

BP 5144 **Discipline**

~~The Board of Trustees is committed to providing a safe, supportive, and positive school environment which is conducive to student learning and achievement and desires to prepare students for responsible citizenship by fostering self-discipline and personal responsibility. The Board believes that high expectations for student behavior, use of effective school and classroom management strategies, provision of appropriate intervention and support, and parent/guardian involvement can minimize the need for disciplinary measures that exclude students from instruction as a means for correcting student misbehavior.~~

The Board of Trustees aims to prepare students to be caring, competent, critical thinkers and fully-informed, engaged, contributing members of society. The Board expects each school to create a safe and positive school environment in which all students feel accepted, supported, and respected. The Board is committed to having disciplinary policies that further its mission of: serving the whole child, eliminating inequality and bias in the use of punitive consequences, and providing each child with excellent teachers who are equipped to promote academic and behavioral learning.

The Board believes that minimizing punitive discipline will result in maximizing instructional time for students, and expects schools to employ preventative and restorative practice over exclusionary disciplinary practices (i.e., suspension, expulsion, involuntary transfer).

(cf. 5113.1 - Chronic Absence and Truancy)

(cf. 5131 - Conduct)

(cf. 5131.1 - Bus Conduct)

(cf. 5131.2 - Bullying)

(cf. 5137 - Positive School Climate)

(cf. 5145.9 - Hate-Motivated Behavior)

(cf. 6020 - Parent Involvement)

The Superintendent or designee shall develop effective, age-appropriate strategies for maintaining a positive school climate and ~~correcting student misbehavior~~ **repairing harm when it occurs** at district schools. The strategies shall **utilize restorative principles and** focus on providing students with needed supports; communicating clear, appropriate, and consistent expectations ~~and consequences~~ for student conduct; and ensuring equity and continuous improvement in the implementation of district discipline policies and practices.

(cf. 5138 - Conflict Resolution/Peer Mediation)

(cf. 6164.2 - Guidance/Counseling Services)

In addition, the Superintendent or designee's strategies for ~~correcting student misconduct~~ **responding to behavioral challenges** shall reflect the Board's preference for the use of positive, **restorative** interventions ~~and alternative disciplinary measures~~ over exclusionary discipline measures.

Disciplinary measures that may result in loss of instructional time or cause students to be disengaged from school, such as detention, suspension, and expulsion, shall be imposed **ONLY WHEN alternative, non-punitive means of correction have been documented to have failed, when a student's ongoing presence on campus causes a danger to persons or property, or when** required ~~or permitted by law or when other means of correction have been documented to have failed.~~ (Education Code 48900.5)

(cf. 5020 - Parent Rights and Responsibilities)

(cf. 5144.1 - Suspension and Expulsion/Due Process)

(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))

(cf. 6159.4 - Behavioral Interventions for Special Education Students)

(cf. 6164.5 - Student Success Teams)

School personnel and volunteers shall not allow any disciplinary action taken against a student to result in the denial or delay of a school meal **or snack**. (Education Code 49557.5)

(cf. 3550 - Food Service/Child Nutrition Program)

(cf. 3551 - Food Service Operations/Cafeteria Fund)

(cf. 3553 - Free and Reduced Price Meals)

Seclusion and behavioral restraint are prohibited as a means of discipline and shall not be used to correct student behavior except as permitted pursuant to Education Code 49005.4 and in accordance with district regulations. (Education Code 49005.2)

(cf. 5131.41 - Use of Seclusion and Restraint)

The administrative staff at each school may **only** develop disciplinary rules ~~to meet the school's particular needs~~ **that are** consistent with law, Board policy, and district regulations (**i.e., Discipline Matrix**). **In doing so, school administrative staff must enlist input from parents, teachers, school administrators, and students (for middle schools), with student voice being essential to this process.** The Board, at an open meeting, shall review the approved school discipline rules for consistency with Board policy and state law. Site-level disciplinary rules shall be included in the district's comprehensive safety plan. (Education Code 32282, 35291.5)

(cf. 0450 - Comprehensive Safety Plan)

(cf. 9320 - Meetings and Notices)

The Board recognizes that an opportunity gap for significant portions of its student population exists, namely among African American, Latino, and English Language Learner students and students with disabilities. The Board expects to identify and address the causes of disproportionate treatment in discipline to reduce and eliminate all disparities including disability status, race and gender disparities in the use of punitive school discipline. The Board recognizes the importance of implementing policies to disrupt the School to Prison Pipeline, and expects all schools to enforce disciplinary rules fairly, consistently, and without discrimination.

The District is committed to reducing referrals and suspensions through proactive intervention, positive behavioral support, restorative practices, and other non-punitive approaches to discipline. At all times, the safety of students and staff and the maintenance of an orderly school environment shall be priorities in determining appropriate discipline responses to student behavior. When rule violations misconduct occurs, staff shall attempt to identify the causes of the student's behavior and implement an appropriate discipline response within the a Multi-Tiered Systems of Support (MTSS) framework, a system focused on maximizing student achievement, promoting appropriate social emotional behaviors, reducing punitive discipline, and avoiding loss of instructional time through the use of tiered interventions. When choosing between among different disciplinary strategies, staff shall consider the effect of each option on the student's health, well-being, and opportunity to learn, and the strategies' alignment with the district's commitment to reducing student contact with law enforcement.

~~Staff shall enforce disciplinary rules fairly, consistently, and in accordance with the district's nondiscrimination policies.~~

(cf. 0410 - Nondiscrimination in District Programs and Activities)

(cf. 0415 - Equity)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

The Board of Trustees recognizes the following infractions as “minor behavior,” not subject to exclusionary discipline:

- **Cell phone usage**
- **Cheating & Plagiarism (While cheating and plagiarism are considered prohibited conduct, this behavior shall NOT result in a zero on the assignment or course failure. Rather, students shall be given the opportunity to repair trust and demonstrate their knowledge and understanding of content.)**
- **Disrespect, Defiance & Noncompliance**
- **Disruption**
- **Dress Code Violation**
- **Inappropriate language**
- **Lying**
- **Physical contact without harm**
- **Misuse of technology**

- **Non-compliance**
- **Property misuse**
- **Refusal to dress for PE (middle school)**
- **Tardy**
- **Trash/littering**

The Superintendent or designee shall provide professional development as necessary to assist staff in developing the skills needed to effectively and equitably implement the **prevention and support disciplinary** strategies adopted for district schools, including, but not limited to, knowledge of school and classroom management skills and their consistent application, effective accountability and positive intervention techniques, **restorative justice practices, methods for dismantling implicit bias**, and the tools to form strong, cooperative relationships with parents/guardians. **Additionally, the Superintendent shall create safe spaces for staff to talk through challenges and needed supports to effectively and equitably implement these skills and strategies.**

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

District goals for improving school climate, based on suspension and expulsion rates (**disaggregated by race, gender, and disability designation**), surveys **and/or listening sessions** of students, staff, and parents/guardians regarding their sense of school safety and connectedness to the school community, and other local measures, shall be included in the district's local control and accountability **process and plan**, as required by law.

(cf. 0460 - Local Control and Accountability Plan)

(cf. 3100 - Budget)

~~At the beginning of each school year, the Superintendent or designee shall report to the Board regarding disciplinary strategies used in district schools in the immediately preceding school year and~~ **consider** their effect on student learning **and social-emotional outcomes. This report shall include disaggregated analyses considering patterns of inequity across racial/ethnic difference, gender, and disability designation. Using these analyses, the Superintendent or designee shall lead a process of devising recommendations to ensure that disciplinary approaches maximize student health, well-being, and opportunity to learn.**

Legal Reference:

EDUCATION CODE

32280-32289 School safety plans

35146 Closed sessions

35291 Rules

35291.5-35291.7 School-adopted discipline rules

37223 Weekend classes

44807.5 Restriction from recess

48900-48926 Suspension and expulsion

48980-48985 Notification of parent/guardian

49005-49006.4 Seclusion and restraint

49330-49335 Injurious objects

49550-49564.5 Meals for needy students

52060-52077 Local control and accountability plan

CIVIL CODE

1714.1 Parental liability for child's misconduct

CODE OF REGULATIONS, TITLE 5

307 Participation in school activities until departure of bus

353 Detention after school

UNITED STATES CODE, TITLE 20

1400-1482 Individuals with Disabilities Education Act

UNITED STATES CODE, TITLE 29

794 Section 504 of the Rehabilitation Act of 1973

UNITED STATES CODE, TITLE 42

1751-1769j School Lunch Program

1773 School Breakfast Program

Management Resources:

CSBA PUBLICATIONS

Recent Legislation on Discipline: AB 240, Fact Sheet, March 2015

The Case for Reducing Out-of-School Suspensions and Expulsions, Fact Sheet, April 2014

Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014

Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011

Maximizing Opportunities for Physical Activity during the School Day, Fact Sheet, 2009

CALIFORNIA DEPARTMENT OF EDUCATION PROGRAM ADVISORIES

Classroom Management: A California Resource Guide for Teachers and Administrators of Elementary and Secondary Schools, 2000

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS

Dear Colleague Letter on the Nondiscriminatory Administration of School Discipline, January 2014

WEB SITES

CSBA: <http://www.csba.org>

California Department of Education: <http://www.cde.ca.gov>

Public Counsel: <http://www.fixschooldiscipline.org>

U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/about/offices/list/ocr>

Policy SAN MATEO-FOSTER CITY SCHOOL DISTRICT

~~adopted: November 14, 2019 Foster City, California~~

Revised [enter date] Foster City, California