at school or a school function.

The student may not be placed in the interim educational setting for more than forty-five (45) days, or until the conclusion of any due process hearing proceedings requested by the parent/guardian. (20 USC 1415)

Either before or not later than ten (10) days after a student has been suspended for more than ten (10) days or placed in an alternative education setting, the district shall convene an IEP team meeting to conduct a functional behavior assessment and complement a behavioral intervention plan. If the student already has a behavioral intervention plan, the IEP team shall review the plan and modify it as necessary to address the behavior. (20 USC 1415)

A "manifestation determination" is required when a district wishes to remove a student from his or her educational placement for more than ten (10) schooldays. The district will conduct both a "manifestation determination" (IEP hearing) and a "pre-expulsion assessment" before expelling a special education student.

SECTION C**CLASS I INFRACTIONS**

Consistent enforcement of rules of conduct throughout the Anaheim Union High School District is a goal of the Board of Trustees. The following pages describe disciplinary action to be followed by all local schools within the Anaheim Union High School District when a violation occurs involving:

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| 1. Chemical Use/Soma
(EC 48900 (c),(d),(j),(p)) | 13. Imitation Firearm
(EC 48900 (m)) |
| 2. Arson (EC 48900 (f)) | 14. Robbery (EC 48900 (e)) |
| 3. Assault/Battery, Threats
(EC 48900 (a)(1),(a)(2)) | 15. Extortion (EC 48900 (e)) |
| 4. Aiding or Abetting
(EC 48900 (s)) | 16. Harassment, Threats,
Intimidation of Witnesses
(EC 48900 (o)) |
| 5. Fireworks/Explosives
(EC 48900 (f), (b),(k)) | 17. Sexual Assault/Sexual
Battery (EC 48900 (n)) |
| 6. Theft (EC 48900 (g),(l)) | 18. Sexual Harassment
(EC 48900.2) |
| 7. Vandalism (ED 48900 (f)) | 19. Hate Violence
(EC 48900.3) |
| 8. Obscene Act or Habitual
Profanity (EC 48900 (i)) | 20. Harassment or Intimidation
(EC 48900.4) |
| 9. Student Disruptions
(EC 48900 (k)) | 21. Terroristic Threat
(EC 48900.7) |
| 10. Tobacco (EC 48900 (h)) | |
| 11. Hazing (EC 48900 (q)) | |
| 12. Weapons (EC 48900 (b)) | |

The rules and regulations described in this section are applicable to students while on school grounds or an approved school related activity off school grounds.

Emphasis will be placed on the involvement of the total staff in the disciplinary process. Application is to be positive rather than punitive whenever possible. The role of teachers, counselors, parents as well, in the disciplinary process is to be stressed. Maximum utilization of the parent-teacher communication, student conferences, and the detention process is to be included in the applicable procedures. Whenever possible, preventative and corrective counseling is to be emphasized prior to administrative involvement.

Students who are victims of a violent criminal offense while in or on school grounds where the student attends will be offered, within 10 calendar days, an opportunity to transfer to a safe public school. Such offenses include attempted murder, battery with serious bodily injury, assault with a deadly weapon, rape, sexual battery, robbery, extortion, and hate crimes.

1. CHEMICAL USE/SOMA (on campus or a school activity)

Applicable Code Sections

- a. A pupil may 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 any of the following:
 - (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 intoxicant of any kind. (Education Code Section 48900(c))
 - (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. (Education Code Section 48900(d))
 - (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. (Education Code Section 48900(j))
 - (p) Unlawfully offered, arranged to sell, negotiated to sell or sold the prescription drug Soma. (Education Code Section 48900 (p))
- b. It is a misdemeanor for any person to be found in any public place under the influence of intoxicating liquor or any drug or combination thereof. (Penal Code Section 647(f))
- c. Use, sale, distribution, or possession of any alcohol for beverage purposes on or near school premises is prohibited. (Business and Professional Code, Section 25608)
- d. Unlawful sale of any controlled substance, as listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, except for the sale of not more than one avoirdupois ounce of marijuana, other than concentrated cannabis. (Education Code Section 48915(a)(3))

ACTION**UNDER THE INFLUENCE, POSSESSION, OR FURNISHING**

(while on school grounds or during an activity off school grounds related to school attendance)

The following steps will be taken.

- a. Administration calls parents and the police.
- b. Suspend student five days.
- c. Send copy of suspension letter and Chemical Use/Weapon Violation Board Report (72 hour report) to the Superintendent's Office.
- d. Principal or designee contacts the parents (at time act occurs, if possible) and arranges a meeting between parents and Local School Placement Committee.
- e. Following the meeting, the Local School Placement Committee takes one of three actions:
 - (1) Put student on disciplinary probation and prepare written conditions for retention at the local school including, but not limited to, student participation in Chemical Use Prevention Program and recommended parent participation in a parenting program.
 - (2) Transfer to another school within the district.
 - (3) Recommend expulsion to the Administrative Hearing Panel through the Administrator, Safe Schools Office. A recommendation to extend the suspension shall be made to the Director of Human Resources. Written notification and the minutes of the Local School Placement Committee shall be mailed to parents/guardians.

ACTION**SELLING**

(While on school grounds or during an activity off school grounds related to school attendance)

The following steps will be taken.

- a. Administration calls parents and the police.
- b. Suspend student five days.
- c. Send copy of suspension letter and Chemical Use/Weapon Violation Board Report to the Superintendent's Office.
- d. Principal contacts the parents (at time act occurs, if possible) and arranges a meeting between parents and Local School Placement Committee.
- e. Following the meeting, the Local School Placement Committee shall recommend expulsion for one calendar year to the Administrative Hearing Panel through the Administrator, Safe Schools Office. A recommendation to extend the suspension shall be made to the Director of Human Resources. Written notification and the minutes of the Local School Placement Committee shall be mailed to parents/guardians.

2. ARSON

Definition

The willful and malicious setting fire to or burning any structure or personal property.

Applicable Code Sections

A pupil may 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 any of the following:

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

A person is guilty of arson when he or she willfully and maliciously sets fire to or burns or causes to be burned or who aids, counsels, or procures the burning of, any structure, forest land, or property. (Penal Code Section 451)

ACTION

Violation: Five day suspension, parent conference and/or referral to Local School Committee. The Local School Placement Committee may recommend expulsion to the Board of Trustees.

Note: This is a penal code violation. The appropriate police and/or fire department officials shall be notified as well as proceedings for restitution should the situation warrant such action.

3. ASSAULT/BATTERY, THREATS**Definition**

Assault: There are two types of assault: (1) attempted battery; (2) apprehension assault. The first type is defined as an attempt, coupled with present ability, to commit a battery. The second type is defined as an intentionally placed act which puts another in reasonable apprehension of an immediate battery. Mere words, however violent, do not amount to an assault. However, they may constitute a threat.

Battery: A battery is any intentional, unlawful, and harmful or offensive contact by one person with the person of another.

Threats: A declaration of intention or determination to inflict punishment, loss, or pain on another, or to injure another by the commission of some unlawful act.

Assault with a deadly weapon: The use of a firearm, deadly weapon, or instrument against another person. A deadly weapon can be a firearm; stun gun; bows and arrows; knives or other cutting instruments; clubs; bottles; explosives; and body parts, such as teeth, hands, fists, and feet. (Penal Code, Sections 244.5, 245, 245.5.

Applicable Code Section

Pupil Responsible for Care of Property. A pupil who defaces, damages, or destroys any school property or willfully or negligently injures another pupil or school employee is liable to suspension or expulsion, according to the nature of the offense. (Title 5, 305)

Assault and battery are punishable by a fine and/or imprisonment. (Penal Code Sections 241, 243)

Whenever any employee of a school district or of the office of a county superintendent is attacked, assaulted, or menaced by any pupil, it shall be the duty of such employee and the duty of any person under whose direction or supervision such employee is employed in the public school system who has knowledge of such incident, to promptly report the same to the appropriate law enforcement authorities of the county or city in which the same occurred. Failure to make such report shall be a misdemeanor punishable by a fine of not more than two hundred dollars (\$200.00). (Education Code Section 44014)

A pupil may 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 any of the following:

(a)(1) Caused, attempted to cause, or threatened to cause physical injury to another person; or

(a)(2) Willfully used force or violence upon the person of another, except in self-defense. (Education Code Section 48900 (a)(1), (a)(2))

ACTION

STUDENT-TO-STUDENT

First Violation

Suspension the remainder of day of the infraction plus one to four additional days.

If student has caused a serious physical injury to another person, except in self-defense, student shall be recommended for expulsion pursuant to Education Code Section 48915.

Second Violation

Suspension the remainder of the day of the infraction plus four additional days, plus referral to the Local School Placement Committee. If student has caused a serious physical injury to another person, except in self-defense, student shall be recommended for expulsion pursuant to Education Code Section 48915.

STUDENT-TO-EMPLOYEE

First Violation

The following steps will be taken:

- a. Administration calls parents and the police.
- b. Suspend student five days.
- c. Principal contacts the parents (at time act occurs, if possible) and arranges a meeting between parents and Local School Committee.
- d. Principal completes "Staff Protection Incident Report" form (see Board Policy 6205.01-R).
- e. Following the meeting, the Local School Placement Committee recommends expulsion to the Administrative Hearing Panel through the Administrator, Safe Schools Office. A recommendation to extend the suspension shall be made to the Director of Human Resources. Written notification and the minutes of the Local School Placement Committee shall be mailed to parents/guardians.

4. AIDING OR ABETTING

Definition

- a. Aid: The act of helping; help given; something by which assistance is given.
- b. Abet: To actively second and encourage; to assist or support in the achievement of a purpose.

Applicable Code Section

- a. Penal Code Section 31

All persons concerned in the commission of a crime, whether it be felony or misdemeanor, and whether they directly commit the act constituting the offense, or aid and abet in its commission, or, not being present, have advised and encouraged its commission, and all persons counseling, advising, or encouraging children under the age of fourteen years, lunatics or idiots, to commit any crime, or who, by fraud, contrivance, or force, occasion the drunkenness of another for the purpose of causing him to commit any crime, or who, by threats, menaces, command, or coercion, compel another to commit any crime, are principals in any crime so committed.

b. Education Code 48900 (s)

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 suffer 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 shall be subject to discipline pursuant to subdivision (a).

ACTION

a. STUDENT TO STUDENT

First Violation

Suspension the remainder of day of the infraction plus one (1) to four (4) additional days. Alternative(s) to suspension may be considered. The school may refer to the Local School Placement Committee.

Second Violation

Suspension the remainder of day of the infraction plus four (4) additional days, plus referral to the Local School Placement Committee. The Local School Placement Committee may only consider contract or transfer, not expulsion. See Education Code 48900 (q) for exceptions.

b. STUDENT TO EMPLOYEE

First Violation

The following steps will be taken:

(1) Suspend the student for five (5) days.

(2) Principal/Assistant Principal contacts the parents (at the time the act occurs, if possible) and arranges a meeting between the parents and the Local School Placement Committee. The Principal completes a Staff Protection Incident Report form (see Board Policy 6205.01-R). Following the meeting, the Local School Placement Committee determines further disciplinary action consistent with Education Code 48900 (s).

5. FIREWORKS/EXPLOSIVES

Definition

Fireworks. Contrivances of inflammable and explosive materials combined of various proportions for purpose of producing in combustion beautiful or amusing scenic effects, or to be used as night signal, on land or sea or for various purposes in war. (Henderson v. Massachusetts Bonding & Insurance Company, 337 MO 1, 84 S.W. 2d 922, 925).

Explosive. Any substance by whose decomposition or combustion gas is generated with such rapidity that it can be used for blasting or in firearms. (Schwartz v. Northern Life Insurance Company, C.C.A. Cal., 25 F. 2d 555, 559).

Explosives and/or Incendiary Devices: Pipe bombs, time bombs, cap guns, containers of inflammable fluids, and other hazardous devices.

Applicable Code Sections

It is unlawful to sell, buy, possess, or use dangerous fireworks. (Title 19--Fire Marshals Code 16.01).

Every person who possesses, explodes, ignites, or attempts to explode or ignite any destructive device or any explosive with intent to injure, intimidate, or terrify any person, or with intent to wrongfully injure or destroy any property, is guilty of a felony, and shall be punished by imprisonment in the state prison for a period of three, five, or seven years. (Penal Code Section 12303.3)

Every person not in the lawful possession of an explosive who knowingly has any explosive in his possession is guilty of a felony. (Health and Safety Code Section 12305)

A pupil may 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 any of the following:

(f) Caused or attempted to cause damage to school property or private property; or

(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 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; or

(k) 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. (Education Code Sections 48900(f)(b)(k))

ACTION

First Violation

One to five days suspension with a parent conference referral to fire marshal and/or police department. Student may be referred to the Local School Placement Committee.

If student is in possession of any explosive or other dangerous object of no reasonable use to the pupil at school or at school activity off school grounds, student may be recommended for expulsion pursuant to Education Code Section 48915.

Second Violation

Five days suspension with a parent conference, referral to fire marshal and/or police department, and referral to Local School Placement Committee to determine administrative action including, but not limited to, the following: Parent contact, restitution, contract, transfer, or recommendation for expulsion and police involvement.

6. THEFT

Definition

The crime of theft may consist of (1) theft by larceny, (2) theft by trick and devise, (3) theft by embezzlement, (4) theft by false pretense.

Larceny is stealing, taking, carrying, leading, or driving away of the personal property of another with the specific intent to deprive the owner permanently of his/her property.

Theft by trick and devise is committed when a person by means of false promises which s/he had not intention of performing or by means of fraud, artifice, trick, or devise obtains possession of property owned by another person with the specific intent to deprive the owner permanently of his/her property, and the owner of the property does not intend to transfer his/her title to the property to the person so obtaining its possession.

Applicable Code Section

A pupil may 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 any of the following:

- (g) Stolen or attempted to steal school property or private property.
- (l) Knowingly received stolen school property or private property.

Theft: Appropriation of lost property by finder: When theft. One who finds lost property under circumstances which give him/her knowledge of or means of inquiry as to the true owner, and who appropriates such property to his/her own use, or to the use of another person not entitled thereto, without first making reasonable and just efforts to find the owner and to restore the property to him/her, is guilty of theft. (Penal Code Section 485).

Grand Theft: When the money, labor or real or personal property taken is of a value exceeding four hundred (\$400) dollars. (Penal Code 487).

ACTION

Upon receiving information that a theft has occurred, the administrator will investigate the charges to the best of his/her ability and take necessary administrative action including but not limited to the following: parent contact, suspension, restitution, Local School Placement Committee hearing, recommendation for expulsion, police involvement.

7. VANDALISM**Definition**

The malicious injuring or destroying any real property or personal property which is not his/her own.

Applicable Code Sections

A pupil may 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 any of the following:

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

The parent or guardian of any minor whose willful misconduct results in injury or death to any pupil or any person employed by or performing volunteer services for a school district or private school or who willfully cuts, defaces, or otherwise injures in any way any property, real or personal, belonging to a school district or private school, or personal property of any school employee shall be liable for all damages so caused by the minor. The liability of the parent or guardian shall not exceed ten thousand dollars (\$10,000). The parent or guardian shall also be liable for the amount of any reward not exceeding ten thousand (\$10,000) paid pursuant to Section 53069.5 of the Government code. The amount of maximum liability shall be adjusted annually at a rate equivalent to the percentage change of the Implicit Price Deflator. The parent or guardian of a minor shall be liable to a school district or private school loaned to the minor and not returned upon demand of any employee of the district or private school authorized to make the demand. (Education Code Section 48904(a))

Any school district or private school whose real or personal property has been willfully cut, defaced, or otherwise injured, or whose property is loaned to a pupil and willfully not returned upon demand of an employee or the district or private school authorized to make the demand may, after affording the pupil his or her due process rights, withhold the grades, diploma, and transcripts of the pupil responsible for the damage until the pupil or the pupil's parent or guardian has paid for the damages thereto, as provided in Education Code Section 48904 subdivision (a). (Education Code Section 48904(b))

Every person who maliciously injures or destroys any real or personal property not his/her own is guilty of vandalism. (Penal Code Section 594)

Every person who maliciously (1) defaces with paint or any other liquid, (2) damages, or (3) destroys any real or personal property not his or her own, is guilty of vandalism (Penal Code 594). Vandalism is a Penal Code violation.

Any person who writes, sprays, scratches, or otherwise affixes graffiti on or in the facilities or vehicles of a governmental entity (including school districts) is guilty of an infraction punishable by a fine and by community service. (Penal Codes 640.5 and 640.6)

It is unlawful for any person under the age of 18 years to possess an aerosol container of paint for the purpose of defacing property while in any public place. It shall be unlawful for any person under the age of 18 years to purchase an aerosol container that is capable of defacing property. Possession or purchase is considered a misdemeanor. (Penal Code 594.1)

ACTION

The extent of the damage done to the property will directly affect the degree of disciplinary action which might vary from:

- a. Parent/student conference and restitution
- b. Assignment to work/study assignment until problem is corrected at the student's expense (labor and cost)
- c. Suspension and restitution
- d. Police involvement
- e. Local School Committee hearing
- f. Recommendation for expulsion

8. OBSCENE ACT OR HABITUAL PROFANITY

Definition

Committed an obscene (indecent or lewd) act, or engaged in habitual profanity or vulgarity.

Profanity. Irreverence towards sacred things; particularly, an irreverent or blasphemous use of the name of God; punishable by statute in some jurisdictions.

Applicable Code Sections

A pupil may 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 any of the following:

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

Any person who, in the presence of any child, indulges in any degrading, lewd, immoral, or vicious habits or practices...is guilty of a misdemeanor. (Penal Code Section 273)

ACTION

First Violation

One to five days suspension with parent conference. Possible police contact. Student may be referred to the Local School Placement Committee.

Second Violation

Five days suspension and/or referral to Local School Placement Committee.

9. STUDENT DISRUPTIONS

Established channels of communication and approved procedures exist in the public schools for expressing student opinions, concerns, or complaints. To ignore existing channels or to organize student protests in defiance of rules and regulations is a disruption of the normal functioning of the school. Individual or group activism which results in, or threatens disruption of, the school is prohibited. "Any person who willfully disturbs any public school or any public meeting is guilty of a misdemeanor..." (Education Code Section 32210)

It is misleading to presume that the constitution confers the right to disrupt a school without any legal accountability, or to wrongly equate school disruption with free speech or academic freedom. The proposition that if individuals believe their cause is just they can, with impunity, trample on the rights of others, has been repudiated by the Supreme Court of the United States. In *Cox v. Louisiana*, the Supreme Court states as follows:

"The rights of free speech and assembly while fundamental in our democratic society, still do not mean that everyone with opinions or beliefs to express may address a group at any public place and at any time. The constitutional guarantee of liberty implies the existence of an organized society maintaining public order without which liberty itself would be lost in the excesses of anarchy."

Students who willfully disrupt the routine and daily schedule of the school or a school-sponsored event by participating in individual or group activity which has as its purpose the encouragement of noncompliance with an existing school policy, regulation, or administrative decision shall be subject to disciplinary action. They may also be required to forfeit all recognition, student body participation, honors, awards, and scholarships. Any instance of truancy, insubordination or overt acts of behavior harmful to the welfare of others resulting from their participation shall be subject to appropriate disciplinary action, including arrest.

A pupil may 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 any of the following:

(k) 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. (Education Code Section 48900(k))

a. Unauthorized Assembly

Three or more persons who assemble peaceably without violent or tumultuous manner to do lawful act, but who thereafter make attempt or motion to do any act whether lawful or unlawful, in either tumultuous, violent, or unlawful manner to the terror or disturbance of others, become an "unlawful assembly."

b. Sit-ins, Stand-ins, Walk-ons, and Similar Disruptions

Individuals or groups who physically occupy the school premises or any portion thereof, thereby, in effect, disrupting the regular routine of the school and denying normal access and egress to other students, school employees, and patrons and who refuse to leave when lawfully ordered to do so are in violation of Penal Code Section 626.8 and/or Education Code Sections 32211 and 44810 and subject to appropriate disciplinary action, including arrest.

c. Vocal Disruption

Group discussion of controversial issues which are germane to the curriculum and the daily lesson plan are appropriate in the classroom as a part of a planned program of instruction under the supervision of a teacher. Students who disrupt the ordinary routine of the classroom or campus and who insist upon discussing topics not germane to the curriculum or the daily plan of instruction, who harangue others in the classroom or on the campus, and promote a partisan point of view violate the rights of others and shall be subject to appropriate disciplinary action, including arrest.

d. Boycotts

Individuals or groups who participate in any protest or act of noncompliance that includes nonattendance at school or any scheduled class or school activity where attendance is required shall be identified as truant from school.

e. Disruption of Flag Ceremony

In every public secondary school there shall be conducted daily appropriate patriotic exercises. The giving of the Pledge of Allegiance to the Flag of the United States of America shall satisfy such requirement. The Board of Trustees has no legal responsibility or right to require each and every student to participate actively therein, but it does have the right and the duty to see that the students show no disrespect to the flag of the United States and that they do nothing to disrupt the ceremony.

A student may not disrupt the flag ceremony or show disrespect for the flag of the United States.

- (1) S/He may not influence others.
- (2) S/He may not make overt gestures.
- (3) S/He may not turn her/his back to the flag.
- (4) S/He may not continue walking.
- (5) S/He may not deride others.
- (6) S/He must remain quiet, attentive, and respect the rights of others during the ceremony.
- (7) S/He may be seated during the ceremony.

ACTION

Parent conference and/or counseling and other action as necessary and appropriate.

10. TOBACCO

Applicable Code Section

A pupil may 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 any of the following:

- (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. (Education Code Section 48900(h))

No school shall permit the smoking or use of tobacco, or nicotine products, by pupils of the school while the pupils are on campus, or while attending school-sponsored activities or while under the supervision and control of the school district employees.

The governing board of any school district maintaining a high school shall take all steps deemed practical to discourage high school students from smoking. (Education Code Section 48901)

ACTION

First Violation

Student counseling and parent contact either by phone or by mail. May suspend up to one day.

Second Violation

Three day suspension.

Third Violation

Five day suspension and referral to Local School Committee.

11. HAZING

Definition and Applicable Code Section

Hazing includes any method of initiation or preinitiation into a student organization or student body or any pastime or amusement engaged in with respect to these organizations which causes, or is likely to cause, bodily danger, physical harm, or personal degradation or disgrace resulting in physical or mental harm, to any pupil or other person attending any school, community college, college, university, or other educational institution in this state. The term "hazing" does not include customary athletic events or other similar contests or competitions. (Education Code Section 32050)

No student, or other person in attendance at any public, private, parochial, or military school, community college, college, or other educational institution, shall conspire to engage in hazing, participate in hazing, or commit any act that causes or is likely to cause bodily danger, physical harm, or personal degradation or disgrace resulting in physical or mental harm to any fellow student or person attending the institution.

The violation of this section is a misdemeanor, punishable by a fine or not less than one hundred dollars (\$100), nor more than five thousand dollars (\$5,000), or imprisonment in the county jail for not more than one (1) year, or both. (Education Code Section 32051)

ACTION

Upon receiving information that an act of hazing has occurred, the administrator(s) will investigate and take necessary steps, including but not limited to the following:

- a. Administration calls the parents.
- b. Suspend the student for one to five days.
- c. Principal contacts the parents (at the time the act occurs, if possible) and arranges a meeting between parents and Local School Placement Committee.
- d. Following the meeting, the Local School Placement Committee may recommend expulsion to the Administrative Hearing Panel through the Safe Schools office. A recommendation to extend the suspension shall be made to the Assistant Superintendent, Human Resources.
- e. Written notification and the minutes of the Local School Placement Committee meeting shall be mailed to the parents/guardians.

12. WEAPONS

Students and staff are to be free from the fear and danger presented by firearms and other weapons. Students are prohibited from possessing weapons, imitation firearms, or dangerous instruments of any kind in school buildings, on school grounds or buses, or at school related or school sponsored activities away from school.

In order to maintain order and discipline in our schools and to protect the safety of students, staff and the public, any school employee is authorized to confiscate a weapon, dangerous instrument or imitation firearm/weapon from any person on school grounds or at a school related activity.

Students possessing or threatening others with a weapon, dangerous instrument or imitation firearm are subject to suspension and/or expulsion.

Applicable Code Sections

Every person who draws or exhibits any firearm or any deadly weapon in a threatening manner, or uses it in a fight is guilty of a misdemeanor. (Penal Code Section 417)

Any person in this state who manufactures or causes to be manufactured, imports into the state, keeps for sale, or offers or exposes for sale, or who gives, lends, or possesses any cane gun or wallet gun, any undetectable firearm, any firearm which is not immediately recognizable as a firearm, any camouflaging firearm container, any ammunition which contains or consists of any flechette dart, any bullet containing or carrying an explosive agent, any ballistic knife, any multiburst trigger activator, any nunchaku, any short-barreled rifle, any metal knuckles, any belt buckle knife, any leaded cane, any zip gun, any shuriken, any unconventional pistol, any lipstick case knife, any cane sword, any shobi-zue, any air gauge knife, any writing pen knife, or any instrument or weapon of the kind commonly known as a blackjack, slingshot, billy, sandclub, sap, or sandbag, or who carries concealed upon his/her person any explosive substance, other than fixed ammunition or who carries concealed upon his/her person any dirk or dagger, is punishable by imprisonment in a county jail not exceeding one year or in a state prison. A bullet containing or carrying an explosive agent is not a destructive device as that term is used in Section 12301. (Penal Code Section 12020(a))

It is unlawful for any person to possess, manufacture, or dispose of a fire bomb. (Education Code Section 453)

Any instrument that expels a metallic projectile, such as a BB or a pellet, through the force of air pressure, carbon dioxide pressure or spring action, or any spot marker gun. (Penal Code 626.10)

Any other dangerous device, instrument or weapon, especially those defined in Penal Code 12020, including a blackjack, slingshot, billy, nunchaku, sandclub, sandbag, metal knuckles, or any metal plate with three or more radiating points with one or more sharp edges designed for use as a weapon.

The principal or designee shall notify law enforcement authorities when any student possesses a weapon or commits any act of assault with a firearm or other weapon. (Education Code 48912)

Education Code 48915 requires the Board of Trustees to expel any student who possesses a firearm or brandishes a knife at another person at school or at a school activity for one (1) calendar year.

The principal shall recommend for expulsion, and the governing board shall expel, any pupil who is found to be in possession of a firearm at school or at a school activity off school grounds and the governing board shall request the county board of education to enroll the pupil in a community school. (Education Code Section 48915.7)

Bringing or possessing any firearm (loaded or unloaded) upon the school grounds by any person other than a peace officer is unlawful. (Penal Code Section 626.9)

Weapons and Dangerous Instruments

Weapons and dangerous instruments include, but are not limited to:

- Firearms: Pistols, revolvers, shotguns, rifles, "zip guns," "stun guns," tasers, and any other device capable of propelling a projectile by the force of an explosion or other form of combustion.
- Knives: Any dirks, daggers or other weapons with a fixed, sharpened blade fitted primarily for stabbing, weapons with a blade fitted primarily for stabbing, weapons with a blade longer than 3-1/2 inches, folding knives with a blade that locks into place, and razors with an unguarded blade. (Education Code 48915)
- Every person who carries upon his/her person, and every person who sells, offers for sale, exposes for sale, loans, transfers, or gives to any other person a switch-blade knife having a blade over two inches in length is guilty of a misdemeanor.
- A "switch-blade knife" is a knife having the appearance of a pocketknife, and shall include a spring-blade knife, snap-blade knife, gravity knife, or any other similar type knife; the blade or blades of which are two or more inches long and which can be released automatically by a flick of a button, pressure on the handle, flip of the wrist or other mechanical device, or is released by the weight of the blade or by any type of mechanism whatsoever. (Penal Code Section 653(k))
- Explosive and/or incendiary devices: Pipe bombs, time bombs, cap guns, containers of inflammable fluids, and other hazardous devices.
- Tear gas or tear gas weapons such as pepper spray are prohibited on school grounds or at school activities. Pepper spray used on another student is considered to be assault with a deadly weapon and is regarded as an expellable offense. (Education Code 48900)

The principal or superintendent of schools shall immediately suspend, pursuant to Section 48911, and shall recommend expulsion of a pupil that he or she determines has committed any of the following acts at school or a school activity off school grounds:

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.

Brandishing a knife at another person. (Education Code Section 98915(c))

A pupil may 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 any of the following:

- (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 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. (Education Code Section 48900(b))

The principal or the superintendent of schools shall immediately suspend, pursuant to Section 48911, any pupil found to be in possession of a firearm at school or at a school activity off school grounds and shall recommend expulsion of that pupil to the governing board. The governing board shall expel that pupil or refer that pupil to a program of study that is appropriately prepared to accommodate students who exhibit discipline problems and is not provided at a comprehensive middle, junior, or senior high school or housed at the school site attended by the pupil at the time the expulsion was recommended to the school board, whenever the principal or superintendent of schools and the governing board confirm the following:

- a. The pupil was in knowing possession of the firearm.
- b. An employee of the school district verifies the pupil's possession of the firearm. (Education Code Section 48915(b)).

ACTION

The following steps will be taken:

- a. Administration calls parents and the police.
- b. Suspend student five days.

- c. Principal contacts the parents (at time act occurs, if possible) and arranges a meeting between parents and Local School Committee.
- d. For weapons/dangerous objects: Following the meeting, the Local School Placement Committee recommends expulsion for the rest of the semester and one more semester to the Administrative Hearing Panel through the Administrator, Safe Schools Office. A recommendation to extend the suspension shall be made to the Director of Human Resources. Written notification and the minutes of the Local School Placement Committee shall be mailed to the parents/guardians.
- e. For firearm or brandishing a knife: Following the meeting, the Local School Placement Committee shall recommend expulsion for one calendar year to the Administrative Hearing Panel through the Administrator, Safe Schools office. A recommendation to extend the suspension shall be made to the Director of Human Resources. Written notification and the minutes of the Local School Placement Committee shall be mailed to the parents/guardians.

OTHER DANGEROUS INSTRUMENTS

Laser pointers come in a variety of sizes and shapes and are intended to be used to highlight portions of projected presentations in a highly visible manner, allowing the presenter freedom of movement from the projection screen.

While generally harmless when used as intended for enhancing academic presentations, these devices are true lasers with beams produced by a light emitting diode and can damage vision if the beam is pointed directly into the eye. Directing a laser beam to a person's eyes with the intent to harm may be considered a crime. Direct eye exposure may result in permanent blindness due to irreparable destruction of critical eye tissue.

In order to assure student, staff, and public safety, students may not possess or furnish a laser pointer, unless the pupil had obtained prior written permission to possess a laser pointer from a certificated school employee and concurred in by the principal or the designee of the principal.

The possession of laser pointers may be treated as defiance of school authority, disruption of school activity, and/or possession of a dangerous instrument (with or without the intent to cause physical harm).

ACTION

The following steps will be taken:

First Violation

- Administration confiscates the laser pointer and contacts or conferences with the parents; or
- Administrator confiscates the laser pointer and contacts parents and may assign detention, Saturday work/study program, or in-house suspension; or
- Administrator confiscates the laser pointer and may suspend 1 to 5 days and may schedule an LSPC.

Second violation

- Administrator confiscates the laser pointer, contacts the parents and assigns 1 to 5 days of suspension. An LSPC may be scheduled.

Third violation

- Administrator confiscates the laser pointer, contacts the parents and assigns 3 to 5 days of suspension.
- Administrator schedules an LSPC.

NOTE: A Local School Placement Committee (LSPC) will decide one of three things: (1) to keep the student at the school site on a contract; (2) to transfer the student to another school; (3) to recommend expulsion to the Administrative Hearing Panel.

The police will be called at the discretion of the administration.

13. IMITATION FIREARM

"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.

For this section, a "firearm" means any device designed to be used as weapon, from which is expelled through a barrel a projectile by the force of any explosion or other form of combustion. The term "firearm" includes the frame or receiver of any such weapon. (Penal Code 12001)

Every person who draws or exhibits a replica of a firearm in a threatening manner to cause or to create the apprehension or fear of bodily harm if guilty of a misdemeanor. A replica of a firearm is defined as one which is reasonably perceived to be an actual firearm. (Penal Code 417.2)

Applicable Code Section

A pupil may not be suspended from school or recommended for expulsion unless the superintendent or principal of the school in which the pupil is enrolled determines that the pupil has committed any of the following:

(m) Possessed an imitation firearm. As used in this section, an "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))

ACTION

The following steps will be taken:

- a. Administration calls the parents and police.
- b. Suspend the student for five days.
- c. Principal contacts the parents (at time act occurs, if possible) and arranges a meeting between parents and Local School Placement Committee.
- d. Following the meeting, the Local School Placement Committee recommends expulsion to the Administrative Hearing Panel through the Safe Schools office. A recommendation to extend the suspension shall be made to the Director of Human Resources. Written notification and the minutes of the Local School Placement Committee shall be mailed to the parents/guardians.

14. ROBBERY

Robbery is defined as the "taking of property in possession of another, from his person or immediate presence, and against his will, accompanied by means of force or fear." (Penal Code Section 211)

Applicable Code Section

A pupil may 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 any of the following:

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

ACTION

The following steps will be taken:

- a. Administration calls parents and the police.
- b. Suspend student five days.
- c. Principal contacts the parent (at time act occurs, if possible) and arranges a meeting between parents and Local School Committee.
- d. Following the meeting, the Local School Placement Committee shall recommend expulsion to the Administrative Hearing Panel through the Safe Schools office. A recommendation to extend the suspension shall be made to the Director of Human Resources. Written notification and the minutes of the Local School Placement Committee shall be mailed to the parents/guardians.

15. EXTORTION

Extortion is defined as "the obtaining of property from another, with his consent, ...induced by a wrongful use force or fear..." (Penal Code Section 518)

Applicable Code Section

A pupil may not be suspended from school or recommended for expulsion unless the superintendent or the principal of the school in which the pupil is enrolled determined that the pupil has committed any of the following:

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

ACTION

The following steps will be taken:

- a. Administration calls parents and the police.
- b. Suspend student five days.
- c. Principal contacts the parents (at time act occurs, if possible) and arranges a meeting between parents and Local School Committee.
- d. Following the meeting, the Local School Placement Committee shall recommend expulsion to the Administrative Hearing Panel through the Safe Schools office. A recommendation to extend the suspension shall be made to the Director of Human Resources. Written notification and the minutes of the Local School Placement Committee shall be mailed to the parents/guardians.

16. HARASSMENT, THREATS, INTIMIDATION OF WITNESS(S)

"Witness" means any natural person, (1) having knowledge of the existence of non-existence of facts relating to any crime, or (2) whose declaration under oath is received or has been received as evidence for any purpose, or (3) who has reported any crime to any peace officer, prosecutor, probation or parole officer, correctional officer or judicial officer, or (4) who has been served with a subpoena issued under the authority of any court in the state, or of any other state or of the United States, or (5) who would be believed by any reasonable person to be an individual described in subparagraphs (1) through (5), inclusive (Penal Code Section 136). See also Penal Code Section 136.1, 136.2, 136.5, 136.7, 137, 138, 139, 140.

For the purposes of this section, "harassment" is a knowing and willful course of conduct directed at a specific person which seriously alarms, annoys, or harasses the person, and which serves no legitimate purpose. The course of conduct must be such as would cause a reasonable person to suffer substantial emotional distress to the plaintiff. "Course of conduct" is a pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose.

A "threat" is defined as a declaration of intention or determination to inflict punishment, loss, or pain on another, or to injure another by the commission of some unlawful act.

For the purposes of this section, "a credible threat" is a threat made with the intent and the apparent ability to carry out the threat so as to cause the target of the threat to reasonably fear for his or her safety or the safety of his or her immediate family. (Penal Code Section 139)

"Intimidation" means to make timid or fearful; to frighten.

Applicable Code Section

A pupil may not be suspended from school or recommended for expulsion unless the superintendent or the principal of the school in which the pupil is enrolled determined that the pupil has committed any of the following:

(o) Harassed, threatened, 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. (Education Code Section 48900(o))

ACTION

Upon reaching information that an act of harassment or intimidation has occurred, the administrator(s) will investigate and take necessary administrative steps including, but not limited to the following:

- a. Administration calls the parents.
- b. Suspend the student for one to five days.
- c. Principal contacts the parents (at time act occurs, if possible) and arranges a meeting between parents and Local School Placement Committee.

- d. Following the meeting, the Local School Placement Committee recommends expulsion to the Administrative Hearing Panel through the Safe Schools office. A recommendation to extend the suspension shall be made to the Director of Human Resources. Written notification and the minutes of the Local School Placement Committee shall be mailed to the parents/guardians.

17. SEXUAL ASSAULT/SEXUAL BATTERY

An "assault" is an unlawful attempt, coupled with a present ability, to commit a violent injury on the person of another. (Penal Code 240)

"Sexual assault" means conduct in violation of one or more of the following Penal Code Sections: 261 (rape), 264.1 (rape in consent), 285 (incest), 286 (sodomy), subdivision (a) or (b) of Section 288 (lewd or lascivious acts upon a child under 14 years of age), 288a (oral copulation), 289 (penetration of a genital or anal opening by a foreign object), or 647a (child molestation).

Conduct described as "sexual assault" includes but is not limited to all of the following: Penetration, sexual contact, intrusion, intentional touching of intimate parts or the clothing covering them for the purpose of sexual arousal or sexual gratification, sexual abuse. (Penal Code 243.4)

A "battery" is any willful and unlawful use of force or violence upon the person of another. (Penal Code 242)

Any person who touches an intimate part of another person while that person is unlawfully restrained by the accused or an accomplice, and if the touching is against the will of the person touched, and is for the purpose of sexual arousal, sexual gratification or sexual abuse, is guilty of sexual battery. (Penal Code 243.4)

Applicable Code Section

A pupil may not be suspended from school or recommended for expulsion unless the superintendent or the principal of the school in which the pupil is enrolled determined that the pupil has committed any of the following:

- (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. (Education Code 48900(n))

ACTION

If a sexual assault/sexual battery occurs while on school grounds or during an activity off school grounds related to school attendance, the following steps will be taken:

- a. Administration calls the parents and police.
- b. Suspend the student for five days.
- c. Principal contacts the parents (at time act occurs, if possible) and arranges a meeting between parents and Local School Placement Committee.
- d. Following the meeting, the Local School Placement Committee recommends expulsion to the Administrative Hearing Panel through the Safe Schools office. A recommendation to extend the suspension shall be made to the Director of Human Resources. Written notification and the minutes of the Local School Placement Committee shall be mailed to the parents/ guardians.

18. SEXUAL HARASSMENT (see also Policy 8708)

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. (Education Code Section 48900.2)

The Anaheim Union High School District is committed to maintaining a learning environment that is free of sexual harassment. The District prohibits the unlawful sexual harassment of any student by any employee, student, or other person at school or at any school related activity.

Unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature, constitute sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic status or program, (2) submission to, or rejection of, such conduct by an individual is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs, activities available at or through the educational institution, or (3) such conduct has the purpose or effect of substantially interfering with an individual's work or academic performance or creating an intimidating, hostile, or offensive working or learning environment. (Education Code 212.5)

ACTION

Upon receiving information that sexual harassment has occurred, the administrator will investigate the charges to the best of his/her ability and take necessary administrative action. Any student who engages in the sexual harassment of anyone at school or a school related activity shall be subject to disciplinary action. For students in grades 7 through 12, the disciplinary action may include verbal/written warning; parent conference; detention/Saturday work detail; suspension and/or recommendation for expulsion.

- a. Administration calls the parents.
- b. Suspend the student for one to five days.
- c. Principal contacts the parents (at the time the act occurs, if possible) and arranges a meeting between parents and Local School Placement Committee.
- d. Following the meeting, the Local School Placement Committee may recommend expulsion to the Administrative Hearing Panel through the Safe Schools office. A recommendation to extend the suspension shall be made to the Director of Human Resources. Written notification and the minutes of the Local School Placement Committee shall be mailed to the parents/guardians.

NOTE: Sexual harassment may also be considered a physical threat, physical injury, or extortion.

19. HATE VIOLENCE

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 caused, attempted to cause, threatened to cause, or participated in an act of, hate violence, as defined in subdivision (e) of Section 233. (Education Code Section 48900.3)

Act(s) of hate violence are those acts whereby an individual by force or by threat of force willingly injures, intimidates, interferes, oppresses or threatens another person because of the other person's race, color, religion, ancestry, national origin, disability, or other characteristics described in sections 422.6, 422.7 or 422.75 of the Penal Code. (Education Code Section 33022.5(e))

ACTION

Upon receiving information that an act of hate violence has occurred, the administrator(s) will investigate and take necessary administrative steps including, but not limited to, the following:

- a. Administration calls the parents.
- b. Suspend the student for one to five days.
- c. Principal contacts the parents (at time act occurs, if possible) and arranges a meeting between parents and Local School Placement Committee.
- d. Following the meeting, the Local School Placement Committee may recommend expulsion to the Administrative Hearing Panel through the Safe Schools office. A recommendation to extend the suspension shall be made to the Director of Human Resources. Written notification and the minutes of the Local School Placement Committee shall be mailed to the parents/guardians.

20. HARASSMENT OR INTIMIDATION

For the purposes of this section, "harassment" is a knowing and willful course of conduct directed at a specific person which seriously alarms, annoys, or harasses the person, and which serves no legitimate purpose. The course of conduct must be such as would cause a reasonable person to suffer substantial emotional distress to the plaintiff. "Course of conduct" is a pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose.

For the purposes of this section, "a credible threat" is a threat made with the intent and the apparent ability to carry out the threat so as to cause the target of the threat to reasonably fear for his or her safety or the safety of his or her immediate family. (Penal Code Section 139)

"Intimidation" means to make timid or fearful; to frighten.

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 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 reasonably 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. (Education Code Section 48900.4)

ACTION

Upon receiving information that an act of harassment or intimidation has occurred, the administrator(s) will investigate and take necessary administrative steps including, but not limited to, the following:

- a. Administration calls the parents.
- b. Suspend the student for one to five days.
- c. Principal contacts the parents (at time act occurs, if possible) and arranges a meeting between parents and Local School Placement Committee.
- d. Following the meeting, the Local School Placement Committee may recommend expulsion to the Administrative Hearing Panel through the Safe Schools office. A recommendation to extend the suspension shall be made to the Director of Human Resources. Written notification and the minutes of the Local School Placement Committee shall be mailed to the parents/guardians.

21. TERRORISTIC THREAT

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. For the purposes of this section, "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, which, on its face and under the circumstances in which it is made, is so unequivocal, unconditional, immediate, and specific as to convey to the person threatened, a gravity of purpose and an immediate prospect of execution of the threat, and thereby causes that person reasonably to be in sustained fear for his own safety or for his or her immediate family's safety, or for the protection of school district property, or the personal property of the person threatened or his or her immediate family. (Education Code Section 48900.7)

A pupil shall not be suspended from school nor recommended for expulsion unless the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has done any of the following: made terroristic threats against school officials or school property, or both.

ACTION

Upon receiving information that an act of terroristic threat(s) has occurred, the administrator(s) will investigate and take necessary administrative steps including, but not limited to, the following:

- a. Administration calls the parents and police.
- b. Suspend the student for one to five days.
- c. Principal contacts the parents (at time act occurs, if possible) and arranges a meeting between parents and Local School Placement Committee. Principal completes Staff protection Incident Report (6205.01-R).
- d. Following the meeting, the Local School Placement Committee shall recommend expulsion to the Administrative Hearing Panel through the Safe Schools office. A recommendation to extend the suspension shall be made to the Director of Human Resources. Written notification and the minutes of the Local School Placement Committee shall be mailed to the parents/guardians.

SECTION D**CLASS II INFRACTIONS**

Each Local School Principal is charged with the responsibility for the development of a Local School Disciplinary Section of this handbook which will include policies and procedures that are unique to the individual needs of that school.

The school will develop, communicate, and enforce procedures prescribing consistent disciplinary action to be taken for the following "Class II" infractions:

CLASSROOM DISRUPTION	GAMBLING
CLOSED CAMPUS VIOLATIONS	PROFANITY/VULGARITY
DEFIANCE/INSUBORDINATION	REFUSAL TO SERVE DETENTION
STUDENT DRESS/GROOMING	TARDY
FIGHTING	TRUANCY
FIRE ALARMS	OTHER OFFENSES
FORGERY	

Emphasis will be placed on the involvement of the total staff in the disciplinary process. Application is to be positive rather than punitive whenever possible. The role of teachers, counselors, parents as well, in the disciplinary process is to be stressed. Maximum utilization of the parent-teacher communication, student conferences, and the detention process is to be included in the applicable procedures. Whenever possible, preventative and corrective counseling is to be emphasized prior to administrative involvement.

The local procedures and policies will be developed by means deemed appropriate by the local school principal. Suggested techniques may include an Ad Hoc Discipline Committee, use of Administrative Council, etc. The procedures developed by the local school are to be consistent with current legislation, district philosophy and adopted district policies.

The local school policies are to be reviewed annually and current copies are to be forwarded to the assistant superintendent, education/operations office.

CLASSROOM DISRUPTION

Applicable Code Section

Duties Generally. Every pupil shall attend school punctually and regularly; conform to the regulations of the school; obey promptly all the directions of his/her teacher and others in authority; observe good order and propriety of deportment; be diligent in study; respectful to his/her teacher and others in authority; kind and courteous to schoolmates; and refrain entirely from the use of profane and vulgar language. (Title 5, 300)

Defiance/Disobedience/Insubordination. A pupil shall not be suspended from school nor recommended for expulsion unless the superintendent or principal of the school in which the pupil is enrolled determines that the pupil has done any of the following:

- (k) 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. (Education Code Section 48900(k))

Teachers shall hold pupils accountable for good conduct to and from school, on the playgrounds or during recesses. Teachers and administrators shall not be held criminally liable for reasonable exercise of physical control. (Education Code Section 44807)

Pupils who are continually disobedient may be referred to the juvenile court. (Welfare and Institutions Code Section 601)

CLOSED CAMPUS

The campuses of the Anaheim Union High School District are "closed campuses." Students may not leave the school premises without following regular policies as established by the local school.

Duty to Remain at School. A pupil may not leave the school premises at recess, or at any other time before the regular hour for closing school, except in case of emergency, or with the approval of the principal of the school. (Title 5, 303)

STUDENT DRESS AND GROOMING

Applicable Code Section

A pupil who goes to school without proper attention having been given to personal cleanliness or neatness of dress may be sent home to be properly prepared for school, or shall be required to prepare himself/herself for the schoolroom before entering. (Title 5, 302)

District Policy on Dress/Grooming (see also Policy 8603)

The Board of Trustees recognizes its obligation to provide an educational environment which will prepare students for responsibilities necessary for a successful and productive adult life.

While on campus, or at any school-sponsored event, students and guests shall be dressed and groomed in a manner which reflects good taste and decency, and will not detract from or interfere with the educational environment, instructional program, general morale, or image of the school. All dress must be modest, neat, clean, and consistent with legal provisions. Shoes must be worn at all times. Any gang related apparel, if worn or displayed on a school campus may be determined to threaten the health/safety of the school environment. (Education Code Section 35183)

The following are not allowed on campus or at any school-sponsored event:

- 1.0 Dress, grooming, or accessories which
 - 1.1 are considered unsafe, dangerous, or a health hazard.
 - 1.2 contain offensive or obscene symbols, signs, or slogans degrading any cultural, religious, or ethnic values.
 - 1.3 contain language or symbols oriented towards sex, drugs, alcohol, or tobacco.
 - 1.4 contain gang, tagger, crew, and/or clique symbols or display gang colors or clothing which denotes gang, tagger, crew, and/or clique affiliation.
- 2.0 Shoulderless or tube/halter tops, clothes exposing the midsection, shorts that expose the buttocks, or excessively baggy or tight fitting clothing.

Upon district approval, schools may add additional, more specific dress requirements in order to maintain a safe learning environment.

Consistent with the general philosophy of this district, responsibility for the proper attire of all students attending classes in the Anaheim Union High School District rests with the parents/guardians.

The responsibility for enforcing this dress and grooming code rests with the classroom teachers, counselors, and administrators on each campus. Violations of this code will be dealt with pursuant to the provisions of sections 48900-48925 of the California Education Code. Specifically, failure to adhere to the provisions of this dress and grooming code will be considered as a violation of Section 48900(k) which provides for the suspension or expulsion of pupils if they have "disrupted school activities or otherwise defied the valid authority of supervisors, teachers, administrators, school officials, or other school personnel engaged in the performance of their duties."

FIGHTING/UNLAWFUL FIGHTING

Definition

Fight. "Fight" means combat or battle, as hostile encounter or engagement between opposing forces, suggesting primarily the notion of a brawl or unpremeditated encounter, or that of a pugilistic combat.

A fight is reported as an "unlawful fight" only if it results in suspension or expulsion and there is no police report.

An encounter, with blows or other personal violence between two persons. The term does not necessarily imply that both parties should give and take blows. It is sufficient that they voluntarily put their bodies in position with that intent:

Applicable Code Section

A pupil who willfully or negligently injures another pupil or school employee is liable to suspension or expulsion. (Title 5, 305)

The teacher or administrator is exempt from criminal prosecution for reasonable exercise of physical control over pupils. (Education Code Section 44807)

FIRE ALARMS

Any person who willfully and maliciously tampers with, molests, injures, or breaks any fire protection equipment, fire protection installation, fire alarm apparatus, wire, or signal, or willfully and maliciously sends, gives, transmits, or sounds any false alarm of fire, by means of any fire alarm system or signal or by any other means or methods, is guilty of a misdemeanor. (Penal Code Section 148.4(a))

Any person who willfully and maliciously sends, gives, transmits, or sounds any false alarm of fire, by means of any fire alarm system or signal, or by any other means or methods, and great bodily injury or death is sustained by any person as a result thereof, is guilty of a felony. (Penal Code Section 148.4(b))

GAMBLING

Definition

Gaming defined; punishment. Every person who deals, plays or carries on, opens, or causes to be opened, or who conducts either as owner or employee whether for hire or not, any game of faro, monte, roulette, lansquenet, rouge et noire, rondo, tan, fan-tan, stud-horse poker, seven-and-a-half, twenty-one, hokey-pokey, or any banking or percentage game played with cards, dice, or any device, for money, checks, credit, or other representative of value, and every person who plays or bets at or against any of such prohibited games, is guilty of a misdemeanor and shall be punishable by a fine not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00), or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment. (Penal Code Section 330)

PROFANITY/VULGARITY

A pupil shall not be suspended from school nor recommended for expulsion unless the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has done any of the following:

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

TARDY

Any pupil who is tardy in excess of 30 minutes on each of more than three days in one school year is a truant. (Education Code Section 48260) (See Truancy)

TRUANCY/CUTS

Applicable Code Section

Any pupil subject to compulsory full-time education or to compulsory continuation education who is absent from school without valid excuse three full days in one school year or tardy or absent for more than any 30-minute period during the schoolday without a valid excuse on three occasions in one school year, or any combination thereof, is a truant and shall be reported to the attendance supervisor or to the superintendent of the school district. (Education Code Section 48260)

Students classified as a truant should be made aware of the alternative educational programs available in the district; the parents or guardians have the right to meet with appropriate school personnel to discuss solutions to the pupil's truancy; the pupils may be subject to prosecution under Section 48264; that the pupil may be subject to suspension, restriction, or delay of the pupil's driving privilege pursuant to Section 13202.7 of the Vehicle Code; that it may be recommended that the parent or guardian accompany the pupil to school and attend classes with the pupil for one day. (Education Code 48260)

Pupils between 12 and 18 years of age who enter an attendance area from another state within 10 school days before the end of the school term during which such entrance occurs are exempt for the remainder of the school term. (Education Code 48231 (a))

Subsequent report of truancy. Any pupil who has once been reported as a truant and who is again absent from school without a valid excuse on one or more days, or tardy on one or more days, shall again be reported as a truant to the attendance supervisor or the superintendent of the district. (Education Code Section 48261)

Any pupil is deemed an habitual truant who is reported as a truant three or more times. (Education Code Section 48262)

Each parent or guardian is required to send children from ages 6 to 18 to school. (Education Code Sections 48200, 48400)

Every pupil shall attend school punctually and regularly. (Title 5, 300)

Any pupil who is tardy in excess of 30 minutes on each of more than three days in one school year is a truant. (Education Code Section 48260)

It is the intent of the legislature that alternatives to suspension or expulsion be imposed against any pupil who is truant, tardy, or otherwise absent from assigned school activities. As used in this article, "Suspension" means exclusion of a pupil from regular classroom instruction for adjustment purposes. (Education Code Section 48900)

Referral to Attendance Review Board: Juvenile Court Proceedings

If any minor pupil in any district of a county is a habitual truant, or is irregular in attendance at school, as defined in this article, or is habitually insubordinate or disorderly during attendance at school, the pupil may be referred to a school attendance review board. The supervisor of attendance, or such other persons as the board of the school district or county may designate, making such referral shall notify the minor and parents or guardians of the minor, in writing, of the name and address of the board in which the matter has been referred and of the reason for such referral. The notice shall indicate that the pupil and parents or guardians of the pupil will be invited, along with the referring persons, to meet with the school attendance review board to consider a proper disposition of the referral.

If the school attendance review board determines that available community services can resolve the problem of the truant or insubordinate pupil, then the board shall direct the pupil or the pupil's parents or guardians, or both, to make use of those community services. The school attendance review board may require, at such time as determines proper, the pupil or parents or guardians of the pupil, or both, to furnish satisfactory evidence of participation in the available community services.

If the school attendance review board determines that available community services cannot resolve the problem of the truant or insubordinate pupil or if the pupil or the parents or guardians of the pupil, or both, have failed to respond to directives of the school attendance review board or to services provided, the school attendance review board may, pursuant to Section 48263.5, notify the district attorney or the probation officer of the county in which the school district is located, if the district attorney or the probation officer has elected to participate in the truancy mediation program described in that section. If the district attorney or the probation office has not elected to participate in the truancy mediation program described in Section 48263.5, the school attendance review board may direct the county superintendent of schools to, and, thereupon, the county superintendent of schools shall, request a petition on behalf of a pupil, the juvenile court of the county shall hear all evidence relating to the petition. The school attendance review board shall submit to the juvenile court documentation of efforts to secure attendance as well as its recommendations on what action the juvenile court shall take in order to bring about a proper disposition of the case.

SECTION E**MISCELLANEOUS CODE SECTIONS****ABUSE OF TEACHER AND/OR CHILD**

A pupil shall not be suspended from school nor recommended for expulsion unless the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has done any of the following:

- (a)(1) Caused, attempted to cause, or threatened to cause physical injury to another person. (Education Code Section 48900)

Any parent, guardian, or other person whose conduct in a place where a school employee is required to be in the course of his or her duties materially disrupts classwork or extracurricular activities or involves substantial disorder is guilty of a misdemeanor which is punishable by a fine not exceeding one hundred dollars (\$100) by imprisonment in the county jail for a period of not more than 10 days, or both. This section does not apply to any otherwise lawful employee concerted activity, including, but not limited to, picketing and the distribution of handbills. (Education Code Section 44811).

It is the duty of the school employee to report an attack, an assault, or a menace by a pupil promptly to law enforcement authorities. Failure to do so is a misdemeanor. (Education Code Section 44014). Any board or employee who urges a person so threatened not to report such incident is guilty of a misdemeanor.

Designated school personnel are responsible for reporting cases of suspected child abuse to a child protective agency. (Penal Code Section 11166)

LEAVING SCHOOL WITHOUT PERMISSION

A pupil may not leave the school premises at any time of the school day except in case of emergency, or with the approval of the principal of the school. (Title 5, 303)

LOITERING

Loitering (to linger or idle about without an obvious school purpose).

Every person who loiters about any school is a vagrant and is guilty of a misdemeanor. (Penal Code Section 653(g))

MALICIOUS MISCHIEF

A pupil who defaces, damages, or destroys any school property is liable to suspension or expulsion. (Title 5, 305)

PORNOGRAPHY

Every person who sells, distributes, displays, or gives away any harmful matter, i.e., pornography, to a minor shall be punished as specified in Section 313.4 (Penal Code Sections 313.1 and 313.4)

LITTERING

It is an infraction for any person to litter or cause to be littered in or upon any public or private property. (Penal Code Section 374.3)

REFUSAL TO SERVE DETENTION

A pupil shall not be suspended from school nor recommended for expulsion unless the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has done any of the following:

- (k) 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. (Education Code Section 48900(k))

VICIOUS HABITS

Children with filthy or vicious habits may be excluded. (Education Code Section 48211)

Indecent exposure in a willful and lewd manner constitutes a misdemeanor. (Penal Code Section 314)

Any person who molests a child under 14 years of age is guilty of a felony. (Penal Code Section 288)

Any person who annoys or molests a child under 18 is guilty of a misdemeanor or a felony depending on the incident. (Penal Code Section 647.6)

SECTION F**COMMUNICATIONS**

Recognizing that an important ingredient in successful school discipline is the understanding by all involved of their respective roles and responsibilities, the Anaheim Union High School District Board of Trustees directs that maximum effort be expended by all personnel in the communication process of the rules and regulations herein.

1. COMMUNICATION TO PARENTS
2. COMMUNICATION TO STUDENTS
3. COMMUNICATION TO EMPLOYEES
4. MISCELLANEOUS COMMUNICATION PROVISIONS

1. COMMUNICATION TO PARENTS

Each local school shall notify parents at the beginning of the first semester of the regular school term, of the availability of rules and regulations of the district pertaining to student discipline. Each local school shall provide parents, upon request, copies of pertinent portions of the District Disciplinary Handbook and also the local campus rules and regulations pertaining to students.

"The governing board of any school district shall prescribe rules not inconsistent with law or with the rules prescribed by the State Board of Education, for the government and discipline of the schools under its jurisdiction. The governing board of each school district which maintains any of grades 1 through 12, inclusive, shall, at the time and in the manner prescribed by Sections 48980 and 48981, notify the parent or guardian of all pupils registered in schools of the district of the availability of rules of the district pertaining to student discipline.

"The principal of each school shall take steps to ensure that all rules pertaining to the discipline of pupils are communicated to continuing students at the beginning of each school year, and to transfer students at the time of their enrollment in the school." (Education Code Section 35291)

2. COMMUNICATION TO STUDENTS

Each local school shall adopt procedures to communicate rules pertaining to discipline of pupils at the beginning of each school year and also to those students who enter during the school year. This communication must include both the local school's disciplinary rules (Class II Infractions) as well as districtwide rules (Class I Infractions).

3. COMMUNICATION TO EMPLOYEES

- a. The district assumes responsibility to ensure that all certificated employees are provided a copy of the student discipline code.
- b. The local school has the responsibility to ensure that every certificated employee on the local campus site is provided a copy of the local school's disciplinary rules.
- c. The local school has the responsibility to ensure that the contents of both the student discipline code and the local school rules are discussed at the local school site with faculty and staff.

4. MISCELLANEOUS COMMUNICATION PROVISIONS

- a. An annual districtwide in-service training session for all levels of administration will be conducted as close as possible to the beginning of school to ensure understanding of the existing student discipline policy, as well as pertinent recent legislation effecting student discipline.
- b. A district discipline committee shall be established for the purpose of continuous review of the district discipline procedures and an annual review of the Disciplinary Handbook.

SECTION G**APPEAL PROCESS**

In order to ensure due process, the parent(s) or legal guardian(s) of a student have the right to appeal disciplinary measures on behalf of their student as follows:

1. Initial appeals are to be directed to the Principal of the school.
2. Secondary appeals may be requested in person or by telephone to the office of the Assistant Superintendent of Administration, no later than five (5) school days after the discipline has been assigned.
3. Barring any unforeseen circumstances, the hearing will be scheduled within three (3) to five (5) school days from the date of the appeal.
4. The District Administrative Panel's decision to grant, deny or modify the appeal shall be made in writing.
5. An appeal of the District Administrative Panel's decision may be made, in writing, to the Board of Trustees. Once an appointment is made to meet with the Board, failure to attend or arrival after the set time will result in an automatic denial of the appeal.
6. There is no further appeal process for disciplinary measures.
7. The authority of the Board of Trustees to make policy is given by the federal government through the State and County Departments of Education.

Cross References:

- 8708 Sexual Harassment, Students
- 8603 Student Dress and Grooming

Legal References:

- Education Code
 - 212.5 Educational equity
 - 48900.2 Suspension for sexual harassment

Board of Trustees

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