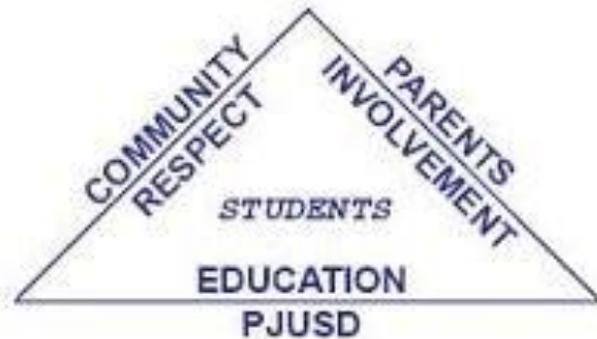


# Pierce Joint Unified School District



## Discipline Guide

SECTION 1:	DEFINITIONS AND CLARIFICATIONS	PAGE 2
SECTION 2:	DISCRETIONARY ED CODE VIOLATIONS	PAGE 6
SECTION 3:	MANDATORY ED CODE VIOLATIONS	PAGE 16

## **SECTION 1: DEFINITIONS AND CLARIFICATIONS**

### **E.C. 48900 (Discretionary)**

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

### **E.C. 48900(v)**

For a pupil subject to discipline under this section, a superintendent of the school district or principal may use his or her discretion to provide alternatives to suspension or expulsion that are age appropriate and designed to address and correct the pupil's specific misbehavior as specified in Section 48900.5.

### **E.C. 48900(w)**

It is the intent of the Legislature that alternatives to suspension or expulsion be imposed against a pupil who is truant, tardy, or otherwise absent from school activities. (Amend. Stats. 2012, Ch. 425)

### **E.C. 48900.5 – Suspension by Principal: First Offense**

48900.5:

(a) Suspension, including supervised suspension as described in Section 48911.1, shall be imposed only when other means of correction fail to bring about proper conduct. A school district may document the other means of correction used and place that documentation in the pupil's record, which may be accessed pursuant to Section 49069. However, a pupil, including an individual with exceptional needs, as defined in Section 56026, may be suspended, subject to Section 1415 of Title 20 of the United States Code, for any of the reasons enumerated in Section 48900 upon a first offense, if the principal or superintendent of schools determines that the pupil violated subdivision (a), (b), (c), (d), or (e) of Section 48900 or that the pupil's presence causes a danger to persons.

(b) Other means of correction include, but are not limited to, the following:

- (1). Discussion or conference between school staff and the student and his/her parents/guardians
- (2). Referral of the student to the school counselor or other school support service personnel for case management and counseling
- (3). Convening of a study team, guidance team, resource panel, or other intervention-related team to assess the behavior and develop and implement an individual plan to address the behavior in partnership with the student and his/her parents/guardians
- (4). When applicable, referral for a comprehensive psychosocial or psychoeducational assessment, including for purposes of creating an individualized education program or a Section 504 plan
- (5). Enrollment in a program for teaching prosocial behavior or anger management
- (6). A positive behavior support approach with tiered interventions that occur during the school day on campus

## SECTION 1: DEFINITIONS AND CLARIFICATIONS

- (7). Participation in a social and emotional learning program that teaches students the ability to understand and manage emotions, develop caring and concern for others, make responsible decisions, establish positive relationships, and handle challenging situations capably
- (8). Participation in a program that is sensitive to the traumas experienced by students, focuses on students' behavioral health needs, and addresses those needs in a proactive manner
- (9). After-school programs that address specific behavioral issues or expose students to positive activities and behaviors, including, but not limited to, those operated in collaboration with local parent and community groups
- (10). Recess Restriction: A teacher may restrict a student's recess time only when he/she believes that this action is the most effective way to bring about improved behavior. When recess restriction may involve the withholding of physical activity from a student, the teacher shall try other disciplinary measures before imposing the restriction. Recess restriction shall be subject to the following conditions:
  - a. The student shall be given adequate time to use the restroom and get a drink or eat lunch, as appropriate.
  - b. The student shall remain under a certificated employee's supervision during the period of restriction.
  - c. Teachers shall inform the principal of any recess restrictions they impose.
- (11). Detention After School: Students may be detained for disciplinary reasons up to one hour after the close of the maximum school day. If a student will miss his/her school bus on account of being detained after school, or if the student is not transported by school bus, the principal or designee shall notify parents/guardians of the detention at least one day in advance so that alternative transportation arrangements may be made. The student shall not be detained unless the principal or designee notifies the parent/guardian. In cases where the school bus departs more than one hour after the end of the school day, students may be detained until the bus departs. Students shall remain under the supervision of a certificated employee during the period of detention. Students may be offered the choice of serving their detention on Saturday rather than after school.
- (12). Community Service (E.C. 48900.6): As part of, or instead of, disciplinary action by the Board, superintendent, principal, or principal's designee may, at his/her discretion, require a student to perform community service during non-school hours on school grounds or, with written permission of the student's parent/guardian, off school grounds. Such service may include, but is not limited to, community or school outdoor beautification, campus betterment, and teacher, peer, or youth assistance programs. This community service option is not available for a student who has been suspended, pending expulsion, pursuant to EC 48915. However, if the recommended expulsion is not implemented or the expulsion itself is suspended, then the student may be required to perform community service for the resulting suspension.

## **SECTION 1: DEFINITIONS AND CLARIFICATIONS**

- (13). In accordance with Board policy and administrative regulation, restriction or disqualification from participation in extracurricular activities
- (14). Reassignment to an alternative educational environment

### **E.C. 48915(c) – Mandatory**

The principal or superintendent of schools shall immediately suspend, pursuant to Section 48911, and shall recommend expulsion of a pupil that he/she determines has committed any of the following acts at school or at a school activity off school grounds. See Section 3: Mandatory Ed Code Violations.

### **E.C. 48915(d) – Placement Following Expulsion of Mandatory**

The governing board of a school district shall order a pupil expelled upon finding that the pupil committed an act listed in subdivision (c), and shall refer that pupil to a program of study that meets all of the following conditions:

- (1). Is appropriately prepared to accommodate pupils who exhibit discipline problems
- (2). Is not provided at a comprehensive middle, junior, or senior high school, or at any elementary school
- (3). Is not housed at the school site attended by the pupil at the time of suspension

### **E.C. 48915(g) – “knife”**

As used in this section, “knife” means any dirk, dagger, or other weapon with a fixed, sharpened blade fitted primarily for stabbing, a weapon with a blade fitted primarily for stabbing, a weapon with a blade longer than 3 ½ inches, a folding knife with a blade that locks into place, or a razor with an unguarded blade.

### **E.C. 48915 (h) – “explosive”**

As used in this section, the term “explosive” means “destructive device” as described in Section 921 of Title 18 of the United States Code.

## SECTION 1: DEFINITIONS AND CLARIFICATIONS

### ADMINISTRATOR RECOMMENDATION OF EXPULSION MATRIX

This matrix is a tool to help administrators decide when expulsion of a student is deemed mandatory, expected, or at administrators discretion.

Source: <http://www.cde.ca.gov/ls/ss/se/expulsionrecomm.asp>

Must Recommend Expulsion (Mandatory)	Shall Recommend Expulsion Unless Particular Circumstances Render Inappropriate (Expulsion Expected)	May Recommend Expulsion (Discretionary)
<p><b>Education Code (EC) 48915(c)</b></p> <p><b>Act must be committed at school or school activity.</b></p> <ol style="list-style-type: none"> <li>1. Firearm               <ol style="list-style-type: none"> <li>(a) Possessing firearm when a district employee verified firearm possession and when student did not have prior written permission from a certificated employee which is concurred with by the principal or designee.</li> <li>(b) Selling or otherwise furnishing a firearm.</li> </ol> </li> <li>2. Brandishing a knife at another person</li> <li>3. Unlawfully selling a controlled substance listed in <i>Health and Safety Code</i> Section 11053 et. seq.</li> <li>4. Committing or attempting to commit a sexual assault as defined in subdivision (n) of EC 48900 or committing sexual battery as defined in subdivision (n) of 48900.</li> <li>5. Possession of an explosive.</li> </ol> <p>Adapted from San Diego City Schools, Zero Tolerance Graduated Sanctions Student Discipline Guidelines, January 2001</p>	<p><b>Act must be committed at school or school activity.</b></p> <p>EC Section 48915(a) states that an administrator shall recommend expulsion for the following violations [except for subsections (c) and (e)] unless the administrator finds that expulsion is inappropriate due to a particular circumstance.</p> <ol style="list-style-type: none"> <li>1. Causing serious physical injury to another person, except in self-defense. EC Section 48915(a)(1)</li> <li>2. Possession of any knife, explosive, or other dangerous object of no reasonable use to the pupil. EC Section 48915(a)(2).</li> <li>3. Possession and/or use of any substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the <i>Health and Safety Code</i>, except for the first offense for possession of not more than one avoirdupois ounce of marijuana other than concentrated cannabis.</li> <li>4. Robbery or extortion. EC Section 48915(a)(4)</li> <li>5. Assault or battery, or threat of, on a school employee.</li> </ol> <p>The recommendation for expulsion shall be based on one of both of the following:</p> <ol style="list-style-type: none"> <li>1. Other means of correction are not feasible or have repeatedly failed to bring about proper conduct.</li> <li>2. Due to the nature of the act, the presence of the pupil causes a continuing danger to the physical safety of the pupil or others [see Section 48915(b)]</li> </ol>	<p><b>Acts committed at school or school activity or on the way to and from school or school activity.</b></p> <ol style="list-style-type: none"> <li>a. Inflicted physical injury *</li> <li>b. Possessed dangerous objects</li> <li>c. Possessed drugs or alcohol (policy determines which offense)</li> <li>d. Sold look alike substance representing drugs or alcohol</li> <li>e. Committed robbery/extortion</li> <li>f. Caused damage to property **</li> <li>g. Committed theft</li> <li>h. Used tobacco (policy determines which offense)</li> <li>i. Committed obscenity/profanity/vulgarity</li> <li>j. Possessed or sold drug paraphernalia</li> <li>k. Disrupted or defied school staff</li> <li>l. Received stolen property</li> <li>m. Possessed imitation firearm</li> <li>n. Committed sexual harassment</li> <li>o. Harassed, threatened or intimidated a student witness</li> <li>p. Sold prescription drug Soma</li> <li>q. Committed hazing</li> <li>r. Engaged in an act of bullying, including, but not limited to, bullying committed by means of an electronic act, as defined in subdivision (f) and (g) of Section 32261, directed specifically toward a pupil or school personnel</li> </ol> <p>The recommendation for expulsion shall be based on one or both of the following:</p> <ol style="list-style-type: none"> <li>1. Other means of correction are not feasible or have repeatedly failed to bring about proper conduct.</li> <li>2. Due to the nature of the act, the presence of the pupil causes a continuing danger to the physical safety of the pupil or others [see Section 48915(b)]</li> </ol> <p>* Section 48900(s) (Statutes of 2001) states a pupil who aids or abets in infliction of physical injury to another, as defined in <i>Penal Code 31</i>, may suffer suspension, but not expulsion. However, if a student is adjudged by a court to have caused, attempted to cause, or threatened personal injury, the student may be expelled.</p> <p>** Section 48900(t) "school property" includes, but is not limited to, electronic files and databases.</p>

## Section 2: Discretionary Ed Code Violations DISCIPLINE GUIDE

ED CODE	STUDENT INFRACTION	INTERVENTION/CONSEQUENCE
<b>48900(a)(1)</b>	Caused, attempted to cause, or threatened to <b>cause physical injury</b> to another person <ul style="list-style-type: none"> <li>• Pre-fight behavior</li> <li>• Fighting – mutual combat, student vs. student</li> </ul>	<ul style="list-style-type: none"> <li>• May hold parent conference</li> <li>• May refer to peer counseling (conflict mediation)</li> <li>• May hold Student Study Team meeting</li> <li>• May develop behavior support plan</li> <li>• May use after school detention</li> <li>• May assign community service</li> <li>• May refer student to counseling or health professional</li> <li>• May use on campus suspension 1 – 5 days</li> <li>• May suspend 1 – 5 days</li> <li>• May file a police report</li> <li>• May request an Expulsion Hearing if intervention for current school year has taken place</li> </ul>
<b>48900(a)(2)</b>	<b>Willfully used force</b> or violence upon the person of another, <b>except in self-defense</b> <ul style="list-style-type: none"> <li>• Battery on student</li> <li>• Aiming or pointing a laser scope at another person in a threatening manner, with the specific intent to cause a reasonable apprehension or fear of bodily harm</li> <li>• Directing the beam of a laser pointer directly or indirectly into the eyes of another person or into a moving vehicle with the intent to harass or annoy</li> <li>• Spitting at or on a person</li> </ul>	<ul style="list-style-type: none"> <li>• May hold parent conference</li> <li>• May refer to peer counseling (conflict mediation)</li> <li>• May hold Student Study Team meeting</li> <li>• May develop behavior support plan</li> <li>• May use after school detention</li> <li>• May assign community service</li> <li>• May refer student to counseling or health professional</li> <li>• May use on campus suspension 1 – 5 days</li> <li>• May suspend 1 – 5 days</li> <li>• May file a police report</li> <li>• May request an Expulsion Hearing if intervention for current school year has taken place</li> </ul>

## Section 2: Discretionary Ed Code Violations

### DISCIPLINE GUIDE

ED CODE	STUDENT INFRACTION	INTERVENTION/CONSEQUENCE
<b>48900(b)</b>	<p>Possessed, sold, or otherwise furnished any <b>firearm, knife, explosive, or other dangerous object</b>, 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 by the principal or the designee of the principal.</p> <ul style="list-style-type: none"> <li>• Any knife, razor blade, locking blade knife, switchblade or gravity knife, dirks or daggers, razor or unguarded blade, ice pick</li> <li>• Any firearm, paint gun, pellet gun, BB gun, air soft pistol, live ammo, stun gun or Taser</li> <li>• Tear gas weapons (mace, pepper spray)</li> <li>• Explosive, fireworks, firecrackers, any projectile containing explosive or incendiary material-bomb, grenade, explosive missile, rocket propelled projectile containing explosive or incendiary material or chemical substance, or breakable container containing flammable liquid or use/possession of a “stink bomb”</li> <li>• Blackjack, Billy club, sand club, sandbag, sap, leaded cane, throwing star, zip gun, cane sword, writing pen knife, metal knuckles, nunchaku, bat, sling shot, crow bar, metal rod</li> <li>• Laser pointer</li> <li>• Projectiles (including but not limited to spit wads, rubber bands, and paper clips)</li> </ul>	<ul style="list-style-type: none"> <li>• Confiscate object and give to police if notified</li> <li>• May hold parent conference</li> <li>• May refer to peer counseling (conflict mediation)</li> <li>• May hold Student Study Team meeting</li> <li>• May develop behavior support plan</li> <li>• May use after school detention</li> <li>• May assign community service</li> <li>• May refer student to counseling or health professional</li> <li>• May use on campus suspension 1 – 5 days</li> <li>• May suspend 1 – 5 days</li> <li>• May file a police report</li> <li>• May request an Expulsion Hearing if intervention for current school year has taken place</li> </ul> <p><b>*If the student brandished (not threatened to) or possessed, sold or furnished a firearm (gun), please refer to EC 48915(c)(1) and EC 48915(c)(2)</b></p>
<b>48900(c)</b>	<p><b>Unlawfully possessed, used, sold, or otherwise furnished, or been under the influence of, any controlled substance</b> 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.</p> <ul style="list-style-type: none"> <li>• Alcohol</li> <li>• Marijuana</li> <li>• Prescription drugs</li> <li>• Illegal drugs</li> </ul>	<ul style="list-style-type: none"> <li>• Must notify police within 1 school day (EC 48902)</li> <li>• Confiscate object and offer to police</li> <li>• May refer to community service</li> <li>• May hold a Student Study Team</li> <li>• May refer student to counseling or health professional</li> <li>• May assign educational lesson component</li> <li>• May use on campus suspension 1 – 5 days</li> <li>• May suspend 1 – 5 days</li> <li>• May request an Expulsion Hearing if intervention for current school year has taken place</li> </ul>

## Section 2: Discretionary Ed Code Violations DISCIPLINE GUIDE

ED CODE	STUDENT INFRACTION	INTERVENTION/CONSEQUENCE
<b>48900(d)</b>	<p><b>Unlawfully offered, arranged, or negotiated to sell any controlled substance</b> 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.</p> <ul style="list-style-type: none"> <li>• Alcohol</li> <li>• Marijuana</li> <li>• Prescription drugs</li> <li>• Illegal drugs</li> <li>• Placebos</li> </ul>	<ul style="list-style-type: none"> <li>• Must notify police within 1 school day (EC 48902)</li> <li>• May refer to community service</li> <li>• May hold a Student Study Team</li> <li>• May refer student to counseling or health professional</li> <li>• May use on campus suspension 1 – 5 days</li> <li>• May suspend 1 – 5 days</li> <li>• May request an Expulsion Hearing if intervention for current school year has taken place</li> </ul>
<b>48900(e)</b>	<p>Committed or attempted to <b>commit robbery or extortion</b></p> <ul style="list-style-type: none"> <li>• Use of force or intimidation</li> </ul>	<ul style="list-style-type: none"> <li>• May refer to community service</li> <li>• May hold a Student Study Team</li> <li>• May refer student to counseling or health professional</li> <li>• May use on campus suspension 1 – 5 days</li> <li>• May suspend 1 – 5 days</li> <li>• May file a police report</li> </ul> <p><b>*Petty theft is \$900 or less. All felonies, theft over \$900, property crimes and crimes against persons should be reported to Colusa County Sheriff's Department</b></p>
<b>48900(f)</b>	<p>Caused or attempted to <b>cause damage to school or private property</b></p> <ul style="list-style-type: none"> <li>• Arson</li> <li>• Tagging</li> <li>• Graffiti</li> <li>• Keying</li> <li>• Etching</li> <li>• Vandalism of any type</li> </ul>	<ul style="list-style-type: none"> <li>• May refer to community service</li> <li>• May request restitution</li> <li>• May hold a Student Study Team</li> <li>• May refer student to counseling or health professional</li> <li>• May use on campus suspension 1 – 5 days</li> <li>• May suspend 1 – 5 days</li> <li>• May file a police report</li> <li>• May request an Expulsion Hearing if intervention for current school year has taken place</li> </ul>

## Section 2: Discretionary Ed Code Violations DISCIPLINE GUIDE

ED CODE	STUDENT INFRACTION	INTERVENTION/CONSEQUENCE
<b>48900(g)</b>	<b>Stole or attempted to steal</b> school or private property.	<ul style="list-style-type: none"> <li>• May refer to community service</li> <li>• May request restitution</li> <li>• May hold a Student Study Team</li> <li>• May refer student to counseling or health professional</li> <li>• May use on campus suspension 1 – 5 days</li> <li>• May suspend 1 – 5 days</li> <li>• May file a police report</li> <li>• May request an Expulsion Hearing if intervention for current school year has taken place</li> </ul>
<b>48900(h)</b>	<b>Possessed or used tobacco, or ay products containing tobacco or nicotine products,</b> including, but not limited to, cigarettes, cigars, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, e-cigarettes, and betel. However, this section does not prohibit use or possession by a pupil of his or her own prescription products.	<ul style="list-style-type: none"> <li>• May refer to community service</li> <li>• May hold a Student Study Team</li> <li>• May refer student to counseling or health professional</li> <li>• May assign educational lesson component</li> <li>• May use on campus suspension 1 – 5 days</li> <li>• May suspend 1 – 5 days</li> <li>• May request an Expulsion Hearing if intervention for current school year has taken place</li> </ul>
<b>48900(i)</b>	Committed an <b>obscene act</b> or engaged in <b>habitual</b> profanity or vulgarity.	<ul style="list-style-type: none"> <li>• May refer to community service</li> <li>• May hold a Student Study Team</li> <li>• May refer student to counseling or health professional</li> <li>• May file a police report</li> <li>• May use after school detention</li> <li>• May develop behavior support plan</li> <li>• May use on campus suspension 1 – 5 days</li> <li>• May suspend 1 – 5 days</li> <li>• May request an Expulsion Hearing if intervention for current school year has taken place</li> </ul>

## Section 2: Discretionary Ed Code Violations DISCIPLINE GUIDE

ED CODE	STUDENT INFRACTION	INTERVENTION/CONSEQUENCE
<b>48900(j)</b>	<p>Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any <b>drug paraphernalia</b></p> <ul style="list-style-type: none"> <li>• Drug pipe</li> <li>• Rolling papers</li> <li>• Scale</li> <li>• Bong</li> </ul>	<ul style="list-style-type: none"> <li>• May file a police report</li> <li>• Confiscate object and give to police if notified</li> <li>• May refer to community service</li> <li>• May hold a Student Study Team</li> <li>• May refer student to counseling or health professional</li> <li>• May use on campus suspension 1 – 5 days</li> <li>• May suspend 1 – 5 days</li> <li>• May assign educational lesson component</li> <li>• May request an Expulsion Hearing if intervention for current school year has taken place</li> </ul>
<b>48900(k)</b>	<p><b>Disrupted school activities</b> or otherwise willfully <b>defied</b> the valid authority of supervisors, teachers, administrators, school officials, or other school personnel <b>engaged in the performance of their duties.</b></p> <ul style="list-style-type: none"> <li>• Cell Phones or other electronic devices (only if displayed or disruptive to class or school activity)</li> <li>• Public display of affection, (i.e.: embracing, kissing, hugging)</li> <li>• Not serving detention</li> <li>• Cutting class/more than 15 minutes late to class</li> <li>• Gambling</li> <li>• Violating dress code</li> <li>• Computer misuse</li> </ul>	<ul style="list-style-type: none"> <li>• May hold parent conference</li> <li>• May refer to community service</li> <li>• May hold a Student Study Team</li> <li>• May refer student to counseling or health professional</li> <li>• May use recess detention (teacher supervised)</li> <li>• May use classroom timeout</li> <li>• May use after school detention</li> <li>• Teacher may suspend from their class for 1 day or 1-2 class periods (parent notified)</li> <li>• May develop behavior support plan</li> <li>• May require parent attendance in child’s classroom</li> <li>• May make a home visit</li> <li>• May shorten school day</li> </ul>
<b>48900(l)</b>	<p><b>Knowingly received stolen</b> school property or private <b>property</b></p>	<ul style="list-style-type: none"> <li>• Require restitution or return of property</li> <li>• May file a police report</li> <li>• May hold parent conference</li> <li>• May refer to community service</li> <li>• May hold a Student Study Team</li> <li>• May refer student to counseling or health professional</li> <li>• May use after school detention</li> <li>• May use on campus suspension 1 – 5 days</li> <li>• May suspend 1 – 5 days</li> <li>• May request an Expulsion Hearing if intervention for current school year has taken place</li> </ul>

## Section 2: Discretionary Ed Code Violations DISCIPLINE GUIDE

ED CODE	STUDENT INFRACTION	INTERVENTION/CONSEQUENCE
<b>48900(m)</b>	<p>Possessed an <b>imitation firearm that is “non-firing”</b>. As used in this section, “imitation firearm” means a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm.</p>	<ul style="list-style-type: none"> <li>• May hold parent conference</li> <li>• May refer to community service</li> <li>• May hold a Student Study Team</li> <li>• May refer student to counseling or health professional</li> <li>• May use on campus suspension 1 – 5 days</li> <li>• May suspend 1 – 5 days</li> <li>• May file a police report</li> </ul>
<b>48900(n)</b>  Sexual Assault/ Battery/ Sexual Gratification, Arousal or Abuse	<p><b>Committed or attempted to commit a sexual assault</b> as defined in Section 261, 266c, 286, 288, 288a, or 289 of the Penal Code or committed a sexual battery as defined in Section 243.4 of the Penal Code.</p> <p><b>The site administrator shall review the facts to determine if the action(s) were for the purpose of sexual gratification, arousal or abuse.</b></p> <p><b>If not, then the administrator may suspend under guidelines of 48900.2, 48900.4 or 48900(r).</b></p> <p><b>If sexual gratification was the intent, then the administrator must suspend under 48915(c)(4).</b></p>	<p><b>See 48915(c)(4)</b></p> <p><b>This section shall not apply to pupils enrolled in Transitional Kindergarten, Kindergarten, and grades 1 to 3 inclusive.</b></p>
<b>48900(o)</b>	<p><b>Harassed, threatened, or intimidated</b> a pupil who is a complaining witness or a <b>witness</b> in a school disciplinary proceeding for the purpose of either preventing that pupil from being a witness or <b>retaliating against that pupil for being a witness</b>, or both.</p>	<ul style="list-style-type: none"> <li>• May refer to community service</li> <li>• May hold a Student Study Team</li> <li>• May refer student to counseling or health professional</li> <li>• May use after school detention</li> <li>• May use on campus suspension 1 – 5 days</li> <li>• May suspend 1 – 5 days</li> <li>• May file a police report</li> <li>• May request an Expulsion Hearing if intervention for current school year has taken place</li> </ul>

## Section 2: Discretionary Ed Code Violations DISCIPLINE GUIDE

ED CODE	STUDENT INFRACTION	INTERVENTION/CONSEQUENCE
<b>48900(p)</b>	Unlawfully offered, arranged to sell, negotiated to sell, or sold <b>the prescription drug Soma.</b>	<ul style="list-style-type: none"> <li>• May file a police report</li> <li>• Confiscate object and give to police if notified</li> <li>• May hold parent conference</li> <li>• May refer to community service</li> <li>• May hold a Student Study Team</li> <li>• May refer student to counseling or health professional</li> <li>• May use on campus suspension 1 – 5 days</li> <li>• May suspend 1 – 5 days</li> <li>• May request an Expulsion Hearing if intervention for current school year has taken place</li> </ul>
<b>48900(q)</b>	Engaged in, or attempted to engage in, <b>hazing.</b> For purposes of this subdivision, “hazing” means a method of initiation or preinitiation into a pupil organization or body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective pupil. For purposes of this subdivision, “hazing” does not include athletic events or school-sanctioned events.	<ul style="list-style-type: none"> <li>• May hold parent conference</li> <li>• May hold a Student Study Team</li> <li>• May refer student to counseling or health professional</li> <li>• May use after school detention</li> <li>• May use on campus suspension 1 – 5 days</li> <li>• May suspend 1 – 5 days</li> <li>• May us behavior contract</li> <li>• May file a police report</li> <li>• May request an Expulsion Hearing if intervention for current school year has taken place</li> </ul>

## Section 2: Discretionary Ed Code Violations

### DISCIPLINE GUIDE

ED CODE	STUDENT INFRACTION	INTERVENTION/CONSEQUENCE
<b>48900(r)</b>	<p>Engaged in the act of bullying</p> <p>“electronic act” as the creation and transmission originated on or off the school site, by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, a computer, or pager, of a communication, as specified.</p>	<ul style="list-style-type: none"> <li>• May hold parent conference</li> <li>• May refer to community service</li> <li>• May assign after school detention</li> <li>• May use behavior contract</li> <li>• May hold Student Study Team</li> <li>• May refer student to counseling or health professional</li> <li>• May use on campus suspension 1 – 5 days</li> <li>• May suspend 1 – 5 days</li> <li>• May file a police report</li> <li>• May request Expulsion Hearing if intervention for current school year has taken place</li> </ul>
<p><b>48900(r) – Engaged in an act of bullying.</b> For purposes of this subdivision the following terms have the following meanings:</p> <p><b>(1) “Bullying”</b> means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, and including one or more acts committed by a pupil or groups of pupils as defined in Section 48900.2, 48900.3, or 48900.4, directed toward one or more pupils that has or can be reasonably predicted to have the effect of one or more of the following:</p> <p>(A) Placing a reasonable pupil or pupils in fear of harm to that pupil’s or those pupils’ person or property.</p> <p>(B) Causing a reasonable pupil to experience a substantially detrimental effect on his or her physical or mental health.</p> <p>(C) Causing a reasonable pupil to experience substantial interference with his or her academic performance.</p> <p>(D) Causing a reasonable pupil to experience substantial interference with his or her ability to participate in or benefit from the services, activities, or privileges provided by a school.</p> <p><b>(2) “Electronic act”</b> means the transmission, by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager, of a communication, including, but not limited to, any of the following:</p> <p>(A) A message, text, sound, or image</p> <p>(B) A post on a social network Internet Web site including, but not limited to:</p> <ol style="list-style-type: none"> <li>1. Posting to or creating a burn page. “Burn page” means an Internet Web site created for the purpose of having one or more of the effects listed in paragraph (1).</li> <li>2. Creating a credible impersonation of another actual pupil for the purpose of having one or more of the effects listed in paragraph (1). “Credible impersonation” means to knowingly and without consent impersonate a pupil for the purpose of bullying the pupil and such that another pupil would reasonably believe, or has reasonably believed that the pupil was or is the pupil who was impersonated.</li> <li>3. Creating a false profile for the purpose of having one or more of the effects listed in paragraph (1). “False profile” means a profile of a fictitious pupil or a profile using the likeness or attributes of an actual pupil other than the pupil who created the false profile.</li> </ol> <p>(C) Notwithstanding paragraph (1) and subparagraph (A), an electronic act shall not constitute pervasive conduct solely on the basis that it has been transmitted on the Internet or is currently posted on the Internet.</p> <p><b>(3) “Reasonable pupil”</b> means a pupil, including, but not limited to, an exceptional needs pupil, who exercises average care, skill, and judgement in conduct for a person of his or her age, or for a person of his or her age with his or her exceptional needs.</p> <p><b>For purposes of pupil suspension or recommendation for expulsion from a school, define “electronic act” as the creation and transmission originated on or off the school site, by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager, of a communication, as specified.</b></p>		

## Section 2: Discretionary Ed Code Violations DISCIPLINE GUIDE

ED CODE	STUDENT INFRACTION	INTERVENTION/CONSEQUENCE
<b>48900(t)</b>	<p><b>A pupil who aids or abets</b>, as defined in Section 31 of the Penal Code, <b>the infliction or attempted infliction of physical injury to another person</b> may be subject to <b>suspension, but not expulsion</b>, 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).</p>	<ul style="list-style-type: none"> <li>• May hold parent conference</li> <li>• May refer to community service</li> <li>• May hold a Student Study Team</li> <li>• May refer to counseling or health professional</li> <li>• May use on campus suspension 1 – 5 days</li> <li>• May suspend 1 – 5 days</li> <li>• May file a police report</li> </ul>
<b>48900.2</b>	<p><b>Additional grounds</b> for suspension or expulsion: <b>sexual harassment:</b></p> <p>In addition to the reasons specified in Section 48900, a pupil may be suspended from school or recommended for expulsion if the superintendent or the principal of the school in which the pupil is enrolled determines that the <b>pupil has committed sexual harassment as defined in Section 212.5</b></p> <p>Ed Code Section 212.5 states that the <b>conduct must be considered by a reasonable person of the same gender as the victim to be sufficiently severe or pervasive to have a negative impact upon the individual’s academic performance or to create an intimidating, hostile, or offensive educational environment.</b></p> <p>This section shall not apply to pupils enrolled in Transitional Kindergarten, Kindergarten and grades 1 to 3 inclusive.</p>	<ul style="list-style-type: none"> <li>• May refer to community service</li> <li>• May hold a Student Study Team</li> <li>• May refer student to counseling or health professional</li> <li>• May use behavior contract</li> <li>• May use on campus suspension 1 – 5 days</li> <li>• May suspend 1 – 5 days</li> <li>• May request an Expulsion Hearing if intervention for current school year has taken place</li> </ul>
<b>48900.3</b>	<p><b>Hate Violence</b></p> <p>In addition to the reasons set forth in Sections 48900 and 48900.2, a pupil in any of grades 4 to 12, inclusive, may be suspended from school or recommended for expulsion if the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has <b>caused, attempted to cause, threatened to cause, or participated in an act of, hate violence</b>, as defined in subdivision (e) of Section 233.</p>	<ul style="list-style-type: none"> <li>• May hold parent conference</li> <li>• May refer to community service</li> <li>• May use after school detention</li> <li>• May hold a Student Study Team</li> <li>• May refer student to counseling or health professional</li> <li>• May use on campus suspension 1 – 5 days</li> <li>• May suspend 1 – 5 days</li> <li>• May request an Expulsion Hearing</li> </ul>

## Section 2: Discretionary Ed Code Violations DISCIPLINE GUIDE

ED CODE	STUDENT INFRACTION	INTERVENTION/CONSEQUENCE
<b>48900.4</b>	<p><b>Additional grounds</b> for suspension or expulsion: <b>harassment, threats or intimidation</b></p> <p>In addition to the grounds specified in Sections 48900 and 48900.2, a pupil enrolled in any of grades 4 to 12, inclusive, may be suspended from school or recommended for expulsion if the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has intentionally engaged in harassment, threats, or intimidation, directed against school district personnel or pupils, that is sufficiently severe or pervasive to have the actual and 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.</p>	<ul style="list-style-type: none"> <li>• May hold parent conference</li> <li>• May refer to community service</li> <li>• May use after school detention</li> <li>• May hold a Student Study Team</li> <li>• May refer student to counseling or health professional</li> <li>• May use on campus suspension 1 – 5 days</li> <li>• May suspend 1 – 5 days</li> <li>• May request an Expulsion Hearing</li> </ul>
<b>48900.7</b>	<p><b>Additional grounds</b> for suspension or expulsion: <b>terroristic threats against school officials, school property, or both</b></p> <p>a) In addition to the reasons specified in Sections 48900, 48900.2, 48900.3, and 48900.4, a pupil may be suspended from school or recommended for expulsion if the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has made <b>terroristic threats against school officials or school property, or both</b>.</p> <p>b) For the purposes of this section, <b>“terroristic threat” shall include</b> 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 or her 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.</p>	<ul style="list-style-type: none"> <li>• May refer to community service</li> <li>• May hold a Student Study Team</li> <li>• May refer student to counseling or health professional</li> <li>• May request an Expulsion Hearing</li> <li>• May use on campus suspension 1 – 5 days</li> <li>• May suspend 1 – 5 days</li> <li>• May file a police report</li> </ul>

### Section 3: Mandatory Ed Code Violations DISCIPLINE GUIDE

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 at a school activity off school grounds.

ED CODE	STUDENT INFRACTION	INTERVENTION/CONSEQUENCE
<b>48915(c)(1)</b>	<p>Possessing, selling, or otherwise furnishing a firearm. This subdivision does not apply to an act of possessing a firearm if the pupil had obtained prior written permission to possess the firearm from a certificated school employee, which is concurred in by the principal or the designee of the principal. This subdivision applies to an act of possessing a firearm only if the possession is verified by an employee of a school district. The act of possessing an imitation firearm, as defined in subdivision (m) of Section 48900, is not an offense for which suspension or expulsion is mandatory pursuant to this subdivision and subdivision (d), but it is an offense for which suspension, or expulsion pursuant to subdivision (e), may be imposed.</p> <ul style="list-style-type: none"> <li>• <b>Firearm</b></li> </ul>	<ul style="list-style-type: none"> <li>• Must suspend 5 days</li> <li>• Must refer to an expulsion</li> <li>• May refer to community service</li> <li>• May hold a Student Study Team</li> <li>• May refer student to counseling or health professional</li> <li>• May file a police report</li> </ul>
<b>48915(c)(2)</b>	<p><b>Brandishing a knife</b> at another person.</p> <p>Brandish is defined as:</p> <ol style="list-style-type: none"> <li>1. to wave or flourish (a weapon) in a triumphant, threatening, or ostentatious way.</li> <li>2. a threatening or defiant flourish</li> </ol>	<ul style="list-style-type: none"> <li>• Must suspend for 5 days</li> <li>• Must refer to an expulsion</li> <li>• May refer to community service</li> <li>• May hold a Student Study Team</li> <li>• May refer student to counseling or health professional</li> <li>• May file a police report</li> </ul>
<b>48915(c)(3)</b>	<p>Unlawfully <b>selling a controlled substance</b> listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code.</p> <ul style="list-style-type: none"> <li>• This is not intent to sell. Must have the buyer, seller, money and product</li> <li>• For intent see 48900(c)</li> </ul>	<ul style="list-style-type: none"> <li>• Must suspend for 5 days</li> <li>• Must refer to an expulsion</li> <li>• May refer to community service</li> <li>• May hold a Student Study Team</li> <li>• May refer student to counseling or health professional</li> <li>• May file a police report</li> </ul>

### Section 3: Mandatory Ed Code Violations DISCIPLINE GUIDE

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 at a school activity off school grounds.

ED CODE	STUDENT INFRACTION	INTERVENTION/CONSEQUENCE
<b>48915(c)(4)</b>	Committing or attempting to <b>commit a sexual assault</b> as defined in subdivision (n) of Section 48900 or committing a sexual battery as defined in subdivision (n) of Section 48900.	<ul style="list-style-type: none"> <li>• Must suspend for 5 days</li> <li>• Must refer to an expulsion</li> <li>• May refer to community service</li> <li>• May hold a Student Study Team</li> <li>• May refer student to counseling or health professional</li> <li>• May file a police report</li> </ul>
<b>48915(c)(5)</b>	Possession of an <b>explosive</b> . <ul style="list-style-type: none"> <li>• As used in this section, the term “explosive” means “destructive device” as described in Section 921 of Title 18 of the United States Code</li> </ul>	<ul style="list-style-type: none"> <li>• Must suspend 5 days</li> <li>• Must refer to an expulsion</li> <li>• May refer to community service</li> <li>• May hold a Student Study Team</li> <li>• May hold an informal/formal restorative conference</li> <li>• May refer student to counseling or health professional</li> <li>• May file a police report</li> </ul>