

**Regulation 5144: Discipline**

Status: DRAFT

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**Site-Level Rules**

Site-level rules shall be consistent with state law and Board policies and administrative regulations. -In developing site-level disciplinary rules, the principal or designee shall solicit the participation, views, and advice of one representative selected by each of the following groups: (Education Code 35291.5)

1. Parents/guardians
2. Teachers
3. School administrators
4. School security personnel, if any
5. For junior high and high schools, students enrolled in the school **Students in grades seven through twelve**

Annually, site-level discipline rules shall be reviewed and, if necessary, updated to align with any changes in state law, district discipline policies and regulations, and/or goals for school safety and climate as specified in the district's local control and accountability plan. A copy of the rules shall be filed with the Superintendent or designee for inclusion in the comprehensive safety plan.

School rules shall be communicated to students clearly and in an age-appropriate manner.

It shall be the duty of each employee of the school to enforce the school rules on student discipline. (Education Code 35291.5)

**Disciplinary Strategies**

To the extent possible, staff shall use disciplinary strategies that keep students in school and participating in the instructional program. Except when students' presence causes a danger to themselves or others or they commit a single act of a grave nature or an offense for which suspension or expulsion is required by law, suspension, **supervised suspension**, or expulsion shall be used only when other means of correction have failed to bring about proper conduct. Disciplinary strategies may include, but are not limited to:

1. Discussion or conference between school staff, the student, and the student's parents/guardians
2. Referral of the student to the school counselor or other school support service personnel for case management and counseling
3. Convening of a study team, guidance team, resource panel, or other intervention-related team to assess the behavior and develop and implement an individual plan to address the behavior in partnership with the student and the student's parents/guardians
4. When applicable, referral for a comprehensive psychosocial or psychoeducational assessment, including for purposes of creating an individualized education program (**IEP**) or a Section 504 plan
5. Enrollment in a program for teaching prosocial behavior or anger management
6. Participation in a restorative justice program
7. A positive behavior support approach with tiered interventions that occur during the school day on campus
8. Participation in a social and emotional learning program that teaches students the ability to understand and manage emotions, develop caring and concern for others, make responsible decisions, establish positive relationships, and handle challenging situations capably
9. Participation in a program that is sensitive to the traumas experienced by students, focuses on students' behavioral health needs, and addresses those needs in a proactive manner
10. After-school programs that address specific behavioral issues or expose students to positive activities and behaviors, including, but not limited to, those operated in collaboration with local parent and community groups

11. Recess restriction as provided in the section below entitled "~~Recess Restriction~~**Detention after school hours as provided in the section below entitled "Detention After School"**
12. Community service as provided in the section below entitled "Community Service"
13. In accordance with Board policy and administrative regulation, restriction or disqualification from participation in extracurricular activities
14. Reassignment to an alternative educational environment
15. Suspension and expulsion in accordance with law, Board policy, and administrative regulation

When, by law or district policy, other means of correction are required to be implemented before a student could be suspended or expelled, any other means of correction implemented shall be documented and retained in the student's records. (~~Education Code 48900.5~~)(**Education Code 48900.5**)

**When a student has been suspended, or other means of correction have been implemented against the student, for an incident of racist bullying, harassment, or intimidation, the principal or designee shall engage both the victim and perpetrator in a restorative justice practice suitable to the needs of the students. The principal or designee shall also require the perpetrator to engage in a culturally sensitive program that promotes racial justice and equity and combats racism and ignorance and shall regularly check on the victim to ensure that the victim is not in danger of suffering from any long-lasting mental health issues.(Education Code 48900.5)**

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

When disciplining a student who has been identified for special education and related services, the procedures specified in Administrative Regulation 5144.2 - Suspension And Expulsion/Due Process (Students With Disabilities) shall be applied. If a student has not been identified as a student with a disability and the district suspects the behavior that resulted in discipline may be based in an unidentified disability, the district shall conduct an evaluation to determine if the student has a disability which requires an IEP or 504 plan. (~~U.S.C. 1412(a)(3)~~)(**U.S.C. 1412(a)(3)**)

#### Recess Restriction

Teachers may restrict a student's recess time only when they believe that this action is the most effective way to bring about improved behavior. ~~When recess restriction involves the withholding of physical activity from a student, teachers shall try other disciplinary measures before imposing the restriction. Recess restriction shall be subject to the following conditions:~~

1. ~~The student shall be given adequate time to use the restroom and get a drink or eat lunch, as appropriate.~~
2. ~~The student shall remain under a certificated employee's supervision during the period of restriction.~~
3. ~~The student's teacher shall inform the principal of any recess restrictions imposed.~~

#### Detention After School

Students may be detained for disciplinary reasons for up to one hour after the close of the maximum school day, or until the departure of the school bus to which they have been assigned if applicable. (5 CCR 307, 353)

The student shall not be detained unless the principal or designee notifies the parent/guardian.

Students shall remain under the supervision of a certificated employee during the period of detention.

Students may be offered the choice of serving their detention on Saturday rather than after school.

#### Community Service

As part of or instead of disciplinary action, the Board, Superintendent, principal, or principal's designee may require a student to perform community service during nonschool hours on school grounds or, with written permission of the student's parent/guardian, off school grounds. Such service may include, but is not limited to, community or school outdoor beautification, community or campus betterment, and teacher, peer, or youth assistance programs. (Education Code 48900.6)

This community service option is not available for a student who has been suspended, pending expulsion, pursuant to Education Code 48915. However, if the recommended expulsion is not implemented or the expulsion itself is suspended, then the student may be required to perform community service for the resulting suspension. (Education Code 48900.6)

### Notice to Parents/Guardians and Students

At the beginning of the school year, the Superintendent or designee shall notify parents/guardians, in writing, about the availability of district rules related to discipline. (Education Code 35291, 48980)

The Superintendent or designee shall also provide written notice of disciplinary rules to **parents/guardians of** transfer students at the time of their enrollment in the district:

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**Policy Reference Disclaimer:** These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

#### State References

	<b>Description</b>
5 CCR 307	<a href="#">Participation in school activities until departure of bus</a>
5 CCR 353	<a href="#">Detention after school</a>
Civ. Code 1714.1	<a href="#">Liability of parent or guardian for act of willful misconduct by a minor</a>
Ed. Code 32280-32289.5	<a href="#">School safety plans</a>
Ed. Code 35146	<a href="#">Closed sessions</a>
Ed. Code 35291-35291.5	<a href="#">Rules</a>
Ed. Code 35291.5	<a href="#">School-adopted discipline rules</a>
Ed. Code 37223	<a href="#">Weekend classes</a>
Ed. Code 48900-48926	<a href="#">Suspension and expulsion</a>
Ed. Code 48980-48985	<a href="#">Parent/Guardian notifications</a>
Ed. Code 49005-49006.4	<a href="#">Seclusion and restraint</a>
Ed. Code 49055	<a href="#">Restorative justice practices</a>
Ed. Code 49056	<a href="#">Recess restriction</a>
Ed. Code 49330-49335	<a href="#">Injurious objects</a>
Ed. Code 49414.4	<a href="#">Opioid misuse; alternative to referral to law enforcement</a>
Ed. Code 49550-49564.5	<a href="#">Meals for needy students</a>
Ed. Code 52060-52077	<a href="#">Local control and accountability plan</a>

#### Federal References

	<b>Description</b>
20 USC 1400-1482	<a href="#">Individuals with Disabilities Education Act</a>
29 USC 794	<a href="#">Rehabilitation Act of 1973; Section 504</a>
42 USC 1751-1769j	<a href="#">School Lunch Program</a>
42 USC 1773	<a href="#">School Breakfast Program</a>

#### Management Resources References

	<b>Description</b>
California Dept of Education Program Advisories	<a href="#">Classroom Management: A California Resource Guide for Teachers and Administrators of Elementary and Secondary Schools, 2000</a>
CSBA Publication	<a href="#">The Case for Reducing Out-of-School Suspensions and Expulsions, Fact Sheet, April 2014</a>
CSBA Publication	<a href="#">Recent Legislation on Discipline: AB 240, Fact Sheet, March 2015</a>

CSBA Publication	<a href="#">Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011</a>
CSBA Publication	<a href="#">Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014</a>
CSBA Publication	<a href="#">Maximizing Opportunities for Physical Activity During the School Day, Fact Sheet, November 2009</a>
Fix School Discipline Project	<a href="#">Sample alternative discipline policy</a>
U.S. DOE, Office for Civil Rights Publication	<a href="#">Resource on Confronting Racial Discrimination in Student Discipline</a>
U.S. DOE, Office for Civil Rights Publication	<a href="#">Supporting Students with Disabilities and Avoiding the Discriminatory Use of Student Discipline under Section 504 of the Rehabilitation Act of 1973</a>
U.S. DOE, Office for Civil Rights Publication	<a href="#">Dear Colleague Letter on the Nondiscriminatory Administration of School Discipline, January 2014</a>
Website	<a href="#">CSBA District and County Office of Education Legal Services</a>
Website	<a href="#">Public Counsel</a>
Website	<a href="#">U.S. Department of Education, Office for Civil Rights</a>
Website	<a href="#">California Department of Education</a>
Website	<a href="#">CSBA</a>

**Cross References**

**Description**

0450	<a href="#">Comprehensive Safety Plan</a>
0450	<a href="#">Comprehensive Safety Plan</a>
0460	<a href="#">Local Control And Accountability Plan</a>
0460	<a href="#">Local Control And Accountability Plan</a>
1114	<a href="#">District-Sponsored Social Media</a>
1114	<a href="#">District-Sponsored Social Media</a>
1312.3	<a href="#">Uniform Complaint Procedures</a>
1312.3	<a href="#">Uniform Complaint Procedures</a>
1312.3-E PDF(1)	<a href="#">Uniform Complaint Procedures</a>
1312.3-E PDF(2)	<a href="#">Uniform Complaint Procedures</a>
1313	<a href="#">Civility</a>
3512	<a href="#">Equipment</a>
3512-E PDF(1)	<a href="#">Equipment</a>
3513.3	<a href="#">Tobacco-Free Schools</a>
3513.3	<a href="#">Tobacco-Free Schools</a>
3513.4	<a href="#">Drug And Alcohol Free Schools</a>
3515	<a href="#">Campus Security</a>
3515	<a href="#">Campus Security</a>
3515.4	<a href="#">Recovery For Property Loss Or Damage</a>
3515.4	<a href="#">Recovery For Property Loss Or Damage</a>
3543	<a href="#">Transportation Safety And Emergencies</a>
4131	<a href="#">Staff Development</a>
4158	<a href="#">Employee Security</a>
4158	<a href="#">Employee Security</a>
4258	<a href="#">Employee Security</a>

4258	<a href="#">Employee Security</a>
4358	<a href="#">Employee Security</a>
4358	<a href="#">Employee Security</a>
5000	<a href="#">Concepts And Roles</a>
5020	<a href="#">Parent Rights And Responsibilities</a>
5020	<a href="#">Parent Rights And Responsibilities</a>
5030	<a href="#">Student Wellness</a>
5112.1	<a href="#">Exemptions From Attendance</a>
5112.1	<a href="#">Exemptions From Attendance</a>
5112.5	<a href="#">Open/Closed Campus</a>
5113.1	<a href="#">Chronic Absence And Truancy</a>
5113.1	<a href="#">Chronic Absence And Truancy</a>
5116.2	<a href="#">Involuntary Student Transfers</a>
5125	<a href="#">Student Records</a>
5125	<a href="#">Student Records</a>
5127	<a href="#">Graduation Ceremonies And Activities</a>
5131	<a href="#">Conduct</a>
5131.1	<a href="#">Bus Conduct</a>
5131.1	<a href="#">Bus Conduct</a>
5131.2	<a href="#">Bullying</a>
5131.2	<a href="#">Bullying</a>
5131.4	<a href="#">Student Disturbances</a>
5131.4	<a href="#">Student Disturbances</a>
5131.41	<a href="#">Use Of Seclusion And Restraint</a>
5131.5	<a href="#">Vandalism And Graffiti</a>
5131.6	<a href="#">Alcohol And Other Drugs</a>
5131.6	<a href="#">Alcohol And Other Drugs</a>
5131.62	<a href="#">Tobacco</a>
5131.62	<a href="#">Tobacco</a>
5131.63	<a href="#">Steroids</a>
5131.63	<a href="#">Steroids</a>
5131.7	<a href="#">Weapons And Dangerous Instruments</a>
5131.7	<a href="#">Weapons And Dangerous Instruments</a>
5131.9	<a href="#">Academic Honesty</a>
5132	<a href="#">Dress And Grooming</a>
5132	<a href="#">Dress And Grooming</a>
5141.4	<a href="#">Child Abuse Prevention And Reporting</a>
5141.4	<a href="#">Child Abuse Prevention And Reporting</a>
5142	<a href="#">Safety</a>
5142	<a href="#">Safety</a>
5144.1	<a href="#">Suspension And Expulsion/Due Process</a>

5144.1	<a href="#">Suspension And Expulsion/Due Process</a>
5144.2	<a href="#">Suspension And Expulsion/Due Process (Students With Disabilities)</a>
5145.2	<a href="#">Freedom Of Speech/Expression</a>
5145.2	<a href="#">Freedom Of Speech/Expression</a>
5145.3	<a href="#">Nondiscrimination/Harassment</a>
5145.3	<a href="#">Nondiscrimination/Harassment</a>
5145.6	<a href="#">Parent/Guardian Notifications</a>
5145.6-E(1)	<a href="#">Parent/Guardian Notifications</a>
5145.7	<a href="#">Sexual Harassment</a>
5145.7	<a href="#">Sexual Harassment</a>
5145.71	<a href="#">Title IX Sexual Harassment Complaint Procedures</a>
5145.9	<a href="#">Hate-Motivated Behavior</a>
6145	<a href="#">Extracurricular And Cocurricular Activities</a>
6145	<a href="#">Extracurricular And Cocurricular Activities</a>
6145.2	<a href="#">Athletic Competition</a>
6145.2	<a href="#">Athletic Competition</a>
6145.8	<a href="#">Assemblies And Special Events</a>
6153	<a href="#">School-Sponsored Trips</a>
6153	<a href="#">School-Sponsored Trips</a>
6159.4	<a href="#">Behavioral Interventions For Special Education Students</a>
6162.54	<a href="#">Test Integrity/Test Preparation</a>
6163.4	<a href="#">Student Use Of Technology</a>
6163.4-E PDF(1)	<a href="#">Student Use Of Technology</a>
6164.2	<a href="#">Guidance/Counseling Services</a>
6164.5	<a href="#">Student Success Teams</a>
6164.5	<a href="#">Student Success Teams</a>
6184	<a href="#">Continuation Education</a>
6184	<a href="#">Continuation Education</a>
9321	<a href="#">Closed Session</a>
9321-E(1)	<a href="#">Closed Session</a>
9321-E(2)	<a href="#">Closed Session</a>