

(C) School Suspension,
Expulsion and Mandatory
Expulsion Guidelines

BOARD POLICIES, SECTION C

BOARD DOCUMENT	DESCRIPTION	APPLIED SECTION
4118	SUSPENSION/DISCIPLINARY ACTION	C
5113.1	CHRONIC ABSENCE AND TRUANCY	C
5131.2	BULLYING	C
5131.4	STUDENT DISTURBANCES	C
5131.5	VANDALISM, THEFT AND GRAFFITI	C
5131.6	ALCOHOL AND OTHER DRUGS	C
5131.62	TOBACCO	C
5131.7	WEAPONS AND DANGEROUS INSTRUMENTS	C
5136	GANGS	C
5137	POSITIVE SCHOOL CLIMATE	C
5144.1	SUSPENSION AND EXPULSION/DUE PROCESS	C
5145.3	NONDISCRIMINATION/HARASSMENT	C
5145.9	HATE-MOTIVATED BEHAVIOR	C

ADMINISTRATIVE REGULATIONS, SECTION C

BOARD DOCUMENT	DESCRIPTION	APPLIED SECTION
4118	SUSPENSION DISCIPLINARY ACTION	C
4218	DISMISSAL/ SUSPENSION DISCIPLINARY ACTION	C
5113.1	CHRONIC ABSENCE AND TRUANCY	C
5131.4	STUDENT DISTURBANCES	C
5135.6	ALCOHOL AND OTHER DRUGS	C
5131.62	TOBACCO	C
5131.7	WEAPONS AND OTHER DANGEROUS INSTRUMENTS	C
5144.1	SUSPENSION AND EXPULSION/DUE PROCESS	C
5144.2	SUSPENSION AND EXPULSION/DUE PROCESS (STUDENTS WITH DISABILITIES)	C

E

Buena Park School District
REPORT OF SUSPENSION

SCHOOL _____
TEACHER _____

he parent/guardian of:

NAME: _____ GRADE: _____ DOB: _____ SEX: _____ ETHNICITY: _____
PARENT/GUARDIAN: _____ ADDRESS: _____ PHONE # _____
Date of Suspension: _____ Days: _____ Date of Return: _____ Time: _____

REASON(S) FOR SUSPENSION:

Police Report # _____

- _____ caused, attempted, or threatened physical injury to another person—EC 48900(a)(1)
- _____ used force or violence—EC 48900(a)(2)
- _____ possessed, sold, or furnished any firearm, knife, explosive, or other dangerous objects—EC 48900(b)
- _____ possessed, used, sold, or furnished any controlled substance, drugs, alcoholic beverages, or intoxicants—EC 48900(c)
- _____ offered, arranged, sold, or negotiated to sell any controlled substance, alcoholic beverage or intoxicant, and sold, delivered, or furnished a liquid, substance, or material represented as a controlled substance, alcoholic beverage, or intoxicant—EC 48900(d)
- _____ committed or attempted robbery or extortion—EC 48900(e)
- _____ caused or attempted to cause damage to school or private property—EC 48900(f)
- _____ stolen or attempted to steal school or private property—EC 48900(g)
- _____ possessed or used tobacco—EC 48900(h)
- _____ committed an obscene act or engaged in habitual profanity, or vulgarity—EC 48900(i)
- _____ possessed, offered, arranged, or negotiated to sell any drug paraphernalia—EC 48900(j)
- _____ disrupted school activities or willful defiance—EC 48900(k)
- _____ knowingly received stolen school property or private property—EC 48900(l)
- _____ possessed an imitation firearm—EC 48900(m)
- _____ committed or attempted sexual assault—EC 48900(n)
- _____ harassed, threatened, or intimidated a pupil who is a witness—EC 48900(o)
- _____ unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma—EC 48900(p)
- _____ engaged in or attempted to engage in hazing—EC 48900(q)
- _____ engaged in an act of bullying, including an electronic act, directed specifically toward a pupil or school personnel—EC 48900(r)
- _____ aided or abetted in the infliction or attempted infliction of physical injury to another person—EC 48900(t)
- _____ committed sexual harassment—EC 48900.2 Grades 4-12
- _____ attempted, threatened, caused, or participated in an act of hate violence—EC 48900.3 Grades 4-12
- _____ engaged in harassment, threats, or intimidation sufficiently severe to disrupt classwork or create a hostile educational environment—EC 48900.4 Grades 4-12
- _____ made terroristic threats against school officials or property—EC 48900.7

Brief factual description: _____

PARENT/GUARDIAN CONFERENCE/RESPONSE:

This makes a TOTAL of _____ day(s) suspension during this school year. We want to cooperate with you in an effort to avoid further behavior problems; therefore, a conference with you regarding this matter will be held on _____ at _____. You are required by law to respond without delay (EC 48911f). If you have any questions regarding this matter or are unable to meet with me on the assigned date, please call my office. The telephone number is _____.

You have the right of access to your child's records. You may request a meeting with the Superintendent and/or Superintendent's designee regarding this suspension if you are not satisfied with the results of the conference with the principal or principal's designee. The teacher of any class from which your child is suspended may require him/her to complete any assignments and tests missed during the suspension.

Principal

Principal's Designee

Please note: During suspension, student is not permitted on campus or at any school event. Student must be in the home during school hours or with parent/guardian under direct supervision until suspension period has concluded.

PARENT/GUARDIAN CONTACTED: _____ phone _____ mail _____
Additional Student Services: SDC/RSP/DIS/ELL _____

Date of parent/guardian response _____
Notes: _____

School:

Date:

Buena Park School District

Notification of Administrative Suspension from School

To the Parent/Guardian of: Your student has been suspended from school as follows:

Form with fields for Suspension From, Return to School, Grade, Birthdate, Phone, Days, Total Days for Year, Special Ed., and a list of reasons under EDUCATION CODE SECTION 48900. Includes a section for Student Acknowledgment and a note about reviewing records.

Parent Conference: A conference with you regarding this matter (will be)(was) held on at a.m./p.m. You are required by law to respond to this conference request without delay. Please contact me at

Principal/Designee Signature

Date #1704 (June 2013)

Grounds for Suspension and Expulsion Education Code § 48900

(For expulsion purposes, always find multiple grounds)

48900(a)(1)	Caused, attempted to cause, or threatened to cause physical injury to another person.	➤ Includes student fights
48900(a)(2)	Willfully used force or violence upon the person of another, except in self-defense.	<ul style="list-style-type: none"> ➤ Battery = aggressor who causes physical harm to an innocent person. ➤ Assault with a Deadly Weapon Notify Law Enforcement E.C. § 48902 ➤ Call: 562-3964 Juvenile Detective Mike Galows
48900(b)	Possessed, sold, or otherwise furnished a firearm, knife, explosive or other dangerous object unless, in the case of possession of any object of this type, the pupil had obtained written permission to possess the item from a certificated school employee, which is concurred in by the principal or the designee of the principal.	<ul style="list-style-type: none"> ➤ Firearm, air gun that expels a metallic projectile, switchblade knife, dirk, dagger, ice pick, folding knife that locks into place, razor with an unguarded blade, taser, stun gun, nunchaku, metal knuckles, explosive devises. ➤ Notify Law Enforcement E.C. § 49334 ➤ Call: 562-3964 Juvenile Detective Mike Galows
48900(c)	Unlawfully possess, used, sold, or otherwise furnished, or been under the influence of any controlled substance, an alcoholic beverage, or an intoxicant of any kind.	<ul style="list-style-type: none"> ➤ Complete list can be found in: Health and Safety Code 11054 ➤ Notify Law Enforcement E.C. § 48902 ➤ Call: 562-3964 Juvenile Detective Mike Galows
48900(d)	Unlawfully offered, arranged, or negotiated to sell any controlled substance, an alcoholic beverage, or an intoxicant of any kind, and then either sold, delivered, or otherwise furnished to any person another liquid, substance, or material and represented the liquid, substance, or material as a controlled substance, alcoholic beverage, or intoxicant.	<ul style="list-style-type: none"> ➤ fake ➤ Complete list can be found in: Health and Safety Code 11054 ➤ Notify Law Enforcement E.C. § 49802 ➤ Call: 562-3964 Juvenile Detective Mike Galows
48900 (e)	Committed or attempted to commit robbery or extortion.	<ul style="list-style-type: none"> ➤ Robbery = taking of property in the presences of the owner and against his/her will accompanied by force or fear. ➤ Extortion = induced by a threat of force or wrongful use of fear

48900 (f)	Caused or attempted to cause damage to school property or private property.	➤ Includes electronic files and databases
48900(g)	Stolen or attempted to steal school property or private property.	➤ Includes electronic files and databases
48900 (h)	Possess or used tobacco, or any products containing tobacco or nicotine products, including, by not limited too, cigarettes, cigars, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel. However, this section does not prohibit use or possession by a pupil of his or her own prescription products.	
48900(i)	Committed an obscene act or engaged in habitual profanity or vulgarity.	
48900(j)	Unlawfully possess or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia.	<ul style="list-style-type: none"> ➤ Complete list can be found in: Health and Safety Code 11014.5 ➤ Notify Law Enforcement E.C. § 48902 ➤ Call: 562-3964 Juvenile Detective Mike Galows
48900(k)	Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, school officials, or their school personnel engaged in the performance of their duties.	
48900(l)	Knowingly received stolen school property or private property.	➤ Includes electronic files and databases
48900(m)	Possessed an imitation firearm.	➤ Substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm.
48900(n)	Committed or attempted to commit a sexual assault or committed a sexual battery.	<ul style="list-style-type: none"> ➤ Rape, induced intercourse, sodomy, oral copulation, foreign object penetration, child molestation or touching intimate parts ➤ Notify Law Enforcement E.C. § 49334 ➤ Call: 562-3964 Juvenile Detective Mike Galows
48900(o)	Harassed, threatened, or intimidated a pupil who is a complaining witness or a witness in a school disciplinary proceeding for the purpose of either preventing that pupil for being a witness or retaliating against that pupil or being a witness, or both.	
48900(p)	Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.	➤ Muscle relaxant

48900(q)	Engaged in, or attempted to engage in, hazing.	<ul style="list-style-type: none"> ➤ Method of initiation into a student organization which cause, or is likely to cause bodily danger, physical harm, or personal degradation or disgrace.
48900(s)	Aids or abets the infliction or attempted infliction of physical injury to another person.	<ul style="list-style-type: none"> ➤ Suspension only ➤ No expulsion unless court finds serious bodily injury to victim.
48900.2	Committed sexual harassment.	<ul style="list-style-type: none"> ➤ Cannot be used in grades K, 1, 2, and 3. ➤ Unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature ➤ Must be considered by a person of the same gender as the victim to be sufficiently severe or pervasive to have a negative impact upon the student's academic performance or to create an intimidating, hostile, or offensive education environment.
48900.3	Caused, attempted to cause, threatened to cause, or participated in an act of, hate violence.	<ul style="list-style-type: none"> ➤ Cannot be used in grades K, 1, 2, and 3. ➤ Force or threat of force, willfully injured, intimidate, interfere with, oppress, or threaten any other person or deface, damage, or destroy the real or personal property of any other person for the purpose of intimidation because of the person's race, color, religion, ancestry, national origin, disability, gender, or sexual orientation, or perceptions of those characteristics.
48900.4	Intentionally engaged in harassment, threats or intimidation directed against school district personnel or pupils, that is sufficiently severe or pervasive to have the actual and reasonable expected effect of materially disrupting classwork, creating substantial disorder, and invading the rights of either school personnel or pupils by creating an intimidating or hostile educational environment.	<ul style="list-style-type: none"> ➤ Cannot be used in grades K, 1, 2, and 3.

48900.7	Made terroristic threats against school officials or school property, or both.	➤ 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 \$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.
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Parents - do you know . . .

It is essential that you read, understand, and discuss with your child the material that appears in the following pages. Any violation of these rules (including accidental or unintentional violations) will result in serious disciplinary consequences.

The Buena Park School District Board of Education is fully committed to providing a safe and secure school environment in which students can effectively learn. The Governing Board will not tolerate student behavior that threatens the safety of other pupils, staff, or visitors. The Governing Board enforces the following penalties for any student who possesses, sells, or furnishes any drug, weapon, explosive, or dangerous object while within the jurisdiction of school authority:

Important Notice

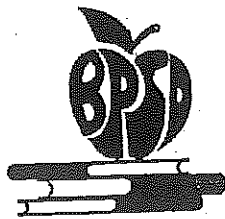
Students who are expelled by the Board of Education are prohibited from attending ANY school or school activity in the Buena Park School District for a period of up to one full school year. Records of expulsion become a part of a pupil's permanent educational record which may negatively influence a pupil's educational record or future educational/employment opportunities.

Additionally, the district will not tolerate vandalism to district facilities, property, or equipment, including graffiti.

Students who commit vandalism are subject to expulsion from the district and
PARENTS WILL BE FINANCIALLY RESPONSIBLE FOR ALL DAMAGES.

Offenses involving drugs, alcohol, weapons, explosives, dangerous objects, and vandalism will be reported to the proper local police authorities as required by law.

These policies reflect the expressed desire of the local community to maintain safe, secure, and drug-free schools.



Buena Park School District

II. Student Conduct

Attendance - Absences

Jury Approved Absences (EC §48205, 48980)

School districts do not receive state money for attendance when children are absent from school regardless of whether the absence is excused or not excused.

- a. According to Education Code Section 48205, a pupil shall be excused from school when the absence is:
 1. Due to his or her illness.
 2. Due to quarantine under the direction of a county or city health officer.
 3. For the purpose of having medical, dental, optometrical, or chiropractic services rendered.
 4. For the purpose of attending the funeral services of a member of his or her immediate family, so long as the absence is not more than one day if the service is conducted in California and not more than three days if the service is conducted outside California.
 5. For the purpose of jury duty in the manner provided for by law.
 6. Due to the illness or medical appointment during school hours of a child of whom the pupil is the custodial parent.
 7. For justifiable personal reasons, including, but not limited to, an appearance in court; attendance at a funeral service, observance of a holiday or ceremony of his or her religion, attendance at religious retreats or attendance at an employment conference, or attendance at an educational conference on the legislative or judicial process offered by a nonprofit organization when the pupil's absence has been requested in writing by the parent or guardian and approved by the principal or designated representative pursuant to uniform standards established by the governing board.
 8. For the purpose of serving as a member of a precinct board for an election pursuant to Section 12302 of the Elections Code.
- b. A pupil absent from school under this section shall be allowed to complete all assignments and tests missed during the absence that can be reasonably provided and, upon satisfactory completion within a reasonable period of time, shall be given full credit therefore. The teacher of any class from which a pupil is absent shall determine the tests and assignments shall be reasonably equivalent to, but not necessarily identical to, the tests and assignments that the pupil missed during the absence.
- c. For purposes of this section, attendance at religious retreats shall not exceed four days per semester.
- d. Absences pursuant to this section are deemed to be absences in computing average daily attendance and shall not generate state apportionment payments.
- e. "Immediate family," as used in this section, has the same meaning as that set forth in Section 45194, except that references therein to "employee" shall be deemed to be references to "pupil."

Attendance after Absence - A principal or teacher may require satisfactory explanation from a parent/guardian of a pupil, either in person or by written note, whenever the pupil is absent for all or part of the school day. The explanation is not required until the day after the absence.

Absence for Religious Purposes (EC §46014, 48980)

After completing a minimum day, students may be excused by written parental request for religious exercises at a place away from school. Absences are limited to four days per month.

Duty Concerning Conduct of Students (EC §44807)

Every District teacher has a responsibility to hold students to a strict account for their conduct on the way to and from school, on the playgrounds, or during recess.

Responsibilities of Students (5 CCR §300)

Every student must attend punctually and regularly, conform to the regulations of the school, obey promptly all the directions of his/her teacher and others in authority, observe good order and propriety of deportment, be diligent in study, be respectful to his/her teacher and others in authority, be kind and courteous to schoolmates, and refrain entirely from the use of profane and vulgar language.

Cell Phones and Electronic Signaling Devices (EC §48901.5)

The governing board may regulate the possession or use of an electronic signaling device. No pupil shall be prohibited from possessing or using an electronic signaling device that is determined by a licensed physician to be essential for the health of a pupil. Students are not to use cell phones or other electronic devices during the instructional day. Board Policy 5131 restricts the use of electronic signaling devices to before and/or after school hours only. Cell phones, pagers and other electronic devices shall remain off during school hours.

Student Discipline Rules and Regulations (EC §48900.1)

The Board of Education has adopted a policy on suspension of students which authorizes teachers to provide that the parent/guardian of a pupil who has been suspended by a teacher pursuant to Section 48910 for reasons specified in subdivision (i) or (k) of Section 48900 attend a portion of a school day in his/her child's/ward's classroom.

Grounds for Suspension and Expulsion

Education Code Section 48900 states "A pupil shall not be suspended from school or recommended for expulsion, unless the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has committed an act as defined pursuant to any of subdivisions (a) to (r), inclusive:

- (a) (1) Caused, attempted to cause, or threatened to cause physical injury to another person.
(2) Willfully used force or violence upon the person of another, except in self-defense.
- (b) Possessed, sold, or otherwise furnished any firearm, knife, explosive, or other dangerous object unless, in the case of possession of any object of this type, the pupil had obtained written permission to possess the item from a certificated school employee, which is concurred in by the principal or designee of the principal.
- (c) Unlawfully possessed, used, sold, or otherwise furnished, or had been under the influence of, a controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind.
Unlawfully offered, arranged, or negotiated to sell any controlled substance as listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind, and sold, delivered or otherwise furnished to a person another liquid, substance, or material and represented the liquid, substance, or material as a controlled substance, alcohol beverage, or intoxicant.
- (e) Committed or attempted to commit robbery or extortion.
- (f) Caused or attempted to cause damage to school property or private property.
- (g) Stole or attempted to steal school property or private property.
- (h) Possessed or used tobacco, or products containing tobacco or nicotine products, including, but not limited to, cigarettes, cigars, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel. However, this section does not prohibit use or possession by a pupil of his/her own prescription products.
- (i) Committed an obscene act or engaged in habitual profanity or vulgarity.
- (j) Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Section 11014.5 of the Health and Safety Code.
- (k) 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.
- (l) Knowingly received stolen school property or private property.
- (m) Possessed an 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.
- (n) Committed or attempted to commit a sexual assault as defined in Penal Code 261, 266c, 286, 288, 288a or 289 of the Penal code committed a sexual battery as defined in Section 243.4 of the Penal Code.
- (o) Harassed, threatened, or intimidated a pupil who is a complaining witness or witness in a school disciplinary proceeding for the purpose of preventing that pupil from being a witness or retaliating against that pupil for being a witness, or both.
- (p) Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.
- (q) Engaged in, or attempted to engage in, hazing. For purposes of this subdivision, "hazing" means a method of initiation

or pre-initiation into a pupil organization or body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, prospective pupil. For purposes of this subdivision, "hazing" does not include athletic events or school-sanctioned events.

- (r) 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.
- (t) Aided or abetted in the infliction or attempted infliction of physical injury to another person.

Attendance of Suspended Child's Parent/Guardian (EC §48900.a, LC §230.7)

The Governing Board has adopted a policy authorizing teachers to require the parent/guardian of a student who has been suspended by a teacher to attend a portion of a school day in the child's classroom. No employer may dismiss or in any manner discriminate against an employee for taking time off from work to comply with this requirement.

Invasion of Privacy

Penal Code Sections 647 and 647.7 make it a misdemeanor to have a concealed camcorder, motion picture camera or photo camera of any type to secretly record individuals for the purpose of viewing their body parts or undergarments in a bathroom, changing area, or any other area where the person has a reasonable expectation of privacy.

Threats

Terroristic Threats (EC §48900.7)

- (a) In addition to the reasons specified in Sections 48900, 48900.2, 48900.3, and 48900.4, a pupil may be suspended from school or recommended for expulsion if the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has made terroristic threats against school officials or school property, or both.
- (b) For the purposes of this section, "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/her own safety or for his/her immediate family's safety, or for the protection of school district property, or the personal property of the person threatened or his/her immediate family.

Bullying/Hazing

The Governing Board believes strongly that schools should be safe places for children and that the school district must make every effort to make schools physically and psychologically safe for all students. Just as the Board expects professional behavior of its staff, similar behavior is expected of the students. The Governing Board also believes that students should not be disruptive or create a climate of fear by bullying other students. No child should be threatened, teased, taunted, or tormented for any reason.

In order to create a positive climate for education, all reports of bullying will be investigated and resolved promptly to avoid an atmosphere of harassment. Additionally, no student shall engage in hazing, participate in hazing, or commit any act that causes, or is likely to cause bodily danger, physical harm, or personal degradation or disgrace resulting in physical or mental harm to any fellow student.

Harassment (BP5145.7)

Purpose

The Buena Park 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. The Governing Board prohibits retaliatory behavior or action against persons who complain, testify, assist or otherwise participate in the complaint process established pursuant to this policy and the administrative regulation.

Disciplinary Measures (EC §48900.4)

Any student who has intentionally engaged in harassment, threats, or intimidation, directed against school district personnel or pupils, that is sufficiently severe or pervasive to have the actual and reasonable expected effect of materially disrupting the work, creating substantial disorder, and invading the rights of either school personnel or pupils by creating an intimidating or hostile educational environment is in violation of this policy and shall be subject to disciplinary action. For students in grades 4 through 8, disciplinary action may include suspension and/or expulsion, provided that in imposing such discipline the entire circumstances of the incident(s) shall be taken into account.

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, and Section 230.

Therefore, the District strongly condemns, opposes, and prohibits sexual harassment of students whether verbal, physical, or environmental, by anyone in or from the District, or any third party, on school property, during school hours, or during any District-sponsored activity. The District will take steps to prevent recurrence of any harassment and to correct its discriminatory effects on the complainant and others, if appropriate.

Any employee who engages in sexual harassment of a student may be disciplined, up to and including termination. Any student who engages in sexual harassment of anyone in or from the District may be subject to discipline, up to and including expulsion.

The "informal resolution process" will be used in mediating problems in grades K, 1, 2, and 3. The "formal resolution process" will be used in grade levels 4 through 8.

Definition

As used in this policy and regulation "sexual harassment," hereinafter referred to as "conduct," means unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical contact of a sexual nature, made by anyone in or from the District. Examples of Sexual Harassment:

- a. Unwanted sexual advances.
- b. Offering educational benefits in exchange for sexual favors.
- c. Making or threatening reprisals after negative response to sexual advances.
- d. Visual conduct, such as leering, making sexual gestures, displaying of sexually suggestive objects or pictures, cartoons, or posters.
- e. Verbal conduct, such as making or using derogatory comments, epithets, slurs, and jokes of sexual nature.
- f. Verbal sexual advances or propositions.
- g. Verbal abuse of a sexual nature, graphic verbal commentaries about an individual's body, sexually degrading words used to describe an individual, suggestive or obscene letters, notes, or invitations.
- h. Unwanted physical contact, such as touching, assault, impeding or blocking movements.
- i. Retaliating against an individual after the individual makes a sexual harassment complaint.

Reporting Sexual Harassment

- a. Students shall state their objections to the person whom they deem is making inappropriate verbal, physical, or environmental harassment.
- b. Students shall immediately report suspected "sexual harassment" to the principal or assistant principal at their school site.
- c. Students who knowingly make a false allegation are subject to discipline, up to and including suspension or expulsion.

The Superintendent shall ensure that all district students receive age-appropriate instruction and information on sexual harassment. Such instruction and information shall include:

1. What acts and behavior constitute sexual harassment, including the fact that sexual harassment could occur between people of the same gender.
2. A clear message that students do not have to endure sexual harassment.

3. Encouragement to report observed instances of sexual harassment, even where the victim of the harassment has not complained.
4. Information about the person(s) to whom a report of sexual harassment should be made.

Any student who feels that he/she is being or has been subjected to sexual harassment shall immediately contact his/her teacher or any other employee. A school employee to whom a complaint is made shall, within 24 hours of receiving the complaint, report it to the principal or designee.

Any school employee who observes any incident of sexual harassment involving a student shall report this observation to the principal or designee, whether or not the victim files a complaint.

Disciplinary Measures (EC §48900.2)

Any student who engages in sexual harassment of anyone at school or at a school-sponsored or school-related activity is in violation of this policy and shall be subject to disciplinary action. For students in grades 4 through 8, disciplinary action may include suspension and/or expulsion, provided that in imposing such discipline the entire circumstances of the incident(s) shall be taken into account.

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

All complaints and allegations of sexual harassment shall be kept confidential except as necessary to carry out the investigation or take other subsequent necessary action. (5 CCR 4964).

Hate Crimes (Penal Code 422.55, 422.56)

Hate crimes are defined as an act committed against a victim because of actual or perceived characteristics such as a disability, gender, nationality, race or ethnicity, religion or sexual orientation and are considered a criminal act.

Hate Violence (EC §48900.3)

In addition to the reasons specified in Sections 48900 and 48900.2, a pupil in any of grades 4 to 12, inclusive, may be suspended from school or recommended for expulsion if the Superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has caused, attempted to cause, threatened to cause, or participated in an act of hate violence, as defined in subdivision (e) of Section 233.

Alcohol and Other Drugs (BP5131.6)

The Governing Board believes that the use of alcohol or other drugs adversely affects a student's ability to achieve academic success, is physically and emotionally harmful, and has serious social and legal consequences. The Governing Board desires to keep district schools free of alcohol and other drugs and desires that every effort be made to prevent and eliminate student use of these substances. The Governing Board perceives this effort as an important step towards preventing violence, promoting school safety and creating a disciplined environment conducive to learning.

The Superintendent shall develop, implement and evaluate a comprehensive prevention and intervention program that is coordinated with other school and community-based services and programs. The district's program shall be scientifically based and designed to prevent or reduce alcohol or other drug use and the possession and distribution of illegal drugs. It shall include primary prevention activities such as decision-making skills and conflict management, instruction, referral to a rehabilitation program, enforcement/disciplines, activities that promote the involvement of parents/guardians and coordination with appropriate community agencies and organizations.

The Governing Board and Superintendent shall agree upon performance measures that will be used to monitor and determine the effectiveness of the district's program in reducing drug and alcohol use. The Superintendent shall develop and implement an evaluation process that includes ongoing assessment and analysis of objective data regarding the incidence of drug and

alcohol use among district students, including discipline problems, and the prevalence of risk factors.

The Superintendent shall consult with principals, teachers, other school personnel, students and parents/guardians when developing the district's program.

The Superintendent shall clearly communicate to all students, staff and parents/guardians the district's policies and school rules related to the use of alcohol and other drugs on school campuses or at school activities. Information about program needs and goals shall be widely distributed in the community.

The Governing Board expects staff to conduct themselves in accordance with the district's philosophy related to alcohol and other drugs. Staff should help students see themselves as responsible partners in efforts to maintain a safe, constructive school climate.

The Governing Board also encourages the establishment of site-level advisory groups to assist in promoting alcohol- and drug-free schools.

Intervention, Referral and Recovering Student Support

The Governing Board believes that effective interventions should be available to assist students who use alcohol or other drugs. School staff, students and parents/guardians shall be informed about signs and symptoms which may indicate alcohol and other drug use and about appropriate agencies offering intervention programs, counseling and rehabilitation for students and their family members. The district shall help recovering students to avoid reinvolvement with alcohol and other drugs by providing school and/or community service activities designed to increase students' sense of community.

The Governing Board strongly encourages any student who is using alcohol or drugs to discuss the matter with his/her parent/guardian or with any staff member. Students who disclose their use of alcohol or other drugs when seeking help from an intervention or recovery program shall not be disciplined for such use.

Enforcement/Discipline

The Superintendent shall take appropriate action to eliminate possession, use or sale of alcohol and other drugs and related paraphernalia on school grounds, at school events, or in any situation in which the school is responsible for the conduct and well-being of students. School authorities may search students and school properties for the possession of alcohol and other drugs in accordance with law, Board policy and administrative regulation.

Students possessing, using or selling alcohol or other drugs or related paraphernalia at school or at a school event shall be subject to disciplinary procedures including suspension or expulsion in accordance with law, Board policy and administrative regulation. In addition, such students may be referred to an appropriate counseling program, transferred to an alternative placement, and/or restricted from extracurricular activities, including athletics.

Tobacco-Free Schools/Smoking (H&SC §104420)

Additionally, the Governing Board has established that all school property be tobacco free (Board Policy 3513.3). The Governing Board prohibits the use of tobacco products at all times on district property and in district vehicles. This prohibition applies to all employees, students, visitors, and other persons at any school or school-sponsored activity or athletic event.

Instruction

The district has implemented science-based preventative instruction which has been proven effective in helping students avoid the use of alcohol and other drugs. Comprehensive, age-appropriate K-8 instruction shall address the legal, social, personal and health consequences of drug and alcohol use, promote a sense of individual responsibility, and inform students about effective techniques for resisting peer pressure to use alcohol and other drugs.

All instruction and related materials shall consistently state that unlawful use of alcohol or other drugs is wrong and harmful. Instruction shall not include the concept of responsible use when such use is illegal.

Teachers shall be trained to answer students' questions related to alcohol and drugs and to help students obtain and use current and accurate information, develop and maintain a positive self-concept, take positive actions to cope with stress and use appropriate social and personal skills to resist involvement with alcohol and other drugs.

Healthy Kids Survey

As a part of the Buena Park School District's on-going efforts to provide safe and drug-free, positive learning environments for students, the California Healthy Kids Survey is administered to students in grade 5 and grade 7 biennially. The California Healthy Kids Survey assesses health-risk behaviors and resilience/assets among our youth and helps us focus resources and develop programs for our students. Data for the most recent Healthy Kids Survey is available upon request from the Educational Services office at (714) 522-8412.

Graffiti

The Orange County community has become increasingly sensitive to the negative impact of public and private property being defaced with graffiti. The costs of graffiti cleanup in Orange County exceeds \$4 million annually. Cleanup efforts require the county, cities, and school districts to spend funds which could otherwise be better utilized for more worth-while programs to benefit all of us in Orange County. Minors arrested for defacing property with graffiti will be prosecuted and held accountable to the maximum extent possible.

In February 1993, Juvenile Court Judge Francisco Briseno established Graffiti/Tagging Dispositional Guidelines for minors placed on probation for this illegal behavior. In addition to the standard terms and conditions of probation, the Graffiti/Tagging Dispositional Guidelines are outlined to include:

- 20 days CalTrans Work Program involving graffiti removal or 100 hours of community service in a graffiti abatement program; and
- A \$250 fine plus penalty assessment; and
- Restitution; and
- 180 days in custody/stayed pending satisfactory completion of the above terms; and
- Violate no law, search and seizure, no possession of spray paint, markers, etching devices, or any other graffiti paraphernalia.

Repeat offenders will be detained and considered by the Juvenile Court upon their return to the Graffiti Removal Work Program, supervised by the Probation Department, and substantial custody time.

Parent Involvement (BP6020)

The Governing Board recognizes that parents/guardians are their children's first and most influential teachers and that sustained parent involvement in the education of their children contributes greatly to student achievement and a positive school environment. The Superintendent shall work with staff and parents/guardians to develop meaningful opportunities at all grade levels for parents/guardians to be involved in district and school activities; advisory, decision-making, and advocacy roles; and activities to support learning at home.

Parents/guardians shall be notified of their rights to be informed about and to participate in their children's education and of the opportunities available to them to do so.

The Superintendent shall regularly evaluate and report to the Governing Board on the effectiveness of the district's parent involvement efforts, including, but not limited to, input from parents/guardians and school staff on the adequacy of parent involvement opportunities and barriers that may inhibit parent/guardian participation.

Title I Schools

Each year the Superintendent shall identify specific objectives of the district's parent involvement program for schools that receive Title I funding. He/she shall ensure that parents/guardians are consulted and participate in the planning, design, implementation, and evaluation of the parent involvement program. (Education Code 11503)

The Superintendent shall ensure that the district's parent involvement strategies are jointly developed with and agreed upon by parents/guardians of students participating in Title I programs. Those strategies shall establish expectations for parent involvement and describe how the district will carry out each activity listed in 20 USC 6318. (20 USC 6318)

The Superintendent shall consult with parents/guardians of participating students in the planning and implementation of parent involvement programs, activities, and regulations. He/she also shall involve parents/guardians of participating students in decisions regarding how the district's Title I funds will be allotted for parent involvement activities. (20 USC 6318)

The Superintendent shall ensure that each school receiving Title I funds develops a school-level parent involvement policy in accordance with 20 USC 6318.

Visitors to Schools and Classrooms (BP 1250)

The Governing Board encourages parents, guardians and interested members of the community to visit the schools and view the educational program.

To ensure minimum interruption of the instructional program, the Superintendent shall establish procedures which facilitate visits during regular school days. Visits during school hours should be first arranged with the teacher and Principal. If a conference is desired, an appointment should be set with the teacher during noninstructional time.

To ensure the safety of students and staff and avoid potential disruptions, all visitors shall register immediately upon entering any school building or grounds when school is in session.

For purposes of school safety and security, the Superintendent may design a visible means of identification for visitors while on school premises.

No electronic listening or recording device may be used by students or visitors in a classroom without the teacher and principal's permission. (Education Code 51512)