



# Exhibit 5144 Discipline Guidelines

## **Santa Barbara Unified School District** Response to Behavior Guidelines

Exhibit: SANTA BARBARA UNIFIED SCHOOL DISTRICT  
Version: July 20, 2021 Santa Barbara, California



# Exhibit 5144 Discipline Guidelines

Santa Barbara Unified School District is committed to creating and sustaining safe and affirming learning environments that support the well-being of all students. SB Unified students, staff and parents/guardians value fair and consistent guidelines for implementing and developing a culture of response to student behavior based on clear expectations and developmentally appropriate interventions that move away from punitive approaches that infringe on instructional time. Behavior interventions and supports should ensure that students have the opportunity to continue to be engaged in their school community and to reflect upon and learn from their experiences. These guidelines have been developed to address disproportionate suspensions of African American, Latino students, and Students With Disabilities by helping school sites to identify appropriate alternative approaches to suspension and to build consistency in school site responses to similar types of behavior.

<b>TYPE I</b> <b>Classroom level behaviors and interventions</b> <b>MAY NOT SUSPEND/RECOMMEND FOR EXPULSION</b>		
POTENTIALLY DISRUPTIVE CLASSROOM BEHAVIOR	RECOMMENDED RESPONSE	EDUCATION CODE
Classroom disruption <ul style="list-style-type: none"> <li>● Picked on, bothered, or distracted other students</li> <li>● Disrupted school activity</li> </ul>	<input type="checkbox"/> Parent/guardian notification/conference <input type="checkbox"/> Implement restorative practices <input type="checkbox"/> Consult intervention ladder levels A-C <input type="checkbox"/> Refer to <a href="#">Alternatives to Suspension</a> menu <input type="checkbox"/> Consult with Learner Intervention Team if behavior is repetitive	N/A
Tardy truant (30+ minutes) and/or unexcused absences		N/A
Use of profanity or vulgarity		N/A
Dress code violation		N/A
Minor defiance of authority/disobedience		N/A
Use of cell phone and electronic devices at unauthorized times		N/A



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Minor damage or defacement of school property		N/A
Unauthorized use of school equipment		N/A
Minor physical/verbal contact with another student (eg. pushed/shoved/verbal insults/put-downs)		N/A
Lack of academic integrity		N/A
Did not bring materials		N/A
Other minor school-based misconduct, inside and outside of classroom (including playground)		N/A
Severe defiance of authority/disobedience** Grades 4-12 inclusive	Parent/guardian notification/conference, restorative practices, intervention ladder levels A-C, refer to <a href="#">Alternatives to Suspension</a> menu	<a href="#">48900(k)</a>
Trespassed on school property	1st offense: Warning, Parent/guardian notification/conference, restorative practices 2nd offense: Parent/guardian notification/conference, restorative practices, Possible law enforcement citation	<a href="#">48900(k)</a>
<p>48900(k) offenses (Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, school officials, or other school personnel engaged in the performance of their duties.) are suspendable <i>with other offenses</i>, but not on their own.</p>		

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## TYPE II

### Broad principal Discretion

May SUSPEND/recommend for expulsion

**Acts committed at school or school activity or on the way to and from school or school activity (48900 (s)\*). Student may only be suspended or recommended for expulsion if, due to the nature of the act, the presence of the student causes a continuing danger to the physical safety of the student or others. Suspensions are not to exceed FIVE (5) school days.**

	BEHAVIOR	RECOMMENDED RESPONSE	EDUCATION CODE
1	Caused, attempted to cause, or threatened to cause physical injury <sup>±</sup> or aids and abets physical injury, or willfully used force or violence except in self defense	<input type="checkbox"/> Review previous behaviors <input type="checkbox"/> Conduct root cause analysis <input type="checkbox"/> Hold parent/guardian conference <input type="checkbox"/> Referral to behavioral health agency, appropriate mental health support, and/or community agency <input type="checkbox"/> Implement restorative practices <input type="checkbox"/> Refer to <a href="#">Alternatives to Suspension</a> menu	<a href="#">48900(a)(1) &amp; (2)</a> and <a href="#">48900(t)</a>
2	Possessed, sold, or otherwise furnished a knife, explosive, or other dangerous object, unless, in the case of possession of an object of this type, the student had obtained written permission to possess the item from a certificated school employee, which is concurred in by the principal or the designee of the principal.	<input type="checkbox"/> Review previous behaviors <input type="checkbox"/> Conduct root cause analysis <input type="checkbox"/> Hold parent/guardian conference <input type="checkbox"/> Implement restorative practices <input type="checkbox"/> Refer to <a href="#">Alternatives to Suspension</a> menu	<a href="#">48900(b)</a>
3	Unlawfully possessed, used, <i>sold</i> , or otherwise furnished, or been under the influence of, a controlled substance listed in Chapter 2 (commencing with Section <a href="#">11053</a> ) of Division 10 of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind.	<input type="checkbox"/> Review previous behaviors <input type="checkbox"/> Conduct root cause analysis <input type="checkbox"/> Hold parent/guardian conference <input type="checkbox"/> Implement restorative practices <input type="checkbox"/> Referral to behavioral health agency, appropriate mental health	<a href="#">48900(c)</a>



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		<p>support, and/or community agency</p> <p><input type="checkbox"/> Refer to <a href="#">Alternatives to Suspension</a> menu</p>	
4	<p>Unlawfully offered, arranged, or negotiated to sell a controlled substance listed in Chapter 2 (commencing with Section <a href="#">11053</a>) of Division 10 of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind, and either sold, delivered, or otherwise furnished to a person another liquid, substance, or material and represented the liquid, substance, or material as a controlled substance, alcoholic beverage, or intoxicant.</p>	<p><input type="checkbox"/> Review previous behaviors</p> <p><input type="checkbox"/> Conduct root cause analysis</p> <p><input type="checkbox"/> Hold parent/guardian conference</p> <p><input type="checkbox"/> Implement restorative practices</p> <p><input type="checkbox"/> Referral to behavioral health agency, appropriate mental health support, and/or community agency</p> <p><input type="checkbox"/> Refer to <a href="#">Alternatives to Suspension</a> menu</p>	<a href="#">48900(d)</a>
5	<p>Committed or attempted to commit robbery or extortion</p>	<p><input type="checkbox"/> Review previous behaviors</p> <p><input type="checkbox"/> Conduct root cause analysis</p> <p><input type="checkbox"/> Hold parent/guardian conference</p> <p><input type="checkbox"/> Implement restorative practices</p> <p><input type="checkbox"/> Refer to <a href="#">Alternatives to Suspension</a> menu</p>	<a href="#">48900(e)</a>
6	<p>Caused or attempted to cause damage to school property or private property. ±</p>	<p><input type="checkbox"/> Review previous behaviors</p> <p><input type="checkbox"/> Conduct root cause analysis</p> <p><input type="checkbox"/> Hold parent/guardian conference</p> <p><input type="checkbox"/> Implement restorative practices</p> <p><input type="checkbox"/> Refer to <a href="#">Alternatives to Suspension</a> menu</p>	<a href="#">48900(f)</a>
7	<p>Stole or attempted to steal school property or private property.</p>	<p><input type="checkbox"/> Review previous behaviors</p> <p><input type="checkbox"/> Conduct root cause analysis</p> <p><input type="checkbox"/> Hold parent/guardian conference</p> <p><input type="checkbox"/> Implement restorative practices</p> <p><input type="checkbox"/> Refer to <a href="#">Alternatives to Suspension</a> menu</p>	<a href="#">48900(g)</a>
8	<p>Possessed or used tobacco, or products containing tobacco or nicotine products,</p>	<p><input type="checkbox"/> Review previous behaviors</p> <p><input type="checkbox"/> Conduct root cause analysis</p>	<a href="#">48900(h)</a>



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	including, but not limited to, cigarettes, cigars, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel. However, this section does not prohibit the use or possession by a student of the student's own prescription products.	<input type="checkbox"/> Hold parent/guardian conference <input type="checkbox"/> Implement restorative practices <input type="checkbox"/> Refer to <a href="#">Alternatives to Suspension</a> menu	
9	Committed an obscene act or engaged in habitual profanity or vulgarity.	<input type="checkbox"/> Review previous behaviors <input type="checkbox"/> Conduct root cause analysis <input type="checkbox"/> Hold parent/guardian conference <input type="checkbox"/> Implement restorative practices <input type="checkbox"/> Refer to <a href="#">Alternatives to Suspension</a> menu	<a href="#">48900(i)</a>
10	Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell drug paraphernalia, as defined in <a href="#">Section 11014.5</a> of the Health and Safety Code.	<input type="checkbox"/> Review previous behaviors <input type="checkbox"/> Conduct root cause analysis <input type="checkbox"/> Hold parent/guardian conference <input type="checkbox"/> Implement restorative practices <input type="checkbox"/> Referral to behavioral health agency, appropriate mental health support, and/or community agency <input type="checkbox"/> Refer to <a href="#">Alternatives to Suspension</a> menu	<a href="#">48900(j)</a>
11	Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, school officials, or other school personnel engaged in the performance of their duties. **Grades 4-12 inclusive	<input type="checkbox"/> Review previous behaviors <input type="checkbox"/> Conduct root cause analysis <input type="checkbox"/> Hold parent/guardian conference <input type="checkbox"/> Implement restorative practices <input type="checkbox"/> Refer to <a href="#">Alternatives to Suspension</a> menu	<a href="#">48900(k)*</a>



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			*48900(k) offenses (Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, school officials, or other school personnel engaged in the performance of their duties.) are suspendable <i>with other offenses</i> , but not on their own.
12	Knowingly received stolen school property or private property.	<input type="checkbox"/> Review previous behaviors <input type="checkbox"/> Conduct root cause analysis <input type="checkbox"/> Hold parent/guardian conference <input type="checkbox"/> Implement restorative practices <input type="checkbox"/> Refer to <a href="#">Alternatives to Suspension</a> menu	<a href="#">48900(l)</a>
13	Possessed imitation firearm. As used in this section, “imitation firearm” means a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm.	<input type="checkbox"/> Review previous behaviors <input type="checkbox"/> Conduct root cause analysis <input type="checkbox"/> Hold parent/guardian conference <input type="checkbox"/> Implement restorative practices <input type="checkbox"/> Refer to <a href="#">Alternatives to Suspension</a> menu	<a href="#">48900(m)</a>
14	Harassed, threatened, or intimidated a student who is a complaining witness or a witness in a school disciplinary proceeding	<input type="checkbox"/> Review previous behaviors <input type="checkbox"/> Conduct root cause analysis	<a href="#">48900(o)</a>



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	for purposes of either preventing that student from being a witness or retaliating against that student for being a witness, or both.	<input type="checkbox"/> Hold parent/guardian conference <input type="checkbox"/> Implement restorative practices <input type="checkbox"/> Refer to <a href="#">Alternatives to Suspension</a> menu	
15	Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.	<input type="checkbox"/> Review previous behaviors <input type="checkbox"/> Conduct root cause analysis <input type="checkbox"/> Hold parent/guardian conference <input type="checkbox"/> Implement restorative practices <input type="checkbox"/> Referral to behavioral health agency, appropriate mental health support, and/or community agency <input type="checkbox"/> Refer to <a href="#">Alternatives to Suspension</a> menu	<a href="#">48900(p)</a>
16	Engaged in, or attempted to engage in, hazing. For purposes of this subdivision, “hazing” means a method of initiation or preinitiation into a student organization or body, whether or not the organization or body is officially recognized by an educational institution, that is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective student. For purposes of this subdivision, “hazing” does not include athletic events or school-sanctioned events.	<input type="checkbox"/> Review previous behaviors <input type="checkbox"/> Conduct root cause analysis <input type="checkbox"/> Hold parent/guardian conference <input type="checkbox"/> Implement restorative practices <input type="checkbox"/> Referral to behavioral health agency, appropriate mental health support, and/or community agency <input type="checkbox"/> Refer to <a href="#">Alternatives to Suspension</a> menu	<a href="#">48900(q)</a>
17	Engaged in an act of <a href="#">bullying</a> , including, but not limited to, bullying committed by means of an electronic act (*See <a href="#">footnote</a> for definitions.)	<input type="checkbox"/> Review previous behaviors <input type="checkbox"/> Conduct root cause analysis <input type="checkbox"/> Hold parent/guardian conference <input type="checkbox"/> Implement restorative practices <input type="checkbox"/> Referral to behavioral health agency, appropriate mental health support, and/or community agency <input type="checkbox"/> Refer to <a href="#">Alternatives to Suspension</a> menu	<a href="#">48900(r)</a>





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18	Sexual harassment as defined in <a href="#">Section 212.5</a> (*in footnote) considered by a reasonable person to be sufficiently severe or pervasive to have a negative impact upon the individual's academic performance or to create an intimidating, hostile, or offensive educational environment. This section shall not apply to students enrolled in kindergarten and grades 1 to 3, inclusive. **Grades 4-12 inclusive	<input type="checkbox"/> Review previous behaviors <input type="checkbox"/> Conduct root cause analysis <input type="checkbox"/> Hold parent/guardian conference <input type="checkbox"/> Implement restorative practices <input type="checkbox"/> Referral to behavioral health agency, appropriate mental health support, and/or community agency <input type="checkbox"/> Refer to <a href="#">Alternatives to Suspension</a> menu	<a href="#">48900.2</a>
19	Caused, attempted to cause, threatened to cause, or participated in an act of, hate violence, as defined in subdivision (e) of Section <a href="#">233</a> , by students in grades 4-12. **Grades 4-12 inclusive	<input type="checkbox"/> Review previous behaviors <input type="checkbox"/> Conduct root cause analysis <input type="checkbox"/> Hold parent/guardian conference <input type="checkbox"/> Implement restorative practices <input type="checkbox"/> Referral to behavioral health agency, appropriate mental health support, and/or community agency <input type="checkbox"/> Refer to <a href="#">Alternatives to Suspension</a> menu	<a href="#">48900.3</a>
20	Harassment, threats, or intimidation, directed against school district personnel or students, that is sufficiently severe or pervasive to have the actual and reasonably expected effect of materially disrupting classwork, creating substantial disorder, and invading the rights of either school personnel or students by creating an intimidating or hostile educational environment, by students in grades 4-12. **	<input type="checkbox"/> Initiate Threat Assessment <input type="checkbox"/> Review previous behaviors <input type="checkbox"/> Conduct root cause analysis <input type="checkbox"/> Hold parent/guardian conference <input type="checkbox"/> Implement restorative practices <input type="checkbox"/> Referral to behavioral health agency, appropriate mental health support, and/or community agency <input type="checkbox"/> Refer to <a href="#">Alternatives to Suspension</a> menu	<a href="#">48900.4</a>
21	Terroristic threats against school officials or school property, or both. ***	<input type="checkbox"/> Initiate Threat Assessment <input type="checkbox"/> Review previous behaviors <input type="checkbox"/> Conduct root cause analysis <input type="checkbox"/> Hold parent/guardian conference <input type="checkbox"/> Implement restorative practices	<a href="#">48900.7</a>



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	<input type="checkbox"/> Referral to behavioral health agency, appropriate mental health support, and/or community agency <input type="checkbox"/> Refer to <a href="#">Alternatives to Suspension</a> menu	
<p>*48900(s) provides that these disciplinary guidelines apply to students on any school campus (in or out of district) and that a student may be suspended or expelled for acts that are enumerated in this section and related to school activity or attendance that occur at any time, including, but not limited to, any of the following:</p> <ol style="list-style-type: none"> <li>(1) while on school grounds</li> <li>(2) while going to or coming from school</li> <li>(3) during the lunch period whether on or off the campus</li> <li>(4) during, or while going to or coming from, a school sponsored activity</li> </ol> <p>**Grades 4-12 inclusive</p>		

## TYPE III

### Limited principal discretion

**MUST SUSPEND & Recommend FOR EXPULSION Unless Particular Circumstances Render Inappropriate**  
**Principal must be able to prove that due to the nature of the act, the presence of the student causes a continuing danger to the physical safety of the student or others [see Section 48915 (b)] OR Other means of correction are not feasible or have repeatedly failed to bring about proper conduct. Act must be committed at school or school activity [EC [48915 \(a\)\(1\)](#)]**

	<p>The recommendation for expulsion shall be based on one or both of the following:</p> <ul style="list-style-type: none"> <li>• Other means of correction are not feasible or have repeatedly failed to bring about proper conduct.</li> <li>• Due to the nature of the act, the presence of the student causes a continuing danger to the physical safety of the student or others [see Section <a href="#">48915 (b)</a>].</li> </ul>		
	BEHAVIOR	RECOMMENDED RESPONSE	EDUCATION CODE
1	Causing serious physical injury to another person, except in self-defense.	<input type="checkbox"/> 5 day off-campus suspension <input type="checkbox"/> Recommendation for expulsion <input type="checkbox"/> Appropriate supports implemented via rehabilitation plan <input type="checkbox"/> Implementation of restorative approaches <input type="checkbox"/> Referral to or confirmation of behavioral or mental health services <input type="checkbox"/> Welcome Back meeting and restorative practices upon reentry	<a href="#">48915(a)(1)(A)</a>



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2	<p>Possession of any knife or other dangerous object of no reasonable use to the student.</p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> 5 day off-campus suspension</li> <li><input type="checkbox"/> Recommendation for expulsion</li> <li><input type="checkbox"/> Appropriate supports implemented via rehabilitation plan</li> <li><input type="checkbox"/> Implementation of restorative approaches</li> <li><input type="checkbox"/> Referral to or confirmation of behavioral or mental health services</li> <li><input type="checkbox"/> Welcome Back meeting and restorative practices upon reentry</li> </ul>	<a href="#">48915(a)(2)</a>
3	<p>Unlawful possession and/or use of any controlled substance listed in Chapter 2 (commencing with Section <a href="#">11053</a>) of Division 10 of the Health and Safety Code, except for either of the following:</p> <ul style="list-style-type: none"> <li>• The first offense for the possession of not more than one avoirdupois ounce of marijuana, other than concentrated cannabis.</li> <li>• The possession of over-the-counter medication for use by the student for medical purposes or medication prescribed for the student by a physician.</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> 5 day off-campus suspension</li> <li><input type="checkbox"/> Recommendation for expulsion</li> <li><input type="checkbox"/> Appropriate supports implemented via rehabilitation plan</li> <li><input type="checkbox"/> Implementation of restorative approaches</li> <li><input type="checkbox"/> Referral to or confirmation of behavioral or mental health services</li> <li><input type="checkbox"/> Welcome Back meeting and restorative practices upon reentry</li> </ul>	
4	<p>Committed robbery or extortion.</p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> 5 day off-campus suspension</li> <li><input type="checkbox"/> Recommendation for expulsion</li> <li><input type="checkbox"/> Appropriate supports implemented via rehabilitation plan</li> <li><input type="checkbox"/> Implementation of restorative approaches</li> <li><input type="checkbox"/> Welcome Back meeting and restorative practices upon reentry</li> </ul>	48900(e) - no expulsion or <a href="#">48915(a)(1)(D)</a> (based on severity)
5	<p>Assault or battery, as defined in Sections <a href="#">240</a> and <a href="#">242</a> of the Penal Code, upon any school employee.</p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> 5 day off-campus suspension</li> <li><input type="checkbox"/> Recommendation for expulsion</li> <li><input type="checkbox"/> Appropriate supports implemented via rehabilitation plan</li> <li><input type="checkbox"/> Implementation of restorative approaches</li> <li><input type="checkbox"/> Welcome Back meeting and restorative practices upon reentry</li> </ul>	<a href="#">48915(a)(1)(E)</a>



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## TYPE IV

No principal discretion

**Shall immediately SUSPEND and Recommend FOR Expulsion**

**Act must be committed at school or school activity [[EC 48915\(c\)](#)]**

	BEHAVIOR	UPDATED RECOMMENDED RESPONSE	EDUCATION CODE
1	<b>Firearm</b> <ul style="list-style-type: none"> <li>○ Possession of a firearm verified by an employee of the district and when student did not have prior written permission from a certificated employee which is concurred by the principal or designee.</li> <li>○ Selling or otherwise furnishing a firearm.</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> 5 day off-campus suspension</li> <li><input type="checkbox"/> Recommendation for expulsion</li> <li><input type="checkbox"/> Appropriate supports implemented via rehabilitation plan</li> <li><input type="checkbox"/> Implementation of restorative approaches</li> <li><input type="checkbox"/> Referral to or confirmation of behavioral or mental health services</li> <li><input type="checkbox"/> Welcome Back meeting and restorative practices upon reentry</li> </ul>	<a href="#">48915(c)(1)</a>
2	<b>Brandishing a knife at another person.</b>	<ul style="list-style-type: none"> <li><input type="checkbox"/> 5 day off-campus suspension</li> <li><input type="checkbox"/> Recommendation for expulsion</li> <li><input type="checkbox"/> Appropriate supports implemented via rehabilitation plan</li> <li><input type="checkbox"/> Implementation of restorative approaches</li> <li><input type="checkbox"/> Referral to or confirmation of behavioral or mental health services</li> <li><input type="checkbox"/> Welcome Back meeting and restorative practices upon reentry</li> </ul>	<a href="#">48915(c)(2)</a>
3	<b>Unlawfully selling a controlled substance listed in <i>Health and Safety Code</i> Section <a href="#">11053</a> et. seq.</b>	<ul style="list-style-type: none"> <li><input type="checkbox"/> 5 day off-campus suspension</li> <li><input type="checkbox"/> Recommendation for expulsion</li> <li><input type="checkbox"/> Appropriate supports implemented via rehabilitation plan</li> <li><input type="checkbox"/> Implementation of restorative approaches</li> <li><input type="checkbox"/> Referral to or confirmation of behavioral or mental health services</li> <li><input type="checkbox"/> Welcome Back meeting and restorative practices upon reentry</li> </ul>	<a href="#">48915(c)(3)</a>
4	<b>Committing or attempting to commit a sexual assault as defined in subdivision (n) of <i>EC 48900</i> or committing sexual battery as defined in subdivision (n) of <a href="#">48900</a>.</b>	<ul style="list-style-type: none"> <li><input type="checkbox"/> 5 day off-campus suspension</li> <li><input type="checkbox"/> Recommendation for expulsion</li> <li><input type="checkbox"/> Appropriate supports implemented via rehabilitation plan</li> <li><input type="checkbox"/> Implementation of restorative approaches</li> </ul>	<a href="#">48915(c)(4)</a> , <a href="#">48900(n)</a>



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		<input type="checkbox"/> Referral to or confirmation of behavioral or mental health services <input type="checkbox"/> Welcome Back meeting and restorative practices upon reentry	
5	Possession of an explosive.	<input type="checkbox"/> 5 day off-campus suspension <input type="checkbox"/> Recommendation for expulsion <input type="checkbox"/> Appropriate supports implemented via rehabilitation plan <input type="checkbox"/> Implementation of restorative approaches <input type="checkbox"/> Referral to or confirmation of behavioral or mental health services <input type="checkbox"/> Welcome Back meeting and restorative practices upon reentry	<a href="#">48915(c)(5)</a>

## DEFINITIONS & FOOTNOTES

### BULLYING

- (1) "Bullying" means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, and including one or more acts committed by a student or group of students as defined in Section 48900.2, 48900.3, or 48900.4, directed toward one or more students that has or can be reasonably predicted to have the effect of one or more of the following:
- (A) Placing a reasonable student or students in fear of harm to that student's or those students' person or property.
  - (B) Causing a reasonable student to experience a substantially detrimental effect on the student's physical or mental health.
  - (C) Causing a reasonable student to experience substantial interference with the student's academic performance.
  - (D) Causing a reasonable student to experience substantial interference with the student's ability to participate in or benefit from the services, activities, or privileges provided by a school.
- (2) (A) "Electronic act" means the creation or transmission originated on or off the school site, by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager, of a communication, including, but not limited to, any of the following:
- (i) A message, text, sound, video, or image.
  - (ii) A post on a social network internet website, including, but not limited to:
    - (I) Posting to or creating a burn page. "Burn page" means an internet website created for the purpose of having one or more of the effects listed in paragraph (1).
  - (II) Creating a credible impersonation of another actual student for the purpose of having one or more of the effects listed in paragraph (1). "Credible impersonation" means to knowingly and without consent impersonate a student for the purpose of bullying the student and such that another student would reasonably believe, or has reasonably believed, that the student was or is the student who was impersonated.
  - (III) Creating a false profile for the purpose of having one or more of the effects listed in paragraph (1). "False profile" means a profile of a fictitious student or a profile using the likeness or attributes of an actual student other than the student who created the false profile.
- (iii) (I) An act of cyber sexual bullying.
- (II) For purposes of this clause, "cyber sexual bullying" means the dissemination of, or the solicitation or incitement to disseminate, a photograph or other visual recording by a student to another student or to school personnel by means of an electronic act that has or can be reasonably predicted to have one or more of the effects described in subparagraphs (A) to (D), inclusive, of paragraph (1). A photograph or other visual recording, as described in this subclause, shall include the depiction of a nude, semi-nude, or sexually explicit photograph or other visual recording of a minor where the minor is identifiable from the photograph, visual recording, or other electronic act.



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- (III) For purposes of this clause, “cyber sexual bullying” does not include a depiction, portrayal, or image that has any serious literary, artistic, educational, political, or scientific value or that involves athletic events or school-sanctioned activities.
- (B) Notwithstanding paragraph (1) and subparagraph (A), an electronic act shall not constitute pervasive conduct solely on the basis that it has been transmitted on the internet or is currently posted on the internet.
- (3) “Reasonable student” means a student, including, but not limited to, a student with exceptional needs, who exercises average care, skill, and judgment in conduct for a person of that age, or for a person of that age with the student’s exceptional needs.

† [Section 48900 \(s\)](#) (Statutes of 2001) states a student who aids or abets in infliction of physical injury to another, as defined in Penal Code 31, may suffer suspension, but not expulsion. However, if a student is adjudged by a court to have caused, attempted to cause, or threatened personal injury, the student may be expelled.

‡ [Section 48900 \(t\)](#) “school property” includes, but is not limited to, electronic files and databases.

\* [212.5 “Sexual harassment”](#) means unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature, made by someone from or in the work or educational setting, under any of the following conditions:

(a) Submission to the conduct is explicitly or implicitly made a term or a condition of an individual’s employment, academic status, or progress.

(b) Submission to, or rejection of, the conduct by the individual is used as the basis of employment or academic decisions affecting the individual.

(c) The conduct has the purpose or effect of having a negative impact upon the individual’s work or academic performance, or of creating an intimidating, hostile, or offensive work or educational environment.

(d) Submission to, or rejection of, the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs, or activities available at or through the educational institution.

\*\* [48900.7 \(b\)](#) “Terroristic threat” shall include any statement, whether written or oral, by a person who willfully threatens to commit a crime which will result in death, great bodily injury to another person, or property damage in excess of one thousand dollars (\$1,000), with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out, which, on its face and under the circumstances in which it is made, is so unequivocal, unconditional, immediate, and specific as to convey to the person threatened, a gravity of purpose and an immediate prospect of execution of the threat, and thereby causes that person reasonably to be in sustained fear for his or her own safety or for his or her immediate family’s safety, or for the protection of school district property, or the personal property of the person threatened or his or her immediate family.

Assault or battery definition, Sections 240 and 242 of the Penal Code:

[240](#). An assault is an unlawful attempt, coupled with a present ability, to commit a violent injury on the person of another.

[242](#). A battery is any willful and unlawful use of force or violence upon the person of another.

## Note:

1. With the exception of the use of personal electronic devices for academic purposes as directed by school staff members, such devices must not be used during instruction. The administration is not responsible for the loss or theft of personal items.
2. Education Code 48903 provides for the recommendation for expulsion or involuntary transfer to another school site any student who has accumulated 20 days of suspension (or 30 days if already transferred to another school for adjustment purposes).



## Exhibit 5144 Discipline Guidelines

3. Education Code 48900S provides that these disciplinary guidelines apply to students on any school campus (in or out of district) and that a student may be suspended or expelled for acts that are enumerated in this section and related to school activity or attendance that occur at any time, including, but not limited to, any of the following: (1) while on school grounds, (2) while going to or coming from school, (3) during the lunch period whether on or off the campus, (4) during, or while going to or coming from, a school sponsored activity.
4. Board Policy 5145.12 provides general guidance with regards to student searches. In all cases, school officials will not conduct a search absent reasonable suspicion.
5. All school lockers and all of their contents are subject to search. Students are advised not to share lockers: Unauthorized contents of a locker are presumed to belong to the student assigned to it.
6. Other means of correction include, but are not limited to, the following:
  - a. A restorative conference between school personnel, the student's parent or guardian, and the student.
  - b. Referrals to the school counselor, psychologist, social worker, child welfare attendance personnel, or other school support services personnel for case management and counseling.
  - c. Student Study Teams, counseling teams, resource panel teams, or other intervention-related teams that assess the behavior, and develop and implement individualized plans to address the behavior in partnership with the student and his or her parents.
  - d. Referral for a comprehensive psychosocial or psychoeducational assessment, including for purposes of creating an individualized education program, or a plan adopted pursuant to Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794(a)).
  - e. Enrollment in a program for teaching prosocial behavior or anger management
  - f. Participation in restorative approaches including Restorative Conferencing, Reactive Peace Circles, Intentional Reintegration after suspension.
  - g. A positive behavior support approach with tiered interventions that occur during the school day on campus.
  - h. 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 (e.g.—Teen Court and SUPER).
  - i. Any of the alternatives described in Section 48900.6.