

BEVERLY HILLS UNIFIED SCHOOL DISTRICT
EDUCATIONAL SERVICES DIVISION
CHILD WELFARE AND ATTENDANCE DEPARTMENT

DISCIPLINE
POLICY AND PROCEDURES

2009-2010



DISCIPLINE POLICY AND PROCEDURES

The Beverly Hills Unified School District would like to acknowledge and thank the Conejo Valley Unified School District for the use of their discipline handbook as the basis for this publication.

For additional information or complete copies of Board Policies, regulations, and/or Education Code references, contact the Coordinator of Child Welfare and Attendance, (310) 551-5100, extension 2250.

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BEVERLY HILLS UNIFIED SCHOOL DISTRICT
255 South Lasky Drive
Beverly Hills, CA 90212

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DISCIPLINE POLICY AND PROCEDURES

Introduction

We look forward to having you as a member of the Beverly Hills Unified School District community. We care about the students attending our public schools and want them to receive the finest educational opportunities possible.

The purpose of this booklet is to provide you with information to assure you that your Board of Education vigorously supports learning within a framework of academic excellence, discipline, and orderliness. We believe that students in public schools should progress from being adult-directed, with minimal application of disciplinary measures, to being self-directed. We are proud of the students of our school system. They have proven themselves to be good citizens and scholars in the classroom and in the community.

It is important that you, as a parent, are aware of the Board of Education Policy and Procedures, which are followed when disciplinary situations arise. With this awareness, you will also be able to assist in helping your child understand the importance of conducting themselves appropriately. Ultimately, our goal is for your child to enjoy a rich learning experience in the Beverly Hills schools.

I

GENERAL CONDUCT

The Board of Education believes that every student's character is molded by influences starting with the student's family and including all the institutions that affect the student's life. It is a major purpose of public education to teach, model, and encourage the development of good character in every student in every possible way. The Beverly Hills Unified School District Board of Education recognizes that a quality education includes a fundamental expectation that schools provide an environment that encourages the development of a strong moral anchor in truth, responsibility, and justice.

American public education has historically viewed character development as a foundation of the major mission of successful teaching and learning. The social environments of homes, schools, and communities form values and character. Clear expectations and pride in complying with the norms of the community help shape behavior. Families, schools, and communities have a profound influence on character, ethics, and values in both direct and indirect ways and school communities have a responsibility to teach, demonstrate, and promote ethical behavior. All participants in the education process must work in the partnership to ensure the successful development of the citizens of future generations.

II

PROHIBITED STUDENTS ACTIVITIES

Activities which are contrary to the welfare and best interest of the students and the school, as determined by the Education Code (E.C.), the Board of Education and the local school administration are prohibited, such as:

- A. obstructing or disrupting any authorized activity conducted under the authority of the Board of Education or its employees;
- B. conducting activities that evidence intent to conflict with school sponsored events or with the proper functioning of the regular school program;
- C. using force, violence, threat, intimidation, extortion or coercion to obstruct any school officials in the performance of their duties;
- D. preventing a student, teacher or other school authorities from attending a class;
- E. obstructing or disrupting the educational program of the school;
- F. entering or using in any unauthorized manner any school facilities, including buildings, grounds and equipment;
- G. failing to comply with the direction of police or any other law enforcement officers while they are acting in the performance of their duties on the school grounds;
- H. conspiring to engage in hazing, participating in hazing, or committing any act that injures, degrades, or disgraces, or tends to injure, degrade, or disgrace any fellow student (E.C. 32051);
- I. smoking, possessing or selling tobacco products on or within any school or district property;
- J. selling, buying, igniting or possessing fireworks of any kind while under the jurisdiction of the school, including "poppers" or "snappers".

- K. unlawfully possessing, using, selling, giving away or otherwise furnishing to another or being under the influence of any controlled substance, as defined in Section 11007, Health and Safety Code, or of any alcoholic beverage or intoxicant of any kind;
- L. engaging in any form of sexual harassment;
- M. possessing, selling, or furnishing any firearm, knife, explosive or other dangerous object.

III

AREAS OF RESPONSIBILITY

A. PARENT/ GUARDIAN

The Parent/Guardian shall:

1. adhere to existing laws governing the conduct and education of their children;
2. comply with Compulsory Education Laws E.C. 48200, 48400, 48450, and 48454 which state that:
 - a. a person between the ages of 6 and 16 years, not exempted, is subject to compulsory full-time education;
 - b. a person between the ages of 16 and 18 years shall attend school in an approved program unless he/she has received a high school diploma or its equivalent;
3. be liable for any misconduct resulting in injury or death to any student, or to any persons employed by or volunteering for the School District. The liability of the parent or guardian shall not exceed \$12,500; (E.C. 48904(a), Civil Code 1714.1)
4. be liable for any defacement or injury to any real or personal property belonging to the school district or any school employee. The liability of the parent or guardian shall not exceed \$ 12,500; (E.C. 48904(a), Civil Code 1714.1)

5. be liable for all property belonging to the school district which is loaned to the student and not returned upon demand of an employee of the District. The liability of the parent or guardian shall not exceed \$12,500; (E.C. 48904(a), Civil Code 1714.1)
6. ensure compliance with the Vehicle Code regarding bicycle and automobile regulations in the vicinity of and on school property.

B. STUDENTS

Every student shall:

1. attend school punctually and regularly;
2. conform to the regulations of the school;
3. obey promptly all the directions of his/her teacher and others in authority;
4. observe good order and propriety of deportment;
5. be diligent in study;
6. be respectful to his/her teacher and others in authority;
7. be kind and courteous to schoolmates;
8. refrain entirely from the use of profane and vulgar language.
9. comply with all safety rules and regulations (e.g. use of bicycle helmets). (Title 5, Section 300)

C. BOARD OF EDUCATION

The Board of Education shall:

1. hold all school personnel, through the Superintendent, responsible for the control and proper conduct of students while under the legal supervision of the school.
2. give full support, and mutual cooperation shall be expected of all school personnel in the administration of District policy.

D. ADMINISTRATORS

The Superintendent shall:

1. establish procedures to carry out Board of Education discipline policy.
2. hold all school personnel, students and parents responsible for the Board of Education policy and the conduct of children in the schools of the Beverly Hills Unified School District.
3. notify the parent/guardian of all students of the availability of the District policy pertaining to student discipline. (E.C. 35291)

The School Administrator shall:

1. initiate and enforce a set of school rules to facilitate effective learning and promote attitudes and habits of good citizenship.
2. communicate the rules for student discipline to the continuing students at the beginning of the fall semester, and to transfer students at the time of their enrollment. (Ed. Code 35291)
3. support classroom teachers in their efforts to promote improved and acceptable behavior of students.

4. notify parents/guardians of student offenses considered serious by the administrator by telephone, letter or personnel conference.
5. involve parents, community organizations and other government agencies in obtaining the best behavioral performances by students.
6. maintain documented records of deviant student behavior as a means of helping in the guidance of the students, as a record for parental conferences, as reference for authorized agencies and for supporting evidence where suspensions or expulsions may become necessary.
7. cooperate with law enforcement personnel.
8. always remain cognizant of his legal and professional responsibilities to the District and to the students.
9. be responsible for administration, management, instructional programs, and operation of the school.

E. TEACHERS

The Teachers shall:

1. conduct well-planned and effective classroom programs.
2. initiate and enforce sets of classroom regulations and positive behavioral reinforcements that facilitate effective learning.
3. cooperate with administrators and other classroom teachers to enforce general school rules and appropriate campus behavior.
4. follow procedures outlined in each school's handbook to handle discipline problems for which he/she is directly responsible.
5. make prompt referrals when a student's conduct and record indicate that more than routine controls are needed.
6. remove any student whose behavior seriously disrupts the learning atmosphere of the class, and cooperate with the administra-

tor in his/her effort to promote improved and acceptable behavior of students.

F. CLASSIFIED PERSONNEL

Classified Personnel shall be responsible to assist in maintaining student behavior in those areas specifically authorized and assigned by the Superintendent and/or principal, except when health, welfare, safety of others or plant security is jeopardized.

IV

ADMINISTRATIVE PROCEDURES

The Board of Education recognizes that each student is an individual and that control and correction of student misconduct must be managed on an individual student basis. The following procedures will be used for disciplinary purposes:

A. CONFERENCES

Misconduct indicates the need for a comprehensive look at the student's behavior to determine possible causes and probable corrective measures.

Conferences may involve some or all of the following people; students, teachers, psychologists, counselors, attendance officers, school administrators, parents, and District Office personnel.

B. STUDENT STUDY TEAM

Misconduct of a continuing nature indicates the need for a comprehensive look at the student's behavior to determine possible causes and probable corrective measures. The Student Study Team, which may include some or all of the following people: student, teachers, psychologist, counselors, attendance officer, school administrator, parents, and District Office personnel, will review student behavior, develop and monitor a plan for assistance.

C. BEHAVIORAL CONTRACT

A behavioral contract may be written before or after disciplinary action for any act of misconduct, including no diligence in studies. When this action is taken, the parent will be provided with a copy of the contract.

The District encourages use of performance contracts, whereby student/District-determined goals in academic/behavior areas are specifically and expressly stated. Students are held accountable for achievement of these mutually agreed upon goals.

D. REMOVAL FROM CLASS

A student who creates a safety hazard in class or commits severe disruptive infractions in class may be suspended from that class by the teacher for the day of the suspension and the day following. The teacher shall immediately report the suspension to the principal for appropriate action. (EC 48910).

E. PROBATION

A student may be placed on probation before or after disciplinary action for any act of misconduct, including no diligence in studies. When this action is taken, parents will be notified in writing.

F. DETENTION

A student shall not be detained in school for disciplinary or other reasons for more than one hour after the close of the maximum school day. (Title 5, Section 353)

A student shall not be required to remain in school during the intermission at noon, or during any recess. (Title 5, Section 352)

G. LOSS OF CREDIT OR REMOVAL FROM COURSE (HIGH SCHOOL)

The Beverly Hills Unified School District believes that the school and home are engaged in a partnership to teach the values of integrity, truth, personal accountability, and respect for the rights of others. (See section on Academic Honesty, Bd. Pol. 5040.1)

H. SINGLE PERIOD TRUANCY

Any comprehensive high school student who has five (5) single period truanancies in any one class, per semester, will be referred to an Assistant Principal and referred to the School Attendance Review Board. Extensive communication with students and parents has been built into the procedure.

I. TRUANCY

Any pupil subject to compulsory full-time education or to compulsory continuation education who is absent from school without valid excuse three (3) days in one school year or tardy without valid excuse in excess of 30 minutes on each of more than three days in one school year

is a truant and shall be reported to the assistant principal or the Coordinator of Child Welfare and Attendance.

E.C. 48260 Definition of a Truant

Upon a pupil's initial classification as a truant, the school district shall notify the student's parent or guardian, by first-class mail or other reasonable means, of the following:

1. that the pupil is a truant;
2. that the parent or guardian is obligated to compel attendance of the pupil at school;
3. that parents or guardians who fail to meet this obligation may be guilty of an infraction and subject to prosecution pursuant to Article 6 (commencing with Section 48290) of Chapter 2 of Part 27;
4. that alternative educational programs that are available in the district and that may be appropriate to assist the pupil;
5. that the parent or guardian has the right to meet with appropriate school personnel and/or the School Attendance Review Board (SARB) to discuss solutions to the pupil's truancy;
6. that the pupil may be subject to prosecution under Section 48264;
7. that the pupil may be subject to suspension, restriction, or delay driving privilege pursuant to Section 13202.7 of the Vehicle Code;
8. that it is recommended that the parent or guardian accompany the pupil to school and attend classes with the pupil for one day.

E.C. 48260.5 Notice to Parent or Guardian

J. EXCLUSION

The Board of Education may exclude from attendance at regular school classes any child whose physical or mental disability is such as to

cause his attendance to be a detriment to the welfare of other students. Ed. Code Section 48211 sets forth the following reasons for exclusions:

1. when a student displays filthy or vicious habits;
2. when a student has a contagious or infectious disease;
3. when a student lacks proper immunization for up to five (5) days;
4. when a principal determines that the continued presence of the child would constitute a clear and present danger to the life, safety, or health of pupils or school personnel.

E.C. 48211-48213

K. SUSPENSION AND EXPULSION/DUE PROCESS

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

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

Except where suspension for a first offense is warranted in accordance with law, suspension shall be imposed only when other means of correction fail to bring about proper conduct. (Education Code 48900.5)

Expulsion is an action taken by the Board for severe or prolonged breaches of discipline by a student. Except for single acts of a grave nature, expulsion is used only when there is a history of misconduct, when other forms of discipline, including suspension, have failed to bring about proper conduct, or when the student's presence causes a continuing danger to him/herself or others. (Education Code 48915)

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

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 offenders be punished to the fullest extent of the law. Staff shall immediately report to the Superintendent or Designee any incidence of offenses specified by law, Board policy and administrative regulation as cause for suspension or expulsion.

The Superintendent or Designee shall notify staff, students and parents/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 and equitable 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 resolution of classroom behavior problems. The Board expects that teachers will communicate with parents/guardians when behavior problems arise.

Whenever a student is removed 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 removed may provide that the student's parent/guardian 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 Board encourages teachers, before requiring parental attendance, to make reasonable efforts to have the parent/guardian visit the class voluntarily. The teacher also may inform the parent/guardian about available resources and parent education opportunities. Teachers should reserve the option of required parental attendance for cases in which they have determined that it is the best strategy to promote positive interaction between the student and the parent/guardian and to improve classroom behavior.

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 release time from work.

District regulations and school-site rules for student discipline shall include procedures for implementing parental attendance requirements.

Decision not to Enforce Expulsion Order

On a case-by-case basis, the enforcement of an expulsion order may be suspended by the Board pursuant to the requirements of law. BP 5045

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)

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)

Notification shall include information about the availability of individual school rules and all district policies and regulations pertaining to student discipline. (Education Code 35291)

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))
2. 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 student had obtained written permission to possess the item from a certificated school employee, with the principal or designee's concurrence; (Education Code 48900 (b))
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))
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; (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 wit-

ness and/or retaliating against that student for being a witness;
(Education Code 48900 (o))

16. made terrorist threats against school officials and/or school property. (Education Code 48900.7)
17. committed any type of hazing activity, as defined in Education Code 32050 or 32051, that would be likely to cause bodily danger, physical harm, or personal degradation or disgrace (Education Code 48900 (q)).
18. engaged in an act of bullying, including, but not limited to, bullying committed by means of an electronic act, as defined in subdivisions (f) and (g) of Section 32261, directed specifically toward a pupil or school personnel (r)).

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)
19. caused, attempted to cause, threatened to cause, or participated in an act of hate violence as defined in Education Code 233; (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 class work, creating substantial disorder, or invading student rights by creating an intimidating or hostile educational environment. (Education Code 48900.4)

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.

Alternatives to suspension or expulsion will be used with students who are truant, tardy or absent.

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 and send the student to the principal 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 shall ask the student's parent/guardian to attend a parent-teacher conference regarding the removal. A counselor should attend the conference if it is practical, 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 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 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)

This notice shall also ask the parent/guardian to meet with the principal after the visit and before leaving school, as required by 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.

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 school days in any school year. However, this restriction on the number of school days of suspension does not apply when the suspension is extended pending an expulsion. (Education Code 48903, 48912)

The Superintendent or Designee may count suspensions that occur while a student is enrolled in another school district toward the maximum number of school days for which a student may be suspended in any school year. (Education Code 48903)

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 pres-

ence at the school or at an alternative school would endanger persons or property or threaten to disrupt the instructional process. (Education Code 48911)

Teacher Confidential Notice Regarding Student Behavior

Current law (Education Code Section 49079) requires the teacher of a student who is engaged in, or is reasonably suspected to have engaged in, any of the acts described in any of the subdivisions, except subdivision (h) or in Section 48900.2, 48900.3, 48900.4 or 48900.7 of EC Section 48900, be so informed. Principal or designee shall provide teachers with written notice within a reasonable time frame.

Suspension by the Board

The Board may suspend a student for any of the acts listed in "Grounds for Suspension and Expulsion" above and within the limits specified in "Suspension by Superintendent, Principal or Principal's Designee" above. (Education Code 48912)

The Board may suspend a student enrolled in a continuation school or class for a period not longer than the remainder of the semester if any of the acts listed in "Grounds for Suspension and Expulsion" occurred. The suspension shall meet the requirements of Education Code 48915. (Education Code 48912.5)

When the Board is considering a suspension, disciplinary action or any other action (except expulsion) against a student, it shall hold closed sessions if a public hearing would lead to disclosure of information violating a student's right to privacy under Education Code 49073-49079.

The Board shall provide the student and his/her parent/guardian with written notice of the closed session by certified mail. Upon receiving this notice, the student or parent/guardian may request a public meeting, and this request shall be granted if made in writing within 48 hours after receipt of the Board's notice. Any discussion that conflicts with any other student's right to privacy shall be held in closed session. (Education Code 35146-48912)

Authority to Expel

Only the Board may expel a student. 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 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, 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

Upon finding that a 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 during the school year to comply with time requirements for conducting an expulsion hearing, the Superintendent or Designee may, for good cause, extend the time period by an additional five school days. Reasons for the extension shall be in-

cluded as a part of the record when the expulsion hearing is held. (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. Date and place of the hearing.
2. Statement of the specific facts, charges and offense upon which the proposed expulsion is based.
3. 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) or (c).
5. Opportunity for the student or the student's parent/guardian to appear in person or be represented by legal counsel or by a non-attorney advisor. If the student or the student's parent/guardian is to be represented by legal counsel or by a non-attorney advisor, written notice must be given to the District at least five days prior to the hearing.
 - 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
 - Non-attorney 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
6. Right to inspect and obtain copies of all documents to be used at the hearing.

7. Opportunity to confront and question all witnesses who testify at the hearing.
8. 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. 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 finding 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.

4. 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 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 evi-

dence 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 non-threatening 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.
5. Decision Within 10 School 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))

6. Decision Within 40 School 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: Administrative Panel

Instead of conducting an expulsion hearing itself, 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 staff of the school in which the student is enrolled. (Education Code 48918 (d))

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

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.

Upon ordering an expulsion, the Board shall set a date when the student shall be reviewed for readmission to a school within a 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.

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.

Suspension of 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 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. suspension of 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 suspension of 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 reinstatement, the Board may order the expunging of any or all records of the expulsion proceedings;
6. suspension of enforcement of an expulsion order shall not affect the time period and requirements for filing 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 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)

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 a community day school established at such a site;
3. not housed at the school site attended by the student at the time of suspension.

When the placement described above is not available, and when the County Superintendent of Schools so certifies, students expelled for acts described in items #6 through #13 and #17 through #19 under "Grounds for Suspension and Expulsion" above may be referred instead to a program of study provided at another comprehensive middle, junior, or senior high school, or at an elementary school. (Education Code 48915)

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 grades 7-12. (Education Code 48916.1)

Readmission After Expulsion

Readmission procedures shall be as follows:

1. on the date set by the Board when it ordered the expulsion, the district shall consider readmission of the student; (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 provisions of this plan have been met. School regulations shall be reviewed and the student and parent/guardian shall be required to indicate their willingness to comply with these regulations in writing;
3. the Superintendent or Designee shall transmit his/her recommendation regarding readmission to the Board. If information would be disclosed in violation of Education Code 49073-49079, the Board shall consider this recommendation in closed session. 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 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 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 working days of a written request by the admitting school. (Education Code 48900.8, 48918 (k))

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

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 shall notify appropriate city or county law enforcement authorities of any student acts, which may involve possession or sale of narcotics or of a controlled substance or possession of weapons or firearms in violation of Penal Code 629.9 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)

SUSPENSION AND EXPULSION/DUE PROCESS (Students With Disabilities)

A student identified as an individual with disabilities pursuant to the Individuals with Disabilities Education Act (IDEA) is subject to the same grounds for suspension and expulsion which apply to students without disabilities.

Procedures for Students Not Yet Eligible for Special Education Services

A student who has not been identified as an individual with disabilities pursuant to IDEA and who has violated the district's disciplinary procedures may assert the procedural safeguards granted under this administrative regulation only if the district had knowledge that the student was disabled before the behavior occurred. (20 USC 1415(k)(8))

The district shall be deemed to have knowledge that the student had a disability if one of the following conditions exists: (20 USC 1415(k)(8); 34 CFR 300.527)

1. The parent/guardian has expressed concern in writing, or orally if the parent/guardian does not know

how to write or has a disability that prevents a written statement, that the student is in need of special education or related services.

2. The behavior or performance of the student demonstrates the need for such services, in accordance with 34 CFR 300.7.
3. The parent/guardian has requested an evaluation of the student for special education pursuant to 34 CFR 300.530-300.536.
4. The teacher of the student or other district personnel has expressed concern about the behavior or performance of the student to the district's director of special education or to other personnel in accordance with the district's established child find or special education referral system.

The district would be deemed to not have knowledge as specified in items #1-4 above if, as a result of receiving such information, the district either conducted an evaluation and determined that the student was not a student with a disability or determined that an evaluation was not necessary and provided notice to the parent/guardian of its determination. (34 CFR 300.527)

If it is determined that the district did not have knowledge that the student was disabled prior to taking disciplinary action against the student, then the student shall be disciplined in accordance with procedures established for students without disabilities. (20 USC 1415(k)(8))

If a request is made for an evaluation of a student during the time period in which the student is subject to disciplinary measures, the evaluation shall be conducted in an expedited manner. Until the evaluation is completed, the student shall remain in the educational placement determined by school authorities. (34 CFR 300.527)

Suspension

The Superintendent or designee may suspend a student with a disability for up to 10 consecutive school days for a single incident of misconduct, and for up to 20 school days in a school year, as long as the suspension(s) do not constitute a change in placement pursuant to 34

CFR 300.519. (Education Code 48903; 34 CFR 300.520)

The principal or designee shall monitor the number of days, including portions of days, students with valid individualized education programs (IEP) have been suspended during the school year.

Services During Suspension

Students suspended for more than 10 school days in a school year shall continue to receive services during the term of the suspension, to the extent necessary to provide the student a free and appropriate public education. (20 USC 1412(a)(1)(A); 34 CFR 300.520)

If a student with disabilities is excluded from school bus transportation, the student is entitled to be provided with an alternative form of transportation at no cost to the student or parent/guardian, provided that transportation is specified in the student's IEP. (Education Code 48915.5)

Interim Alternative Placement Due to Dangerous Behavior

A student with a disability may be placed in an appropriate interim alternative educational setting for up to 45 days when he/she commits one of the following acts: (20 USC 1415(k)(1); 34 CFR 300.520)

1. Carries a weapon, as defined in 18 USC 930, to school or to a school function
2. Knowingly possesses or uses illegal drugs while at school or a school function
3. 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

The student's alternative educational setting shall be determined by the student's IEP team. (20 USC 1415(k)(2))

A hearing officer may order a change in placement of a student with a disability to an appropriate interim educational setting if the hearing officer: (20 USC 1415(k)(2); 34 CFR 300.521, 300.522)

1. Determines that the district has established by substantial evidence, meaning beyond a preponderance

of the evidence, that maintaining the current placement of the student is substantially likely to result in injury to the student or others

2. Considers the appropriateness of the student's current placement
3. Considers whether the district has made reasonable efforts to minimize the risk of harm in the student's current placement, including the use of supplementary aids and services
4. Determines that the interim alternative educational setting proposed by school personnel who have met with the student's special education teacher allows the student to:
 - a. Progress in the general curriculum and continue to receive those services and modifications, including those described in his/her IEP, to enable the student to meet the goals of the IEP
 - b. Receive services and modifications designed to address the behavior and ensure that the behavior does not recur

The student may be placed in the interim alternative educational setting for up to 45 days, or until the conclusion of any due process hearing proceedings requested by the parent/guardian. (20 USC 1415(k)(2))

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)

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)

Procedural Safeguards/Manifestation Determination

The following procedural safeguards shall apply when a student is suspended for more than 10 consecutive school days, when disciplinary action is contemplated for a dangerous behavior as described above, or when a change of placement is contemplated: (20 USC 1415(k)(4); 34 CFR 300.523)

1. The parents/guardians of the student shall be immediately notified of the decision and provided the procedural safeguards notice pursuant to 34

CFR 300.504 on the day the decision to take action is made.

2. Immediately if possible, but in no case later than 10 school days after the date of the decision, a manifestation determination review shall be made of the relationship between the student's disability and the behavior subject to the disciplinary action.

At this review, the IEP team and other qualified personnel shall consider, in terms of the behavior subject to the disciplinary action, all relevant information, including: (20 USC 1415(k)(4); 34 CFR 300.523)

- a. Evaluation and diagnostic results, including the results or other relevant information supplied by the student's parents/guardians
- b. Observations of the student
- c. The student's IEP and placement

In relationship to the behavior subject to the disciplinary action, the team shall then determine whether the IEP and placement were appropriate and whether supplementary aids, services, and behavioral intervention strategies were provided consistent with the student's IEP and placement. The team shall also determine that the student's disability did not impair the ability of the student to understand the im-

pact and consequences of the behavior, nor did it impair his/her ability to control the behavior subject to the disciplinary action. (20 USC 1415(k)(4); 34 CFR 300.523)

If the team determines that the student's behavior was not a manifestation of his/her disability, then the student may be disciplined in accordance with the procedures for students without disabilities, as long as the student continues to receive services to the extent necessary to provide that student a free and appropriate public education. (20 USC 1415(k)(4); 34 CFR 300.524)

If the team determines that the student's behavior was a manifestation of his/her disability, then the student's placement may be changed only via the IEP process. (20 USC 1415(k)(4))

Due Process Appeals

If the parent/guardian disagrees with a decision that the behavior was not a manifestation of the student's disability or with any decision regarding placement, he/she has a right to appeal the decision. (20 USC 1415(k)(6); 34 CFR 300.525)

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 or 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

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 be the same as those used for all students. Upon readmission, an IEP team meeting shall be convened.

Suspension of Expulsion

The Board's criteria for suspending the enforcement of an expulsion order shall be applied to students with disabilities in the same manner as they are applied to all other students. (Education Code 48917)

Notification 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)

L. RECOMMENDED DISCIPLINARY ACTION

The Guidelines for Administering Discipline to Students Who Have Violated Standards of Student Behavior can be found in the APPENDIX I of this document. These guidelines provide additional detail relative to specific acts committed by students and a spectrum of possible actions that shall be appropriate for a specific violation of law or district/school regulations. Within the minimum to maximum actions indicated in the

guidelines, the administration shall determine the most effective action based upon knowledge of the facts of the incident and the concept of progressive discipline as an appropriate educational experience.

M. STUDENT GUIDE TO UNDERSTANDING AND AVOIDING HARASSMENT

Information from the Student Guide to Understanding and Avoiding can be found in Appendix II. It addresses providing an equal opportunity for all pupils to experience a harassment free environment while in school. Specifically, E.C. 45 (a) states: All pupils have the right to participate fully in the educational process, free from discrimination and harassment. A definition of harassment is the unwanted and unwelcome behavior from other students or staff members, which interferes with another individual's life. When it is sexual in nature, then it is considered to be "sexual harassment". When it is racial in nature, then it is considered to be "hate-motivated behavior" or sometimes a "hate crime". Regardless, the District will not tolerate any form of harassment in the schools or at the workplace. Disciplinary action will be taken promptly against any student engaging in unlawful acts of sexual harassment or hate violence. Examples of actions that interfere with a person's education that are prohibited for both students and staff include:

1. unwanted touching
2. obscene comments
3. physical threats
4. obscene gestures
1. indecent exposure
2. sexual innuendos
3. gender specific comments
4. requests for sexual favors
5. racial-specific comments
6. suggestive looks

E.C. 48900.2, 48900.4, and 48980(h)

RULES AND REGULATIONS

A. CHEATING POLICY

The Beverly Hills Unified School District believes that the school and home are engaged in a partnership to teach the values of integrity, truth, personal accountability, and respect for the rights of others.

Cheating – Definition

Students should understand that, among other things, cheating includes communicating with another student during an exam, copying material during an exam, allowing another student to copy from their exam paper, using unauthorized notes or devices, submitting falsified information for grading purposes, obtaining and supplying a copy and/or information about an exam without the knowledge and consent of the teacher, submitting a paper written by another person, copying another person's assignment(s), allowing another student to copy an assignment, or taking home exams without the knowledge and consent of the instructor.

This should not prevent K-12 students from working together on their assignments or homework, unless specifically told not to do so by the teacher. High school students should not work together on their assignments or homework unless the teacher has specifically given them permission to do so. Cheating here is defined as misrepresenting another's work as your own.

Consequences for Cheating

The consequences for cheating shall be clearly explained to all students. All teachers must adhere to the following procedures, however, consequences appropriate to the individual case will always be considered.

:

1. First Infraction

- a. student grade is lowered: (1) if the cheating occurs on an exam, a zero grade for that exam shall be included in a student's average. (2) if the cheating occurs on an activity other than an examination, the equivalent of a zero grade on that activity shall be included in the student average.
- b. teacher informs the parent;
- c. referral to assistant principal. Appropriate counseling steps should be taken.
- d. Conduct mark is to be lowered

2. Second Infraction – Any second infraction in a course shall result in the following:
 - a. conference with assistant principal, counselor, parent, student and teacher;
 - b. a zero grade shall be given for the test/ quiz/ assignment
 - c. a record will be placed in the student's guidance folder;
 - d. 30 hours of community service will be assigned by an administrator (BHHS only)
 - e. Conduct mark is to be lowered.
3. Third Infraction in the Same Course
 - a. student will receive a failing semester grade.
 - b. the student will be assigned an additional 50 hours of community service (BHHS only)

If a student steals, sells or buys (or offers to sell or buy) a final examination or has unauthorized possession of a final examination, a parent conference will be called, a suspension will be assigned, and the student will fail the course.

If a student steals keys (has unauthorized possession of keys) or is involved in illegal school entry, an administrator is to be notified immediately. The school administration will notify the Beverly Hills Police Department, the student will be suspended, a parent conference will be called, and the student will fail the course. Where appropriate, expulsion procedures will be initiated.

Of course, it is our hope that through discussion and diligence the consequences associated with cheating will not have to be initiated.

B. ACADEMIC ELIGIBILITY EXTRA CURRICULAR ACTIVITIES

1. Students who wish to participate in an extra-curricular activity must achieve at least a 2.0 G.P.A. on the last report card prior to the season or production period. If a report card is issued during a season or production period, a student must remain eligible in order to continue to participate. All students must qualify on both of the following:

- a. G.P.A. will be computed using all classes in which a student is enrolled. The grade point average will be determined by the following point system:

A = 4 points; B = 3 points; C = 2 points; D = 1 point; F = 0 points

- b. Each student is required to pass 20 credits of new work (a make-up class is excluded) during the reporting period. Only one of the subjects may be Physical Education.
2. Entering ninth graders are scholastically eligible.
3. Students with a 2.0 G.P.A. who receive an "F" grade shall be placed on academic probation for 10 weeks during which time extra-curricular participation is permissible. If after 10 weeks the student has an "F" grade in any subject area caused by poor attendance, inappropriate behavior and/or lack of effort, the student is ineligible to participate in extra-curricular activities.
4. Students shall be given the opportunity to re-establish eligibility by making up an "F" grade or G.P.A. of less than 2.0 in summer school. Physical Education is counted only once.

MISCELLANEOUS ACADEMIC PROVISIONS

An "Incomplete" (I) grade is considered a failure (F) until the required work is completed. The G.P.A. will then be recomputed.

EXCEPTION PROCEDURES

1. Students with less than a 2.0 G.P.A. and/or those who have failed one subject in the second ten-week period, except those who have failed two or more subjects, may (on appeal) be allowed to continue in the extra-curricular activity for ten weeks to bring their G.P.A. up to a 2.0 and/or eliminate the "F" grade.
2. The principal may grant such an exception in extenuating circumstances only if low grades were not a result of poor attendance and/or behavior and "lack of effort." However, under no circumstances may an exception to the 2.0 G.P.A. rule be made for more than ten weeks.

CITIZENSHIP

Students who have two or more unsatisfactory citizenship marks on their report cards at the quarter will be ineligible until the next grading period.

ATTENDANCE

Any students who have five or more trancies in any one class will be ineligible.

TUTORIAL

The staff will provide for continuous and timely monitoring of student attendance, academic achievement, and citizenship. Students with a 2.0 G.P.A. who have received D's or F's will be counseled and tutored to improve academic performance.

C. DRESS CODE/GANG APPAREL

Student dress and grooming should enhance comfort, provide for a feeling of individuality, and allow for pursuit of current fashions. While it is considered that formal education is a serious process, that students are in the process of securing an education, and that the atmosphere of the school should be conducive to learning, the Board of Education hopes that parental judgment and student self-discipline will result in the ultimate goal of steadily decreasing administrative control and enforcement in the areas of student dress and grooming.

Students may use sunscreen during the school day, without a physician's note or prescription.

Standards in grades K-8 are as follows:

1. students shall wear clothes that are neat, clean, unfrayed and in good repair;
2. headgear, including caps, hats and/or bandanas shall not be worn on campus except for outdoor activities. This applies to both male and female students. Exceptions may be granted for religious and/or medical reasons;
3. students shall not be permitted to wear attire which names, advertises, or promotes products that are illegal for minors, including items related to drugs, alcohol, and tobacco;

4. students shall not be permitted to wear attire, which features offensive and/or vulgar words, pictures, or drawings, including naming advertising, or promoting sexually related products or activities;
5. students shall not be permitted to wear attire, which includes words, phrases, or pictures that are derogatory regarding a person's ethnic background, national origin, religious beliefs, gender, or disability;
6. students shall not wear make-up, lipstick or colored lip-gloss;
7. students shall not wear tops showing the mid-section of one's body, tank tops, tube tops, sheer blouses, or open backed shirts;
8. for reasons of safety, students shall not attend school in bare feet and must wear shoes or sandals (no thongs, slippers, or "flip-flops");
9. student hair shall be neat, clean, and natural looking in color and style;
- 10.
- 11.
- 12.

Parents may be called if standards are not met and students may be required to return home to change into more suitable attire.

Standards at the high school are as follows:

1. student dress and grooming for daily school attendance should meet the minimum legal requirements concerning footwear, cleanliness, health, and exposure;
2. students shall not wear attire, which suggests gang affiliation or has inappropriate logos;
3. students shall not wear clothes showing bare midriffs, spaghetti-strings, slip dresses, halter tops, tank tops, oversized baggy pants, wallet chains that hang from pants, stocking caps, bandanas, or hanging belts;
4. students shall project a business-like manner in their attire;
5. appropriate school dress is the only acceptable attire for after school events.

Parents may be called if standards are not met and students may be required to return home to change into more suitable attire.

D. BICYCLE RULES

Students in grades 4-12 are permitted to ride bicycles to school. All bicycles must be registered with the Beverly Hills Police Department and licenses must be carried on the bicycle.

Students may not ride bicycles or skate boards on school grounds. Coasting with one foot is considered riding.

Students must wear helmets when they ride bicycles to and from school.

E. BUS CONDUCT

Upon registration, parents or guardians of pupils not previously transported in a school bus in grades pre-kindergarten, kindergarten and 1-6, inclusive, shall be provided with written information on school bus safety as specified.

(EC 39831.5)

F. PUPIL ACCESS TO INTERNET AND ON-LINE SITES

Electronic Communication Acceptable Use

The Governing Board intends that technological resources provided by the district be used in a responsible and proper manner in support of the instructional program and for the advancement of student learning.

The Superintendent or designee shall notify students and parents/guardians about authorized uses of district computers and consequences for unauthorized use and/or unlawful activities.

The Board desires to protect students from access to harmful matter on the Internet or other online services. The Superintendent or designee shall implement rules and procedures designed to restrict students' access to harmful or inappropriate matter on the Internet. He/she also shall establish regulations to address the safety and security of students when using electronic mail, chat rooms, and other forms of direct electronic communication.

Disclosure, use and dissemination of personal identification information regarding students are prohibited.

Staff shall supervise students while they are using online services.

Before using the district's online resources, each student and his/her parent/guardian shall sign and return an Acceptable Use Policy, specifying user obligations and responsibilities. In that agreement, the student and his/her parent/guardian shall agree not to hold the district responsible and shall agree to indemnify and hold harmless the district and all district personnel for the failure of any technology protection measures, violations of copyright restrictions, users' mistakes or negligence, or any costs incurred by users.

In order to help ensure that the district adapts to changing technologies and circumstances, the Superintendent or designee shall regularly review this policy, the accompanying administrative regulation and other procedures. He/she shall also monitor the district's filtering software to help ensure its effectiveness.

Instruction

The principal or designee shall oversee the maintenance of each school's technological resources and may establish guidelines and limits on their use. He/she shall ensure that all students using these resources receive training in their proper and appropriate use.

At the beginning of each school year, parents/guardians shall receive a copy of the district's policy and administrative regulation regarding access by students to the Internet and online sites (Education Code 48980).

Online/Internet Services: User Obligations and Responsibilities

Students are authorized to use district equipment to access the Internet or online services in accordance with user obligations and responsibilities specified below and in accordance with Governing Board policy and the district's Acceptable Use Policy.

1. The student, in whose name an online services account is issued, is responsible for its proper use at all times. Students shall keep personal account numbers, home addresses and telephone numbers private. They shall use the system only under their own account number.
2. Students shall use the district's system responsibly and primarily for educational purposes.
3. Students shall not access, post, submit, publish, or display harmful or inappropriate matter that is threatening, obscene, disruptive, or sexually explicit, or that could be construed as harassment or disparagement of others based on their

race/ethnicity, national origin, gender, sexual orientation, age, disability, religion, or political beliefs

Harmful matter includes matter, taken as a whole, which to the average person, applying contemporary statewide standards, appeals to the prurient interest and is matter which depicts or describes in a patently offensive way, sexual conduct, and which lacks serious literary, artistic, political, or scientific value for minors.

4. Students shall not disclose, use or disseminate personal identification information about themselves or others when using electronic mail, chat rooms, or other forms of direct communication. Students are also cautioned not to disclose such information by other means to individuals located through the Internet without the permission of their parents/guardians. Personal information includes the student's name, address, telephone number, Social Security number, or other individually identifiable information.
5. Students shall not use the system to encourage the use of drugs, alcohol or tobacco, nor shall they promote unethical practices or any activity prohibited by law or Board policy.
6. Copyrighted material shall not be placed on the system without the author's permission. Students may download copyrighted material for their own use only.
7. Students shall not intentionally upload, download or create computer viruses and/or maliciously attempt to harm or destroy district equipment or materials or manipulate the data of any other user, including so-called "hacking".
8. Students shall not read other users' electronic mail or files. They shall not attempt to interfere with other users' ability to send or receive electronic mail, nor shall they attempt to delete, copy, modify or forge other users' mail.
9. Students shall report any security problem or misuse of the services to the teacher or principal.
10. The principal or designee shall make all decisions regarding whether or not a student has violated Board policy or the district's Acceptable Use Policy. The decision of the principal or designee shall be final.

Inappropriate use shall result in a cancellation of the student's user privileges, disciplinary action and/or legal action in accordance with law and Board policy.

(EC 51870.5; 48980(i) and Board Policy 6163.4)

G. COMMUNICATION GUIDELINES

STUDENT USE OF BULLETIN BOARDS, CIRCULATION OF PRINTED MATERIALS, AND PETITIONS

1. TIME, PLACE, AND MANNER OF DISTRIBUTION

a. General

Regulations related to the circulation of petitions, circulars, and other printed matter shall be disseminated in order that all persons concerned are fully aware of same.

b. Time

The time of distribution shall be limited to the hours before school, during the nutrition and lunch periods, and after the office school day.

c. Place

The place of distribution shall be reasonably restricted to permit the normal flow of traffic within the school corridors, stairwells, and entrance and exits on the school campus.

d. Manner

The manner of distribution and expression shall be such that:

- (1) no coercion is used to induce students to accept the printed matter or to sign petitions. All petitions shall be clearly marked as to origin and sponsorship;
- (2) leaflets and all printed material shall be submitted to the appropriate school reviewing authority (Principal or his designate) at least one school day prior to distribution. The reviewing authority shall prohibit the distribution of printed material if it would disrupt the orderly operation of the school;
- (3) materials printed for distribution shall not be left unattended at any place or time in the school or on the school grounds;
- (4) students use good taste, reflective of community standards, in the manner of expressing ideas. The language, pictures, drawings, or photographs to be used in the materials distributed shall not be vulgar (vulgarity is defined as that which is lewd, profane, coarse, or offensive). Material shall conform to community standards of propriety and public behavior on or near campuses;

- (5) buttons, badges, and other insignias of symbolic expression shall be subject to the above guidelines.

2. BULLETIN BOARD

- a. School administrators shall provide reasonable bulletin board space for posting student announcements.
- b. Student announcements shall contain the posting date and the signature of the appropriate advisor. Such announcements shall be removed after a prescribed reasonable time to assure fair access to bulleting boards for all other students.
- c. Announcements posted shall be subject to the prohibitions listed below.

3. PROHIBITED MATERIAL

- a. Material, which is libelous or violates the right of privacy.
- b. Material, which is obscene to minors according to current legal definitions.
- c. Profanity and material, which expresses or advocates racial, religious, or ethnic prejudice.
- d. Material, which so incites students as to create a clear and present danger of the commission of unlawful acts on school premises or the violation of lawful school regulations, or the substantial disruption of the orderly operation of the school.
- e. Material which is distributed in violation of the guidelines described herein including the time, place and manner of distribution.
- f. Materials which are commercial in nature, i.e. selling of merchandise or services.

4. DISCIPLINARY ACTION

Any student who (a) distributes a petition, circular, newspaper, or other printed material, (b) wears a button, badge, or other insignia, or (c) posts any item on a bulletin board in violation of the above prohibitions and restrictions is subject to suspension, expulsion, or other

penalties depending on the severity or repetition of the violation, and in accordance with the established disciplinary procedures of the school district.

APPENDIX I

GUIDELINES FOR ADMINISTERING DISCIPLINE TO STUDENTS WHO HAVE VIOLATED STANDARDS OF STUDENT BEHAVIOR

Standards of student behavior within the Beverly Hills Unified School District shall be enforced at the discretion of the administration within the general guidelines as set forth below.

These guidelines reflect a **spectrum of possible actions that shall be appropriate for a specific violation of law or district/school regulations**. Within the minimum to maximum actions indicated in the guidelines, the administration shall determine the most effective action based upon knowledge of the facts of the incident and the concept of progressive discipline as an appropriate educational experience.

The listing of minimum and maximum actions does not imply or require that a "step-by-step" progression of increasing severity be employed by an administrator in dealing with a violation. Disciplinary action shall be dependent upon the situation and the previous behavior record of the student.

The schedule of actions possible with an infraction of regulations is:

1. conference regarding violation and a warning;
2. in-school probation or suspension from a specific class and/or activity;
3. detention (or volunteer service in lieu of detention);
4. parent conference;
5. parent/teacher conference;

- 6. suspension;
- 7. transfer to another school;
- 8. transfer to another specialized program or continuation school;
- 9. expulsion from the District;
- 10. withholding grades, diploma and/or transcripts.

The following represents **samples** of violations that may occur in the schools. The asterisk (*) indicates mandatory immediate Law Enforcement Agency notification. The double asterisk (**) indicates that recommendation for expulsion is required under Education Code 48915. The number in the area of Disciplinary Action refers to the schedule of actions listed above.

	Recommended Action	Disciplinary Action
	Maximum	Minimum Action
A. Violations Against Persons		
*1. Assault 9 Unlawful attempt, coupled with a present ability, to commit a violent injury on the person of another.	6	
*2. Battery 9 Any willful and unlawful use of force or violence upon the person of another.		6
*3. Assault on a Staff Member 9 (See A. above)		6
*4. Battery on a Staff Member 9 (See B. above)		8

*5. Weapon Possession 6
9**

The unauthorized possession of any instrument designed for or capable of producing death or great bodily harm.

Possessing selling or furnishing a firearm, knife, explosive or other dangerous object of no reasonable use to the student.

Brandishing a knife at another person.
9**

*6. Assault with a Deadly Weapon
9**

Every person who commits an assault upon the person of another with a deadly weapon or instrument or by any means of force likely to produce great bodily injury is punishable by law.

7. Possession of an Imitation Firearm 6
9

Replica substantially similar to an existing firearm to lead a reasonable person to conclude that the replica is a firearm.

8. Possession of Fireworks of any kind 6
9

Selling, buying, igniting or possessing fireworks of any kind while under the jurisdiction of the school. This includes "poppers" or "snappers".

Recommended Disciplinary
Action

Minimum
Maximum
Action Action

*8. Sexual Assault or Sexual Battery
9**

Committed or attempted to commit a sexual assault or committed a sexual battery.

9. Fighting 4
9
Mutual combat in which both parties have contributed to the situation by verbal and/or physical action.
10. Hazing 6
9
Participation in or conspiring to engage in, or conspiring for others to engage in, harassing acts that injure, degrade, or disgrace other individuals. (E.C. 32050-32052)
11. Interference/Obstruction
6 9
Any action taken to attempt to prevent a staff member from exercising lawful assigned duties.
12. Verbal Abuse
6 9
Threatening language to a staff member
13. Serious Physical Injury
9**
Causing serious physical injury to another person, except in self-defense.
14. Bullying 6 9
Engaged in an act of bullying, including, but not limited to, bullying committed by means of an electronic act, directed specifically toward a pupil or school personnel.
15. Sexual Harassment
6 9
Committed sexual harassment sufficiently severe or pervasive to have negative impact on the victim's academic performance or to create an intimidating, hostile, or offensive educational environment. (This section does not apply to students in kindergarten through third grade.)
Information regarding reporting procedures and available remedies may be obtained from the Assistant Superintendent, Educational Services.

16. Hate Violence (person) 6
 9
 Any action taken to injure, intimidate, interfere with, oppress or threaten another person because of the person's race, color, religion, ancestry, national origin, disability, gender or sexual orientation

Recommended Disciplinary
 Action

Maximum Minimum
 Action

Action

16. Harassment/Intimidation of Witness
 6 9
 The harassment or intimidation of a witness or eyewitness in a school disciplinary proceeding.

B. Violations Against Property

1. Extortion or Robbery
 6 9**
 The obtaining of property from another without consent..., induced by a wrongful use of force or threat, or under the guise of official right.

2. Theft
 6 9
 The unlawful taking of property.

3. Unauthorized Use of School Property 4
 9
 The unauthorized/illegal use of school property.

4. Willful Damage of School Property 6
 9
 Any student who willfully cuts, defaces, or otherwise injures in any way property, real or personal, belonging

to the school district is liable.
 (This includes gang activities such as tagging, etc.)

5. Damage to Personal Property
 1 10

6. Willful Non-Return of District Property 1
 10

The Superintendent or principal may withhold the grades, diploma, and/or transcripts of any student responsible for damaging or failing to return District property, until the student's parent or guardian has paid for the damages. If the student and parent are unable to pay for damages or return the property, the student shall be offered a program of voluntary work in lieu of payment.

7. Knowing Receipt of Stolen School or Private Property 3
 9

Recommended Disciplinary Action

Maximum Minimum
 Action Action

Action

8. Hate Violence (property)
 6 9

Any action taken to deface, damage or destroy the real or personal property of any person because of the other person's race, color, religion, ancestry, national origin, disability, gender or sexual orientation.

C. Violations Against Public Decency and Good Morals

1. Gambling
 4 8

The playing of a game of chance for stakes.

2. Vulgarity/Profanity
 1 7

Language that is disgusting to the senses, repulsive.

3. Offensive Social Behavior

1 7

Activities that are an infraction of acceptable social actions.

D. Violations Against Public Health and Safety

1. Possession or Use of Any of the Following:

Dangerous Drugs

6 9

Unauthorized Controlled Substance

6

9

Alcohol

6 9

Tobacco

3 9

Drug Paraphernalia

6 9

2. Selling Dangerous drugs. Unauthorized Controlled

9** Substances or "Look-Alike" Substances

3. Tobacco-Free Schools

6 9

The use and sale of tobacco products is banned at all times and everywhere on all district property including, but not limited to, all school buildings, school vehicles and play and athletic fields.

E. Violations Against Traffic Regulations

1. Reckless Driving

6

9

Driving on school property in such a manner as to endanger persons or property.

Recommended Disciplinary
Action

Minimum

Maximum

Action

Action

2. Parking

1 6

Parking in an unauthorized area on school property.

F. Violations Against School Standards

1. Continued Willful Disobedience

9

6

Repeated refusal to follow school rules and regulations.

2. Defiance of Authority

9

6

Willful refusal to follow a legal direction/order given by a staff member.

3. Disruptive Behavior

1 8

Actions, which are detrimental to the effective operations of the school.

4. False Identification

4 8

Refusal to give or giving false identification when requested to do so by a staff member.

5. Forgery

6 8

Falsifying a signature or tampering with any school documents, including school transcript, computer or hand-generated.

6. Freedom of Expression

7

1

For specifics, see Policy 452.5.

7. Leaving Campus

6

1

Leaving campus during school hours without proper clearance. (See Policy 443.5.)

8. Misbehavior on School Buses 6	1
Continued disorderly behavior or severe misbehavior shall be sufficient reason for a principal to deny a student transportation on a school bus	
	Recommended Disciplinary Action
	Maximum Minimum Action
Action	
9. Student Attire and Grooming 1 6 See Section V. C	
10. Violation of Suspension 9	6
Physically present on a school campus or at a school activity while on suspension and/or expulsion before, during or after school.	
11. Habitual/Continual Violation of Above Standards 9	6

APPENDIX II

STUDENT GUIDE TO UNDERSTANDING AND AVOIDING HARASSMENT

Why is this topic so important?

Many people have been called rude or obscene names and maybe even been threatened because of their religion, race or simply because they are a boy or a girl. This guide is designed to remind everyone that "harassment" of any kind is not acceptable behavior at any time and is against school rules. "Harassment" is not welcome in the Beverly Hills Unified School District!

WE BELIEVE THAT EVERY STUDENT HAS THE RIGHT TO LEARN

- * Without being called names and
- * Without being threatened because they are a boy or a girl, or from a certain religion or race

What is "harassment?"

Harassment is unwanted and unwelcome behavior from other students or staff members, which interferes with another person's life. When it is sexual in nature, it is "sexual harassment." When it is racial in nature, it is "hate-motivated behavior" or sometimes a "hate crime." It is against the rules for students to make remarks that embarrass others or make them feel uncomfortable because of actions or remarks that are sexual or racial in nature.

What are some actions that interfere with a person's education and are not allowed?

- * Unwanted touching
- * Obscene comments
- * Physical threats
- * Obscene gestures
- * Indecent exposure
- * Sexual innuendos
- * Gender specific comments
- * Requests for sexual favors
- * Racial-specific comments
- * Suggestive looks

What should you do if you feel that you have been harassed?

1. Tell a teacher, counselor or school administrator.

When telling what happened, be specific. ANY REPORT YOU MAKE IS PRIVATE. You may bring a parent or guardian with you, if you would like. The information you give is private and will not be made public, unless you talk about it yourself with others. Any witnesses will be told to keep the information about the situation to themselves, too.

2. Do not worry about someone "getting even" with you for telling.

The school will support you and investigate your concern quickly. School administrators will do their best to make sure no one tries to "get even."

3. Tell the truth

Any student who falsely accuses another student or staff member of sexual or racial harassment is subject to disciplinary action.

What happens next?

A harassment complaint is usually settled at the school, but sometimes it will be reviewed at the District Office. An investigator will be assigned and will communicate with those individuals who can help to sort out the facts. The investigator will determine whether harassment has occurred, prepare a report about the situation and give the information to your principal. Your principal will then suggest a solution or remedy. Finally, if things are not settled, you have the right to submit your concern to the District Office.

APPENDIX III

NONDISCRIMINATION AND SEXUAL HARASSMENT POLICY

Nondiscrimination

The Governing Board is committed to equal opportunity for all individuals in education. District programs and activities shall be free from discrimination based on Sex, Race, Color, Ancestry, Religious Creed, National Origin, Physical Disability (including HIV and AIDS), Mental Disability, Medical Condition (cancer related), Age (over 40), Marital Status, Vietnam-era Veteran Status, or Actual or Perceived Sexual Orientation and Denial of Family Care Leave. The Board shall promote programs that ensure the discriminatory practices are eliminated in all district activities.

Any student who engages in discrimination of another student or anyone from the district may be subject to disciplinary action up to and including expulsion. Any employee who permits or engages in discrimination may be subject to disciplinary action up to and including dismissal. If disciplinary action is needed, the progressive discipline steps may be followed, including as appropriate: warning, reprimand, suspension and dismissal.

Any student, staff member, or parent who feels that discrimination has occurred should immediately contact the teacher, principal, or the Assistant Superintendent, Human Resources. If the concern is not resolved, a formal complaint may be initiated at the school or by directly contacting the Human Resources office. Copies of the Uniform Complaint Form may be obtained from the school office or the District's Human Resources office.

Sexual Harassment

The Beverly Hills Unified School District is committed to an educational environment in which all students are treated with respect and dignity. Each student has the right to learn in an environment that promotes equal educational opportunity and is free from discriminatory practices.

Sexual Harassment is a violation of Title IX of the Education Act Amendments of 1972, Title VII of the Civil Rights Act of 1964, and California Education Code Sections 210 through 214, inclusive.

The District strongly condemns, opposes and prohibits sexual harassment of students whether verbal, written or physical by anyone in or from the District. Therefore, the Board shall not tolerate the sexual harassment of any student by any other student or any District employee. Any student who is found guilty of sexual harassment shall be subject to disciplinary action.

Teaching the value and importance of mutual respect and understanding of both sexes shall be a part of the K-12 instructional program. Such instruction shall be made a part of the curriculum design in age appropriate ways.

It shall be the policy of this district to:

1. prohibit and discourage any person in the work or educational setting from sexually harassing any other person, including students, in the work or educational setting;
provide a harassment-free work and educational environment;
2. remedy in a speedy manner any consequences of sexual harassment;
3. provide on-going education and awareness of the problem of sexual harassment;
and
4. provide information about how to pursue claims of sexual harassment.

DEFINITION OF SEXUAL HARASSMENT

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

1. submission to the conduct is explicitly or implicitly made a term or a condition of an individual’s employment, academic status or progress;
2. submission to, or rejection of, the conduct by the individual is used as the basis of employment or academic decisions affecting the individual;
3. 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;
4. submission to, or rejection of, the conduct by the individual is used as the basis for any decision affecting the individual regarding the benefits and services, honors, programs, or activities available at or through the educational institution;
5. as it relates to students, subjects any pupil to discrimination on the basis of sex, including sexual harassment, in any District program or activity.

Sexual harassment is prohibited against members of the same sex as well as against members of the opposite sex.

CONSEQUENCES FOR VIOLATION OF POLICY

1. Any person who violates this policy will be subject to disciplinary action up to and including discharge, suspension, or other appropriate disciplinary measures.
2. Any student who violates this policy will be subject to disciplinary action up to and including expulsion.

All students will receive a complete copy of the Beverly Hills Unified School District Sexual Harassment Policy during the first month of school.

APPENDIX IV

STUDENT DRUG AND ALCOHOL USE

A. District Philosophy and Policy

The use, possession or distribution of any abusive substance is detrimental to the health and well being of students. Therefore, the District staff shall do everything possible to create a school environment free of the use, presence and distribution of abusive substances. The District recognizes the special needs of students who are identified as having a substance abuse problem and, therefore, directs its staff to provide appropriate assistance and referral sources. Steps and action shall include, but are not limited to the following:

1. maintain an up-to-date, effective health education program regarding abusive substances and tobacco from kindergarten through Grade 12;
2. develop and implement a clearly defined written policy pertaining to the use, possession or distribution of abusive substances, which will be applicable to a student's use, possession or distribution of an abusive substance (1) on school grounds; (2) at a school sponsored or authorized activity; (3) coming to or going from school; (4) during the lunch period, whether on or off campus; (5) during, or while going to or coming from a school spon-

- sored activity, or (6) anywhere else in such circumstances where the act is related to a school activity or school attendance;
3. inform students, staff and parents about the District Policy relating to student involvement with abusive substances;
 4. instruct District staff, through in-service training, to be more perceptive in identifying students involved in the use, possession or distribution of abusive substances;
 5. utilize the service of District personnel and community resources to provide the help and remedies for students involved in the use, possession or distribution of abusive substances;
 6. encourage students, if using alcohol or drugs, to discuss and seek help with any staff member. Students shall not be punished or disciplined for disclosing past use when seeking help from an intervention or recovery program;
 7. student shall not be allowed to smoke, chew or possess tobacco or nicotine products on school property or during school hours, at school sponsored events, or under the supervision of District employees (Education Code 48901). Students who violate this policy shall be subject to disciplinary procedures, which may result in suspension from school, a Beverly Hills Police Department ticket, and assignment to lunch detention.

B. District Drug Advisory Council

1. District Drug Advisory Council (DDAC) shall be maintained to review matters pertaining to drug use, abuse and education within the District. The Council shall serve as an advisory body to the Superintendent of Schools and the Board of Education. It shall consist of representatives from the Board of Education, elementary and high school staff, parents, students, community resource personnel and special consultants.

C. Prohibitions and Procedures Relating to Abusive Substances

1. Definitions:
 - a. "Abusive substance" is defined to mean any controlled substance as defined in Section 11007 of the Health and Safety Code, any alcoholic beverage, or any intoxicant of any kind.
 - b. "Abusive substance violation" is defined to mean any unlawful use (being under the influence of); possession (having an abusive substance on the student or in the area under the student's control, such as his locker); or distribution (barter, exchange, sale or gift of any abusive substance or what is

purported to be an abusive substance, or unlawfully offering, arranging, or negotiating to sell any drug paraphernalia, as defined in Section 11364 of the Health and Safety Code), (1) on school grounds; (2) at a school sponsored or authorized activity; (3) going to or coming from school; (4) during the lunch period, whether on or off campus; (5) during, or while going to or coming from a school sponsored activity; (6) or anywhere else in such circumstance where the act is related to school activity or school attendance.

APPENDIX V

UNIFORM COMPLAINT PROCEDURES

What is a complaint?

A complaint is a written and signed statement alleging violation of a federal or state law or regulations, which may include an allegation of unlawful discrimination.

What are the responsibilities of the complainant?

The complainant:

1. attempts to resolve the complaint with the site or program administrator;
2. receives complaint procedures from the Office of the Superintendent;
3. files a written complaint and follows the steps in the local complaint procedures;
4. may appeal to the California Department of Education (CDE) for resolution if he or she is dissatisfied with the decision of the District;
5. may appeal to the State Superintendent of Public Instruction if he/she is dissatisfied with the determination of the CDE;
6. may appeal to the Office for Civil Rights (OCR) if he/she is dissatisfied with the decision of the District;
7. the complainant may appeal to the State Superintendent at any time during the review and investigation of the complaint by the District and the complainant may pursue any other administrative or judicial remedy at any time.

What are the responsibilities of the District?

The District:

1. attempts to resolve the complaint with the site or program administrator;
2. designates the Assistant Superintendent, Human Resources to be responsible for complaint resolution;
3. follows complaint procedures consistent with the California Code of Regulation, Title 5, Section 4600-4671;
4. annually notified parents, employees, committees, students, and other interested parties of local complaint procedures, including the right to appeal the District's decision. Complainants may also seek any civil law remedies that may be available;
5. protects complainants from retaliation.

What is the District's procedure for filing a complaint?

Any individual, public agency or organization alleging a violation of federal or state statutes may file a written complaint with the Assistant Superintendent, Human Resources.

Discrimination complaints must be filed no later than six months from the occurrence or when they are first acknowledged. The District and the CDE must protect the confidentiality of the parties and the facts related to the case.

The District:

1. completes an investigation and a written report within 60 days of receipt of a complaint. The District must give the filing party an opportunity to present evidence relevant to the complaint. The District must also advise the complainant regarding rights of appeal to the CDE or OCR;
2. submits, on notification of an appeal, the following to the CDE or OCR:
 - a. the original complaint;
 - b. a copy of the District decision;
 - c. a summary of the nature and extent of the investigation conducted by the local agency if not covered in the District decision;
 - d. a report of any action taken to resolve the complaint;
 - e. a copy of the District complaint procedures;
 - f. such other relevant information as the State Superintendent may require.
3. may appeal to the State Superintendent of Public Instruction if the District is dissatisfied with the decision of the CDE.

What are the responsibilities of the California Department of Education?

The California Department of Education:

1. keeps a file for every written complaint received;
2. refers each complaint to the District for local resolution when appropriate;
3. requests a report of a District action, when appropriate;
4. conducts a mediation or investigation when:
 - a. the District fails to act within 60 days or an agreed-upon timeline;
 - b. a complainant appeals the District decision;
 - c. the Department determines that direct intervention is necessary.
5. requires corrective actions by the District concerning compliance issues identified through investigations of complaints;
6. Provides technical assistance to correct compliance issues.

UNIFORM COMPLAINT PROCESS

Uniform Complaint Procedures Authorized by California Code of Regulations, Title 5, Sections 4600-4671

Contact Persons for Programs and Services Covered Under Uniform Complaint Procedures:

Program	Contact the Office of:	Telephone:
Adult Education	Director, Beverly Hills Adult School	(310) 551-5100, Ext. 2243
Child Nutrition, School Nutrition and Child Care Food	Director, Food Services	(310) 551-5100, Ext. 2208
Consolidated Categorical Aid: State Programs for Students of Limited English Proficiency (EIA/LEP); Title I and Title VI	Assistant Superintendent, Educational Services K-12	(310) 551-5100, Ext. 2240
Gender Equity	Director, Human Resources	(310) 551-5100, Ext. 2235
Special Education	Director of Special Education	(310) 551-5100, Ext. 2226
School Safety Plan	Coordinator of Child Welfare and Attendance	(310) 551-5100, Ext. 2226
Career Development	Director, Career Development	(310) 551-5100, Ext. 8225
Service:	Contact the Office of:	Telephone:
Nondiscrimination Requirement and Civil Rights	Director of Human Resources	(310) 551-5100, Ext. 2235

THE COMPLAINT PROCESS

1. Filing a Complaint: Obtain a Uniform Complaint Form from the school or from the Director of Human Resources. Submit the completed complaint form to the Principal or to the Assistant Superintendent.
2. Investigation: The district will investigate the complaint and provide a report of the investigation and a decision within 60 days of receipt.
3. Appeals: If the complainant disagrees with the District's decision, he/she has 15 days to appeal the decision to the State Department of Education.

4. The complainant may also pursue action in civil court.

Complaints will be kept confidential. The District prohibits retaliation against any participant in the complaint process. Each complaint shall be investigated promptly and in a way that respects the privacy of all parties concerned.

If you have a complaint, contact a teacher, principal, site administrator or:

**DIRECTOR OF HUMAN RESOURCES
255 SOUTH LASKY DRIVE
BEVERLY HILLS, CALIFORNIA 90212
(310) 551-5100 EXT. 2235**

APPENDIX VI

DISRUPTIVE INTRUDERS ON CAMPUS

The Board of Education is committed to keeping the schools safe from intruders and requires all visitors to register in the main administrative office upon coming on campus.

The principal or designee shall promptly expel from school premises any individual he/she reasonably believes might disrupt normal school operations, threaten the health and safety of students or staff, or cause property damage.

Failure to register or identify oneself may be considered to be disruptive.

The principal or designee shall ensure that all staff members know what action to take when they observe strangers on school grounds and when and how to get help from law enforcement authorities.

The Superintendent or designee shall post at every entrance to each school and school grounds a notice setting forth school hours, visitor registration location and requirements, penalties for refusing to leave

school grounds, and any other announcements required by the local law enforcement agency in order to pursue the arrest of persons found loitering or trespassing. (Penal Code 627.6)

Members of the Beverly Hills Unified School District staff will treat parents and other members of the public with respect and expect the same in return. This District is committed to maintaining orderly educational and administrative processes in keeping schools and administrative offices from disruptions and preventing unauthorized persons from entering school/District grounds.

This policy promotes mutual respect, civility and orderly conduct among District employees, parents and the public. This policy is not intended to deprive any person of his/her right to freedom of expression, but only to maintain, to the extent possible a reasonable, safe, harassment-free workplace for our students and staff. In the interest of presenting District employees as positive role models to children of this District, as well as the community, the Beverly Hills Unified School District encourages positive communication, and discourages volatile, hostile or aggressive actions. The District seeks public cooperation with this endeavor.

DISRUPTIONS

Any individual who disrupts or threatens to disrupt school/office operations; threatens the health and safety of students or staff; willfully causes property damage, uses loud and/or offensive language which could provoke a violent reaction; or who has otherwise established a continued patterns of unauthorized entry on School District property, will be directed to leave school or School District property promptly by the Chief Administrative Officer or designee.

If any member of the public uses obscenities or speaks in a demanding, loud, insulting and/or demeaning manner, the administrator or employee to whom the remarks are directed will calmly and politely admonish the speaker to communicate civilly. If corrective actions are not taken by the abusing party, the District employee will verbally notify the abusing party that the meeting, conference or telephone conversation is terminated and, if the meeting or conference is on District premises, the offending person will be directed to leave promptly.

When asking an individual to leave school grounds, the principal or designee shall state that the individual will be guilty of a misdemeanor if he/she re-enters school premises within the applicable period of time. (Penal Code 626.6, 627.7; Education Code 32211)

Action leading to the penalty of a fine, imprisonment or both may be taken against anyone whose conduct materially disrupts class work or extracurricular activities or causes a disturbance on school grounds. (Education Code 44811; Penal Code 415.5)

When an individual is directed to leave under such Paragraph 1 or 2 circumstances, the Chief Administrative Officer or designee shall inform the person that he/she will be guilty of a misdemeanor in accordance with California Education Code 44811 and Penal Codes 415.5 and 626.7 if he/she re-enters any District facility within 30 days after being directed to leave, or within seven days if the person is a parent/guardian of a student attending that school. If any individual refuses to leave upon request or returns before the applicable period of time, the Chief Administrative Officer or designee may notify law enforcement officials.

California Education Code

44811, in part. (a) Any parent, guardian, or other person whose conduct in a place where a school employee is required to be in the course of his or her duties materially disrupts class work or extracurricular activities or involved substantial disorder is guilty of a misdemeanor. (b) A violation of subdivision (a) shall be punished as follows:

1. Upon the first conviction, by a fine of not less than five hundred dollars (\$500) and not more than one thousand dollars (\$1,000), or by imprisonment in a county jail for not more than one year, or by both the fine and imprisonment.
2. Upon a second conviction, by imprisonment in a county jail for a period of not less than 10 days, and not more than one year, or by both imprisonment and a fine not exceeding one thousand dollars (\$1,000). The defendant shall not be released on probation, or for any other basis until he or she has served not less than 10 days in a county jail.
3. Upon a third or subsequent conviction, by imprisonment in a county jail for a period of not less than 90 days, and not more than one year, or by both imprisonment and a fine not exceeding one thousand dollars (\$1,000). The defendant shall not be re-

leased on probation, or for any other basis until he or she has served not less than 90 days in a county jail.

SAFETY AND SECURITY

The Superintendent or designee will ensure that a safety and/or crisis intervention techniques program is provided in order to raise awareness on how to deal with these situations if and when they occur.

When violence is directed against an employee, or theft against property, employees shall promptly report the occurrence to their principal or supervisor and complete an Incident Report. Employees and supervisors should complete the Incident Report and report to law enforcement any attack, assault or threat made against them on school/District premises or at school/District-sponsored activities.

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

Possession of unauthorized dangerous instruments, weapons or devices is prohibited on school premises, on any public right-of-way immediately adjacent to school property, or any other place where a teacher and student(s) are required to be in connection with assigned school activities. (Penal Code 626, 626.9, 626.20)

DOCUMENTATION

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

APPEAL PROCEDURE

Any person who is asked to leave a public school building or grounds may appeal to the Superintendent or designee. This appeal shall be made no later than the second school-day after the person has departed from the school building or grounds. The Superintendent or

designee shall render his/her decision within 24 hours after the appeal is made, and this decision shall be binding upon both parties.

The decision of the Superintendent or designee may be appealed to the Governing Board. Such an appeal shall be made no later than the second school day after the Superintendent or designee has rendered his/her decision. The Board shall consider and decide the appeal at its next scheduled or adjourned regular public meeting. The Board's decision shall be final. (Education Code 32211)

APPENDIX VII

ANTI-HARASSMENT/ANTI-INTIMIDATION POL- ICY

The Beverly Hills Unified School Board of Education affirms the right for all students, staff, and parents and guardians to be free from hate crimes, abusive statements, or any activity which degrades the unique qualities of an individual, such as race, ethnicity, culture, heritage, sexuality, physical/mental attributes, religious beliefs and practices. Such verbal or physical acts are damaging to one's self-esteem and will not be tolerated on any District campus or at any school activity whether on or off campus. The Board encourages the superintendent and staff to develop programs, which enhance self-esteem, raise awareness and sensitivity, and foster respect for individuals and their unique qualities.

The Board recognizes that such hate-crime statements, threats, physical assaults, or damage to property are inflammatory to those victimized by such acts and jeopardizes the safety and well being of students and staff. The Board authorizes the staff to discipline students involved in such acts, including suspensions and recommendation for expulsion.

The District will not tolerate any act of harassment or intimidation including gestures, comments, threats or actions, wither written, verbal or physical, which cause, threaten to cause or are likely to cause bodily harm or personal degradation on any District campus or at any school activity whether on or off campus.

The consequences of these actions may include a broad range of disciplinary measures as appropriate; however, every effort will also be taken to provide or locate appropriate assistance for both the victim and the offender.

Initial Response and Reporting Expectations

The District expects all employees, if they observe or become aware of an act of intimidation, to take immediate, appropriate steps to intervene.

If, in the opinion of the employee, the matter has not been resolved, then the situation must be reported to an administrator for further investigation.

The District expects students, parents and other community members who observe or become aware of a serious act of harassment/intimidation to report this act to a school administrator for further investigation.

Investigation and Response

Any incident, which may constitute an act of harassment/intimidation, which is reported to the principal, shall be thoroughly investigated by the site administrator or designee. Consequences shall be commensurate with the results of the investigation. This may include, but is not limited to, counseling, parent conference, detention, involuntary transfer, a formal suspension and/or expulsion of the offender. The parent or guardian shall be contacted and may be asked to attend a conference with school officials.

If the parent or guardian does not attend the conference, the site administrator shall send a letter informing the parent of the actions under consideration and notifying parent of all data pertinent to the action.

Depending on the severity of the incident, the administrator shall take appropriate steps to insure campus safety. This may include any or all of the following: implement an immediate safety plan; isolate and supervise involved students; provide staff support for involved students as necessary; report incident to law enforcement, if appropriate; notify the parents/guardians of both the offender and the victim and develop supervision plan with parents.

If the act of harassment/intimidation is deemed to warrant a suspension, expulsion or involuntary transfer to another school, then the matter will be processed in accordance with Board Policy 5045.

Assessment and Intervention

An administrative contact will be made with the victim and offender prior to resuming regular schedule of classes. If deemed necessary, the administrator or designee may convene a multi-disciplinary team to further assess and determine the need for ongoing support for the victim or the offender.

Depending upon the severity of the harassment/intimidation, an investigation might include: review of school records; identification of parent and family issues; and interviews with students, parents, and school staff. A multi-disciplinary team consisting of school staff, counselor/psychologist, parent, student, and other agency personnel as appropriate, will develop a behavior support plan.

The support plan may include any or all of the following: a case manager, counseling services (site, district and/or community resources); parenting skills classes; and other additional support services as deemed appropriate. The case manager will maintain a record of the services provided.

School Follow-up

The case manager has a responsibility to follow up and evaluate the behavior support plan. The case manager will compile a report to the site administrator on the process, resources used, and the follow up procedure involving the victim and the offender.

A copy of the behavior plan and follow-up report will then be forwarded to the Coordinator of Child Welfare and Attendance.

APPENDIX VIII

STUDENT CONDUCT POLICY

The Governing Board believes that all students have the right to be educated in a positive learning environment free from disruptions. On school grounds and at school activities, students shall be expected to exhibit appropriate conduct that does not infringe upon the rights of others or interfere with the school program.

Behavior is considered appropriate when students are diligent in study, careful with school property, courteous, and respectful towards their teachers, other staff, students and volunteers.

The Superintendent or designee shall ensure that each school site develops standards of conduct and discipline consistent with district policies and administrative regulations.

Students and parents/guardians shall be notified of district and school rules related to conduct and shall receive regular instruction regarding these rules. In addition, parents/guardians and students may be provided information about early warning signs of harassing/intimidating behaviors as well as prevention and intervention strategies.

Prohibited student conduct includes but is not limited to:

1. Behavior that endangers staff and/or students
2. Behavior that disrupts the orderly classroom or school environment
3. Harassment of students or staff, including bullying, intimidation, hazing, or any other verbal, written or physical conduct that causes or threatens to cause bodily harm or emotional suffering
4. Damage to or theft of property belonging to the district, staff or students
5. Possession or use of laser pointers, unless used for a valid instructional or other school-related purpose, including employment (Penal Code 417.27)

Prior to bringing a laser pointer on school premises, students shall first obtain permission from the principal or designee. The principal or designee shall determine whether the requested use of the laser pointer is for a valid instructional or other school-related purpose.

6. Profane, vulgar or abusive language
7. Plagiarism or dishonesty in school work or on tests
8. Inappropriate dress

9. Tardiness and unexcused absence from school
10. Failure to remain on school premises in accordance with school rules

Student Use of Electronic Signaling Devices

It is the intent of the Board of Education, in exercising its authority to regulate the use of electronic signaling devices, to establish guidelines and regulations that will ensure the continuation of a positive climate for learning, free from unnecessary disruptions. The Board recognizes that, as the technology of wireless communication in our society has evolved there is now widespread use of electronic signaling devices, including cellular and digital telephones and pager devices, among our student population that has previously been prohibited.

The Board believes that, although recent changes in state law no longer prohibit students from possessing or using signaling devices, restrictions on their use on a school campus must exist to ensure that such use does not infringe upon the rights of others or interfere with classroom instruction or other school activities.

The Board does not encourage student possession or use of electronic signaling devices on a school campus nor does it assume liability if such devices are damaged, lost, or stolen. Students are prohibited from using such devices in the classroom or in a school environment where such use would infringe on the rights of another student or staff member or would interfere with the school program. Cellular telephones are to be turned off in the classroom, during passing periods, and during school activities in which their use would cause a disruption. Students who use these devices on campus shall do so only before school, during Nutrition, Lunch, and after school. The Board encourages students to use cellular telephones for family business and emergency purposes only.

If the privilege of using these devices at school is abused and the possession or use of an electronic signaling device violates this policy, the school has the right to revoke the privilege and prohibit a student from possessing such a device. The principal/designee is responsible for including violations of this policy in the school discipline plan as appropriate.

No recording devices, including but not limited to, photo/video cell

phones, tape/digital recorders, cameras of any kind, are to be on campus without prior written approval of the site administrator.

No pupil shall be prohibited from possessing or using an electronic signaling device that is determined and documented by a licensed physician and/or surgeon to be essential for the health of the pupil and use of which is limited to purposes related to the health of the pupil.

Enforcement of Standards

Employees are expected to provide appropriate supervision to enforce standards of conduct and,

if they observe or become aware of a violation of these standards, to immediately intervene or call for assistance. If an employee believes a matter has not been resolved, he/she shall refer the matter to his/her supervisor or administrator for further investigation.

Students who violate district or school rules and regulations may be subject to discipline, including but not limited to suspension, expulsion or transfer to alternative programs in accordance with Board policy and administrative regulation. In addition, when the conduct involves intimidation, harassment, or other endangerment of a student or employee, the Superintendent or designee shall provide appropriate assistance as necessary for the victim and the offender or make appropriate referrals for such assistance.

**BEVERLY HILLS
UNIFIED SCHOOL DISTRICT**



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