

**POLICIES RELATED TO
SUSPENSION, EXPULSION OR MANDATORY EXPULSION
AND OTHER SCHOOL DESIGNATED SERIOUS ACTS WHICH
WOULD LEAD TO
SUSPENSION OR EXPULSION
(Component 6)**

Following are the La Cañada School District policies and procedures for suspension and expulsion.

Following in this component are:

- Board Policy BP 5144.1
- Administrative Regulation AR 5144.1
- Administrative Regulation AR 5144.2
- Exhibit E 5144.2
- K-6 Suspension Data

Suspension And Expulsion/Due Process

The Governing Board has established policies and standards of behavior in order to promote learning and protect the safety and well-being of all students. When these policies and standards are violated, it may be necessary to suspend or expel a student from regular classroom instruction.

The grounds for suspension and expulsion and the procedures for considering, recommending and/or implementing suspension and expulsion shall be specified in administrative regulation.

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

Zero Tolerance

The Board supports a zero tolerance approach to serious offenses. This approach makes the removal of potentially dangerous students from the classroom a top priority. It ensures fair and equal treatment of all students and requires that all offenses be punished to the fullest extent allowed by law. Staff shall immediately report to the Superintendent or designee any incidence of offenses specified in law, board policy and administrative regulation as cause for suspension or expulsion.

The Superintendent or designee shall notify staff, students and parent/guardians about the district's zero tolerance policy and the consequences which may result from student offenses. He/she shall also ensure strict enforcement of this policy.

Student Due Process

The Board shall provide for the fair treatment of students facing suspension and expulsion by affording them their due process rights under the law. The Superintendent or designee shall comply with procedures for notices and appeals as specified in administrative regulation and law. (Education Code 48911, 48915, 48915.5)

Required Parental Attendance

The Board believes that parental involvement plays an important role in the resolution of classroom behavior problems. The Board expects that teachers will communicate with parents/guardians when behavior problems arise.

Whenever a student is suspended from a class because he/she committed an obscene act, engaged in habitual profanity or vulgarity, disrupted school activities or otherwise willfully defied valid staff authority, the teacher of the class from which the student was suspended may require the student's parent/guardian to attend a portion of a school day in that class. After completing the classroom visit and before leaving school premises, the parent/guardian also shall meet with the principal or designee. (Education Code 48900.1)

The teacher shall apply this policy uniformly to all students within the classroom. This policy shall apply only to a parent/guardian who lives with the student. (Education Code 48900.1)

Parental attendance may be requested on the day the student returns to class or within one week thereafter. The principal or designee shall contact any parents/guardians who do not respond to the request to attend school. The Board recognizes that parental compliance with this policy may be delayed, modified or prevented for reasons such as serious illness/injury/disability, absence from town, or inability to get certain release time from work.

Legal Reference:

EDUCATION CODE

212.5 Sexual harassment

1981 Enrollment of students

32261 Interagency School Safety Demonstration Act of 1985

33032.5 Hate violence reduction

35146 Closed sessions (re suspensions)

35291 Rules (for government and discipline of schools)

35291.5 Rules and procedures on school discipline

39141.12 Program for expelled students

48660-48666 Community day schools

48900-48926 Suspension and expulsion

48950 Speech and other communication

49073-49079 Privacy of student records

CODE OF CIVIL PROCEDURE

1985-1997 Subpoenas; means of production

GOVERNMENT CODE

11455.20 Contempt

54950-54963 Ralph M. Brown Act (re closed sessions)

HEALTH AND SAFETY CODE

11014.5 Drug paraphernalia

11053-11058 Standards and schedules

LABOR CODE

230.7 Discharge or discrimination against employee for taking time off to appear in school on behalf of a child

PENAL CODE

240 Assault defined

242 Battery defined

243.4 Sexual battery

245 Assault with deadly weapon

245.6 Hazing

261 Rape defined

266c Unlawful sexual intercourse

286 Sodomy defined

288 Lewd or lascivious acts with child under age 14

288a Oral copulation

289 Penetration of genital or anal openings

422.6 Interference with civil rights; damaging property

422.7 Aggravating factors for punishment

422.75 Protected classes

626.2 Entry upon campus after written notice of suspension or dismissal without permission

626.9 Gun-Free School Zone Act of 1995

626.10 Dirks, daggers, knives, razors or stun guns

868.5 Supporting person; attendance during testimony of witness

John A. v. San Bernardino School District (1982) 33 Cal. 3d 301, 308

Fremont Union High School District v. Santa Clara County Board (1991) 235 Cal. App. 3d 1182

Garcia v. Los Angeles Board of Education (1991) 123 Cal.App.3d 807

Woodbury v. Dempsey (2003) 108 Cal. App. 4th 421

CIVIL CODE

47 Privileged communication

UNITED STATES CODE, TITLE 20

7151 Gun free schools

Management Resources:

CDE PROGRAM ADVISORIES

0306.96 Expulsion Policies and Educational Placements, SPB 95/96-04

Policy LA CAÑADA UNIFIED SCHOOL DISTRICT

adopted: May 12, 1998 La Canada Flintridge, California

Suspension And Expulsion/Due Process

Definitions

Suspension from school means removal of a student from ongoing instruction for adjustment purposes. . However, suspension does not mean any of the following: (Education Code 48925)

1. Reassignment to another education program or class at the same school where the student will receive continuing instruction for the length of day prescribed by the Governing Board for students of the same grade level
2. Referral to a certificated employee designated by the principal to advise students
3. Removal from the class, but without reassignment to another class or program, for the remainder of the class period without sending the student to the principal or designee as provided in Education Code 48910. Removal from a particular class shall not occur more than once every five school days.

Expulsion means removal of a student from the immediate supervision and control, or the general supervision, of school personnel. (Education Code 48925)

Day means a calendar day unless otherwise specifically provided. (Education Code 48925)

School day means a day upon which the schools of the district are in session or weekdays during the summer recess. (Education Code 48925)

Student includes a student's parent/guardian or legal counsel. (Education Code 48925)

Principal's designee means one or more administrators or, if there is not a second administrator at one school site, a certificated person specifically designated by the principal, in writing, to assist with disciplinary procedures. Only one such person may be designated at any time as the principal's primary designee and only one such person may be designated as secondary designee for the school year. The names of such persons shall be on file in the principal's office. (Education Code 48911)

School property, for the purposes described in Education Code 48900, includes, but is not limited to, electronic files and databases. (Education Code 48900(s))

Notice of Regulations

At the beginning of each school year, the principal of each school shall ensure that all students and parents/guardians are notified in writing of all school rules related to discipline, suspension and expulsion. Transfer students and their parents/guardians shall be notified at the time of enrollment. (Education Code 35291.5, 48900.1, 48980)

(cf. 5144 - Discipline)

(cf. 5145.6 - Parental Notifications)

Grounds for Suspension and Expulsion

A student may be subject to suspension or expulsion when it is determined that he/she:

1. Caused, attempted to cause, or threatened to cause physical injury to another person or willfully used force or violence upon the person of another, except in self-defense (Education Code 48900(a))

A student who aids or abets the infliction or attempted infliction of physical injury on another person, as defined in Penal Code 31, may be suspended, but not expelled. However, a student may be suspended or expelled pursuant to Education Code 48900(a) once he/she has been adjudged by a juvenile court to have committed, as an aider or abettor, a crime of physical violence in which the victim suffered great or serious bodily injury. (Education Code 48900(q))

2. Possessed, sold, or otherwise furnished any firearm, knife, explosive, or other dangerous object

(cf. 5131.7 - Weapons and Dangerous Instruments)

3. Unlawfully possessed, used, sold, or otherwise furnished, or was under the influence of, any controlled substance as defined in Health and Safety Code 11053-11058, alcoholic beverage, or intoxicant of any kind (Education Code 48900(c))

(cf. 5131.6 - Alcohol and Other Drugs)

4. Unlawfully offered, arranged, or negotiated to sell any controlled substance as defined in Health and Safety Code 11053-11058, alcoholic beverage or intoxicant of any kind, and then sold, delivered or otherwise furnished to any person another liquid, substance or material and represented same as controlled substance, alcohol beverage or intoxicant (Education Code 48900(d))

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

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

7. Stole or attempted to steal school property or private property (Education Code 48900(g))

8. Possessed or used tobacco or any products containing tobacco or nicotine products, including but not limited to cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets and betel. This restriction shall not prohibit a student from using or possessing his/her own prescription products. (Education Code 48900(h))

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

10. Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code 11014.5 (Education Code 48900(j))

11. Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, other school officials, or other school personnel engaged in the performance of their duties (Education Code 48900(k))

12. Knowingly received stolen school property or private property (Education Code 48900(l))

13. Possessed an imitation firearm, i.e., 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 unless, in the case of possession of any object of this type, the student had obtained written permission to possess the item from a certificated school employee, with the principal or designee's concurrence. (Education Code 48900(m))

14. Committed or attempted to commit a sexual assault as defined in Penal Code 261, 266c, 286, 288, 288a or 289, or committed a sexual battery as defined in Penal Code 243.4 (Education Code 48900(n))

15. Harassed, threatened, or intimidated a student who is a complaining witness or witness in a school disciplinary proceeding for the purpose of preventing that student from being a witness and/or retaliating against that student for being a witness (Education Code 48900(o))

16. Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma. (Education Code 48900(p))

17. Made terrorist threats against school officials and/or school property (Education Code 48900.7)

A student in grades 4 through 12 is also subject to suspension or recommendation for expulsion when it is determined that he/she:

18. Committed sexual harassment as defined in Education Code 212.5 (Education Code 48900.2)

(cf. 5145.7 - Sexual Harassment)

19. Caused, attempted to cause, threatened to cause, or participated in an act of hate violence as defined in Education Code 33032.5 (Education Code 48900.3)

20. Intentionally harassed, threatened or intimidated a student or group of students to the extent of having the actual and reasonably expected effect of materially disrupting classwork, creating substantial disorder, and invading student rights by creating an intimidating or hostile educational environment (Education Code 48900.4)

(cf. 5145.3 - Nondiscrimination/Harassment)

A student may be suspended or expelled for any of the acts listed above if the act is related to school activity or school attendance occurring at any district school under the jurisdiction of the Superintendent or principal or within any other school district, including but not limited to the following circumstances: (Education Code 48900)

1. While on school grounds
2. While going to or coming from school
3. During the lunch period, whether on or off the school campus
4. During, going to, or coming from a school-sponsored activity

The Superintendent or principal may use his/her discretion to provide alternatives to suspension or expulsion for a student subject to discipline under this administrative regulation, including, but not limited to, counseling and an anger management program. (Education Code 48900(r))

Alternatives to suspension or expulsion will be used with students who are truant, tardy, or otherwise absent from assigned school activities.

(cf. 5113 - Absences and Excuses)

(cf. 5113.1 - Truancy)

Removal from Class by a Teacher/Parental Attendance

A teacher may suspend any student from his/her class for the remainder of the day and the following day for any act listed in "Grounds for Suspension and Expulsion" above. (Education Code 48910)

A teacher also may refer a student to the principal or designee for consideration of suspension from school. (Education Code 48910)

When removing a student from his/her class, the teacher shall immediately report this action to the principal or designee and send the student to the principal or designee for appropriate action. The student shall be appropriately supervised during the class periods from which he/she has been removed.

As soon as possible, the teacher may ask the student's parent/guardian to attend a parent-teacher conference regarding the removal. A counselor or psychologist should attend the conference if it is practicable, and a school administrator may attend if either the parent/guardian or teacher so requests.

A student removed from class shall not be returned to class during the period of removal without the approval of the teacher of the class and the principal. (Education Code 48910)

A student removed from class shall not be placed in another regular class during the period of removal. However, if a student is assigned to more than one class per day, he/she may be placed in any other regular classes except those held at the same time as the class from which the student was removed. (Education Code 48910)

The teacher of any class from which a student is removed may require the student to complete any assignments and tests missed during the removal. (Education Code 48913)

Pursuant to Governing Board policy, a teacher may provide that the parent/guardian of a student whom the teacher has removed attend a portion of a school day in his/her child's classroom. When a teacher makes this request, the principal shall send the parent/guardian a written notice that the parent/guardian's attendance is requested pursuant to law. (Education Code 48900.1)

Suspension by Superintendent, Principal or Principal's Designee

The Superintendent, principal or principal's designee may suspend a student from a school for not more than five consecutive school days unless the suspension is extended pending expulsion. (Education Code 48911)

The Superintendent or designee shall immediately suspend any student found at school or at a school activity to be: (Education Code 48915)

1. Possessing, as verified by a district employee, or selling or otherwise furnishing a firearm, unless the student had obtained prior written permission to possess the item from a certificated school employee, with the principal or designee's concurrence
2. Brandishing a knife, as defined in Education Code 48915(g), at another person
3. Unlawfully selling a controlled substance listed in Health and Safety Code 11053-11058
4. Committing or attempting to commit a sexual assault or committing a sexual battery as defined in item #14 under "Grounds for Suspension and Expulsion" above
5. Possession of an explosive as defined in 18USC 921

Suspension also may be imposed upon a first offense if the Superintendent, principal or designee determines the student violated items #1-5 listed in "Grounds for Suspension and Expulsion" above or if the student's presence causes a danger to persons or property or threatens to disrupt the instructional process. (Education Code 48900.5)

A student may be suspended from school for not more than 20 school days in any school year, unless for purposes of adjustment a student enrolls in or is transferred to another regular school, an opportunity school, or continuation school or class, in which case suspension shall not exceed 30 days in any school year. However, this restriction on the number of days of suspension does not apply when the suspension is extended pending an expulsion. (Education Code 48903, 48912)

Suspensions shall be initiated according to the following procedures:

1. Informal Conference: Suspension shall be preceded by an informal conference conducted by the principal, designee or the Superintendent with the student and, whenever practicable, the teacher, supervisor or school employee who referred the student to the principal. At the conference, the student shall be informed of the reason for the disciplinary action and the evidence against him/her; the student shall be given the opportunity to present his/her version and evidence in support of his/her defense. (Education Code 48911(b))

This conference may be omitted if the principal, designee or the Superintendent determines that an emergency situation exists. An "emergency situation" involves a clear and present danger to the lives, safety or health of students or school personnel. If a student is suspended without this conference, both the parent/guardian and student shall be notified of the student's right to return to school for the purpose of a conference. The conference shall be held within two school days, unless the student waives his/her right to it or is physically unable to attend for any reason. In such case, the conference shall be held as soon as the student is physically able to return to school. (Education Code 48911(c))

2. Administrative Actions: All requests for student suspension are to be processed by the principal or designee of the school in which the student is enrolled at the time of the misbehavior.

A school employee shall report the suspension, including the name of the student and the cause for the suspension, to the Superintendent or designee.

3. Notice to Parents/Guardians: At the time of the suspension, a school employee shall make a reasonable effort to contact the parent/guardian by telephone or in person. Whenever a student is suspended, the parent/guardian shall be notified in writing of the suspension. (Education Code 48911)

This notice shall state the specific offense committed by the student. (Education Code 48900.8).

In addition, the notice may also state the date and time when the student may return to school. If school officials wish to ask the parent/guardian to confer regarding matters pertinent to the suspension, the notice may add that state law requires the parent/guardian to respond to such requests without delay.

4. Parent/Guardian Conference: Whenever a student is suspended, school officials may meet with the parent/guardian to discuss the causes and duration of the suspension, the school policy involved and any other pertinent matter. (Education Code 48914)

While the parent/guardian is required to respond without delay to a request for a conference about a student's behavior, no penalties may be imposed on the student for the failure of the parent/guardian to attend such a conference. The student may not be denied readmission solely because the parent/guardian failed to attend. (Education Code 48911)

5. Extension of Suspension: If the Board is considering the expulsion of a suspended student from any school or the suspension of a student for the balance of the semester from continuation school, the Superintendent or designee may, in writing, extend the suspension until such time as the Board has made a decision. (Education Code 48911(g))

Any extension of the original period of suspension shall be preceded by notice of such extension with an offer to hold a conference concerning the extension, giving the student an opportunity to be heard. This conference may be held in conjunction with a meeting requested by the student or parent/guardian to challenge the original suspension. Extension of the suspension may be made only if the Superintendent or designee determines, following a meeting in which the student and the student's parent/guardian were invited to participate, that the student's presence at the school or at an alternative school would endanger persons or property or threaten to disrupt the instructional process. (Education Code 48911)

Authority to Expel

A student may be expelled only by the Board. The Board shall expel, as required by law, any student found to have committed certain offenses listed below under "Mandatory Recommendation and Mandatory Expulsion."

The Board may also order a student expelled for any of the acts listed above under "Grounds for Suspension and Expulsion" upon recommendation by the principal, Superintendent, hearing officer or administrative panel, based on finding either or both of the following: (Education Code 48915(b) and (e))

1. That other means of correction are not feasible or have repeatedly failed to bring about proper conduct
2. That due to the nature of the violation, the presence of the student causes a continuing danger to the physical safety of the student or others

Mandatory Recommendation for Expulsion

Unless the principal, Superintendent or designee finds that expulsion is inappropriate due to particular circumstances, the principal, Superintendent or designee shall recommend a student's expulsion for any of the following acts: (Education Code 48915(a))

1. Causing serious physical injury to another person, except in self-defense
2. Possession of any knife as defined in Education Code 48915(g), explosive or other dangerous object of no reasonable use to the student
3. Unlawful possession of any controlled substance, as listed in Health and Safety Code 11053-11058, except for the first offense for the possession of not more than one ounce of marijuana, other than concentrated cannabis
4. Robbery or extortion
5. Assault or battery, as defined in Penal Code 240 and 242, upon any school employee

Mandatory Recommendation and Mandatory Expulsion

The principal, Superintendent or designee shall recommend that the Board expel any student found at school or at a school activity to be: (Education Code 48915(c))

1. Possessing, as verified by a district employee, or selling or otherwise furnishing a firearm.
2. Brandishing a knife as defined in Education Code 48915(g) at another person
3. Unlawfully selling a controlled substance listed in Health and Safety Code 11053-11058
4. Committing or attempting to commit a sexual assault or committing a sexual battery as defined in item #14 under "Grounds for Suspension and Expulsion" above
5. Possessing an explosive as defined in 18 USC 921

Upon finding that the student committed any of the above acts, the Board shall expel the student. (Education Code 48915)

Student's Right to Expulsion Hearing

The student is entitled to a hearing to determine whether the student should be expelled. The hearing shall be held within 30 school days after the principal or Superintendent or designee determines that one of the acts listed under "Grounds for Suspension and Expulsion" has occurred. (Education Code 48918(a))

The student is entitled to one postponement of an expulsion hearing for a period of not more than 30 calendar days. The request for postponement shall be in writing. Any subsequent postponement may be granted at the Board's discretion. (Education Code 48918(a))

If the Board finds it impractical to comply with the time requirements of the expulsion hearing due to a summer recess of Board meetings of more than two weeks, the days during the recess shall not be counted as school days. The days not counted during the recess may not exceed 20

school days, as defined in Education Code 48925. Unless the student requests in writing that the expulsion hearing be postponed, the hearing shall be held not later than 20 calendar days prior to the first day of the next school year. (Education Code 48918(a)).

Once the hearing starts, all matters shall be pursued with reasonable diligence and concluded without unnecessary delay. (Education Code 48918(a))

Rights of Complaining Witness

An expulsion hearing involving allegations of sexual assault or sexual battery may be postponed for one school day in order to accommodate the special physical, mental or emotional needs of a student who is the complaining witness. (Education Code 48918.5)

Whenever the Superintendent or designee recommends an expulsion hearing that addresses allegations of sexual assault or sexual battery, he/she shall give the complaining witness a copy of the district's suspension and expulsion policy and regulation and shall advise the witness of his/her right to: (Education Code 48918.5)

1. Receive five days' notice of his/her scheduled testimony at the hearing
2. Have up to two adult support persons of his/her choosing present in the hearing at the time he/she testifies
3. Have a closed hearing during the time he/she testifies

Whenever any allegation of sexual assault or sexual battery is made, the Superintendent or designee shall immediately advise complaining witnesses and accused students to refrain from personal or telephone contact with each other during the time when an expulsion process is pending. (Education Code 48918.5)

Written Notice of the Expulsion Hearing

Written notice of the hearing shall be forwarded to the student and the student's parent/guardian at least 10 calendar days before the date of the hearing. The notice shall include: (Education Code 48900.8, 48918(b))

1. The date and place of the hearing
2. A statement of the specific facts, charges and offense upon which the proposed expulsion is based
3. A copy of district disciplinary rules which relate to the alleged violation
4. Notification of the student's or parent/guardian's obligation, pursuant to Education Code 48915.1, to provide information about the student's status in the district to any other district in which the student seeks enrollment. This obligation applies when a student is expelled for acts other than those described in Education Code 48915(a).

(cf. 5119 - Students Expelled from Other Districts)

5. The opportunity for the student or the student's parent/guardian to appear in person or to employ and be represented by counsel

6. Legal counsel means an attorney or lawyer who is admitted to the practice of law in California and is an active member of the State Bar of California.

Nonattorney advisor means an individual who is not an attorney or lawyer, but who is familiar with the facts of the case, and has been selected by the student or student's parent/guardian to provide assistance at the hearing.

7. The right to inspect and obtain copies of all documents to be used at the hearing

8. The opportunity to confront and question all witnesses who testify at the hearing

9. The opportunity to question all evidence presented and to present oral and documentary evidence on the student's behalf, including witnesses

Conduct of Expulsion Hearing

1. Closed Session: Notwithstanding the provisions of Government Code 54953 and Education Code 35145, the Board shall conduct a hearing to consider the expulsion of the student in a session closed to the public unless the student requests in writing at least five days prior to the hearing that the hearing be a public meeting. If such request is made, the meeting shall be public unless another student's privacy rights would be violated.

Whether the expulsion hearing is held in closed or public session, the Board may meet in closed session to deliberate and determine whether or not the student should be expelled. If the Board admits any other person to this closed session, the parent/guardian, the student, and the counsel of the student shall also be allowed to attend the closed session. (Education Code 48918(c))

If a hearing that involves a charge of sexual assault or sexual battery is to be conducted in public, a complaining witness shall have the right to have his/her testimony heard in closed session when testifying in public would threaten serious psychological harm to the witness and when there are no alternative procedures to avoid the threatened harm, including but not limited to videotaped deposition or contemporaneous examination in another place communicated to the hearing room by closed-circuit television. (Education Code 48918(c))

2. Record of Hearing: A record of the hearing shall be made and may be maintained by any means, including electronic recording, as long as a reasonably accurate and complete written transcription of the proceedings can be made. (Education Code 48918(g))

3. Subpoenas: Before commencing a student expulsion hearing, the Board may issue subpoenas, at the request of either the student or the Superintendent or designee, for the personal appearance at the hearing of any person who actually witnessed the action that gave rise to the recommendation for expulsion. After the hearing has commenced, the Board or the hearing officer or administrative panel may issue such subpoenas at the request of the student or the County Superintendent of Schools or designee. All subpoenas shall be issued in accordance with the Code of Civil Procedure 1985-1985.2 and enforced in accordance with Government Code 11455.20 (formerly 11525). (Education Code 48918(i))

Any objection raised by the student or the Superintendent or designee to the issuance of subpoenas may be considered by the Board in closed session, or in open session if so requested by the Student, before the meeting. The Board's decision in response to such an objection shall be final and binding. (Education Code 48918(i))

If the Board determines, or if the hearing officer or administrative panel finds and submits to the Board, that a witness would be subject to unreasonable risk of harm by testifying at the hearing, a subpoena shall not be issued to compel the personal attendance of that witness at the hearing. However, that witness may be compelled to testify by means of a sworn declaration as described in item #4 below. (Education Code 48918(i))

4. Presentation of Evidence: While technical rules of evidence do not apply to expulsion hearings, evidence may be admitted and used as proof only if it is the kind of evidence on which reasonable persons can rely in the conduct of serious affairs. The decision of the Board to expel must be supported by substantial evidence that the student committed any of the acts listed in "Grounds for Suspension and Expulsion" above.

Findings of fact shall be based solely on the evidence at the hearing. While no evidence shall be based solely on hearsay, sworn declarations may be admitted as testimony from witnesses whose disclosure of their identity or testimony at the hearing may subject them to an unreasonable risk of physical or psychological harm. (Education Code 48918(f) and (h))

In cases where a search of a student's person or property has occurred, evidence describing the reasonableness of the search shall be included in the hearing record.

(cf. 5145.12 - Search and Seizure)

5. Testimony by Complaining Witnesses: The following procedures shall be observed when hearings involve allegations of sexual assault or sexual battery by a student: (Education Code 48918)

- a. Any complaining witness shall be given five days' notice before being called to testify.
- b. Any complaining witness shall be entitled to have up to two adult support persons, including but not limited to a parent/guardian or legal counsel, present during his/her testimony.
- c. Before a complaining witness testifies, support persons shall be admonished that the hearing is confidential.
- d. The person presiding over the hearing may remove a support person whom he/she finds is disrupting the hearing.
- e. If one or both support persons are also witnesses, the hearing shall be conducted according to Penal Code 868.5.
- f. Evidence of specific instances of prior sexual conduct of a complaining witness shall be presumed inadmissible and shall not be heard unless the person conducting the hearing determines that extraordinary circumstances require the evidence to be heard. Before such a determination is made, the complaining witness shall be given notice and an opportunity to oppose the introduction of this evidence. In the hearing on the admissibility of this evidence, the complaining witness shall be entitled to be represented by a parent/guardian, legal counsel or other support person. Reputation or opinion evidence regarding the sexual behavior of a complaining witness shall not be admissible for any purpose.
- g. In order to facilitate a free and accurate statement of the experiences of the complaining witness and to prevent discouragement of complaints, the district shall provide a nonthreatening environment.

(1) The district shall provide a room separate from the hearing room for the use of the complaining witness before and during breaks in testimony.

(2) At the discretion of the person conducting the hearing, the complaining witness shall be allowed reasonable periods of relief from examination and cross-examination during which he/she may leave the hearing room.

(3) The person conducting the hearing may:

(a) Arrange the seating within the hearing room so as to facilitate a less intimidating environment for the complaining witness

(b) Limit the time for taking the testimony of a complaining witness to the hours he/she is normally in school, if there is no good cause to take the testimony during other hours

(c) Permit one of the support persons to accompany the complaining witness to the witness stand

6. Decision Within 10 Days: The Board's decision on whether to expel a student shall be made within 10 school days after the conclusion of the hearing, unless the student requests in writing that the decision be postponed. (Education Code 48918(a))

7. Decision Within 40 Days: If the Board does not meet on a weekly basis, its decision on whether to expel a student shall be made within 40 school days after the student is removed from his/her school of attendance, unless the student requests in writing that the decision be postponed. (Education Code 48918(a))

Alternative Expulsion Hearing: Hearing Officer or Administrative Panel

Instead of conducting an expulsion hearing itself, the Board may contract with the county hearing officer or with the Office of Administrative Hearings of the State of California for a hearing officer. Alternatively, the Board may appoint an impartial administrative panel composed of three or more certificated personnel, none of whom shall be members of the Board or on the staff of the school in which the student is enrolled. (Education Code 48918(d))

A hearing conducted by the hearing officer or administrative panel shall conform to the same procedures as apply to a hearing conducted by the Board as specified above in "Conduct of Expulsion Hearing."

The hearing officer or administrative panel shall, within three school days after the hearing, determine whether to recommend expulsion of the student to the Board. If expulsion is not recommended, the student shall be immediately reinstated. The Superintendent or designee shall place the student in a classroom instructional program, any other instructional program, a rehabilitation program, or any combination of these programs after consulting with district staff, including the student's teachers and with the student's parent/guardian. (Education Code 48918(e))

If expulsion is recommended, findings of fact in support of the recommendation shall be prepared and submitted to the Board. All findings of fact and recommendations shall be based solely on the evidence presented at the hearing. The Board may accept the recommendation based either upon a review of the findings of fact and recommendations submitted or upon the results of any supplementary hearing the Board may order. (Education Code 48918(f))

In accordance with Board policy, the hearing officer or administrative panel may recommend that the Board suspend the enforcement of the expulsion for a period of one year. (See "Decision Not to Enforce Expulsion Order below.")

The Board shall make its decision about the student's expulsion within 40 school days after the date of the student's removal from school unless the student requests in writing that the decision be postponed. (Education Code 48918(a))

Final Action by the Board

Whether the expulsion hearing is conducted in closed or public session by the Board, a hearing officer, or an administrative panel, the final action to expel shall be taken by the Board at a public meeting. (Education Code 48918(j))

(cf. 9321.1 - Closed Session Actions and Reports)

If the Board conducts the hearing and reaches a decision not to expel, this decision shall be final and the student shall be reinstated immediately. The Superintendent or designee shall place the student in any classroom program, other instructional program, rehabilitation program, or any combination of such programs after consulting with district personnel, including the teacher involved, and with the student's parent/guardian.

Upon ordering an expulsion, the Board shall set a date when the student shall be reviewed for readmission to a school within the district. For a student expelled for an act listed under "Mandatory Recommendation and Mandatory Expulsion" above, this date shall be one year from the date the expulsion occurred, except that the Board may set an earlier date on a case-by-case basis. For a student expelled for other acts, this date shall be no later than the last day of the semester following the semester in which the expulsion occurred. (Education Code 48916)

At the time of the expulsion order, the Board shall recommend a plan for the student's rehabilitation, which may include: (Education Code 48916)

1. Periodic review as well as assessment of the student at the time of review for readmission.
2. Recommendations for improved academic performance, tutoring, special education assessments, job training, counseling, employment, community service and other rehabilitative programs.

With parental consent, students who have been expelled for reasons relating to controlled substances or alcohol may be required to enroll in a county-sponsored drug rehabilitation program before returning to school. (Education Code 48916.5)

Written Notice to Expel

The Superintendent or designee shall send written notice of the decision to expel to the student or parent/guardian. This notice shall include the following:

1. The specific offense committed by the student for any of the causes for suspension or expulsion listed in Education Code 48900(a)-(o), Education Code 48900.2-48900.4 and Education Code 48915(c) (Education Code 48900.8)

2. The fact that a description of readmission procedures will be made available to the student and his/her parent/guardian (Education Code 48916)

3. Notice of the right to appeal the expulsion to the County Board of Education (Education Code 48918)

4. Notice of the alternative educational placement to be provided to the student during the time of expulsion (Education Code 48918)

5. Notice of the student's or parent/guardian's obligation to inform any new district in which the student seeks to enroll of the student's status with the expelling district, pursuant to Education Code 48915.1 (Education Code 48918)

Decision Not to Enforce Expulsion Order

In accordance with Board policy, when deciding whether to suspend the enforcement of an expulsion, the Board shall take into account the following criteria:

1. The student's pattern of behavior
2. The seriousness of the misconduct
3. The student's attitude toward the misconduct and his/her willingness to follow a rehabilitation program.

The suspension of the enforcement of an expulsion shall be governed by the following:
(Education Code 48917)

1. The Board may, as a condition of the suspension of enforcement, assign the student to a school, class or program appropriate for the student's rehabilitation. This rehabilitation program may provide for the involvement of the student's parent/guardian in the student's education. However, a parent/guardian's refusal to participate in the rehabilitation program shall not be considered in the Board's determination as to whether the student has satisfactorily completed the rehabilitation program.

2. During the period when enforcement of the expulsion order is suspended, the student shall be on probationary status.

3. The suspension of the enforcement of an expulsion order may be revoked by the Board if the student commits any of the acts listed under "Grounds for Suspension and Expulsion" above or violates any of the district's rules and regulations governing student conduct.

4. When the suspension of the enforcement of an expulsion order is revoked, a student may be expelled under the terms of the original expulsion order.

5. Upon satisfactory completion of the rehabilitation assignment, the Board shall reinstate the student in a district school. Upon rein-statement, the Board may order the expunging of any or all records of the expulsion proceedings.

6. Suspension of the enforcement of an expulsion order shall not affect the time period and requirements for the filing of an appeal of the expulsion order with the County Board of Education.

7. The Superintendent or designee shall send written notice of any decision to suspend the enforcement of an expulsion order during a period of probation to the student or parent/guardian. The notice shall also inform the parent/guardian of the right to appeal the expulsion to the County Board of Education. (Education Code 48918(j)).

Right to Appeal

The student or parent/guardian is entitled to file an appeal of the Board's decision to the County Board of Education. The appeal must be filed within 30 days of the Board's decision to expel, even if the expulsion action is suspended and the student is placed on probation. (Education Code 48919)

The student shall submit a written request for a copy of the written transcripts and supporting documents from the district simultaneously with the filing of the notice of appeal with the County Board of Education. The district shall provide the student with these documents within 10 school days following the student's written request. (Education Code 48919)

Post-Expulsion Placements

The Board shall refer expelled students to a program of study that is: (Education Code 48915, 48915.01)

1. Appropriately prepared to accommodate students who exhibit discipline problems
2. Not provided at a comprehensive middle, junior or senior high school or at any elementary school, unless the program is offered at elementary school.

The program for a student expelled from any of grades K-6 shall not be combined or merged with programs offered to students in any of grades 7-12. (Education Code 48916.1)

Readmission After Expulsion

Readmission procedures shall be as follows:

1. A written request for readmission shall be submitted by the parent/guardian to the Superintendent or designee. (Education Code 48916)
2. The Superintendent or designee shall hold a conference with the parent/guardian and the student. At the conference the student's rehabilitation plan shall be reviewed and the Superintendent or designee shall verify that the provisions of this plan have been met. School regulations shall be reviewed and the student and parent/guardian shall be asked to indicate in writing their willingness to comply with these regulations.
3. The Superintendent or designee shall transmit to the Board his/her recommendation regarding readmission. The Board shall consider this recommendation in closed session if information would be disclosed in violation of Education Code 49073-49079. If a written request for open session is received from the parent/guardian or adult student, it shall be honored.
4. If the readmission is granted, the Superintendent or designee shall notify the student and parent/guardian, by registered mail, of the Board's decision regarding readmission.

5. The Board may deny readmission only if it finds that the student has not satisfied the conditions of the rehabilitation plan or that the student continues to pose a danger to campus safety or to other district students or employees. (Education Code 48916)

6. If the Board denies the readmission of a student, the Board shall determine either to continue the student's placement in the alternative educational program initially selected or to place the student in another program that serves expelled students, including placement in a county community school. (Education Code 48916)

7. The Board shall provide written notice to the expelled student and parent/guardian describing the reasons for denying readmittance into the regular program. This notice shall indicate the Board's determination of the educational program which the Board has chosen. The student shall enroll in that program unless the parent/guardian chooses to enroll the student in another school district. (Education Code 48916)

Maintenance of Records

The Board shall maintain a record of each expulsion, including the specific cause of the expulsion. The expulsion record shall be maintained in the student's mandatory interim record and sent to any school in which the student subsequently enrolls, within five days of a written request by the admitting school. (Education Code 48900.8, 48918(k))

The Superintendent or designee shall, within five working days, honor any other district's request for information about an expulsion from this district. (Education Code 48915.1)

(cf. 5119 - Students Expelled from Other Districts)

(cf. 5125 - Student Records)

Notifications to Law Enforcement Authorities

Prior to the suspension or expulsion of any student, the principal or designee shall notify appropriate city or county law enforcement authorities of any student acts of assault which may have violated Penal Code 245. (Education Code 48902)

The principal or designee also shall notify appropriate city or county law enforcement authorities of any student acts which may involve the possession or sale of narcotics or of a controlled substance or possession of weapons or firearms in violation of Penal Code 626.9 and 626.10. (Education Code 48902)

Within one school day after a student's suspension or expulsion, the principal or designee shall notify appropriate city or county law enforcement authorities, by telephone or other appropriate means, of any student acts which may violate Education Code 48900(c) or (d), relating to the possession, use, offering or sale of controlled substances, alcohol or intoxicants of any kind. (Education Code 48902)

Outcome Data

The Superintendent or designee shall maintain the following data and report such data annually to the California Department of Education, using forms supplied by the California Department of Education: (Education Code 48900.8, 48916.1)

1. The number of students recommended for expulsion
2. The specific grounds for each recommended expulsion
3. Whether the student was subsequently expelled
4. Whether the expulsion order was suspended
5. The type of referral made after the expulsion
6. The disposition of the student after the end of the expulsion period

Administrative LA CANADA UNIFIED SCHOOL DISTRICT

approval: May 13, 2003 La Canada Flintridge, California

Suspension And Expulsion/Due Process (Students With Disabilities)

Suspension

A student identified as an individual with disabilities pursuant to the Individuals with Disabilities Education Act is subject to the same grounds for suspension which apply to regular education students. All the procedural safeguards established by district policies and regulations shall be observed in considering the suspension of students with disabilities.

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

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

The Superintendent or designee may suspend a student with disability for up to five consecutive school days for a single incident of misconduct, and for up to 20 school days in a school year. If the student is transferred to another school or alternative educational program, the student may be suspended for up to 30 school days in a school year, but still no more than five days for a single incident of misconduct, unless the student is suspended by the Governing Board pursuant to Education Code 48912. (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, 10 consecutive school days. In the case of a dangerous child, a suspension may exceed 10 consecutive school days, and/or the student's placement may be changed. (Education Code 48911)

If a student with disability possesses at school or at a school activity a weapon as defined in the United States Code, Title 18, Section 921, or sells or solicits the sale of a controlled substance while at school or a school activity as identified in 21 USC 812(c), Schedules I-V, he/she shall be immediately suspended and may be placed in an alternative educational setting for not more than 45 calendar days, or until the conclusion of any due process proceedings requested by the parent/guardian. The student's alternative educational setting shall be determined by the student's IEP team. (Education Code 48915; 20 USC 1415)

Behavioral Assessment and Intervention Plan

Not later than 10 business days after a student has been suspended for more than 10 school days or placed in an alternative educational setting, the district shall convene an IEP team meeting to conduct a functional behavior assessment and implement 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(k) (1); 34 CFR 300.520)

(cf. Individual Education Program)

(cf. Behavioral Interventions for Special Education Students)

As soon as practicable after developing the behavioral intervention plan and completing the required assessments, the IEP team shall meet to develop appropriate behavioral interventions to address the behavior and shall implement those interventions. (34 CFR 300.520)

Expulsion

Procedures and timelines governing the expulsion of students with disabilities shall be the same as those for all other students, except that a pre-expulsion assessment shall be made and an IEP team or school site committee meeting held under conditions and with possible consequences indicated below.

Pre-Expulsion Assessment and Meeting

1. The parent/guardian shall receive written notice of the district's intent to conduct the pre-expulsion assessment and shall make the student available for the assessment without delay at a site designated by the district. The parent/guardian shall also have the right to an independent assessment as provided in Education Code 56329. (Education Code 48915.5)

2. The pre-expulsion assessment shall be conducted in accordance with the guidelines of the Code of Federal Regulations, Title 34, Section 104.35, which shall include a review of the student's placement at the time of the alleged misconduct and a determination of the relationship, if any, between the student's behavior and his/her disability. (Education Code 48915.5)

3. The IEP team or school site committee shall meet to determine if an expulsion hearing is appropriate. This meeting shall be held at a time and place mutually convenient to the parent/guardian and district within the period, if any, of the student's pre-expulsion suspension. The parent/guardian's participation may be made through actual participation, representation, or a telephone conference call. (Education Code 48915.5)

(cf. 6159 - Individualized Education Program)

(cf. 6164.6 - Identification and Education under Section 504)

4. The parent/guardian shall be notified of his/her right to participate in the meeting at least 48 hours before the meeting. This notice shall specify: (Education Code 48915.5)

- a. That the meeting may be held without the parent/guardian's participation unless he/she requests a postponement for up to three additional school days, and
- b. That the suspension will be continued during the postponement if the student continues to pose an immediate threat to the safety of himself/herself or others.

In order to make a record of its attempts to arrange the meeting at a mutually convenient time and place, the district shall keep documentation such as: (Code of Federal Regulations, Title 34, Part 300.345)

- a. Detailed records of telephone calls made or attempted and the results of those calls.
- b. Copies of correspondence sent to parents/guardians and any responses received.
- c. Detailed records of visits made to the parent/guardian's home or place of employment and the results of those visits.

5. The district shall grant a parent/guardian's request that the meeting be postponed for up to three additional school days and may extend a student's suspension for the period of postponement if he/she continues to pose an immediate threat to the safety of himself/herself or others. However, the suspension shall not be extended beyond 10 consecutive school days unless agreed to by the parent/guardian or by court order.

If the parent/guardian refuses to consent to an extension beyond 10 consecutive school days and chooses not to participate, the meeting may be conducted without the parent/guardian's participation. (Education Code 48915.5)

6. The IEP team or school site committee shall consider the pre-expulsion assessment results and shall also review and consider the student's health records and school discipline records. (Education Code 48915.5)

7. If the IEP team or school site committee determines that the alleged misconduct was caused by, or was a direct manifestation of, the student's disability or that the student was not appropriately placed, the expulsion shall not proceed. (Education Code 48915.5)

8. If the IEP team or school site committee determines that the alleged misconduct was not caused by, or a direct manifestation of, the student's disability, and if it is determined that the student was appropriately placed, the student shall be subject to expulsion in accordance with procedures that apply to all students. (Education Code 48915.5)

9. When expulsion is recommended, the IEP team or school site committee should also recommend a potential rehabilitation plan for the student, if appropriate.

Due Process and Expulsion Hearings

If the parent/guardian disagrees with the decision of the IEP team or school site committee, he/she has a right to a due process hearing conducted pursuant to United States Code, Title 20, Section 1415 or the Code of Federal Regulations, Title 34, Section 104.36.

The expulsion hearing shall not be conducted, and the 30-day expulsion proceedings time limit shall not commence, until after completion of:

1. The pre-expulsion assessment,
2. The IEP team or school site committee meeting, and
3. Due process hearings and appeals, if initiated. (Education Code 48915.5)

The Board may expel a student with disability only if an IEP team or school site committee has determined that 1) the misconduct was not caused by, or a direct manifestation of, the student's identified disability; and 2) the student was appropriately placed at the time the misconduct occurred. (Education Code 48915.5)

If the student's parent/guardian initiates a due process hearing to challenge the interim alternative educational setting or the manifestation determination, the student shall remain in the interim alternative setting pending the decision of the hearing officer of the expiration of the 45-day time period, whichever occurs first, unless the parent/guardian and district agree otherwise (34 CFR 300.526)

If school personnel maintain that it is dangerous for the student to be placed in the current placement (placement prior to removal to the interim alternative education setting), during the pendency of the due process proceedings, the Superintendent or designee may request an expedited due process hearing. (34 CFR 300.526)

Services During Expulsion

During the term of the expulsion, a special education student shall continue to be offered a free and appropriate education. Such services may include independent study, home instruction, or another appropriate alternative program.

(cf. 6158 - Independent Study)

(cf. 6183 - Home and Hospital Instruction)

The Board shall consider the recommendations of the IEP team or school site committee when developing a rehabilitation plan for an expelled student with disability.

Expelled students shall continue to receive services during the term of the expulsion to the extent necessary to provide the student a free and appropriate public education. Any alternative program must provide services to the extent necessary to enable the student to appropriately progress in the general curriculum and appropriately advance toward achieving the goals set out in the student's IEP. (20 USC 1412(a)(1)(A); 34 CFR 300.121, 300.520)

Readmission

Readmission procedures for students with disabilities shall parallel those used for all students. The Superintendent or designee may consider the input of the student's IEP team or school site committee when developing recommendations to the Board regarding a request for readmission. Upon readmission, an IEP team or school site committee meeting shall be convened to determine whether a new IEP or accommodation plan needs to be established.

Suspension of Expulsion

The Board's criteria for suspending the enforcement of an expulsion order shall be applied to students with disabilities just as they are applied to regular general education students. (Education Code 48917)

Prior to the suspension or expulsion of any student, the principal or designee shall notify appropriate city or county law enforcement authorities of any student acts of assault which may have violated Penal Code 245. (Education Code 489020)

The principal or designee also shall notify appropriate city or county law enforcement authorities of any student acts which may involve the possession or sale of narcotics or of a controlled substance or possession of weapons or firearms in violation of Penal Code 626.9 and 626.10. (Education Code 48902)

Within one school day after a student's suspension or expulsion, the principal or designee shall notify appropriate city or county law enforcement authorities, by telephone or other appropriate means, of any student acts which may violate Education Code 48900 (c) or (d), relating to the possession, use, offering or sale of controlled substances, alcohol or intoxicants of any kind. (Education Code 48902)

Legal Reference:

EDUCATION CODE

35146 Closed sessions (re suspensions)

35291 Rules (of governing board)

48900-48925 Suspension and expulsion

56000 Special education; legislative findings and declarations

56320 Educational needs; requirements

56321 Development or revision of individualized education program

56329 Independent educational assessment

56340-56347 Individual education program teams

56505 State hearing

PENAL CODE

245 Assault with deadly weapon

626.2 Entry upon campus after written notice of suspension or dismissal without permission

626.9 Gun-Free School Zone Act

626.10 Dirks, daggers, knives, razors or stun guns

UNITED STATES CODE, TITLE 18

930 Weapons

1365 Serious bodily injury

UNITED STATES CODE, TITLE 20

1412 State eligibility

1415 Procedural safeguards

UNITED STATES CODE, TITLE 21

812(c) Controlled substances

UNITED STATES CODE, TITLE 29

706 Definitions

794 Rehabilitation Act of 1973, Section 504

CODE OF FEDERAL REGULATIONS, TITLE 34

104.35 Evaluation and placement

104.36 Procedural safeguards

300.1-300.756 Assistance to states for the education of students with disabilities

COURT DECISIONS

Parents of Student W. v. Puyallup School District, (1994 9th Cir.) 31 F.3d 1489

M.P. v. Governing Board of Grossmont Union High School District, (1994) 858 F.Supp. 1044

Honig v. Doe, (1988) 484 U.S. 305

Doe v. Maher, (1986) 793 F.2d 1470

Management Resources:

FEDERAL REGISTER

34 CFR 300.a Appendix A to Part 300 - Questions and Answers

34 CFR 300a1 Attachment 1: Analysis of Comments and Changes

WEB SITES

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

U.S. Department of Education, Office of Special Education and Rehabilitative Services:

<http://www.ed.gov/about/offices/list/osers/index.html>

Administrative LA CANADA UNIFIED SCHOOL DISTRICT

approval: May 13, 2003 La Canada Flintridge, California

Suspension And Expulsion/Due Process (Students With Disabilities)

Addendum To SELPA Notice Of IEP Meeting

Individuals with Exceptional Needs/Expulsion Recommended

You are hereby notified that your son/daughter, _____, has been recommended for expulsion. _____ has previously been identified as a student with exceptional needs.

_____ was suspended by the principal for _____ days, until _____.

The reasons for the proposed expulsion are _____

(Use attachments if needed.)

The principal considered other options as described below but has rejected those options.
(Description of other options considered, if any, and reasons why they were rejected.)

The principal used the following evaluations, assessments, tests and/or records in reaching his/her decision to propose expulsion:

1. _____
2. _____
3. _____
4. _____
5. _____

Other factors relevant to the principal's recommendation are:

Please be aware that:

1. A pre-expulsion assessment of _____ will be conducted. _____ should report to _____ at (time) for this assessment. You are required by law to make _____ available for this assessment. You may obtain an independent pre-expulsion assessment if you disagree with the district's pre-expulsion assessment.
2. An IEP meeting will be held on _____, at _____. If the time and place of the IEP meeting are not convenient, please advise immediately by calling the undersigned at (phone number) within 24 hours of receiving this letter.
3. You may request that the meeting be postponed for up to three additional school days. If you make such a request, your child's suspension will be continued during the three-day postponement.

4. You may ask a representative to appear at the hearing on your behalf.

5. If you do not request a continuance immediately or appear at the IEP meeting in person or through a representative, the meeting will be held without you.

6. You have the right to participate in the IEP team meeting concerning this proposal and to appeal any IEP team decisions or recommendations with which you disagree to the California Department of Education, which will schedule a due process hearing to resolve the issues.

Such an appeal must be made in writing addressed to:

Superintendent of Public Instruction

California Department of Education

721 Capitol Mall

P.O. Box 944272

Sacramento, California 94244-2720

with a copy to the local school district Superintendent and the SELPA Director of
_____ County.

THE WRITTEN APPEAL MUST BE DELIVERED OR POSTMARKED NO LATER THAN
15 DAYS FOLLOWING THE DATE OF THE IEP MEETING.

7. You also have the right to appeal any decision from the California Department of Education resulting from a fair hearing on the issues with which you disagree to state or federal court. If you are represented by counsel in these proceedings and prevail, you are entitled to be reimbursed for attorney's fees.

District Administrator in Charge

of Special Education or Principal

LA CANADA UNIFIED SCHOOL DISTRICT

La Canada Flintridge, California

SUSPENSION DATA

Grades K - 6	48900	2012	2013	2014	2015	2016	2017	2018	2019	2020
Total Number of suspendable incidents for each school year.		6	6	5	7					
Put a mark next to the Ed Code violation(s) that applies to each suspendable incident per year.										
(A-1) Caused, attempted to cause, or threatened to cause physical injury to another person.		I	III	II	IIII					
(A-2) Willfully used force or violence upon the other person of another, except in self defense.				III						
(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.										
(C) Unlawfully possessed, used, sold, or otherwise furnished, or been under the influence of, any controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind.										
(D) Unlawfully offered, arranged, or negotiated to sell any controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind, and then either sold, delivered, or otherwise furnished to any person another liquid, substance, or material and represented the liquid, substance, or material as a controlled substance, alcoholic beverage, or intoxicant.										
(E) Committed or attempted to commit robbery or extortion.										
(F) Caused or attempted to cause damage to school property or private property.			I							
(G) Stolen or attempted to steal school property or private property.		II								

SUSPENSION DATA

[illegible]

SUSPENSION DATA

(0.2) Engaged in Sexual Harassment.																			
(0.3) Engaged in hate violence.																			
(0.4) Engaged in harassment, threats, or intimidation.			1																
(0.7) A pupil making a terrorist threat against school officials or school property or both.																			

**PROCEDURES REGARDING TEACHER
NOTIFICATION OF DANGEROUS STUDENTS
PURSUANT TO EC 49079
(Component 7)**

The school office maintains a file on all students who have been suspended or expelled. In accordance with Education Code 49079, teachers are informed annually of all pupils who have been suspended or expelled under Education Code 48900 during the previous three school years upon request.

Following in this component is:

- Education Code EC 49079

Education Code

Education Code

Providing information to teacher for students engaged in acts described in 48900

EC 49079

- (a) A school district shall inform the teacher of each pupil who has engaged in, or is reasonably suspected to have engaged in, any of the acts described in any of the subdivisions, except subdivision (h), of Section 48900 or in Section 48900.2, 48900.3, 48900.4, or 48900.7 that the pupil engaged in, or is reasonably suspected to have engaged in, those acts. The district shall provide the information to the teacher based upon any records that the district maintains in its ordinary course of business, or receives from a law enforcement agency, regarding a pupil described in this section.
- (b) A school district, or school district officer or employee, is not civilly or criminally liable for providing information under this section unless it is proven that the information was false and that the district or district officer or employee knew or should have known that the information was false, or the information was provided with a reckless disregard for its truth or falsity.
- (c) An officer or employee of a school district who knowingly fails to provide information about a pupil who has engaged in, or who is reasonably suspected to have engaged in, the acts referred to in subdivision (a) is guilty of a misdemeanor, which is punishable by confinement in the county jail for a period not to exceed six months, or by a fine not to exceed one thousand dollars (\$1,000), or both.
- (d) For the 1994-95 school year, the information provided shall be from the previous two school years. For the 1996-97 school year and each school year thereafter, the information provided shall be from the previous three school years.
- (e) Any information received by a teacher pursuant to this section shall be received in confidence for the limited purpose for which it was provided and shall not be further disseminated by the teacher.

(Amended by Stats 2000, Ch. 345, Sec. 2)

Reference:

Education Code 48900
Education Code 48900.2
Education Code 48900.3
Education Code 48900.4
Education Code 48900.7

SEXUAL HARASSMENT POLICY
PURSUANT TO EC 212.5
(Component 8)

In accordance with the Board Policy and Administrative Regulations relating to students, the Governing Board is committed to maintaining a learning environment that is free of harassment. The Board prohibits the unlawful sexual harassment of any student by any employee, student, or other person at school or at any school-related activity. Board Policy is included in the staff handbooks.

In accordance with Board Policy and Administrative Regulations, the Governing Board prohibits sexual harassment in the working environment of district employees or applicants by any person in any form. Employees who permit or engage in such harassment may be subject to disciplinary action up to and including dismissal.

Following in this component are:

- Education Code EC 212.5
- Board Policy BP 5145.7
- Administrative Regulation AR 5145.7
- Board Policy BP 4119.11
- Administrative Regulation AR 4119.11

Education Code

Education Code

Educational Equity

EC 212.5

"Sexual harassment" means unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature, made by someone from or in the work or educational setting, under any of the following conditions:

- (a) Submission to the conduct is explicitly or implicitly made a term or a condition of an individual's employment, academic status, or progress.
- (b) Submission to, or rejection of, the conduct by the individual is used as the basis of employment or academic decisions affecting the individual.
- (c) The conduct has the purpose or effect of having a negative impact upon the individual's work or academic performance, or of creating an intimidating, hostile, or offensive work or educational environment.
- (d) Submission to, or rejection of, the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs, or activities available at or through the educational institution.

(Amended by Stats. 1998, Ch. 914, Sec. 12.)

Sexual Harassment

The Governing Board is committed to maintaining a learning environment that is free of harassment. The Board prohibits the unlawful sexual harassment of any student by any employee, student, or other person at school or at any school-related activity.

The Superintendent or designee shall ensure that students receive age-appropriate information related to sexual harassment. Such instruction and information shall include:

1. What acts and behavior constitute sexual harassment, including the fact that sexual harassment could occur between people of the same gender
2. A clear message that students do not have to endure sexual harassment
3. Encouragement to report observed instances of sexual harassment, even where the victim of the harassment has not complained
4. Information about the person(s) to whom a report of sexual harassment should be made

Students shall be assured that they need not endure any form of sexual behavior or communication, including harassment because of sexual orientation. They shall further be assured that they need not endure, for any reason, any harassment which impairs the educational environment or a student's emotional well-being at school.

(cf. 5131.5 - Vandalism, Theft and Graffiti)

(cf. 5137 - Positive School Climate)

(cf. 5141.41 - Child Abuse Prevention)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 6142.1 - Family Life/Sex Education)

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 K-3, this disciplinary action shall depend on the maturity of the students and the circumstances involved. For students in grades 4 through 12, the disciplinary action may include suspension and/or expulsion.

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

Any employee who engages in, permits or fails to report sexual harassment shall be subject to disciplinary action up to and including dismissal. In addition, criminal or civil charges may be brought against the alleged harasser; sexual harassment also may be considered a violation of laws relating to child abuse.

(cf. 4118 - Suspension/Disciplinary Action)

(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

(cf. 5141.4 - Child Abuse Reporting Procedures)

Students shall be informed that they should immediately contact a staff member if they feel they are being harassed. Within 24 hours, staff shall report complaints of sexual harassment to the principal or designee or to another district administrator. Staff shall similarly report any such incidents they may observe, even if the harassed student has not complained.

The principal or designee shall immediately investigate any report of the sexual harassment of a student. Upon verifying that sexual harassment occurred, he/she shall ensure that appropriate action is promptly taken to end the harassment, address its effects on the person subjected to the harassment, and prevent any further instances of the harassment. In addition, the student may file a formal complaint with the Superintendent or designee in accordance with the district's uniform complaint procedures. The principal or designee shall also advise the victim of any other remedies that may be available. The principal or designee shall file a report with the Superintendent or designee and refer the matter to law enforcement authorities, where required.

(cf. 1312.3 - Uniform Complaint Procedures)

In any case of sexual harassment involving the principal or any other district employee to whom the complaint would ordinarily be made the employee who receives the student's report or who observes the incident shall report to the nondiscrimination coordinator or the Superintendent or designee.

(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)

(cf. 5141.4 - Child Abuse Reporting Procedures)

(cf. 5145.3 - Nondiscrimination/Harassment)

The district prohibits retaliatory behavior against any complainant or any participant in the complaint process. Information related to a complaint of sexual harassment shall be confidential to the extent possible, and individuals involved in the investigation of such a complaint shall not discuss related information outside the investigation process.

(cf. - 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/ Privileged Information)

The Superintendent or designee shall maintain a record of all reported cases of sexual harassment to enable the district to monitor, address and prevent repetitive harassing behavior in its schools.

All complaints and allegations of sexual harassment shall be kept confidential except as necessary to carry out the investigation or take other subsequent necessary action. (CCR 4964)

(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex

48900.2 Additional grounds for suspension or expulsion; sexual harassment

48904 Liability of parent/guardian for willful student misconduct

48980 Notice at beginning of term

CIVIL CODE

51.9 Liability for sexual harassment; business, service and professional relationships

1714.1 Liability of parents/guardians for willful misconduct of minor

CODE OF REGULATIONS, TITLE 5

4900-4965 Nondiscrimination in elementary and secondary education programs receiving state financial assistance

UNITED STATES CODE, TITLE 20

1681-1688 Title IX, Discrimination

UNITED STATES CODE, TITLE 42

2000d-2000d-7 Title VI, Civil Rights Act of 1964

2000e-2000e-17 Title VII, Civil Rights Act of 1964 as amended

CODE OF FEDERAL REGULATIONS, TITLE 34

106.1-106.71 Nondiscrimination on the basis of sex in education programs

COURT DECISIONS

Reese v. Jefferson School District, (2001) 208 F.3d 736

Davis v. Monroe County Board of Education, (1999) 526 U.S. 629

Gebser v. Lago Vista Independent School District, (1998) 118 S.Ct. 1989

Nabozny v. Podlesny, (1996, 7th Cir.) 92 F.3d 446

Doe v. Petaluma City School District, (1995, 9th Cir.) 54 F.3d 1447

Oona R.-S. etc. v. Santa Rosa City Schools et al, (1995) 890 F.Supp. 1452

Rosa H. v. San Elizario Ind. School District, (W.D. Tex. 1995) 887 F. Supp. 140, 143

Clyde K. v. Puyallup School District #3, (1994) 35 F.3d 1396

Patricia H. v. Berkeley Unified School District, (1993) 830 F.Supp. 1288

Franklin v. Gwinnet County Schools, (1992) 112 S. Ct. 1028

Kelson v. City of Springfield, Oregon, (1985, 9th Cir.) 767 F.2d 651

Management Resources:

OFFICE OF CIVIL RIGHTS AND NATIONAL ASSOCIATION OF ATTORNEYS
GENERAL

Protecting Students from Harassment and Hate Crime: A Guide for Schools, January 1999

OFFICE OF CIVIL RIGHTS' PUBLICATIONS

Revised Sexual Harassment Guidance, January 2001

Sexual Harassment Guidance, March 1997

WEB SITES

OCR: <http://www.ed.gov/offices/OCR>

Policy LA CANADA UNIFIED SCHOOL DISTRICT adopted: May 13, 2003 La Canada
Flintridge, California

AR 5145.7 Students

Sexual Harassment

Prohibited sexual harassment includes, but is not limited to, unwelcome sexual advances, requests for sexual favors, and other verbal, visual or physical conduct of a sexual nature when: (Education Code 212.5)

1. Submission to the conduct is explicitly or implicitly made a term or condition of an individual's academic status or progress.
2. Submission to or rejection of the conduct by an individual is used as the basis for academic decisions affecting the individual.
3. The conduct has the purpose or effect of having a negative impact on the individual's academic performance, or of creating an intimidating, hostile or offensive educational environment.
4. Submission to or rejection of the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs, or activities available at or through the school.

Types of conduct which are prohibited in the district and which may constitute sexual harassment include, but are not limited to:

1. Unwelcome sexual flirtations or propositions
2. Sexual slurs, leering, epithets, threats, verbal abuse, derogatory comments or sexually degrading descriptions
3. Graphic verbal comments about an individual's body, or overly personal conversation

4. Sexual jokes, notes, stories, drawings, pictures or gestures
5. Spreading sexual rumors
6. Teasing or sexual remarks about students enrolled in a predominantly single-sex class
7. Touching an individual's body or clothes in a sexual way
8. Purposefully cornering or blocking normal movements
9. Limiting a student's access to educational tools
10. Displaying sexually suggestive objects

Notifications

A copy of the district's sexual harassment policy and regulation shall:

1. Be included in the notifications that are sent to parents/guardians at the beginning of each school year (Education Code 48980)

(cf. 5145.6 - Parental Notifications)

2. Be displayed in a prominent location near each school principal's office (Education Code 212.6)
3. Be provided as part of any orientation program conducted for new students at the beginning of each quarter, semester or summer session (Education Code 212.6)
4. Appear in any school or district publication that sets forth the school's or district's comprehensive rules, regulations, procedures and standards of conduct (Education Code 212.6)
5. Be provided to employees and employee organizations

Investigation of Complaints at School (Site-Level Grievance Procedure)

1. The principal or designee shall promptly investigate all complaints of sexual harassment. In so doing, he/she shall talk individually with:

- a. The student who is complaining
- b. The person accused of harassment
- c. Anyone who saw the harassment take place
- d. Anyone mentioned as having related information

2. The student who is complaining shall have an opportunity to describe the incident, present witnesses and other evidence of the harassment, and put his/her complaint in writing.

3. The principal or designee shall discuss the complaint only with the people described above. When necessary to carry out his/her investigation or for other good reasons that apply to the

particular situation, the principal or designee also may discuss the complaint with the following persons:

- a. The Superintendent or designee
- b. The parent/guardian of the student who complained
- c. The parent/guardian of the person accused of harassing someone
- d. A teacher or staff member whose knowledge of the students involved may help in determining who is telling the truth
- e. Child protective agencies responsible for investigating child abuse reports
- f. Legal counsel for the district

(cf. 5141.41 - Child Abuse Prevention)

4. When the student who complained and the person accused of harassment so agree, the principal or designee may arrange for them to resolve the complaint informally with the help of a counselor, teacher, administrator or trained mediator. The student who complained shall never be asked to work out the problem directly with the accused person unless such help is provided and both parties agree.

5. The principal or designee shall tell the student who complained that he/she has the right to file a formal complaint at any time in accordance with the district's uniform complaint procedures. If the student wishes to file a formal complaint, the principal or designee shall assist the student in doing this.

(cf. 1312.3 - Uniform Complaint Procedures)

6. In reaching a decision about the complaint, the principal or designee may take into account:

- a. Statements made by the persons identified above
- b. The details and consistency of each person's account
- c. Evidence of how the complaining student reacted to the incident
- d. Evidence of past instances of harassment by the accused person
- e. Evidence of past harassment complaints that were found to be untrue

7. To judge the severity of the harassment, the principal or designee may take into consideration:

- a. How the misconduct affected one or more students' education
- b. The type, frequency and duration of the misconduct
- c. The number of persons involved
- d. The age and sex of the person accused of harassment

e. The subject(s) of harassment

f. The place and situation where the incident occurred

g. Other incidents at the school, including incidents of harassment that were not related to gender

8. The principal or designee shall write a report of his/her findings, decision, and reasons for the decision and shall present this report to the student who complained and the person accused.

9. The principal or designee shall give the Superintendent or designee a written report of the complaint and investigation. If he/she verifies that sexual harassment occurred, this report shall describe the actions he/she took to end the harassment, address the effects of the harassment on the person harassed, and prevent retaliation or further harassment.

10. Within two weeks after receiving the complaint, the principal or designee shall determine whether or not the student who complained has been further harassed. The principal or designee shall keep a record of this information and shall continue this follow-up at his/her discretion.

Enforcement

The Superintendent or designee shall take appropriate actions to reinforce the district's sexual harassment policy. As needed, these actions may include any of the following:

1. Removing vulgar or offending graffiti

2. Providing staff inservice and student instruction or counseling

3. Notifying parents/guardians

4. Notifying child protective services

5. Taking appropriate disciplinary action. In addition, the principal or designee may take disciplinary measures against any person who is found to have made a complaint of sexual harassment which he/she knew was not true.

Administrative LA CANADA UNIFIED SCHOOL DISTRICT

approval: May 13, 2003 La Canada Flintridge, California

BP 4119.11 Personnel

Sexual Harassment

The Governing Board prohibits sexual harassment of district employees and job applicants. The Board also prohibits retaliatory behavior or action against district employees or other persons who complain, testify or otherwise participate in the complaint process established pursuant to this policy and the administrative regulation.

(cf. 4030 - Nondiscrimination in Employment)

The Superintendent or designee shall take all actions necessary to ensure the prevention, investigation and correction of sexual harassment, including but not limited to:

1. Providing periodic training to all staff regarding the district's sexual harassment policy, particularly the procedures for filing complaints and employees' duty to use the district's complaint procedures in order to avoid harm.

(cf. 4131/4231/4331 - Staff Development)

2. Publicizing and disseminating the district's sexual harassment policy to staff.

(cf. 4112.9/4212.9/4312.9 - Employee Notifications)

3. Ensuring prompt, thorough and fair investigation of complaints.

4. Taking timely and appropriate corrective/remedial actions after completion of investigation. This may require interim separation of the complainant and the alleged harasser, and subsequent monitoring of developments.

Any district employee or job applicant who feels that he/she has been sexually harassed, or who has knowledge of any incident of sexual harassment by or against another employee, a job applicant or a student, shall immediately contact his/her supervisor, the principal, district administrator or Superintendent.

(cf. 4031 - Complaints Concerning Discrimination in Employment)

An employee may bypass his/her supervisor in filing a complaint where the supervisor is the subject of the complaint.

A supervisor, principal or other district administrator who received a harassment complaint shall promptly notify the Superintendent or designee.

Any district employee who engages or participates in sexual harassment, or who aids, abets, incites, compels or coerces another to commit sexual harassment against a district employee, job applicant or student, is in violation of this policy and is subject to disciplinary action, up to and including dismissal. Any employee who engages in sexual harassment may also be held personally liable in a court of law for any damage to the victim.

(cf. 4117.4 - Dismissal)

(cf. 4118 - Suspension/Disciplinary Action)

(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex

GOVERNMENT CODE

12900-12996 Fair Employment and Housing Act

LABOR CODE

1101 Political activities of employees

1102.1 Discrimination: sexual orientation

CODE OF REGULATIONS, TITLE 2

7287.8 Retaliation

7288.0 Sexual harassment training and education

CODE OF REGULATIONS, TITLE 5

4900-4965 Nondiscrimination in elementary and secondary education programs receiving state financial assistance

UNITED STATES CODE, TITLE 42

2000d-2000d-7 Title VI, Civil Rights Act of 1964

2000e-2000e-17 Title VII, Civil Rights Act of 1964 as amended

2000h-2-2000h-6 Title IX, 1972 Education Act Amendments

CODE OF FEDERAL REGULATIONS, TITLE 34

106.9 Dissemination of policy

COURT DECISIONS

Department of Health Services v. Superior Court of California, (2003) 31 Cal.4th 1026

Faragher v. City of Boca Raton, (1998) 118 S.Ct. 2275

Burlington Industries v. Ellreth, (1998) 118 S.Ct. 2257

Gebser v. Lago Vista Independent School District, (1998) 118 S.Ct. 1989

Oncale v. Sundowner Offshore Serv. Inc., (1998) 118 S.Ct. 998

Juarez v. Ameritech Mobile Systems, (N.D. Ill.) 746 F.Supp. 798

Dornhecker v. Malibu Grand Prix Corp., (5th Cir. 1987) 828 F.2d. 307

Meritor Savings Bank, FSB v. Vinson et al., (1986) 447 U.S. 57

Management Resources:

OFFICE OF CIVIL RIGHTS AND NATIONAL ASSOCIATION OF ATTORNEYS
GENERAL

Protecting Students from Harassment and Hate Crime, January, 1999

WEB SITES

California Department of Fair Employment and Housing: <http://www.dfeh.ca.gov>

Equal Employment Opportunity Commission: <http://www.eeoc.gov>

U.S. Department of Education, Office of Civil Rights: <http://www.ed.gov/offices/OCR>

Policy LA CAÑADA UNIFIED SCHOOL DISTRICT

adopted: January 18, 2005 La Cañada Flintridge, California

Sexual Harassment

Prohibited sexual harassment includes, but is not limited to, unwelcome sexual advances, unwanted requests for sexual favors, or other unwanted verbal, visual or physical conduct of a sexual nature made against another person of the same or opposite sex in the work or educational setting when:

1. Submission to the conduct is made either expressly or by implication a term or condition of any individual's employment.
2. Submission to or rejection of such conduct by an individual is used as the basis for an employment decision affecting the individual.
3. The conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance; creating an intimidating, hostile, or offensive work environment; or adversely affecting the other individual's evaluation, advancement, assigned duties, or any other condition of employment or career development.
4. Submission to, or rejection of, the conduct by the individual is used as the basis for any decision affecting him/her regarding benefits, services, honors, programs or activities available at or through the district.

Other examples of action that might constitute sexual harassment, whether committed by a supervisor or any other employee, or a non-employee, in the work or educational setting, include, but are not limited to:

1. Unwelcome verbal conduct such as sexual flirtations or propositions.
2. Unwelcome sexual slurs, epithets, threats, verbal abuse, derogatory comments or sexually degrading descriptions.
3. Graphic verbal comments about an individual's body, or overly personal conversations or pressure for sexual activity.
4. Sexual jokes, stories, drawings, pictures, graffiti, gestures, or sexually explicit e-mails.
5. Spreading sexual rumors
6. Touching an individual's body or clothes in a sexual way.
7. Cornering or blocking of normal movements.
8. Displaying sexually suggestive objects or using sexually suggestive computer screen savers.
9. Massaging, grabbing, fondling, stroking or brushing the body
10. Any act of retaliation against an individual who reports a violation of the district's sexual harassment policy or who participates in the investigation of a sexual harassment complaint

Notifications

A copy of the Governing Board's policy and this administrative regulation shall: (Education Code 231.5)

1. Be displayed in a prominent location in the main administrative building or other area of the school where notices of district rules, regulations, procedures and standards of conduct are posted
2. Be provided to each faculty member, all members of the administrative staff, and all members of the support staff at the beginning of the first quarter or semester of the school year, or whenever a new employee is hired

(cf. 4112.9/4212.9/4312.9 - Employee Notifications)

3. Appear in any school or district publication that sets forth the school's or district's comprehensive rules, regulations, procedures and standards of conduct

All employees shall receive either a copy of information sheets prepared by the California Department of Fair Employment and Housing or a copy of district information sheets that contain, at a minimum, components on: (Government Code 12950)

1. The illegality of sexual harassment
2. The definition of sexual harassment under applicable state and federal law
3. A description of sexual harassment, with examples
4. The district's complaint process available to the employee
5. The legal remedies and complaint process available through the Fair Employment and Housing Department and Equal Employment Opportunity Commission
6. Directions on how to contact the Fair Employment and Housing Department and Equal Employment Opportunity Commission
7. The protection against retaliation provided by 2CCR 7287.8 for opposing harassment prohibited by law or for filing a complaint with, or otherwise participating in an investigation, proceeding or hearing conducted by DFEH and the EEOC.

Administrative LA CANADA UNIFIED SCHOOL DISTRICT

approved January 18, 2005 La Canada Flintridge, California

**PROVISIONS OF ANY SCHOOL WIDE DRESS CODE,
ESTABLISHED PURSUANT TO EC 35183**

(Component 9)

The dress standard at LCE is published in the "LCUSD Elementary Schools Parent and Student Handbook" and given to all families at the start of the school year.

Following in this component are:

- Education Code EC 35183
- "Dress Standard" excerpt from the "LCUSD Elementary Schools Parent and Student Handbook 2015-2016"

Education Code

Education Code

School uniforms; gang apparel; dress codes

EC 35183

(a) The Legislature finds and declares each of the following:

(1) The children of this state have the right to an effective public school education. Both students and staff of the primary, elementary, junior and senior high school campuses have the constitutional right to be safe and secure in their persons at school. However, children in many of our public schools are forced to focus on the threat of violence and the messages of violence contained in many aspects of our society, particularly reflected in gang regalia that disrupts the learning environment.

(2) "Gang-related apparel" is hazardous to the health and safety of the school environment.

(3) Instructing teachers and administrators on the subtleties of identifying constantly changing gang regalia and gang affiliation takes an increasing amount of time away from educating our children.

(4) Weapons, including firearms and knives, have become common place upon even our elementary school campuses. Students often conceal weapons by wearing clothing, such as jumpsuits and overcoats, and by carrying large bags.

(5) The adoption of a schoolwide uniform policy is a reasonable way to provide some protection for students. A required uniform may protect students from being associated with any particular gang. Moreover, by requiring schoolwide uniforms teachers and administrators may not need to occupy as much of their time learning the subtleties of gang regalia.

(6) To control the environment in public schools to facilitate and maintain an effective learning environment and to keep the focus of the classroom on learning and not personal safety, schools need the authorization to implement uniform clothing requirements for our public school children.

(7) Many educators believe that school dress significantly influences pupil behavior. This influence is evident on school dressup days and color days. Schools that have adopted school uniforms experience a "coming together feeling," greater school pride, and better behavior in and out of the classroom.

(b) The governing board of any school district may adopt or rescind a reasonable dress code policy that requires pupils to wear a schoolwide uniform or prohibits pupils from wearing "gang-related apparel" if the governing board of the school district approves a plan that may be initiated by an individual school's principal, staff, and parents and determines that the policy is necessary for the health and safety of the school environment. Individual schools may include the reasonable dress code policy as part of its school safety plan, pursuant to Section 32281.

(c) Adoption and enforcement of a reasonable dress code policy pursuant to subdivision (b) is not a violation of Section 48950. For purposes of this section, Section 48950 shall apply to elementary, high school, and unified school districts. If a schoolwide uniform is required, the

specific uniform selected shall be determined by the principal, staff, and parents of the individual school.

(d) A dress code policy that requires pupils to wear a schoolwide uniform shall not be implemented with less than six months' notice to parents and the availability of resources to assist economically disadvantaged pupils.

(e) The governing board shall provide a method whereby parents may choose not to have their children comply with an adopted school uniform policy.

(f) If a governing board chooses to adopt a policy pursuant to this section, the policy shall include a provision that no pupil shall be penalized academically or otherwise discriminated against nor denied attendance to school if the pupil's parents chose not to have the pupil comply with the school uniform policy. The governing board shall continue to have responsibility for the appropriate education of those pupils.

(g) A policy adopted pursuant to this section shall not preclude pupils that participate in a nationally recognized youth organization from wearing organization uniforms on days that the organization has a scheduled meeting.

(Amended by Stats. 2003, Ch. 828, Sec. 10.)

Reference:

Education Code 32281

Education Code 48950

LCUSD

Elementary Schools

Parent and Student Handbook

At the beginning of each year, emergency information is requested. Please update all medical information as required. Your child's medical information must include a list of any known allergies. In the event that your child becomes ill, you will be contacted immediately. If you are not available, the office will follow your emergency instructions. Please be sure that alternates have been contacted and that they know they are responsible for your child in the event that you cannot be located. Please include emergency contacts located nearby.

To keep our school environment as healthy as possible, before coming to school, children must be free of fever, vomiting or diarrhea for 24 hours. They must be free of any acute symptoms of illness (sore throat, productive/chronic cough, green nasal discharge or upset stomach.) If your child has been diagnosed with a contagious disease, (i.e. strep throat, pink eye, chickenpox, scabies, lice, etc.) notify the school health office **IMMEDIATELY**.

ANY CHANGES IN THE EMERGENCY INFORMATION, INCLUDING CHANGES IN THE HOME/WORK/CELL TELEPHONE NUMBERS, EMPLOYMENT, ETC., SHOULD BE SENT TO THE OFFICE IMMEDIATELY.

TITLE IX: SEX DISCRIMINATION

The La Cañada Unified School District maintains as its policy that all aspects of the District's employment, curriculum, counseling and guidance, physical education and athletic program, be free of discrimination on the basis of sex as defined in Title IX. In accordance with the law, a set of grievance procedures will be available at all schools as well as the District Office.

GENERAL SCHOOL INFORMATION

Lost and Found

Articles that have been lost and found should be turned in to the Lost and Found collection area. Smaller articles of value, such as jewelry, wallets, or glasses should be taken to the school office. **Please mark all children's clothes, lunch boxes, glasses, and school supplies so that lost items may be returned to the owners.** Items not claimed by the end of each quarter will be given to welfare agencies.

Dress Standard

Students are expected to dress appropriately. Appropriateness, safety and cleanliness are the three factors that should be considered. Appropriateness means a student comes to school dressed for school activities. Crocs, flip flops, platform shoes, halter tops, short-shorts (shorts must be finger-tip length) excessive jewelry, T-shirts with inappropriate messages, and excessively baggy pants are not allowed. Students are very active on the playground, and these items often contribute to unwarranted injuries or create negative attention. Students are allowed to wear hats for sun protection only, but must take them off when entering classrooms and school buildings. If a student's dress is felt to be unsafe or inappropriate for an elementary campus, the parent may be contacted and requested to bring a change of clothing.

PROCEDURES FOR SAFE INGRESS AND EGRESS TO AND FROM SCHOOL

(Component 10)

Parents who drive their children to and from school are directed via the following instructions of how to safely drop off and pick up their children. There are two different places for drop off and pick up, alleviating some congestion to a degree during the peak traffic hours. The City of La Cañada Flintridge built a concrete turn-out area on the street that borders the front of the school and reconfigured parking on that street to more safely accommodate cars and children.

The city provides crossing guards for the safety of our students before and after school hours. During morning drop-off, parent volunteers assist with safely moving the cars through the carline while supervising children as they exit their cars. The school security aide provides supervision for students in the morning and checks the school gates to make certain they are locked during the school day. During after school dismissal, the school security aide, rotating staff, and volunteer parents supervise children until they are safely picked up.

Parents and students are apprised of safe egress and ingress procedures as printed in the "LCUSD Elementary Schools Parent and Student Handbook" and in the "Safety Above Convenience", La Canada Traffic Safety Packet.

The City of La Canada Flintridge and the PTA continue to work on improving traffic safety at our school.

Following in this component are:

- "School Safety" excerpt from the "LCUSD Elementary Schools Parent and Student Handbook 2015-2016"
- LCE Bicycle Permit
- "Safety Above Convenience", La Canada Elementary Traffic Safety Packet

LCUSD

Elementary Schools

Parent and Student Handbook

To receive full credit, all assigned work must be complete and turned in to the office the day the student returns to school.

Independent Study - Please note: The teachers take much time and careful thought to compiling the Independent Study work. Before making this commitment, please make sure that you and your child are prepared to set time aside to complete the assigned work. While every attempt will be made to assign appropriate work, a student's grades may be lowered if the absences significantly interfere with the student's learning in one or more subject areas.

SCHOOL SAFETY

Drop-Off/Pick-Up

Each school will provide parents specific information regarding drop-off/pick-up procedures prior to the first day of school. Parents and students must follow the established school guidelines regarding drop-off/pick-up to ensure the safety of all students. All school sites have established car lines to facilitate student drop-off/pick-up. When using the car lines, vehicles are to move in a single line and as far forward as possible. Students must wait for vehicles to come to a complete stop to safely enter or exit them from the passenger side only. Students cannot jaywalk across streets to enter vehicles. Vehicles may not double park. A campus supervisor and/or parent volunteer will be available to assist students during drop-off and pick-up times.

Walking To & From School

Students are urged to use caution at all times when using public streets and sidewalks. Where sidewalks do not exist, students should walk on the left side of the street, facing traffic.

Bicycles, Skateboards, Scooters, Roller Blades/Roller Sneakers

Bicycles may be ridden to school by grades 4, 5, and 6 students **only**. A Bicycle Permit is available in the school office and must be signed by a parent. Riding bicycles on school grounds is prohibited at all time. Bicycles are to be walked while on school grounds and must be locked securely in the bike rack during school hours. Students riding bicycles are required by state law to wear a helmet. If safety rules are not followed, the privilege of riding a bicycle to school will be revoked.

Skateboards, scooters, roller blades, and roller sneakers are not to be ridden to or from school.

Riding skateboards, scooters, and rollerblades/sneakers on school grounds is prohibited at all times.

Dogs/Animals

In order to provide for the health and safety of La Cañada Unified students, staff, and visitors, we have a **NO ANIMALS** policy on school grounds except for service dogs. Please do not bring your dogs on school grounds when dropping off or picking up your children. Thank you for your understanding and cooperation in this matter.

LA CAÑADA ELEMENTARY SCHOOL
4540 ENCINAS DRIVE
LA CAÑADA FLINTRIDGE, CALIFORNIA 91011

BICYCLE PERMIT

At La Cañada Elementary School, a permit issued to any student in grades four through six who wishes to ride a bike to school. By applying for the permit, the student agrees to the following:

1. The student will wear a helmet while riding a bicycle.
2. The student will walk the bicycle on school grounds at all times, that includes before, during, and after school hours, including at school events.
3. The student will park and lock the bicycle in the bicycle parking area.
4. The student has received instruction on the safety rules for riding bicycles on the street.
5. The student will obey all rules of bicycle safety.
6. The student will respect the property of others', including all public and private property.

By signing the form below, the parent and student agree to follow the terms as stated on the permit. The permit will remain in force for one school year unless the student violates the terms of the permit.

Please sign and return the form below to the school office.

LA CAÑADA ELEMENTARY SCHOOL
BICYCLE PERMIT

THE PARENT AND STUDENT HAVE READ THE TERMS OF THE BICYCLE PERMIT. THE STUDENT AGREES TO OBEY ALL THE RULES FOR RIDING A BICYCLE SAFELY TO AND FROM SCHOOL.

STUDENT NAME.....ROOM.....

STUDENT SIGNATURE.....DATE.....

PARENT SIGNATURE.....DATE.....

**SAFETY
ABOVE
CONVENIENCE**

**LA CANADA
ELEMENTARY
EST
1892**

La Cañada Elementary
TRAFFIC SAFETY PACKET - PLEASE READ!



La Cañada Elementary

Traffic and Pedestrian Safety

We need your help to keep the school and your children safe. EVERY child's safety is important to us. It remains our highest priority to ensure that students enter and exit cars in a safe and organized way. Please follow the traffic patterns and rules. They are designed to make the traffic flow better and help keep all our children safe. Failure to do so creates chaos, frustration and unsafe conditions. Each family should discuss these loading and walking procedures with each other and those who drive your child to or from school.

We encourage you to consider walking your children to school each day. The City has recently completed over one million dollars in new sidewalks, crosswalks and road improvements on La Cañada Boulevard, made possible through a State funded Safe Routes to School Grant. Not only does walking help alleviate our serious traffic problem, but it also encourages good exercise and a healthy lifestyle. Walking to school and carpools are more important than ever!

General Precautions

- ☺ Be your child's best example. Please be courteous and follow all safety guidelines at all times.
- ☺ Avoid peak times and places. Please plan to arrive ten minutes earlier in the morning and plan an afternoon meeting spot beyond the busy school entrances.
- ☺ Our local streets are very narrow. Please drive slowly and watch for children!
- ☺ Remember that Fernside, upper Lasheart, Salisbury, Grand and Fairview are NOT to be used as routes to and from LCE. Plan your route so that you do not cross over other school traffic.
- ☺ Follow all directions from school safety personnel. They can see potential problems you can't.
- ☺ Use sidewalks and crosswalks to cross streets.
- ☺ Devote more time and be extra cautious on rainy or foggy days.

Walking and Biking to School

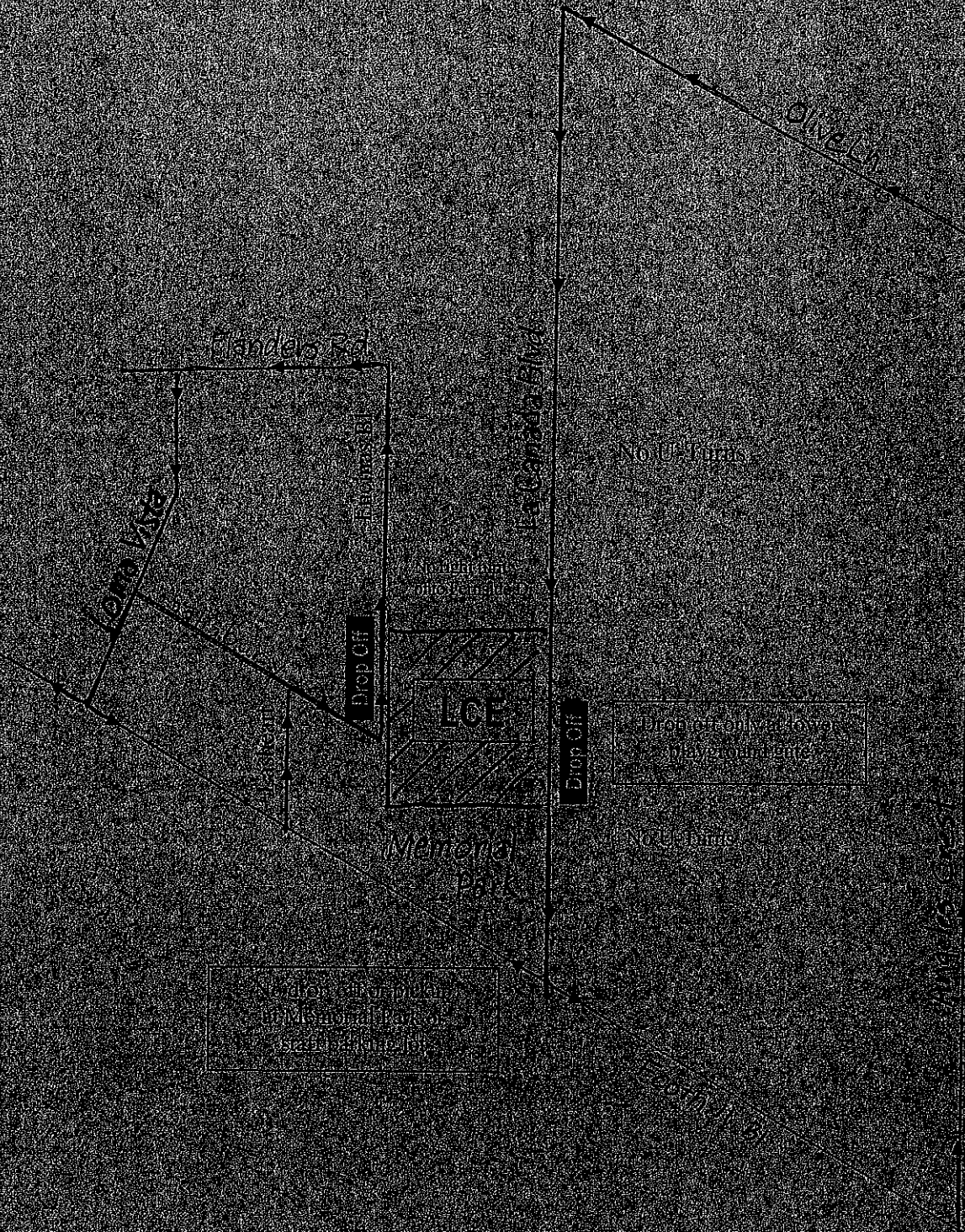
- ☺ Always follow the Suggested Walking Route to School map for La Cañada Elementary School.
- ☺ Walk in a group with neighboring students whenever possible.
- ☺ Use sidewalks and walkways where possible, even if it means walking farther.
- ☺ If walking along La Canada Boulevard north of the school, use the new sidewalks on the west side.
- ☺ Cross only at corners or marked crosswalks. Look left, right, left and over your shoulder before crossing.
- ☺ Make eye contact with drivers to make sure they see you. Let oncoming traffic pass before crossing.
- ☺ Stop and look around parked cars or other objects that block your view of traffic.
- ☺ 4th and 5th graders are encouraged to bicycle to school. Follow the Suggested Route to School.
- ☺ When riding a bike, wear bright colors and a helmet.
- ☺ Walk your bike across busy intersections, and use hand signals before making a turns or stopping.

Driving to School

If you must drive your child to school, please observe the following procedures:

- ☺ PULL FORWARD AS FAR AS POSSIBLE IN THE DROP-OFF/PICK-UP AREAS.
- ☺ No stopping or loading in travel lanes. Line up in single line only.
- ☺ Drop-off students within the Loading Zone limits only.
- ☺ Do not park or leave your vehicle within the Loading Zones.
- ☺ Keep pulling forward and fill in all gaps in the Loading Zone Lane.
- ☺ Please have your child ready BEFORE you pull up, including bookbags and lunch.
- ☺ Do not take/place items in the trunk or walk between cars while in loading zone.
- ☺ Please do not exit your car to help your kids out – if they require assistance, you should wait and pull to the very front of the car line, or park and walk them into school.
- ☺ Students should enter and exit on the passenger side of the vehicle only.
- ☺ No U-turns or cutting in line. This is dangerous and unfair to others.
- ☺ Keep all red zones, fire hydrants, crosswalks and driveways clear.
- ☺ Do not park across the street and motion for children to cross midblock.
- ☺ Do not use the Staff Parking Lot.
- ☺ Please put away your cell phones during carline drop off and pick up times.
- ☺ The speed limit is 25 mph in school zones.

*Our local streets are very narrow. Please follow the arrows on this map.
Drive slowly and watch for children.*



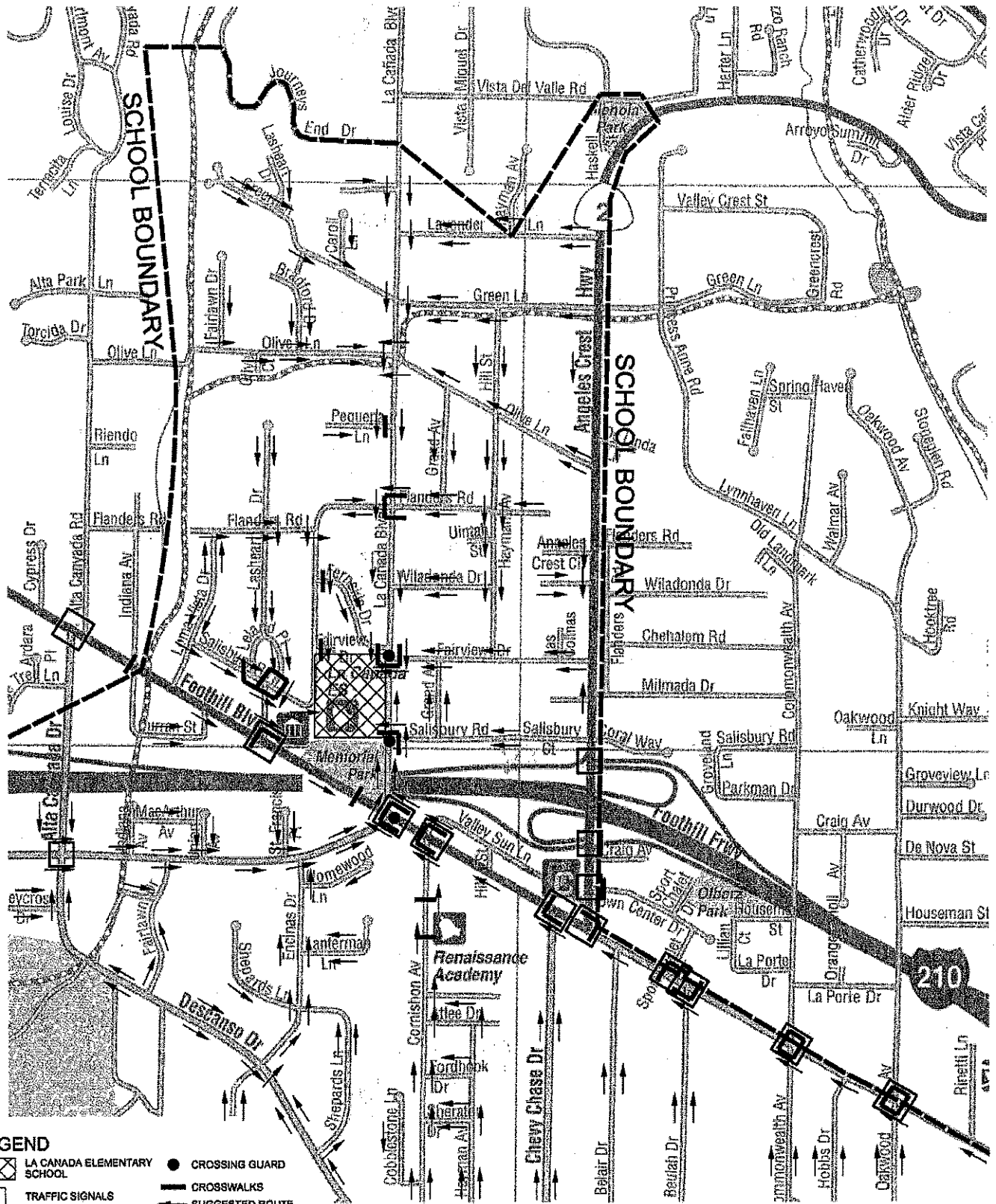
Suggested Walking Routes to School



CITY OF LA CANADA FLINTRIDGE

La Canada Elementary School

PUBLIC WORKS DEPARTMENT



A SAFE AND ORDERLY ENVIRONMENT CONDUCTIVE TO LEARNING

(Component 11)

The school security aide provides supervision for students in the morning and checks the school gates to make certain they are locked during the school day. The principal assists the staff in reminding the students of safe practices during recess and while using the walkways as students come and go for lunch, before, and after school. Credentialed teachers, school aides, and parent volunteers supervise the playground during morning recess. Noon duty aides also supervise students both for lunch and on the playground for recess.

Whenever our school experiences occasional graffiti, it is painted over immediately and varying degrees of vandalism is also addressed immediately. We are a designated Tobacco Free school, and in partnership with "Success Through Awareness & Resistance" (STAR) instruction in 5th and 6th grades. The "STAR" officer as well as the school district's Resource officer helps us intervene with at-risk students and their families if law enforcement resources would be helpful (i.e., suspected child abuse, neglect, and family drug/alcohol use). We take part in "Red Ribbon Week" each year, with every student signing the Drug Free Pledge and participating in writing/art activities that reinforce healthy life choices.

Our campus is safe because we regularly review all safety procedures, including school rules, staff duties, and campus safety. Our discipline plan is one of intervention and progressive consequences for inappropriate behavior. Positive recognition for appropriate behavior and character are determined by the teachers. The "40 Developmental Assets" provides a framework by which students are identified as examples of good character. Students are taught to advocate for themselves in their right to an environment where they can learn and play without worry over safety or social problems. They are taught to attempt to solve problems themselves first, and report unsolved or "big" problems to adults who will support them. Parents are informed of problems when needed, and are given information about our school discipline procedures.

We are fortunate to have a beautiful campus with gardens, grassy areas and abundant trees. Wheelchair access is incorporated into all areas of the school in an aesthetically pleasing way. LCE is a safe, secure, and friendly place for students, staff, parents, and the community.

- "40 Developmental Assets for Children K-3 (ages 5-9)" by Search Institute
- "40 Developmental Assets for Middle Childhood (ages 8-12)" by Search Institute

40 Developmental Assets® for Children Grades K-3 (ages 5-9)

Search Institute® has identified the following building blocks of healthy development—known as **Developmental Assets**®—that help young people grow up healthy, caring, and responsible.



External Assets

Support

1. **Family Support**—Family continues to be a consistent provider of love and support for the child's unique physical and emotional needs.
2. **Positive Family Communication**—Parent(s) and child communicate openly, respectfully, and frequently, with child receiving praise for her or his efforts and accomplishments.
3. **Other Adult Relationships**—Child receives support from adults other than her or his parent(s), with the child sometimes experiencing relationships with a nonparent adult.
4. **Caring Neighborhood**—Parent(s) and child experience friendly neighbors who affirm and support the child's growth and sense of belonging.
5. **Caring School Climate**—Child experiences warm, welcoming relationships with teachers, caregivers, and peers at school.
6. **Parent Involvement in Schooling**—Parent(s) talk about the importance of education and are actively involved in the child's school success.

Empowerment

7. **Community Values Children**—Children are welcomed and included throughout community life.
8. **Children as Resources**—Child contributes to family decisions and has opportunities to participate in positive community events.
9. **Service to Others**—Child has opportunities to serve in the community with adult support and approval.
10. **Safety**—Parents and community adults ensure the child's safety while keeping in mind her or his increasing independence.

Boundaries & Expectations

11. **Family Boundaries**—The family maintains supervision of the child, has reasonable guidelines for behavior, and always knows where the child is.
12. **School Boundaries**—Schools have clear, consistent rules and consequences and use a positive approach to discipline.
13. **Neighborhood Boundaries**—Neighbors and friends' parents help monitor the child's behavior and provide feedback to the parent(s).
14. **Adult Role Models**—Parent(s) and other adults model positive, responsible behavior and encourage the child to follow these examples.
15. **Positive Peer Influence**—Parent(s) monitor the child's friends and encourage spending time with those who set good examples.
16. **High Expectations**—Parent(s), teachers, and other influential adults encourage the child to do her or his best in all tasks and celebrate their successes.

Constructive Use of Time

17. **Creative Activities**—Child participates weekly in music, dance, or other form of artistic expression outside of school.
18. **Child Programs**—Child participates weekly in at least one sport, club, or organization within the school or community.
19. **Religious Community**—Child participates in age-appropriate religious activities and caring relationships that nurture her or his spiritual development.
20. **Time at Home**—Child spends time at home playing and doing positive activities with the family.

Internal Assets

Commitment to Learning

21. **Achievement Motivation**—Child is encouraged to remain curious and demonstrates an interest in doing well at school.
22. **Learning Engagement**—Child is enthused about learning and enjoys going to school.
23. **Homework**—With appropriate parental support, child completes assigned homework.
24. **Bonding to School**—Child is encouraged to have and feels a sense of belonging at school.
25. **Reading for Pleasure**—Child listens to and/or reads books outside of school daily.

Positive Values

26. **Caring**—Parent(s) help child grow in empathy, understanding, and helping others.
27. **Equality and Social Justice**—Parent(s) encourage child to be concerned about rules and being fair to everyone.
28. **Integrity**—Parent(s) help child develop her or his own sense of right and wrong behavior.
29. **Honesty**—Parent(s) encourage child's development in recognizing and telling the truth.
30. **Responsibility**—Parent(s) encourage child to accept and take responsibility for her or his actions at school and at home.
31. **Self-Regulation**—Parents encourage child's growth in regulating her or his own emotions and behaviors and in understanding the importance of healthy habits and choices.

Social Competencies

32. **Planning and Decision Making**—Parent(s) help child think through and plan school and play activities.
33. **Interpersonal Competence**—Child seeks to build friendships and is learning about self-control.
34. **Cultural Competence**—Child continues to learn about her or his own cultural identity and is encouraged to interact positively with children of different racial, ethnic, and cultural backgrounds.
35. **Resistance Skills**—Child is learning to recognize risky or dangerous situations and is able to seek help from trusted adults.
36. **Peaceful Conflict Resolution**—Child continues learning to resolve conflicts without hitting, throwing a tantrum, or using hurtful language.

Positive Identity

37. **Personal Power**—Child has a growing sense of having influence over some of the things that happen in her or his life.
38. **Self-Esteem**—Child likes herself or himself and feels valued by others.
39. **Sense of Purpose**—Child welcomes new experiences and imagines what he or she might do or be in the future.
40. **Positive View of Personal Future**—Child has a growing curiosity about the world and finding her or his place in it.

40 Developmental Assets® for Middle Childhood (ages 8-12)

Search Institute® has identified the following building blocks of healthy development—known as **Developmental Assets®**—that help young people grow up healthy, caring, and responsible.



External Assets

- | | |
|--------------------------------------|---|
| Support | <p>1. Family support—Family life provides high levels of love and support.</p> <p>2. Positive family communication—Parent(s) and child communicate positively. Child feels comfortable seeking advice and counsel from parent(s).</p> <p>3. Other adult relationships—Child receives support from adults other than her or his parent(s).</p> <p>4. Caring neighborhood—Child experiences caring neighbors.</p> <p>5. Caring school climate—Relationships with teachers and peers provide a caring, encouraging environment.</p> <p>6. Parent involvement in schooling—Parent(s) are actively involved in helping the child succeed in school.</p> |
| Empowerment | <p>7. Community values youth—Child feels valued and appreciated by adults in the community.</p> <p>8. Children as resources—Child is included in decisions at home and in the community.</p> <p>9. Service to others—Child has opportunities to help others in the community.</p> <p>10. Safety—Child feels safe at home, at school, and in his or her neighborhood.</p> |
| Boundaries & Expectations | <p>11. Family boundaries—Family has clear and consistent rules and consequences and monitors the child's whereabouts.</p> <p>12. School boundaries—School provides clear rules and consequences.</p> <p>13. Neighborhood boundaries—Neighbors take responsibility for monitoring the child's behavior.</p> <p>14. Adult role models—Parent(s) and other adults in the child's family, as well as nonfamily adults, model positive, responsible behavior.</p> <p>15. Positive peer influence—Child's closest friends model positive, responsible behavior.</p> <p>16. High expectations—Parent(s) and teachers expect the child to do her or his best at school and in other activities.</p> |
| Constructive Use of Time | <p>17. Creative activities—Child participates in music, art, drama, or creative writing two or more times per week.</p> <p>18. Child programs—Child participates two or more times per week in cocurricular school activities or structured community programs for children.</p> <p>19. Religious community—Child attends religious programs or services one or more times per week.</p> <p>20. Time at home—Child spends some time most days both in high-quality interaction with parents and doing things at home other than watching TV or playing video games.</p> |

Internal Assets

- | | |
|-------------------------------|---|
| Commitment to Learning | <p>21. Achievement Motivation—Child is motivated and strives to do well in school.</p> <p>22. Learning Engagement—Child is responsive, attentive, and actively engaged in learning at school and enjoys participating in learning activities outside of school.</p> <p>23. Homework—Child usually hands in homework on time.</p> <p>24. Bonding to school—Child cares about teachers and other adults at school.</p> <p>25. Reading for Pleasure—Child enjoys and engages in reading for fun most days of the week.</p> |
| Positive Values | <p>26. Caring—Parent(s) tell the child it is important to help other people.</p> <p>27. Equality and social justice—Parent(s) tell the child it is important to speak up for equal rights for all people.</p> <p>28. Integrity—Parent(s) tell the child it is important to stand up for one's beliefs.</p> <p>29. Honesty—Parent(s) tell the child it is important to tell the truth.</p> <p>30. Responsibility—Parent(s) tell the child it is important to accept personal responsibility for behavior.</p> <p>31. Healthy Lifestyle—Parent(s) tell the child it is important to have good health habits and an understanding of healthy sexuality.</p> |
| Social Competencies | <p>32. Planning and decision making—Child thinks about decisions and is usually happy with results of her or his decisions.</p> <p>33. Interpersonal Competence—Child cares about and is affected by other people's feelings, enjoys making friends, and, when frustrated or angry, tries to calm her- or himself.</p> <p>34. Cultural Competence—Child knows and is comfortable with people of different racial, ethnic, and cultural backgrounds and with her or his own cultural identity.</p> <p>35. Resistance skills—Child can stay away from people who are likely to get her or him in trouble and is able to say no to doing wrong or dangerous things.</p> <p>36. Peaceful conflict resolution—Child seeks to resolve conflict nonviolently.</p> |
| Positive Identity | <p>37. Personal power—Child feels he or she has some influence over things that happen in her or his life.</p> <p>38. Self-esteem—Child likes and is proud to be the person that he or she is.</p> <p>39. Sense of purpose—Child sometimes thinks about what life means and whether there is a purpose for her or his life.</p> <p>40. Positive view of personal future—Child is optimistic about her or his personal future.</p> |

RULES AND PROCEDURES ON SCHOOL DISCIPLINE

ADOPTED PURSUANT TO EC 35291 AND 35291.5

(Component 12)

All students are given access to an online copy of the "LCUSD Elementary Schools Parent and Student Handbook" the first week of school. Teachers review the rules with the students coupled with discussions in the PE classes emphasizing the necessity of the rules. Parents and students sign confirmation that they have reviewed the school rules, behavior expectations, and the Anti-Bullying Policy.

Our student code of conduct is called "LCE's 3 Bs" and students are counseled by staff members in how to make appropriate choices according to the "LCE's 3 Bs". Parents are always included in this effort with communication from the teacher as soon as a problem surfaces.

When students break a rule or are involved in a problem situation, the adult who observed the situation or who intervened fills out an "LCE Staff Report" form. The students then fill out a "Student Problem" form. The "Student Problem" form helps students express their side of the story before they talk to an adult and/or the situation is mediated.

Following in this component are:

- Education Code 35291
- Education Code 35291.5
- Board Policy BP 5131
- Excerpts from the "LCUSD Elementary Schools Parent and Student Handbook 2015-2016"
 - Elementary Schools' Parent and Student Handbook Signature Form
 - Anti-Bullying Policy
 - Student Conduct & Responsibility
 - Playground Supervision
- "LCE Staff Report"
- "Student Problem Report" form (1-2)
- "Student Problem Report" form (3-6)
- "Behavior Reflection" form
- "LCE Office Action Report of Student Conduct"

Education Code

Education Code

Discipline rules

EC 35291

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, may, 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.

(Amended by Stats. 2002, Ch. 1032, Sec. 2.)

References:

Education Code 48980

Education Code 48981

Education Code

Education Code

Discipline rules

EC 35291.5

(a) On or before December 1, 1987, and at least every four years thereafter, each public school may, at its discretion, adopt rules and procedures on school discipline applicable to the school. For schools that choose to adopt rules pursuant to this article, the school discipline rules and procedures shall be consistent with any applicable policies adopted by the governing board and state statutes governing school discipline. In developing these rules and procedures, each school shall solicit the participation, views, and advice of one representative selected by each of the following groups:

- (1) Parents.
- (2) Teachers.
- (3) School administrators.
- (4) School security personnel, if any.
- (5) For junior high schools and high schools, pupils enrolled in the school.

Meetings for the development of the rules and procedures should be developed and held within the school's existing resources, during nonclassroom hours, and on normal school days.

The final version of the rules and procedures on school discipline with attendant regulations may be adopted by a panel comprised of the principal of the school, or his or her designee, and a representative selected by classroom teachers employed at the school.

It shall be the duty of each employee of the school to enforce the rules and procedures on school discipline adopted under this section.

(b) The governing board of each school district may prescribe procedures to provide written notice to continuing pupils at the beginning of each school year and to transfer pupils at the time of their enrollment in the school and to their parents or guardians regarding the school discipline rules and procedures adopted pursuant to subdivision (a).

(c) Each school may file a copy of its school discipline rules and procedures with the district superintendent of schools and governing board on or before January 1, 1988.

(d) The governing board may review, at an open meeting, the approved school discipline rules and procedures for consistency with governing board policy and state statutes.

(Amended by Stats. 2002, Ch. 1032, Sec. 3.)

Conduct

The Governing Board believes that all students have the right to be educated in a positive learning environment free from disruptions. To maintain such an environment, students, parents/guardians, staff and the Board all must understand and fulfill their responsibilities related to student conduct.

Student Responsibilities

The Board believes that it is important for students to understand that they have a choice to make regarding their actions and that appropriate conduct benefits both themselves and others. Students are encouraged to freely express their individuality as long as this expression does not infringe upon the rights of others or interfere with the instructional program. Behavior is considered appropriate when students are diligent in study, neat and clean, careful with school property, respectful towards their teachers, and courteous to other students, staff and volunteers. Students are expected to be punctual and regular in attendance and to remain on school premises in accordance with school rules. They are further expected to refrain from profane, vulgar or abusive language.

(cf. 5137 - Positive School Climate)

(cf. 5145.2 - Freedom of Speech/Expression: Publications Code)

(cf. 5145.7 - Sexual Harassment)

Students shall receive regular instruction in district and school rules and regulations related to conduct. Students who violate these rules and regulations may be subject to discipline, suspension, exclusion, expulsion or transfer to alternative programs.

(cf. 5112.2 - Exclusions from Attendance)

(cf. 5144 - Discipline)

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

(cf. 6184 - Continuation Education)

Parent/Guardian Responsibilities

Parents/guardians are expected to comply with laws governing the conduct and education of their children and to cooperate with school authorities regarding their children's behavior.

California law holds parents/guardians liable for any willful student misconduct which results in the death or injury of any student or persons employed by or volunteering for the district. Parents/guardians are also liable for any defacement, injury or loss of property belonging to the district or to a school employee. (Education Code 48904)

(cf. 3515.4 - Recovery for Property Loss or Damage)

District Responsibilities

The school principal shall establish and enforce school rules that conform with district procedures and that foster safety and good citizenship. He/she shall ensure that students are informed of these rules when they enroll and at the beginning of each school year.

Teachers shall establish and enforce classroom rules that facilitate safety and effective learning. They shall cooperate with other certificated staff in enforcing general school rules and helping students to understand the benefits of choosing behaviors that show respect for other people and property.

Adoption of School Rules and Procedures Related to Student Discipline

At least every four years each school shall adopt rules and procedures on student discipline applicable to the school and consistent with State statutes and District policies. In developing these rules and procedures, each school shall solicit the participation, views, and advice of one or more representatives selected by each of the following groups:

1. Parents
2. Teachers
3. School Administrators
4. School security personnel, or any
5. Students at grades 7-12

Meetings for the development of the rules and procedures should be held at the school site during nonclassroom hours, and on normal schooldays.

The final version of the rules and procedures on school discipline with attendant regulations shall be adopted by a panel comprised of the Principal or his/her designee, and a representative selected by classroom teachers employed at the school.

Each year each Principal shall file a copy of the rules and procedures with the Superintendent.

(cf. 5131.1 - Bus Conduct)

(cf. 5142 - Safety)

Legal Reference:

EDUCATION CODE

35181 Governing board policy on responsibilities of students

35291 Rules

35291.5 Rules and procedures on school discipline

44807 Duty concerning conduct of students

48900-48925 Suspension or expulsion

48908 Duties of pupils

48980-48981 Notification of parent or guardian

CIVIL CODE

1714.1 Liability of parents and guardians for willful misconduct of minor

PENAL CODE

245.6 Hazing

CODE OF REGULATIONS, TITLE 5

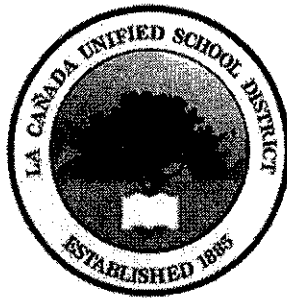
300-307 Duties of pupils

UNITED STATES CODE, TITLE 42

2000h-2 et seq. Title IX, 1972 Education Act Amendments

Policy LA CANADA UNIFIED SCHOOL DISTRICT

adopted: January 16, 1996 La Canada Flintridge, California



ELEMENTARY SCHOOLS' PARENT AND STUDENT HANDBOOK SIGNATURE FORM

Name of Student: _____

Teacher: _____ **Grade:** _____

Please read the Handbook and complete the following:

I have read and reviewed the ELEMENTARY SCHOOLS' PARENT AND STUDENT HANDBOOK. I have reviewed school rules, behavior expectations, and the Anti-Bullying Policy with my child.

Parent Signature: _____

I agree to follow the school rules, the behavior standards, and the Anti-Bullying Policy.

Student Signature: _____

LCUSD

Elementary Schools

Parent and Student Handbook

ANTI-BULLYING POLICY

The La Canada School District believes that all students have a right to a safe and healthy school environment. The district, schools, and community have an obligation to promote mutual respect, tolerance, and acceptance.

Our elementary schools will not tolerate behavior that infringes on the safety of any student. A student shall not intimidate or harass another student through words or actions.

Bullying among children encompasses a variety of *negative acts* carried out *repeatedly over time*. It involves a *real or perceived imbalance of power*, with the more powerful child or group attacking those who are less powerful.

Bullying can take several forms: physical (hitting, kicking, spitting, pushing, taking personal belongings); verbal (taunting, malicious teasing, name calling, racial slurs, and making threats); psychological (spreading rumors, manipulating social relationships or engaging in social exclusion, extortion or intimidation), and cyberbullying (use of technology to harass, threaten or humiliate).

Our elementary schools expect students to immediately report incidents of bullying to school staff. Staff is expected to immediately take action when they see or hear of a bullying incident. Each complaint of bullying will be promptly investigated. This policy applies to students on school grounds, while traveling to and from school, during the lunch period, whether on or off campus and during a school-sponsored activity.

Teachers will discuss this policy with their students in age-appropriate ways and should assure them that they need not endure any form of bullying. Students who bully are in violation of this policy and are subject to disciplinary action.

The steps for intervening in bullying behavior include, but are not limited, to the following:

1. All staff, students and their parents will receive a summary of this policy prohibiting bullying: at the beginning of the school year as part of student orientation, included in the student handbook and/or information packet, and as part of the school system's annual notification to parents.
2. Staff is expected to take immediate action when they see a bullying incident or when an incident is reported.
3. The school will consistently follow established progressive discipline procedures in dealing with students who violate school rules and/or the school's Anti-Bullying Policy.
4. People witnessing or experiencing bullying are encouraged to report the incident; such reporting will not reflect on the victim or witnesses in any way. In addition, students who retaliate against witnesses or those reporting bullying behaviors are subject to disciplinary action.
5. The school will make reasonable efforts to keep a report of bullying and the results of investigation confidential.

LCUSD

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Parent and Student Handbook

STUDENT CONDUCT AND RESPONSIBILITY

School is often the first place children begin to develop an understanding of their own needs and wants, as well as the needs and wants of others. It is a place children begin to "negotiate" turn taking, confront issues of fairness, and resolve differences. At La Cañada Elementary School we are committed to providing a safe, academically challenging, and socially instructive supportive environment in which children can learn and grow. LCE uses the principles of the 40 Developmental Assets and SAFE schools, where students are taught how to make good choices and to solve differences peacefully. By establishing a clear set of school policies and rules for both the classroom and the playground, and actively recruiting parent support, we believe we can teach our children to be responsible young people.

Rules for Responsible Behavior


At LCE we believe that a positive environment, where responsible behavior is recognized and rewarded, fosters individual growth, lasting friendships, and pride in the community. We want all students to be proud of their own sense of responsibility. Students can be empowered to make good choices for themselves and others by learning to use the following basic interventions when confronted by unacceptable behaviors in other.

Say "Stop" Students can be advocates for themselves by letting others know that the behavior is hurtful or threatening.

Walk Away Students can avoid hurtful or threatening situations by walking away. We want students to learn that they can choose to be safe and socially responsible at school.

Talk to an adult We encourage students to go to a supervisor on duty, a teacher, a staff member, or an administrator when they need help.

**LCUSD
Elementary Schools
Parent and Student Handbook**

LCE's 3 s



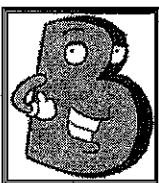
Safe

- Use kind words to solve problems
- Keep your hands and feet to yourself
- Report problems to an adult
- Follow the playground rules



Respectful

- Use polite words when you speak
- Raise your hand in class
- Wait your turn
- Keep your school clean



Responsible

- Come to school prepared and on time
- Follow directions in class
- Ask questions
- Help yourself and others

LCUSD

Elementary Schools

Parent and Student Handbook

When Students Struggle With Rules

Our role at school is to model, help shape, and work supportively with students to develop responsible behaviors. We view inappropriate student behaviors as opportunities to positively intervene, to provide coaching, and to prompt problem-solving skills among our students. Children grow when they have knowledge and feedback about their actions, understand the reasons for rules, and are given opportunities to practice appropriate behavior.

The type of consequence is based on the severity of the incident and the maturity of the individuals involved. We also acknowledge that behavior determines consequences. Below is a list of possible steps the staff uses to support and intervene with students who periodically struggle with rules. Please remember, struggling with rules is a part of growing up. Learning from mistakes now will lead to better choices later.

1. As problems emerge, the teacher will meet and counsel with the student. Teachers are encouraged to brainstorm and informally seek the advice of other staff members. Strategies used in the classroom may include positive praise, individual and group incentives such as points, earning privileges or recognition, "time-out" or quiet areas in the classroom, loss of privileges or play periods, detention, and/or individual student contracts.

Emphasis is placed on replacing inappropriate behavior with an alternate appropriate choice. Frequently, simply telling a student what *not to do* is not enough. A student also needs to know *what to do* instead.

2. If a pattern of problems continues, the teacher will share his/her observations and concerns with the parent and encourage a home-school solution.
3. If the behavior(s) continues, or if the problem is felt to jeopardize the personal welfare of other students or staff members, the principal will intervene.
4. If problems do not improve, the principal, parent, teacher, and in some cases, the school psychologist/counselor will assist in determining ways of altering the unwanted behavior. These may include a home-school contract, detention, exclusion from specific activities or from a particular peer group, or other techniques that may be helpful.

Occasionally, if a student's behavior is felt to regularly interfere with his/her classroom performance, the teacher may make a referral to the Student Study Team (SST). The SST is an informal body of colleagues, which may include the principal, the counselor, or the school psychologist, whose purpose is to generate formal or informal academic or behavioral interventions for the teacher to implement. The parent is informed that an SST is recommended.

Please note that UNSAFE behavior that is investigated and confirmed can and will result in SUSPENSION from school. Physical violence and severe disrespect/defiance will not be tolerated.

LCUSD

Elementary Schools

Parent and Student Handbook

Some examples include (but are not limited to):

1. Fighting/Instigating Fighting
2. Physical Violence that is intentional and harms others.
3. Threats of violence
4. Bringing weapons (guns/knives or any object intended to harm another person)
5. Vandalism
6. Stealing

In these cases, parents will be notified by the principal in a timely manner. A meeting will be required and the incident will be documented to ensure all parties are involved and plan is established for improved student behavior.

General School Conduct

We believe school rules need to be clear and consistently enforced. The following is a detailed list of rules that apply to different times of the day and different areas of the campus, including specific game rules played during recess periods.

1. Students must walk in the hallways and sidewalks.
2. Games of tag or chase are not allowed anywhere on the campus or school sidewalk areas.
3. Students are not allowed on the loading dock areas. *Jumping off the loading dock areas, sliding down the hill areas, or jumping over the concrete wall on Encinas Drive side of campus is not allowed. Sliding down the embankments on La Cañada Blvd. is not allowed.*
4. Planted areas may not be used for shortcuts.
5. Students must refrain from making excessive loud noises that may disrupt other classrooms while walking to and from various areas on the campus.
6. Restrooms and drinking fountains must be kept clean and orderly. Paper towels go into trash containers. The toilets should be kept free of any item other than toilet paper.
7. All trash goes into trash containers. Students are responsible for their own trash.
8. Gum is not permitted.
9. Personal student items of play (game equipment, trading cards, toys, etc.) may not be brought to school, unless specific permission is given by the teacher and Principal.
10. Climbing trees or other school facilities is not allowed.
11. No items are to be thrown (rocks, sticks, pine cones, paper wads, etc.).
13. Students may not use profanity. Students may not tease, malign or threaten.

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14. Students are expected to follow general rules of safety and appropriate conduct when on field trips. If there are concerns about a student's behavior that may interfere with their safety, the teacher will notify the principal and counsel with the parent prior to a scheduled field trip.
15. Students may not bring or use laser pointers.
16. Students are not permitted to bring or wear shoes with wheels.

Rules for Before School

1. Students must not be on campus before 7:55 a.m. All students must line up on their class assigned number on the playground. There is limited supervision at this time; therefore, students must remain in the line area and playground equipment is off limits. Parents are responsible for providing care prior to the arrival times.
2. Students in grades 4, 5, and 6 may ride their bicycles to school. All riders must wear a helmet and have a bicycle permit on file in the office. Bicycles must be walked on campus and locked securely in the bike rack.
3. Skateboards, rollerblades, and scooters are not allowed on campus at any time.
4. Students who arrive after the start times must check in at the office before going to class.
5. Students are responsible to arrive prepared for class work, bringing the necessary materials and completed homework

Rules for After School

1. Unless a student is involved in a school-sponsored activity after school, students must leave campus. There is no staff supervision on campus.
2. Because there is no school supervision at the park, we strongly advise against students walking to the park after school.
3. Students should not jaywalk across streets or the driveway to enter vehicles.
4. Students should not ever be in the parking lot area.
5. Games of tag or chase are not allowed. Wait quietly to be picked up.
6. The school has authority over the students' behavior while the students are on the way to school or are on the way home. If poor behavior occurs during this time, students are subject to school consequences.

Playground Rules

1. Never leave the playground without a hall pass or getting permission from the yard supervisor. This includes coming to the office, using the bathrooms or drinking fountains. You must have a hall pass for the health office. With permission, you may go to the health office with only one partner (not a group).
2. Students must walk "to" and "from" the playground.
3. Only LCE game rules can be used. Do not change the rules.
4. There are no "lock-outs." Any student wanting to play a game (unless there are rule restrictions) can play. Play fairly and allow for others to rotate into the game.

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5. Take turns. No one can "hold" a place for a friend. There are no "cuts."
6. Playground equipment is to be used for the game it was intended. Do not kick handballs or basketballs. Misuse eventually ruins the equipment. Put equipment away at the end of recess.
7. Specific games must be played in the area that is assigned for that game. For example, jump ropes are used on the blacktop; kickball must be played in the assigned kickball area. Chasing games and contact sports, such as tag and football, are not allowed.
8. Students are not allowed to dig or throw dirt, rocks, or other unsafe objects at any time.
9. Inform an adult if a ball has gone over a fence.
10. Listen for the Freeze bell or whistle* and follow these directions:
 - a. Get down from play equipment safely
 - b. Stop swings and dismount safely (no jumping)
 - c. Collect playground balls, other equipment and return to equipment containers
 - d. Stop talking and listen quietly for the release bell or whistle
 - e. Walk to designated line-up area or classrooms as directed
11. Try to solve a problem using rules for responsible behavior. Solve game disputes by talking about the problem using appropriate words and a calm voice. Use only the LCE rules of play. You may also play a game of "Rock, Paper, Scissors" to solve the problem. Seek the help of a yard supervisor if needed.

****At anytime a whistle is blown on campus, students are to stop their activity and wait for adult direction.***

Playground Supervision

1. Playground supervisors are encouraged to observe students for good sportsmanship, helpful actions and good problem-solving skills.
2. Non-ball arguments brought to an adult supervisor: Students will be given a choice to sit together and come to a mutual solution, or may be asked to write out their dispute on a Cool Tools form for further action.
3. Ball arguments: The ball will be held by the supervisor until the individuals can agree on a solution to play cooperatively. Student(s) may be redirected to another activity. Student(s) may be asked to describe the situation on a Cool Tools form for further action.
4. Conflicts in which students cannot come to a solution or when a student has a pattern of repeatedly breaking school rules:

First Offense: Student(s) may be "benched" to sit and think about the situation, write about the situation, and/or find alternative solutions for the situation.

Second Offense: Student(s) will be "benched," and asked to complete a Cool Tools form(s) to describe the situation. Student(s) may be redirected to another activity. The teacher, the

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school counselor, or the principal will be notified to discuss the behavior with the student(s).

Third Offense: Student(s) will be asked to complete a Cool Tools form to describe the situation. Student(s) will be sent to the principal's office for further action.

5. Students who are physically hurtful or engaging in bullying behaviors will be referred directly to the principal.

Note: The LCE PTA sponsors our activities on the playground. Parents may volunteer to supervise the playground during recesses.

EQUIPMENT AND GAME RULES

Handball

1. No tapping court.
2. No catching or holding the ball during the game.
3. The first person waiting in line is designated the judge.
4. Two people per game. First two people at court will do one game of "rock, paper, scissors" to determine server.
5. The server has two attempts to make a correct serve. If not correct he/she is out.
The server must:
 - Serve the ball while standing on the mid-court line,
 - Serve the ball in a fair manner, not a hard serve.
6. The receiver must accept a fair serve.
7. No waterfalls (ball dribbling down the height of the wall) or other made up hits.
8. Except for the serve, legal hits include hardies, babies, breakers, slices and spins.
9. Balls that land on the boundary line are fair. If the ball hits the top of the board (treetop), the player who hit the ball is out.
10. The ball must bounce only once before hitting the board, and can only bounce once or not at all before the other player must hit the ball.
11. Everyone in line must stand out of the court and not interfere with the game.
12. A player who wins 3 games in a row must go to the end of the line.
13. There is a maximum of ten players per court.

Wallball

1. No more than 10 players per game.
2. First player out is judge.
3. Players throw the ball against the wall trying to make the next player drop it. If a player drops the ball he/she must run and touch the wall before the ball is thrown and touches the wall. If the ball reaches the wall first, that player is out. This continues until one player is left in the game.
4. If a ball is dropped by a player and the ball hits another player, that hit player does not have to run to the wall and touch it.

LCE Staff Report

Student Name _____

Grade _____ Date _____

Playground Supervisor: _____
(Name)

Situation: _____

Action Taken:

Classroom Teacher: _____
(Name)

Situation: _____

Action Taken:

Counselor:

Situation: _____

Action Taken:

Student Problem Report – Grades 1-2

Name _____ Date _____ Teacher _____

Put An "X" In The Box Next To Your Answers

1. Is the problem a Small problem or a BIG problem? Small ☐ BIG ☐
2. Did others dip into your bucket with their words? YES ☐ NO ☐
3. Did others dip into your bucket with their body? YES ☐ NO ☐
4. Did you dip into someone's bucket with your words? YES ☐ NO ☐
5. Did you dip into someone's bucket with your body? YES ☐ NO ☐
6. Did you use Kelso's Choices to solve the problem when it was small? YES ☐ NO ☐
(If your answer is "Yes", turn the paper over and circle the choices you used)
7. Did you ask an adult for help before the problem became big? YES ☐ NO ☐

Write Your Answers

8. What happened? _____

9. What did others say or do to make the problem? _____

10. What did you say or do to make the problem? _____

11. Why did you say or do that? _____

12. What could you have done instead? _____

Office Follow-Up _____

Student Problem Report - Grades 3-6

First/Last Name _____ Date _____ Teacher _____

1. What was the problem? _____

2. What did the other person do or say to make the problem?

3. What are you responsible for doing or saying to make the problem?

4. Why did you do or say that?

5. What could you have done instead?

Office follow-up: _____

Behavior Reflection

Name _____ Date _____

Directions: Please begin at Step 1 and finish with Step 4

STEP 2:
Reasons for
My Behavior

1.

2.

3.

You are responsible for your own "Behavior". Your "Behavior" is what you said and what you did that contributed to this situation.

STEP 1:
My Behavior

STEP 3:
Because of My Behavior,
This is What Happened

1.

2.

3.

STEP 4: My Plan For Improving My Behavior

1) _____

2) _____

3) _____

LA CAÑADA ELEMENTARY SCHOOL
Office Action Report of Student Conduct

STUDENT: _____

Grade: _____ Teacher: _____

INCIDENT DESCRIPTION: _____ Date: _____

Location/Time: _____

☐ Removal from Area

Details: _____

RULE VIOLATION:

LCE "3 B's":

- ☐ "B" Safe (physically and verbally)
- ☐ "B" Respectful (to students, staff, and school)
- ☐ "B" Responsible (for self and belongings)

Other: _____

Cc: Office (White) Parent (Yellow) Teacher (Pink)

INTERVENTIONS:

- ☐ Cool Down
- ☐ Review of LCE "3 B's"
- ☐ Formal Warning _____
- ☐ Behavior Reflection
- ☐ Conflict Mediation
- ☐ Other _____

Counselor Support: Date _____

☐ Counselor/Student Debrief

☐ Student Plan: _____

Principal Support: Date _____

☐ Principal/Student Debrief

☐ Student Plan: _____

CONSEQUENCES FOR BEHAVIOR:

- ☐ Verbal / Letter of Apology
- ☐ Parent Contact: Date _____ Initial _____
- ☐ Loss of Recess: AM / Lunch _____
- ☐ Office Detention _____

SUSPENSION Date(s) _____

- ☐ In-House
- ☐ Out of School
- ☐ Parent Contact and Letter

HATE CRIME REPORTING PROCEDURES PURSUANT TO CHAPTER 1.2 OF TITLE 15 OF THE PENAL CODE (Component 13)

Definition of hate crime procedure:

Staff who receive notice of hate-motivated behavior or personally observe such behavior shall notify the principal, Superintendent or designee, and law enforcement, as appropriate.

In accordance with Board Policy, there are no hate-related crimes to report for the 2014-2015 school year.

Following in this component is:

- Board Policy BP 5145.9

Hate-Motivated Behavior

The Governing Board affirms the right of every student to be protected from hate-motivated behavior. It is the intent of the Board to promote harmonious relationships that enable students to gain a true understanding of the civil rights and social responsibilities of people in our society. Behavior or statements that degrade an individual on the basis of his/her race, ethnicity, culture, heritage, gender, sexual orientation, physical/mental attributes, religious beliefs or practices shall not be tolerated.

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

(cf. 0450 - Comprehensive Safety Plan)

(cf. 3515.1 - Crime Data Reporting)

(cf. 3515.4 - Recovery for Property Loss or Damage)

(cf. 5131.5 - Vandalism, Theft and Graffiti)

(cf. 5136 - Gangs)

(cf. 5137 - Positive School Climate)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

(cf. 6141.6 - Multicultural Education)

Any student who feels that he/she is a victim of hate-motivated behavior shall immediately contact the principal or designee. If the student believes that the situation has not been remedied by the principal or designee, he/she may file a complaint in accordance with district complaint procedures.

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 1312.3 - Uniform Complaint Procedures)

Staff who receive notice of hate-motivated behavior or personally observe such behavior shall notify the principal, Superintendent or designee, and law enforcement, as appropriate. Students demonstrating hate-motivated behavior shall be subject to discipline in accordance with Board policy and administrative regulation.

(cf. 3515.3 - District Police/Security Department)

(cf. 4158/4258/4358 - Employee Security)

(cf. 5144 - Discipline)

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

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

In addition, the district shall provide counseling and appropriate sensitivity training and diversity education for students exhibiting hate-motivated behavior. The district shall also provide counseling, guidance and support, as necessary, to those students who are the victims of hate-motivated behavior.

(cf. 6164.2 - Guidance/Counseling Services)

The Superintendent or designee shall ensure that staff receive appropriate training to recognize hate-motivated behavior and methods for handling such behavior in appropriate ways.

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

The district shall provide age-appropriate instruction to help promote understanding of and respect for human rights.

Legal Reference:

EDUCATION CODE

200-262 Prohibition of discrimination on the basis of sex

48900.3 Suspension for hate violence

PENAL CODE

186.21 Street terrorism; legislative findings and declarations

422.6-422.95 Civil Rights

628-628.1 School crime reporting

11410-11414 Terrorism

13023 Reports by law enforcement of crimes motivated by race, ethnicity, religion, sexual orientation or physical or mental disability

13519.6 Hate crimes, training courses and guidelines

UNITED STATES CODE, TITLE 18

245 Federally protected activities

Management Resources:

CSBA PUBLICATIONS

Protecting Our Schools: Governing Board Strategies to Combat School Violence, 1995

ALAMEDA OFFICE OF EDUCATION & CALIFORNIA DEPARTMENT OF EDUCATION
PUBLICATIONS

Hate-Motivated Behavior in Schools: Response Strategies for School Boards, Administrators,
Law Enforcement and Communities, 1997

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS & NATIONAL
ASSOCIATION OF ATTORNEYS GENERAL PUBLICATIONS

Protecting Students from Harassment and Hate Crime: A Guide for Schools, 1999

WEB SITES

CDE: <http://www.cde.ca.gov>

California Association of Human Relations Organizations: <http://www.cahro.org>

United States Department of Education, Office of Civil Rights: [http://www.ed.gov/
offices/OCR/index.html](http://www.ed.gov/offices/OCR/index.html)

Policy LA CANADA UNIFIED SCHOOL DISTRICT

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