

# **STUDENT CONDUCT CODE**

**Grades K – 6  
2023-2024**



**OAKDALE JOINT UNIFIED SCHOOL DISTRICT**

168 South Third Avenue, Oakdale, CA 95361

*Tambien disponible en Español*



**OAKDALE JOINT UNIFIED SCHOOL DISTRICT**

**PRINCIPLES OF RIGHTS, RESPONSIBILITIES AND RESPECT  
TO ENSURE A SAFE SCHOOL ENVIRONMENT**

*“The truth of the matter is that you always know the right thing to do. The hard part is doing it.”  
---H. Norman Schwarzkopf*

**Vision**

Teach, Learn, Every Day, No Excuses!\*\*

**Mission**

All OJUSD staff and students strive for improvement and excellence every day.

**Core Values**

We believe all students and staff should:

- Achieve Excellence in All School Endeavors
- Lead Courageously
- Enact Justice on Behalf of Others
- Accept Responsibility for Their Actions
- Maintain Safe Schools and Positive Learning Environments for All

**Student Goals**

Every Student will...

- Demonstrate ongoing mastery of core subject areas as measured by proficiency on the California Standards Tests and District Benchmark Assessments.
- Improve his/her academic performance each year.
- Be able to read at grade level by the end of 3rd grade.
- Demonstrate Algebra Readiness by the end of 7th grade.
- Identify a career interest and develop an action plan for pursuing that career by the end of the 8th grade.
- Meet the District’s rigorous and relevant standards for graduation.

\*\*The phrase “No Excuses” is in direct relationship to the teaching/learning dynamic.

# STUDENT CONDUCT CODE

## GRADES K - 6

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Oakdale Joint Unified School District  
168 S. Third Avenue  
Oakdale, CA 95361

# THE OJUSD BOARD OF TRUSTEES AND STUDENT BEHAVIOR

The OJUSD Board of Trustees has the responsibility to ensure that an appropriate educational program is available to each student in our schools. Within the framework of California law, courses and materials are developed, teachers and administrators are selected, schools are built and maintained, and rules and regulations are established to provide an appropriate climate in which students fulfill their right to pursue their studies.

Guidelines and laws are cited here so that all students and parents know the basis for the rules that must be enforced by the Board. This responsibility is an obligation the Board takes seriously. School personnel have been charged by the Board to carry out these rules in a fair and firm manner, and with appropriate actions, in order to safeguard each student's right to the finest education we can provide, to hold distracting forces to a minimum, and to eliminate behavior that disrupts the learning process.

Parents, administrators, teachers, and staff responsible for the welfare of students are expected to work cooperatively to reinforce the behavior code and attendance policy. With all adults working together, all students will observe the value of working in support of a safe school community and beyond.

This publication contains the rights and responsibilities, legal basis, and rationale from which OJUSD policies are developed. It is important that you read and discuss this Student Conduct Code with your child(ren).

The OJUSD Board of Trustees looks forward to a safe school year.  
We ask your support and cooperation.

Oakdale Joint Unified School District  
Board of Trustees

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# **RIGHTS AND RESPONSIBILITIES**

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## **Rights of Students**

- To attend school in a secure academic and social climate, free of fear and violence.
- To benefit from the educational environment without disruption from other students.
- To be informed of school rules and regulations.
- To attend school in a different and more restrictive placement if due process is specified under California Education Code.

## **Responsibilities of Students**

- To assume accountability for behavior.
- To attend school regularly.
- To be at school on time every day.
- To be prepared for class with the appropriate materials and work.
- To know and obey school rules and regulations.
- To respect the rights of fellow students, school personnel, and the public in general, to, from, and during school.
- To demonstrate pride in the appearance of school buildings and grounds by using the facilities appropriately.

## **Rights of Parents**

- To expect that their children will spend time at school in a safe environment, engaged in activities, under the care and direction of a dedicated staff.
- To have assurance that school personnel and parents will work cooperatively in the best interest of the child.
- To be informed of District policies, regulations and school rules.
- To review their child's record with a certificated staff member providing assistance.

## **Responsibilities of Parents**

- To assure that their children arrive at school on time and prepared to work.
- To visit school periodically to participate in conferences with teachers, counselors or administrators regarding the academic and behavioral status of their children.
- To treat all school staff with respect.
- To provide supportive action by making sure that children have enough sleep, adequate nutrition and appropriate clothing before coming to school.
- To maintain consistent and adequate control over their children and to support reasonable control measures as applied by school personnel.
- To cooperate with the school in bringing about improvements designed to enhance the educational program offered students.
- To provide the school with current information, or changes, regarding legal address, phone, medical data, and other facts, that may help the school to serve their children.
- To become familiar with District policies and school rules and regulations.

## **Rights of Teachers**

- To expect and receive the attention, effort, and participation of the students attending their classes.
- To have parental and administrative support when enforcing rules designated to provide an optimum learning climate.

- To teach with minimum interruptions.
- To enjoy a level of respect and courteous treatment appropriate to the level of authority and responsibility of an adult and teacher.

### **Responsibilities of Teachers**

- To consider the personal worth of each individual student.
- To provide the framework so that each learner has access to the knowledge, skills, attitudes, and values required for successful living.
- To hold students accountable for their actions at all times.
- To accept divergent ideas, opinions, and expressions objectively and work with them in a balanced, unbiased manner.
- To treat all parents with respect and in the spirit of cooperation.
- To keep parents and students informed with timely and periodic reports, including all pertinent data related to the student's school experience.
- To consistently critique their own performance with the objective of an ever growing professional stature.
- To initiate and enforce individual classroom rules consistent with school and District policies.

### **Rights of Administrators**

- To initiate such measures as needed to establish and maintain an environment in which optimum learning and teaching conditions prevail.
- To make decisions regarding school issues based on what is best for the students.
- To hold students accountable for their conduct and to take prompt and appropriate action.
- To expect that all school employees recognize and fulfill their responsibilities for optimum student learning and a safe, orderly campus.

### **Responsibilities of Administrators**

- To provide leadership that will establish, encourage, and promote good teaching and effective learning.
- To establish, publicize, and enforce school rules that facilitate effective learning.
- To promote attitudes and habits of good citizenship among the students.
- To demonstrate sensitivity toward student/staff/parent/community concerns and respond as necessary and appropriate.

- ❖ **Oakdale Joint Unified School District actively works to maintain a safe educational environment for all students and staff. Any conduct which interferes with the instructional process cannot be tolerated, and any student who causes or takes part in a disturbance will be subject to disciplinary action.**
- ❖ **All students are accountable for their behavior.**
- ❖ **Students are strongly encouraged to seek help from an adult on campus prior to a situation escalating.**
- ❖ **If you, as a student, are being bullied or harassed, tell friends, tell teachers, tell administrators, tell campus supervisors, tell parents. It won't stop until the information is shared. If you see or hear any information that is threatening or potentially dangerous, TELL SOMEONE or submit a report on the "STOPit" app accessible on-line and on the schools website!**

## SUSPENSION / EXPULSION GUIDELINES (EC 48900)

One of the major functions of public schools is the preparation of youth for responsible citizenship. The district fosters a learning environment that reinforces the concepts of self-discipline and the acceptance of personal responsibility. It is appropriate to clearly articulate the expected behavior and the consequences when those expectations are not met. (EC 35291.5)

For the safety of the school community students are expected to obey all rules and regulations, respond to adults and other students in a respectful manner, and participate positively in an environment that allows teachers to teach and students to learn. The schools will not tolerate any comments or gestures that denigrate others due to race, color, sex, religion, handicap or disadvantage. This includes derogatory terms or racial slurs that are intended to degrade or disgrace in regard to a persons race, color, religion, national origin, ancestry, disability, sexual orientation, gender, physical appearance, emotional or intellectual condition, etc.. Pupils shall be subject to disciplinary procedures for bullying or harassing other pupils or for using insults, slurs, or fighting words that may disrupt school activities.

Depending on circumstances, some or all of the following may be used by school personnel and parents to foster appropriate pupil behavior:

- Participation in recognized school activities
- Parent / teacher / student conferences
- Assistance through school psychologists and/or school nurses
- Administrative / student conferences
- Student Study Team (SST) that considers special circumstances, academic needs, special placements for specific students.
- Referrals to community health and welfare agencies
- Behavior contracts
- Detentions
- Community Service
- Suspension from class or school
- Expulsion



**Suspension** is defined as the “removal of a pupil from ongoing instruction for adjustment purposes”. The law requires immediate suspension for specific acts as outlined in this disciplinary code. (EC 48925) (48900). Parents are expected to further define what disciplinary action will take place at home while a student is suspended. It is recommended that such action include home service to the family such as specific chores or jobs, confinement to the home, suspension from all technology such as phone use, television and computers. Appropriate activities include school work and reading while at home for the duration of the suspension.

**Expulsion** is the most serious disciplinary action that a school district imposes on a student. This removes the student from school district sites for a specific period of time usually up to a year. The administrator must refer students to the district governing board for expulsion under the mandatory suspension and expulsion guidelines. The final decision for expulsion can only be made through action by the school district governing board. Students who are expelled must attend school by law and will be referred to county programs.

**PLEASE NOTE: Possession of any knife, dirk, dagger, or any other dangerous object, including any “look-a-like” weapons, will be subject to Suspension and recommended Expulsion from school.**

The number of violations occurring in one school year may determine the number of days of suspension, other possible alternative consequences, and expulsion.

(E.C. 48913) The teacher of any class from which a student is suspended may require the suspended student to complete any assignments and tests missed during the suspension. The responsibility of obtaining and doing class work lies with the student. All work must be completed within the teacher’s specified time but no longer than one day for every day suspended.

(EC 48900) A student may be suspended or expelled for acts which are enumerated in the “Behavior Expectations and Consequences” section and related to school activity or attendance which occur at any time, including, but not limited to, any of the following:

- While on school grounds
- While going to or coming from school, or during the lunch period whether on or off campus
- During, or while going to or from, a school sponsored activity

Students accumulating twenty (20) days of home suspensions **are subject to expulsion**. Disciplinary action will be taken if a student’s behavior is disruptive to the instructional process or causes a danger to persons or property even though the offense is not defined in this Student Conduct Code.

(EC 48904) Parental liability for willful misconduct of a minor that results in injury or death to a pupil or school employee or who willfully cuts, defaces, or otherwise injures in any way any property, real or personal, belonging to a school district, or personal property of any school employee, shall be liable for all damages so caused by the minor. The liability of the parent or guardian shall not exceed the current liability limit allowed by law at the time of the misconduct. The parent or guardian shall also be liable for the amount of any reward, also not to exceed what is allowed by law.

When suspension is indicated, the site administrator will determine whether the consequence should include, but not limited to: home suspension, in-school suspension, and community service. Community service may include, but not limited to, work performed on school grounds during non-school hours in the areas of outdoor beautification, campus betterment, and teacher or peer assistance programs. (EC 48900.6)

- Law enforcement agencies must be notified by administrators for specific causes.
- If the nature of the offense makes an alternative education placement or expulsion recommendation appropriate, the student will be suspended five days for the infraction.

- The student may be suspended on the first offense if it is determined that the pupil’s presence causes a danger to persons or property or threatens to disrupt the instructional process. (EC 48900.5)
- Offenses of EC 48900 A–T, .2, .3, .4, & .7.– Depending on the seriousness of the act, the student may be recommended for an alternative education placement or expulsion on the first or succeeding offenses.

Students and parents have a right to appeal disciplinary action taken against a student. A meeting must be requested with the principal. The legal standard for fact-finding when determining a Conduct Code violation is based upon a “Preponderance of the Evidence”. Appeals to the principal will include a review of the evidence to confirm the “Preponderance” standard and “Due Process.”

### **GANG-RELATED OFFENSES (BP 5136, AR5136)**

- The governing board desires to keep district schools free from the threats or harmful influence of any groups or gangs which advocate drug use or disruptive behavior.
- The board prohibits the presence of any articles of clothing, apparel, jewelry, accessory, notebook, or manner of grooming which by virtue of its color, arrangement, trademark or any other attribute known by previous experience to be gang related.
- Any student wearing or carrying overt gang paraphernalia or making gestures that symbolize gang membership shall be referred to the site administrator. The student’s parent shall be contacted to provide alternate clothing and/or the student sent home to change clothes if necessary.
- A student may be suspended for five days on the first offense and recommended for an alternative education placement or expulsion depending on the violation.

### **SUSPENSION FROM CLASS (E.C. 48910)**

- A teacher may suspend any pupil from the teacher’s class for any violation of E.C. 48900, for that day and the day following.
- The teacher shall send the pupil to the principal/designee for appropriate action. If that action requires the continued presence of the pupil at the school site, the pupil shall be under appropriate supervision.
- As soon as possible, the teacher shall ask the parent/guardian of the pupil to attend a parent/teacher conference regarding the suspension. If an in-person parent conference cannot be arranged, a telephone conference may be substituted. A school administrator shall attend the conference if the teacher or parent/guardian so request.
- The pupil shall not be returned to the class during the period of suspension without the concurrence of the teacher and the principal. A pupil suspended from a class shall not be placed in another regular class during the period of suspension. However, if the pupil is assigned to more than one class per day, this subdivision shall apply only to other regular classes scheduled at the same time as the class from which the pupil was suspended. EC 48910 (b)
- For specific reasons specified in EC 48900 (i) or (k) the parent or guardian of a pupil may be required to attend all or a portion of a school day in his/her child’s classroom. The policy shall take into account reasonable factors that may prevent compliance (EC 48900.1).

### **STUDENT ACTIVITY PENDING EXPULSION OR DURING SUSPENSION**

- Student shall not report to school during the period of suspension or pending expulsion, except in the case of in-school suspension, unless coming to the office on official business by prior arrangement with a school administrator.
- Student shall be under the supervision of a parent/guardian during school hours pending expulsion or when serving suspension days at home. (7:00a.m. - 4:30p.m.)
- Student shall not attend any school event at any school campus pending expulsion or during suspension.
- The teacher may require the student to complete any assignments and tests missed during the suspension. The determination to allow the student to make up work is at the discretion of the teacher. The responsibility of obtaining and doing class work lies with the student.

## **MANDATORY RECOMMENDATION FOR EXPULSION**

*These are extremely serious offenses. The principal or superintendent shall immediately suspend and shall recommend expulsion of a pupil that he or she determines has committed any of the following acts listed below.*

- A. **POSSESSING, SELLING OR OTHERWISE FURNISHING ANY FIREARM- EC 48915 (c)(1):** unless in the case of possession of any such object, 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. (EC 48915(c)(1) and 48900 (b))
- B. **BRANDISHING A KNIFE AT ANOTHER PERSON: EC 48915 (c)(2)**
- C. **UNLAWFULLY OFFERED, ARRANGED, OR NEGOTIATED TO SELL ANY CONTROLLED SUBSTANCE, AN ALCOHOLIC BEVERAGE, OR AN INTOXICANT OF ANY KIND- EC 48915 (c)(3):** as defined in Section 11053 of the Health and Safety Code). EC 48915 (c) (3) EC 48900 (c)
- D. **COMMITTING OR ATTEMPTING TO COMMIT A SEXUAL ASSAULT- EC 48915 (c)(4):** as defined in Sections 261, 266c, 288, 288a, or 289 of the Penal Code or committed a sexual battery as defined in Section 243.4 of the Penal Code. EC. 48915 (c) (4) and EC 48900 (n)
- E. **POSSESSION OF AN EXPLOSIVE- EC 48915 (c)(5):** - The term “explosive” means “destructive device” as prescribed in Section 921 of Title 18 of the United States Code, EC 48915 (c) (5) and 48900 (b)

*EC 48911 - The governing board shall order a pupil expelled for the above acts and shall refer that pupil to a program of study that:*

- 1. Is appropriately prepared to accommodate pupils who exhibit discipline problems.*
- 2. Is not provided at a comprehensive middle, junior, or senior school, or at any elementary school.*
- 3. Is not housed at the school site attended by the pupil at the time of suspension.*

## RECOMMENDATION FOR EXPULSION

*EC 48915: The Principal or Superintendent of Schools shall recommend the expulsion of a pupil for any of the following acts committed at school or at a school activity off school grounds, unless the Principal or Superintendent finds the expulsion inappropriate due to the particular circumstance.*

**CAUSING SERIOUS PHYSICAL INJURY TO ANOTHER PERSON- EC 48915 (a)(1)(A):** except in self-defense. EC 48915 (a)(1)(A) and 48900 (a), Penal Code 243

- *\*Self-defense is defined as the physical inability to walk away from a situation.*

**POSSESSION OF ANY KNIFE OR OTHER DANGEROUS OBJECT OF NO REASONABLE USE TO THE PUPIL- EC 48915 (a)(1)(B):** and EC 48900 (b)

- *\*Look-a-likes may be considered objects of a dangerous nature. Any object may be considered dangerous if used in a dangerous or threatening manner or perceived by others to be dangerous.*
- **NOTE:** *Look-a-like (imitation) toy guns are considered objects of a dangerous nature. (EC 48900 (m))*
- **NOTE:** *Possession of an imitation controlled substance (look-a-like drugs) will result in a recommendation for expulsion. Imitation controlled substances are considered “dangerous objects.” This offense is also in violation of Health and Safety Code 11680.*
- **NOTE:** *Possession of tear gas/tear gas weapon/pepper spray is considered a dangerous object. (Penal Code Sec. 12401, 12402) (EC 49330)*

**UNLAWFUL POSSESSION OF ANY CONTROLLED SUBSTANCE LISTED IN CHAPTER 2 OF DIVISION 10 OF THE HEALTH AND SAFETY CODE- EC 48915 (a)(1)(C):**

- **NOTE:** *Except for the first possession for the possession of not more than one avoirdupois ounce of marijuana, other than concentrated cannabis.*

**ROBBERY OR EXTORTION- EC 48915 (a)(1)(D):** and 48900 (e)

**ASSAULT OR BATTERY ON SCHOOL PERSONNEL- EC 48915 (a)(1)(E):** (Penal Code Sec. 240, 242 and EC. 48900 (a) (1), EC 44014

*The governing board may order a pupil expelled for the above acts. A decision to expel shall be based on a finding of one or both of the following:*

- *EC 48900 (b)(1) or (e)(1)- Other means of correction are not feasible or have repeatedly failed to bring about proper conduct.*
- *EC 48900 (b)(2) or (e)(2)- Due to the nature of the act the presence of the pupil causes a continuing danger to the physical safety of the pupil or others.*

## GRADES K-6 DISCIPLINARY CHART/ CONDUCT CODE

- The chart, which follows, is a compilation of the major rule infractions. Repeat offenses affect a more progressively serious disciplinary response than the initial violation. In most instances, continued violation of the same rule or regulation will result in even more severe consequences. If corrective action does not bring about proper conduct, expulsion may be in order.
- Administration reserves the right to determine alternative consequences than those prescribed in this progressive disciplinary chart based on the seriousness of a particular infraction and the previous discipline record of the student who commits the offense.
- Depending on the seriousness of the act, a five (5) day suspension and a recommendation for expulsion may be immediately recommended on the 1<sup>st</sup> offense.

VIOLATION	1 <sup>ST</sup> Offense	2 <sup>ND</sup> Offense	3 <sup>RD</sup> Offense
<p><b>EC 48900 (a)(1) Caused, attempted to cause, or threatened to cause physical injury to another person.</b> (Includes threatening or participating in a “Mutual Combat”).</p> <p><b>EC 48900 (a)(2) Willfully used force or violence upon the person of another, except in self-defense</b> (see notes below).</p> <ul style="list-style-type: none"> <li>• <i>Self-defense is defined as the physical inability otherwise to walk away from a situation.</i></li> <li>• <i>If a student caused serious physical injury (as defined in Penal Code Section 243) to another person, except in self-defense <u>the principal must call appropriate law enforcement and recommend expulsion</u> or report in writing to the superintendent who will advise the governing board that expulsion is inappropriate due to the nature of the particular circumstances which shall be indicated in the report of the incident. (EC 48915)</i></li> </ul>	Warning to student and/or other alternative consequences including up to 3-day suspension.	3-5 day suspension and possible alternative education program	5-day suspension and possible recommendation for alternative education program or expulsion
<p><b>EC 48900 (b) Possessed, sold, or otherwise furnished any firearm, knife, explosive or other dangerous object.</b></p> <ul style="list-style-type: none"> <li>• <i>Unless in the case of possession of any such object, 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 and the principal deems expulsion inappropriate.</i></li> <li>• <i>See “Recommendation for Expulsion”, section B. Look-a-like (imitation) toy guns are considered objects of a dangerous nature.</i></li> <li>• <i>Ref. EC 48915 (a2)</i></li> </ul>	5 day suspension. Recommendation for expulsion.- EC 48915 (a2). May include police notification.		
<p>EC 48900 (b) Possessed or otherwise furnished a dangerous object not classified in EC 48915 (a2)</p> <ul style="list-style-type: none"> <li>• <i>Laser pointers are considered a dangerous object.</i></li> </ul>	Warning to student and/or alternative consequences including up to 3-day suspension.	1-3 day suspension	3-5 day suspension and possible alternative education program
<p><b>EC 48900 (c) Unlawfully possessed, used, sold, or otherwise furnished, or been under the influence of, any controlled substance or intoxicant of any kind.</b></p>	5-day suspension and notification of appropriate law enforcement. <b>NOTE:</b> <i>First time offenders may reduce suspension from</i>	5-day suspension, recommendation for expulsion, and notification of appropriate law enforcement agency. <b>NOTE:</b> <i>A second offense occurring during the school year will result in a recommendation for</i>	

	<p>5 days to 3 days if they elect to complete a district approved substance abuse/counseling program. Student will be ineligible for extracurricular activities for (9) weeks regardless of participation in a substance abuse counseling program.</p>	<p>expulsion. Substance abuse treatment will be recommended during period of expulsion and may be a factor in reinstatement consideration.</p>	
<p><b>EC 48900 (d) Unlawfully offered, arranged, or negotiated to sell any controlled substance, alcoholic beverage or intoxicant of any kind..</b></p>	<p>5 day suspension. Recommendation for alternative education/expulsion-EC 48915 (c3). Notification of appropriate law enforcement.</p>		
<p><b>EC 48900 (e) Committed or attempted to commit robbery or extortion.</b></p>	<p>5 day suspension. May recommend for alternative education/expulsion-EC 48915 (a4). May include police notification.</p>	<p>5-day suspension. Notification of appropriate law enforcement agency and recommendation for expulsion -EC 48915 (a4).</p>	
<p><b>EC 48900 (f) Caused or attempted to cause damage to school property or private property.</b></p> <ul style="list-style-type: none"> <li>Includes but not limited to: cutting, defacing, or otherwise damaging any school district property, or the malicious damaging or destruction of any other person’s real or personal property (Penal Code Sec. 594).</li> <li>Parent/guardian will be held responsible for damage to school district property. When the minor and parent are unable to pay for the damages, the school district shall provide a program of voluntary work for the minor in lieu of the payment of monetary damages. Parents or guardian of the student are also liable for the amount of a reward paid for information leading to the apprehension of person(s) causing damage. (EC 48904) A student may be suspended and/or recommended for expulsion for causing damage to school property.</li> <li>As used in this section, “school property” includes, but is not limited to, electronic files and data bases (EC 48900 (u))</li> </ul>	<p>Warning to student and/or other alternative consequences including up to 3-day suspension depending on amount of damage</p>	<p>3-5 day suspension and possible alternative education program</p>	<p>5-day suspension and recommendation for expulsion.</p>
<p><b>EC 48900 (g) Stolen or attempted to steal school property or private property.</b></p> <ul style="list-style-type: none"> <li>As used in this section, “school property” includes, but is not limited to, electronic files and data bases (EC 48900 (u))</li> </ul>	<p>Warning to student and/or other alternative consequences including up to 3-day suspension depending on the value of the item. May include police notification.</p>	<p>3-5 day suspension and possible alternative education program May include police notification.</p>	<p>5 day suspension. Possible recommendation for alternative education/expulsion. May include police notification.</p>
<p><b>EC 48900 (h) Possessed or use of tobacco, or any products containing tobacco or nicotine products.</b></p> <ul style="list-style-type: none"> <li>Tobacco and nicotine products include, but are not limited to, cigarettes, electronic cigarettes (e-cigarettes/vape pens/chargers, etc.)</li> </ul>	<p>Warning to student and/or alternative consequences including up to 3-day suspension. May include police notification.</p>	<p>3-5 day suspension. May include police notification.</p>	<p>5 day suspension and possible recommendation for alternative education/expulsion. May include police notification.</p>

<p>cigars, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel.</p> <ul style="list-style-type: none"> <li>No school shall permit the smoking or use of tobacco, electronic cigarettes (e-cigarettes/vape pens/chargers, etc.) or any other product containing tobacco, or nicotine products, by pupils of the school while pupils are on campus, or while attending school-sponsored activities or while under the supervision and control of school district employees. (EC 48901)</li> <li>Confiscated materials will be returned to parents upon request. Confiscated materials will not be returned to students</li> </ul>			
<p><b>EC 48900 (i) Committed an obscene act or engaged in habitual profanity or vulgarity, either verbally or in writing.</b></p> <ul style="list-style-type: none"> <li>Any act committed against school staff warrants consequences starting at 2<sup>nd</sup> Offense.</li> <li>A student will be suspended on the first offense for 5 days if such behavior is viewed by the administrator as disruptive to school activities, threatens to disrupt the instructional process, or causes danger to persons or property. (EC 48900.5)</li> </ul>	Warning to student and/or alternative consequences including up to 3-day suspension.	3-day suspension possible alternative education program	3-5 day suspension and possible recommendation for alternative education program or expulsion
<p><b>EC 48900 (j) Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia</b> as defined in Section 11014.5 of the Health and Safety Code. .</p>	5-day suspension and notification of appropriate law enforcement agency.	5-day suspension, recommendation for expulsion, and notification of appropriate law enforcement agency.	
<p><b>EC 48900 (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.</b></p> <ul style="list-style-type: none"> <li>Includes refusals either in language or in action against school personnel, or refusing to comply with the reasonable requests or orders of school personnel.</li> </ul>	Warning to student and/or alternative consequences	Warning to student and/or alternative consequences	Warning to student and/or alternative consequences
<p><b>EC 48900 (l) Knowingly received stolen school property or private property.</b></p>	Warning to student and/or other alternative consequences including up to 3-day suspension depending on the value of the item. May include police notification.	3-5 day suspension and possible alternative education program May include police notification.	5 day suspension. Possible recommendation for alternative education or expulsion. May include police notification.
<p><b>EC 48900 (m) Possessed an imitation firearm.</b></p>	5 day suspension. May include police notification.	5 day suspension. Recommendation for alternative education/expulsion. May include police notification.	
<p><b>EC 48900 (n) Committed or attempted to commit a sexual assault, or committed a sexual battery.</b></p>	5 day suspension. Recommendation for expulsion.- EC 48915 (c4). May include police notification.		

<b>EC 48900 (o) Harassed, threatened, or intimidated a pupil who is a complaining witness</b> or witness in a school disciplinary proceeding for the purpose of either preventing that pupil from being a witness or retaliating against that pupil for being a witness, or both.	5-day suspension and notification of appropriate law enforcement agency.	5-day suspension, and recommendation for expulsion. May notify appropriate law enforcement agency.	
<b>48900 (p) Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug “Soma.”</b>	5-day suspension and notification of appropriate law enforcement agency.	5-day suspension, recommendation for expulsion, and notification of appropriate law enforcement agency.	
<b>48900 (q) Engaged in, or attempted to engage in, hazing.</b> –(EC32050-52, EC33032.5, EC48900.4, & Penal Code 415)	Warning to student and/or other alternative consequences including up to 3-day suspension.	3-5 day suspension and possible alternative education program	5-day suspension and recommendation for expulsion.
<b>Intentional act of callous or malicious, mean, rude, antagonistic, disrespectful, or other more egregious engagement toward peer(s). 48900 (.4)</b>	Warning to student and/or other alternative consequences including up to 1-day suspension.	1-3 day suspension.	3-5 day suspension
<b>48900 (r) Engaged in an act of bullying,</b> including, but not limited to, bullying committed by means of an electronic act, directed specifically toward a pupil or school personnel, as defined in EC 32261 (f) and (g). An “electronic act” means the transmission of a communication, including, but not limited to, a message, text, sound, or image by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager.	Warning or alternative consequences up to a 1 day suspension. Parent contact/ education	1-3 day suspension, possible referral to alternative education site	3-5 day suspension, possible recommendation to alternative education site, possible recommendation for expulsion
<b>48900.4 Intentionally engaged in harassment, threats, or intimidation, directed against school district personnel or pupils,</b> that is sufficiently severe or pervasive to have the actual and reasonably expected effect of materially disrupting class work, creating substantial disorder, and invading the rights of either school personnel or pupils by creating an intimidating or hostile educational environment in Grades 4-12. <ul style="list-style-type: none"><li>This includes derogatory terms or racial slurs that degrade or disgrace in regard to a persons race, color, religion, national origin, ancestry, disability, sexual orientation, gender, physical appearance, emotional or intellectual condition, etc..</li></ul>	3-5 day suspension. May notify appropriate law enforcement agency. Possible recommendation for expulsion on threats or harassment directed at school personnel.	5-day suspension, and notification of appropriate law enforcement agency and recommendation for expulsion.	
<b>48900 (t) Aiding or abetting the infliction or attempted infliction of physical injury to another person</b> as defined in Penal Code Section 31.	Warning to student and/or other alternative consequences including up to 3-day suspension.	3-5 day suspension and possible alternative education program	5-day suspension and recommendation for expulsion.
<b>EC 48900.2 Sexual Harassment</b> (grades 4-12) <ul style="list-style-type: none"><li>Must be considered by a reasonable person of the same gender as the victim to be sufficiently severe or pervasive to have a negative impact upon the individual’s academic performance or to create an</li></ul>	5 day suspension. Notification of police.	5 day suspension. Possible recommendation for alternative education=expulsion. May include police notification.	



<p>intimidating, hostile, or offensive educational environment.</p> <ul style="list-style-type: none"> <li>In the event an allegation of sexual harassment is not resolved informally to the satisfaction of a complainant, the complainant may use the District complaint process for formal resolution of such complaints. (Please see complete section 9 on Sexual Harassment.)</li> </ul>			
<p><b>EC 48900.3 Caused, attempted to cause, threatened to cause, or participated in an act of hate violence,</b> (in grades 4-12), as defined in Education Code 233 subdivision (e)</p>	5 day suspension. May include notification of appropriate law enforcement agency.	5 day suspension. Possible recommendation for alternative education/expulsion. May include notification of appropriate law enforcement agency.	
<p><b>48900.7 Making Terroristic Threats</b> including bomb threats or attempted bomb threats against school officials or school property, or both.</p> <ul style="list-style-type: none"> <li>This includes bomb threats or attempted bomb threats against school officials or school property.</li> </ul>	5 day suspension. May include notification of appropriate law enforcement agency.	5 day suspension. Recommendation for alternative education/expulsion. May include notification of appropriate law enforcement agency.	
<p><b>Setting or attempting to set a fire.-EC 48900 (f),</b> Penal Code 447, 455, 148.4</p> <ul style="list-style-type: none"> <li>Fire-setting of any nature may lead to recommendation for an alternative education or expulsion on the first offense. Fire setting is never considered to be a prank. The burning of trashcans can lead to immediate and serious consequences.</li> </ul>	5 day suspension. Notification of appropriate law enforcement agency. Possible recommendation for expulsion	5 day suspension. Recommendation for alternative education/expulsion. Notification of appropriate law enforcement agency.	
<p><b>Violating the Use of Technology, Network, and Electronic Information Policy.- EC 48900 (f), (u)</b></p> <ul style="list-style-type: none"> <li>A student may be suspended and/or recommended for expulsion for causing damage to school property. The definition of school property now includes electronic files and databases (EC 48900 (u)).</li> <li>This includes any unauthorized recording (audio, video, or other form of recorded information) in violation of Education Code 51512.</li> </ul>	Warning to student and/or alternate consequences up to and including loss of network and computer use and a 1 - 3-day suspension.	1-3 day suspension and loss of network and computer use.  Ed Code 51512 violation: Possible Notification of Law Enforcement for potential filing of a misdemeanor charge.	3-5 day suspension and possible recommendation for alternative education program or expulsion.  Ed Code 51512 violation: Possible Notification of Law Enforcement for potential filing of a misdemeanor charge.
<p><b>School Bus Violations:</b> Inappropriate behavior of the school bus. -EC 48900 (k) &amp; (BP 5131.1)</p> <ul style="list-style-type: none"> <li>Riding a school bus is a privilege extended to students by the school district. Abuse of this privilege shall result in the following:</li> <li>Students who display inappropriate behavior as defined in the Student Conduct Code will be subject to consequences as determined by the specific behavior and may go to Step 3 on the first offense.</li> </ul>	1 <sup>st</sup> and 2 <sup>nd</sup> Offense= Warning to student and/ or other alternative consequences	3 <sup>rd</sup> Offense= Suspended off of the Bus for 3 days and/ or other alternative consequences.  4 <sup>th</sup> Offense= Suspended from Bus 5 days and/or alternative consequences.	5 <sup>th</sup> or subsequent offences = Removed from the Bus for the remainder of the year.
<p><b>Dress code violation.</b> Any attire which disrupts, or tends to disrupt the educational</p>	Warning to student. Notification to parent.		

<p>process, or affect the health or safety of individuals, shall be prohibited. (EC 48900 (k) (EC 35161, 35183, 35291.5, 35294.1; C.A.C. Title 5, Section 302) Board Policy 5132, 5136 and Administrative Regulation 5132, 5136</p> <ul style="list-style-type: none"> <li>In addition to this Conduct Code, schools may have additional guidelines and rules. See dress code guidelines in Section 4, Important Information.</li> <li>Any attire/paraphernalia/symbol that signifies gang affiliation will not be allowed on campus. Any attire/paraphernalia/symbol that displays a logo or other message promoting alcohol or controlled substances, promoting violence, illegal activity, or advocating racial, ethnic, sexual, religious group prejudice may not be worn on campus.</li> </ul>	<p>Student may be sent home to dress properly or asked to change to more proper attire at school if necessary.</p>	<p>Student sent home to dress properly or alternative consequences</p>	<p>Parent Conference or alternative consequences</p>
<p><b>Possession and use of prohibited items.</b> Possession or use of any personal belongings that are not used for educational purposes and items a school administrator identifies as disruptive. EC 48900(k)</p> <ul style="list-style-type: none"> <li>Unless in the case of possession of any such object, 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. Inappropriate use will not be tolerated.</li> <li>School authorities will confiscate unauthorized object. Confiscated items will be returned to parents upon request.</li> <li>The school cannot guarantee the safety of, nor is not responsible for any items brought to school that are of no educational benefit. <b>STUDENTS SHOULD LEAVE PERSONAL BELONGINGS AT HOME!</b></li> <li>See Cell Phone Policy and Skateboard Policy under section called "Other Information"</li> <li>No pupil shall be prohibited from possessing or using an electronic signaling device that is determined by a licensed physician or surgeon to be essential for the health or a pupil and use of which is limited to purposes related to the health of the pupil.) (EC 48901.5)</li> </ul>	<p>Item confiscated, returned to student at the end of the school day.</p>	<p>Item confiscated, returned to the parent at the end of the school day or 1 day In House.</p>	<p>Item confiscated, returned to parents at end of school year, or 1-3 In House.  (Subsequent violations are subject to 3-5 day In House and Parent Conference</p>
<p><b>Forging, falsifying altering school/home correspondence, re-admit slips, or passes.</b> <b>EC 48900 (k)</b></p>	<p>Warning to student and/or other alternative consequences , Parent Conference</p>	<p>1-3 day In House or alternative consequences</p>	<p>3-5 day In House and possible recommendation for an</p>

			alternative education program.
<b>Cheating, lying, plagiarizing, or committing other acts of academic dishonesty. EC 48900(k)</b>	Warning to student. No credit (“F”) on assignment/ test. Possible alternative consequences.	1- 3 day In House. No credit (“F”) on assignment/ test.	3-5 day In House. No credit (“F”) on assignment/ test
<b>Failure to or falsely identifying oneself to staff. EC 48900(k)</b>	Warning to student and/or alternative consequences up to a 1 day In House	1-3 day In House	3-5 day In House, or alternative consequences
<b>Being “Off Limits” – In or about the parking lots or areas considered out of bounds without proper authorization. EC 48900 (k)</b>	Warning to student and/or alternative consequences	1-3 day In House.	3-5 day In House and possible recommendation for alternative education program.
<b>Gambling and wagering. EC 48900(k)</b>	Warning to student and/or alternative consequences	1-3 day In House.	3-5 day In House
<b>Hands-off violation.</b> Roughhousing, horseplay, or any physical activity that is potentially dangerous or injurious. EC 48900 (a)(1), (k)	Warning to student and/or other alternative consequences.	1 day suspension, or alternative consequences	1-3 day suspension or alternative consequences.
<b>Gang related violation: display or affiliation</b> written, non-written, verbal, non-verbal, and/or in attire/dress. EC 48900 (.2) (.4).	<u>Gang related attire:</u> Clothing correction, parent conference/ education. <u>Gang related activity:</u> Warning up to 3 day suspension. <u>Gang related violence:</u> 3 to 5 day suspension Possible recommendation for expulsion.	3-5 day suspension, Possible expulsion recommendation. Possible notification of appropriate law enforcement agency	5 day suspension. Recommendation for expulsion. Notification of appropriate law enforcement agency
<b><u>Loitering on or about any school campus</u></b> without apparent lawful purpose. (EC 48900 (k) (Penal Code 627 and 653G)	Warning to student and/or alternative consequences including up to 3-day In House. Law enforcement may be notified	1-3 day In House. Law enforcement will be notified	3-5 day In House and possible recommendation for alternative education program or expulsion.
<b>Eating, chewing or drinking in class or undesignated areas.</b> This includes all food, gum, and candy. EC 48900(k)	Warning to student and/or alternative consequences	1-day In House or alternative consequences.	1-3 day In House

**OTHER DISCIPLINE** includes any one or combination of the following discipline actions:

- warning, parent conference, parent letter, detention (lunch or after school), counseling, behavior plan, community service, In-House Detention, or other activity the site administration may determine appropriate.

## ACRONYMS

AR	Administrative Regulation
BP	Board Policy
CAC	California Attendance Code
EC	(California) Education Code
OJUSD	Oakdale Joint Unified School District
PC	Penal Code
SARB	School Attendance Review Board
SART	School Attendance Review Team
WIC	Welfare and Institutions Code

## BULLYING

No student or group of students shall, through physical, written, verbal, or other means, harass, sexually harass, threaten, intimidate, cyberbully, cause bodily injury to, or commit hate violence against any other student or school personnel under the jurisdiction of the school day or at school sponsored activities.

- *Bullying* includes any severe or pervasive and ongoing act or conduct (physical or verbal), including communications made in writing or by means of an electronic act, as defined, including, but not limited to, sexual harassment, hate violence, or harassment, threats, or intimidation, that has the effect or can reasonably be predicted to have the effect of placing a reasonable pupil, as defined, in fear of harm to that pupil's or those pupils' person or property, causing a reasonable pupil to experience a substantially detrimental effect on his or her physical or mental health, causing a reasonable pupil to experience substantial interference with his or her academic performance, or causing a reasonable pupil to experience substantial interference with his or her ability to participate in or benefit from the services, activities, or privileges provided by a school.
- *Cyberbullying* includes the transmission of harassing communications, direct threats, or other harmful texts, sounds, or images on the Internet, social media, or other technologies using a telephone, computer, or any wireless communication device. Cyberbullying also includes breaking into another person's electronic account and assuming that person's identity in order to damage that person's reputation. Students are required to accept and sign off assenting to the terms of the District's Technology and Internet Use Agreement where students provide assurances that they will not engage in Cyberbullying.

### **Intervention**

Students are encouraged to notify school staff when they are being bullied or suspect that another student is being victimized.

School staff who witness bullying shall immediately intervene to stop the incident when it is safe to do so. (Education Code 234.1)

### **Complaints and Investigation**

- Students may submit to a teacher or administrator a verbal or written complaint of conduct they consider to be bullying. Complaints of bullying shall be investigated and resolved in accordance with site-level Due Process procedures or the Uniform Complaint procedures.
- When a student is reported to be engaging in bullying off campus, the site administrator shall investigate and document the activity, then determine jurisdiction when identifying specific facts or circumstances that explain the impact or potential impact on school activity, school attendance, or the targeted student's educational performance.

- When the circumstances involve cyberbullying, individuals with information about the activity shall be encouraged to save and print any electronic or digital messages sent to them that they feel constitute cyberbullying and to notify a teacher, the principal, or other employee so that the matter may be investigated.
- If the student is using a social networking site or service that has terms of use that prohibit posting of harmful material, the site administration also may file a complaint with the Internet site or service to have the material removed.

### **Discipline**

Any student who engages in bullying on school premises, or off campus, within the school’s jurisdiction, in a manner that causes or is likely to cause a substantial disruption of a school activity or school attendance, shall be subject to discipline, which may include suspension or expulsion, in accordance with district policies and regulations.

### **Other Forms of Discrimination, Harrassment, Bullying, and Intimidation:**

The Board of Education desires to provide a safe school environment that allows all students equal access and opportunities in the district's academic and other educational support programs, services, and activities. The Board prohibits, at any district school or school activity, unlawful discrimination, including discriminatory harassment, intimidation, and bullying of any student based on the student's actual or perceived race, color, ancestry, national origin, nationality, ethnicity, ethnic group identification, immigration status, age, religion, marital or parental status, pregnancy, physical or mental disability, medical condition, sex, sexual orientation, gender, gender identity, or gender expression or association with a person or group with one or more of these actual or perceived characteristics. The Board also prohibits any form of retaliation against any individual who files or otherwise participates in the filing or investigation of a complaint or report regarding an incident of discrimination. Retaliation complaints shall be investigated and resolved in the same manner as a discrimination complaint. (BP 5145.3)

This shall apply to all acts related to school activity or to school attendance occurring within a district school. (Education Code [234.1](#))”

Students who engage in unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying in violation of the law, Board policy, or administrative regulation shall be subject to appropriate consequences or discipline, which may include suspension or expulsion for behavior that is severe or pervasive as defined in education Code 48900.4.

## **BUS BEHAVIOR AND PROCEDURES**

### **Bus Behavior**

- The bus driver is in complete charge of the bus and may assign seats as the driver feels necessary.
- All passengers shall remain seated at all times and until the bus comes to a complete stop. Students shall board and leave the bus in an orderly manner.
- Students must share seats on the bus. No student may refuse to share a seat with another student.
- No objects shall be thrown in or out of the bus.
- Heads, arms and legs and hair shall be kept inside the bus and out of the aisle at all times.
- Obscene gestures and obscene or loud talking, yelling, or screaming is not allowed.
- No fighting, roughhousing, pushing, shoving and/or tripping.
- Courtesy is a key word for bus riders. Each student shall conduct himself/herself in a mannerly fashion. Students shall remain quiet at railroad crossings.
- There is to be no eating, drinking or gum chewing on the bus.
- Students are not to bring glass containers or other glass objects on the bus.
- No pets of any type are permitted on the bus.

- Students should arrive at the bus stops no more than 5 minutes before the arrival time of the bus. Students shall wait at the spot designated by the driver in a quiet, mannerly fashion. Students should not be playing on the adjacent yards or in the street. When the bus approaches, students must wait until it stops and the driver opens the door.
- The driver will stop to load and unload passengers at designated bus stops only. Students should board the bus at their regularly assigned bus stop and ride the bus they are assigned to unless otherwise instructed by bus driver.
- All students will follow the Student Conduct Code while on the bus. Students found in violation will be referred to a site administrator that may result in both a bus suspension as well as a school suspension.

*Section 14103.5 CAC governing pupil transportation states "Pupils transported in a school bus shall be under the authority of and responsible directly to the driver of the bus, and the driver shall be held responsible for the orderly conduct of the pupils while they are on the bus or being escorted across a street, highway or road. CONTINUED DISORDERLY CONDUCT OR PERSISTENT REFUSAL TO SUBMIT TO THE AUTHORITY OF THE DRIVER SHALL BE SUFFICIENT REASON FOR A PUPIL TO BE DENIED TRANSPORTATION. A bus driver shall not require any pupil to leave the bus en route between home and school or other destination."*

### **Bus Citation Procedure**

Once a student has been verbally warned by the bus driver and the misconduct continues, the parent will be sent a notice from the transportation department informing them of the misconduct. After the second warning, the school site administrator will contact the student and parent for disciplinary measures upon receiving a copy of the citation from the transportation department.

- *Fighting, spitting, obscene language directed to the bus driver; vandalism, or other severe circumstances will be an automatic denial of bus riding privileges for up to the remainder of the school year, depending on the severity of the circumstances.*

### **CELL PHONE AND OTHER ELECTRONIC SIGNALING DEVICES**

Students may possess, **but may not use**, electronic signaling devices, including but not limited to pagers, beepers and cellular/digital telephones and other types of electronic, communication, or recording devices. Such devices shall not be used during class time or as otherwise directed, unless there is prior authorization from the teacher and Principal for valid instructional or other school-related purpose. Electronic signaling devices **shall be turned off** during school hours. If disruption occurs, the employee may confiscate the device until the end of the school day or activity. On subsequent violations, the cell phone/electronic device will not be returned until a parent conference is held and appropriate disciplinary action is taken.

Education Code 51512:

The Legislature finds that the use by any person, including a pupil, of any electronic listening or recording device in any classroom of the elementary and secondary schools without the prior consent of the teacher and the principal of the school given to promote an educational purpose disrupts and impairs the teaching process and discipline in the elementary and secondary schools, and such use is prohibited. Any person, other than a pupil, who willfully violates this section shall be guilty of a misdemeanor.

Any pupil violating this section shall be subject to appropriate disciplinary action.

**Use of devices on school grounds.** Elementary grade students may not turn on or use cell phones until the end of the school day unless an emergency situation, as defined by district staff, exists.

**Use of devices on buses.** Cell phone usage by students while riding to and from school on the bus, or on the bus during school-sponsored activities is at the discretion of the bus driver. Distracting behavior that creates an unsafe environment will not be tolerated.

**Disciplinary action.** It is the students' responsibility to ensure that cell phones are turned off and out of sight during school hours. Students who violate the above restrictions shall be deemed to have created a disruption to the instructional environment and are subject to disciplinary action including suspension as well as confiscation and return of the phone to the student's parents or guardians.

No student shall be prohibited from possessing or using an electronic signaling device that is determined by a licensed physician or surgeon to be essential for the student's health and the use of which is limited to health-related purposes. (EC 48901.5) **Parents must present this request in writing attached to the doctor's note.**

### **UNAUTHORIZED RECORDING**

Students shall not record, either via audio recording or video recording, any instructional activities at school without the prior consent of the teacher of the class and the principal of the school as such recording violates Education Code section 51512. Any student violating this section shall be subject to appropriate disciplinary action, which may include suspension and the potential filing misdemeanor charges allowed under the law (Enacted by Stats. 1976, Ch. 1010.).

### **CLOSED CAMPUS K - 6**

For the purpose of providing reasonable supervision, students are required to remain on campus from the time they arrive at school until they are dismissed to go home on those days when school is in session. (BP5113) (EC 10609)

- A parent / guardian may check out a student through the office during the school day for a medical reason or for an emergency. It is strongly recommended that medical appointments be made after the school day or during vacation.
- NOON TIME: A parent / guardian may pick up a child for lunch periodically as a special situation. The student must be checked out through the office and checked in through the office.
- A student may be required to leave campus for legal reasons.

### **COMMUNITY SERVICE- EC 48900.6**

As a part of, or instead of, disciplinary action, the administration may require a pupil to perform community service on school grounds or, with written permission from the parent or guardian of the pupil, off school grounds, during the pupil's non-school hours. "Community Service" may include, but not limited to, work performed in the community or on school grounds in the areas of outdoor beautification, community or campus betterment, and teacher, peer, or youth assistance programs.

### **CORPORAL PUNISHMENT**

State law and District policy prohibit school employees from the use of corporal punishment at any grade level.

### **DEBTS OWED FOR LOSS OR DAMAGE TO SCHOOL DISTRICT PROPERTY**

- In grades K-6, parents/guardians will be notified of debts incurred by their students.
- Any 6<sup>th</sup> grade student who owes for outstanding school debts will be ineligible to participate in extra-curricular activities, including Outdoor Education, until the debt is paid or until the student completes a program of voluntary work as provided in Education Code 48904 in lieu of payment.

### **DETENTION OF STUDENTS AFTER SCHOOL**

- Students may be detained for disciplinary reasons up to one hour after the close of the maximum school day.
- Students may be detained after school for up to 15 minutes without prior notice to the parents.

- After school detention from 16 to 60 minutes requires prior notice to the parent. Prior notice may include a telephone call.
- Regardless of the length of detention, prior notice to the parents must occur in cases where detention will cause a student to miss the school bus.

## **DRESS CODE GUIDELINES**

Students shall dress appropriately for daily attendance at school and all school related activities. Any dress, grooming or appearance which disrupts, or tends to disrupt the educational process, or affect the health or safety of individuals, shall be prohibited (EC 35183, 35183.5, Board Policy 5132, 5136 and Administrative Regulations 5132, 5136).

The following rules will be adhered to, however additional rules unique to a school site may be implemented as long as they do not conflict with the Student Conduct Code (refer to the school site handbook). (EC 35291.5)

- All students are to attend school and school related activities in a manner which is clean and not hazardous to the health and safety of themselves and of others and does not detract from the educational process.
- Articles of clothing, permanent and temporary tattoos and body markings, and possessions which are known by previous experience to be gang related, display gang symbols, be obscene, be profane, have sexually suggestive expressions or activities, display tobacco, alcohol, drugs, displays guns/weapons or suggests violence or sex; or materially interfere with school work; create disorder or disrupt the educational process are not allowed. Possessions which are determined to be harassing, threatening, or intimidating to others will not be allowed. (For further details on gang-related apparel see BP 5132, AR 5136 and BP 5136)
- Any clothing or apparel that is harassing, threatening, or intimidating to others or advocates violence against a particular person or group of persons will not be allowed. Camouflage clothing is allowed when following the above guidelines and limited. NO full camouflage will be allowed.
- Any apparel, hairstyle, cosmetic or jewelry, or extreme fashion, even if not specifically mentioned, which creates a safety concern, draws undue attention to the wearer or tends to detract from the educational process, is prohibited.
- Garments shall be sufficient to appropriately conceal undergarments at all times. Beachwear, halter-tops, strapless tops, see-through clothing or clothes that expose the midriff or the body in a sexually suggestive manner are not appropriate or acceptable. Straps for tops must be at least one inch wide. Straps must be fastened at all times.
- Dresses, skirts, mini-skirts and like garments are acceptable so long as they extend to a minimum of mid-thigh.
- Walking shorts, defined as shorts, (minimum 3” inseam), hemmed, and not form fitting are acceptable. All bike shorts, (spandex/spanxs), torn shorts, or shorts with holes are unacceptable. Appropriate shorts may be worn for physical education activities and athletic practices/contests. Principals have discretion to suspend the wearing of shorts because of frequent student violations.
- Shoes must be worn by all students. Shoes for students in grades K through 6 must have heel guard/ heel strap. No hard steel-toed military type boots or metal-toed footwear will be allowed. Open-toe shoes may NOT be worn in grades K-6.
- Excessively baggy pants are not allowed. Pants must fit and be worn at the natural waist so as not to expose undergarments or skin. Manufactured “fashion” frays or tears are only acceptable if located on the pant leg (below the 3” inseam) and minor in size and number. The bottom of the pant leg may not be excessively frayed or excessively drag on the ground.
- Headwear (hats, caps and beanies) may be worn appropriately with the condition that such headwear does not create disruption, advocate drugs or alcohol, promote or spur violence, criminal activity, or any other display that is deemed inappropriate by the school. Caps must be worn with the bill forward and



are not to be altered in any fashion. **Principals have discretion regarding appropriateness and condition of acceptable and unacceptable headwear.**

- Only clear or natural colored contact lenses may be worn.
- Hair which causes undue attention is not acceptable; i.e., unusual designs, symbols, messages, Mohawks, or unusual razor cuts. Complete razor shaving of the head is allowed.
- If any of these piercings create a distraction or safety issue, the site administrator will direct for removal or handle the necessary discipline as a disruption of school activities.

### **EXEMPTION TO DRESS CODE GUIDELINES**

- Religious beliefs, when verified, may be grounds for an exemption to a specific portion of the Dress and Grooming policy. A petition for an exemption from enforcement of a specified portion of the Dress Code policy must be submitted to the principal for approval.

Inappropriate clothes may include, but are not limited to:

- Sleepwear of any type
- Micro minis, short shorts
- Garments where the torso or midriff is exposed (tube tops, halters, half shirts, spaghetti straps less than one inch, strapless)
- Gang related
- Bare feet
- Open-toed shoes
- Oversized/sagging pants, shorts, shirts, including tank tops
- No spiked studs or chains
- No open net/see-through shirts

### **GANG RELATED CLOTHING OR ACCESSORIES**

Due to potential for disruptions in classes, on buses, during transitional periods, or at school related functions, the following gang-related clothing or accessories guidelines shall be enforced by all students K-12 in the Oakdale Jt. Unified School District. These guidelines are authorized pursuant to Ed Code 35291.5, BP 5132, 5136 and AR 5132, 5136.

A gang is defined as a “group of recurrently associating individuals with a common name or a common identifying sign, color, or symbol, which creates an atmosphere of fear and intimidation within the school and community” (SB 187).

Clothing or accessories identifying a student as a gang member are **strictly prohibited**, including but not limited to the following:

- Only one article of red or blue may be worn at a time
- RED/RED or BLUE/BLUE outfits
- Multi-layered colors and clothing
- Transitory gang colors or other indicators determined by administration
- Stylized writing of names, RED or BLUE colored belts, belts which hang a sign, belt buckles identifying gang names, numbers, letters or colors, spiked apparel, RED or BLUE colored shoelaces, hair accessories, handkerchiefs/bandanas, wallets, purses, backpacks and jewelry
- Clothing that depicts any advertising or glorification of gangs, guns, violence, drugs, cultural/racial superiority, put-downs or any anti-group slogans
- Articles of clothing which are known to be gang related, display gang symbols, numbers or messages

Tattoos, (temporary or permanent) which display gang symbols, profanity, products or slogans which promote tobacco, alcohol, drugs, displays guns/weapons or suggests violence or sex; material that interfere with schoolwork; create disorder or disrupt the educational process are NOT allowed.

Gang related incidents, photos, drawings and graffiti will be reported to the Oakdale Police Department. The administration shall have final authority in case of dispute on any of these issues.

### **RECESS RESTRICTION (EC 44807.5)**

A pupil may be restricted at recess for disciplinary purposes.

### **OUTDOOR EDUCATION ELIGIBILITY CRITERIA**

In consideration that student deportment is an essential factor in providing a positive, orderly and safe experience when participating in the Foothill Horizons Outdoor Education Program, this addendum has been added to the student conduct code which establishes an “Ineligibility” criteria for students who have demonstrated unsatisfactory citizenship/ conduct during the school year. Therefore, any 6th grade student who

- has two (2) or more suspensions for violations of the California Education Code,

or

- has a single suspension for a California Education Code violation on which the first offense is a “mandatory suspension,”

will be considered “Ineligible” (will not be allowed to participate) for Outdoor Education and must remain in school during this period. If, there has been a period of exemplary behavior between the date of the last suspension and the time when Outdoor Education takes place, a student’s participation in Outdoor Ed will be at the discretion of the site administrator.

### **PROHIBITED ITEMS**

Possession or use of prohibited belongings or belonging of no educational value should not be brought to school. The school will not investigate either lost or stolen items that are of personal belonging. Prohibited items may include, but are not limited to the following: toys, music players (radios, tape players, etc.), , iPods, cameras, and video/electronic games, weapons of any kind, pepper sprays, or any item the staff member deems distracting, unsafe, or of high value.

In addition, personal supplies, instruments, and materials that a student provides for him/herself are also the responsibility of the student. The school will not investigate or be responsible for these items being lost or stolen as well.

### **ADMINISTRATION OF MEDICATION**

Medication prescribed by a physician for a child may be administered during the school day by a registered nurse or other designated school personnel, or self-administered by the child if the medication is prescription auto-injectable epinephrine or prescription inhaled asthma medication, but only if the parent consents in writing and provides detailed written instructions from a physician. Forms for administering medication may be obtained from the school secretary. (Ed. Code, 49423, 49423.1, 49423.5, 49480) It is a California state law and a district policy and will be enforced. The medication supplied must be in the original container and labeled with the student’s name, physician’s name, the name and strength of the medication, the dose, and the way in which it is to be given (E.C. 49480, 49423.1). Students may not carry any medication on their person, purses, and backpacks unless for medical necessity and under written authorization of the health care provider; this would include epipens, inhalers and insulin. If preferred, parents or guardians may want to dispense the medication to their own child at the school site. The Medication Policy is designed in your student’s best interest to protect him or her, other students, and the school staff. Students who do not adhere to this policy will be subject to disciplinary action.

## **BICYCLE/ SKATEBOARD/ SCOOTER POLICY**

In the interest of student safety and public property, students in grades K through 6 may be prohibited from bringing bikes, skateboards, or scooters, or of the like, to school if there are incidents that compromise safety or appropriate use. Items of this nature may be confiscated and the student may be subject to disciplinary action. Bikes, skateboards, scooters, or of the like may also be confiscated from a student if appropriate safety headgear is not worn. Parents will be required to come to the school to recover the confiscated skateboard/scooter. Use on campus will be subject to disciplinary action.

## **ATTENDANCE EXPECTATIONS**

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**Education is an opportunity and a right. If students do not exercise their right to attend school, they have limited their opportunity for the basic education necessary to become mature, knowledgeable, and productive members of society.**

**Absenteeism has a direct negative effect on student achievement, promotion, graduation, behavior, and employment potential. It has been well demonstrated that regular attendance is a key factor in the success a student achieves at school.**

### **ABSENCES**

#### **ABSENCE**

After 5 days of absence (for any reason) a letter is sent home to the parent reminding them the student has missed the equivalent of a week of school. Additional letters may be sent upon accumulation of subsequent absences. These letters will become a part of the student's record and may prompt the eventual notification of law enforcement for students who are excessively absent from school.

#### **SPECIFIC TYPES OF ABSENCES**

EXCUSED ABSENCES (C.A.C. Title 5, sec. 420) (EC 48205), 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. The teacher of the class from which a pupil is absent shall determine which tests and assignments shall be reasonably equivalent to, but not necessarily identical to, the tests and assignments that the pupil missed during the absence.

- Students shall be allowed two (2) school days (commencing the day the student returns to school) for each day of absence to make up the work. Responsibility for requesting missed work lies with the student/parent.

A pupil shall be excused from school when the absence is:

- (1) Due to the pupil's illness (including mental or behavioral health).
- (2) Due to quarantine under the direction of a county or city health officer.
- (3) For the purpose of having medical, dental, optometric, or chiropractic services rendered.
  - Students are encouraged to make medical appointments after school hours whenever possible.
  - Students will be released for and receive excused absences for appointments only on the written approval of parents or guardians.

- If a student must miss school for a medical appointment, the name of the doctor and/or clinic must be listed on the verifying note.
- (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 three days if the service is conducted in California and not more than five days if the service is conducted outside California.
    - “Immediate family,” means the same as set forth in Education Code 45194 which includes mother, father, brother, sister, grandparent, or any relative living in the immediate household.
  - (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 when the pupil's absence is requested in writing, and in advance, by the parent or guardian and approved by the principal or a designated representative pursuant to uniform standards established by the governing board, including, but not limited to:
    - a) An appearance in court.
    - b) A student/family hardship situation requiring the student to be absent from school, as authorized by the principal.
    - c) An observance of a holiday or ceremony of the student’s religion.
    - d) Attendance at religious retreats not to exceed four (4) hours per semester.
    - e) Attending a funeral service of a person who is not an immediate family member.
    - f) Attendance at an employment conference, or attendance at an educational conference on the legislative or judicial process offered by a nonprofit organization
    - Only in the case of extreme emergency will the principal approve an absence after the absence occurs.
    - A student whose absence is authorized according to the above conditions (a-f) shall be allowed make-up privileges. The student/parent shall make arrangements with the teachers at least 3 days in advance to make up missed work.
  - (8) For the purpose of serving as a member of a precinct board for an election pursuant to Section 12302 of the Elections Code.
  - (9) For the purpose of spending time with a member of the pupil’s immediate family who is an active duty member of the uniformed services as defined in Section 49701, and has been called to duty for, is on leave from, or has immediately returned from, deployment to a combat zone or combat support position.
  - (10) For the purpose of attending the pupil’s naturalization ceremony to become a U.S. citizen.
  - (11) For the purpose of participating in a cultural ceremony or event. Authorization at the discretion of a school administrator, as described in subdivision (c) of ED section 48260.

**ABSENCES EXCUSED/RELEASE TIME FOR RELIGIOUS EDUCATION – PRIOR NOTIFICATION REQUIRED (EC 46014)**

- The District will allow release time for students to participate in religious exercises or to receive moral and religious instruction.
- A student’s absence will be considered excused, with full rights to makeup tests and homework, if the following conditions are complied with:
  - a. The student has the written consent of his/her parent or guardian indicating the time the student is to be released from school. The written consent must be submitted to the school three (3) days prior to release from school.
  - b. Verification of attendance at the designated exercise is provided to the school on the first day after the absence.

- c. The student attends school on the day of the absence for at least the minimum day as defined by the Education Code:

Kindergarten	-	180 minutes
Grades 1 – 3	-	230 minutes
Grades 4 – 6	-	240 minutes

- d. No student shall be excused from school for such purpose on more than four (4) days per school year.
- A student whose absence is authorized according to the above conditions shall be allowed make-up privileges. The student/parent shall make arrangements with the teachers to make up missed work at least 3 days in advance. Students shall be allowed two (2) school days for each day of absence to make up the work. Responsibility for requesting missed work lies with the student/parent.

**UNEXCUSED ABSENCES:** Absences listed below and/or due to circumstances not included in the “Excused Absences” section above.

Please Note: The determination to allow the student to make up work when an unexcused absence has occurred is at the discretion of the student’s teacher. The teacher, however, **may require** the student to complete any assignments and tests missed during the absence.

- A. UNEXCUSED ABSENCES: Absences, which cannot be verified by the parent/ guardian, will be considered truant (see below).
- a. It is the responsibility of the parent/guardian to provide explanation of a student’s absence either by telephone the day of the absence or by dated note upon the student’s return to school. A parent/guardian signature is required on the note.
- B. ABSENCES FOR PERSONAL REASONS – *NO PRIOR APPROVAL* – UNEXCUSED (EC 48205, 37223)
- a. Students who are absent for personal reasons and did **NOT** receive prior approval from the school administrator/designee may be assigned a consequence such as detention or in-school suspension or other alternative consequences to make up assignments or tests missed during the unexcused absence.
- C. SUSPENSION ASSIGNMENT MAKE-UP (E.C. 48913)
- a. A suspended student may be allowed to complete comparable assignments, however, the determination to allow the student to make up work during a Home Suspension is at the discretion of the student’s teacher. The teacher, however, may require the student to complete any assignments and tests missed during the suspension.

### **METHOD OF VERIFICATION**

When a student who has been absent returns to school, he/she shall present a satisfactory explanation verifying the reason for the absence. Absences shall be verified by the student's parent/guardian, other person having control of the minor, or the student if age 18 or older. (Education Code 46012; 5 CCR 306)

The following methods may be used to verify student absences:

1. Written note, fax, or email from parent/guardian or parent representative.
2. Conversation, in person or by telephone, between the verifying employee and the student's parent/guardian or parent representative. The employee shall subsequently record the following:
  - a. Name of student
  - b. Name of parent/guardian or parent representative

- c. Name of verifying employee
  - d. Date(s) of absence
  - e. Reason for absence
3. Visit to the student's home by the verifying employee or School Resource Officer, or any other reasonable method which establishes the fact that the student was absent for the reasons stated. The employee shall document the verification and include the information specified in item #2 above.
  4. Physician's verification.
    - a. When excusing students for confidential medical services or verifying such appointments, district staff shall not ask the purpose of such appointments but may contact a medical office to confirm the time of the appointment.
    - b. When a student is considered "Chronically Absent" (10% absence rate at any point of the school year) or has had 10 absences in the school year for illness verified by methods listed in #1-3 above, any further absences for illness shall be verified by a physician or a district nurse/health clerk at the student's school site.

Absences that are not verified within 48 hours of the students return to school with officially be designated as "**Truant.**" (See definition and disposition of Truancy designations below)

### **TRUANCY (EC 48260-48263, 48900 k)**

Students who are absent from school without approval of the school and without verification from the parent/ guardian shall be considered truant / unexcused and shall NOT be allowed to make up assignments or tests which were assigned during the truancy / unexcused absence. The following represents the procedures when a student is absent from school without such a valid excuse or is tardy without the school's approval in excess of 30 minutes.

#### **THIRD INCIDENT**

The student and parents will be informed of the mandatory attendance laws and the district's pertinent policy and procedures. The student will be instructed to attend all classes. Failure to do so shall be treated as "defiance of authority." Alternate consequences shall be assigned such as detention, community service or in-school suspension. The student is classified as a legal "Truant" (absent from school without a valid excuse for 3 days or tardy in excess of 30 minutes on each of 3 or more days). (EC 48260) **The school may require that the parent/guardian attend school one day with the student.**

#### **SUBSEQUENT INCIDENTS OF TRUANCY**

Student may be referred to a school administrator. The school administrator may call and hold a parent conference. Parents and student are again informed that failure to follow the school's directive to attend classes will be "defiance of authority" and will be grounds for referral to the district School Attendance Review Team (SART). Alternative consequences will be assigned such as detention or in school suspension. The student is now a legal habitual truant and shall be within the legal jurisdiction of the juvenile court, which may adjudge the pupil to be a ward of the court. (EC 48262) (WIC 601)

Continued incidence of refusal to attend classes (truancy) may result in a referral of parent and student to the county School Attendance Review Board (SARB). If SARB directives are issues, the school will submit violations of any directives to the County Sheriff's Department for prosecution though the county court.

### **EXCESSIVE ABSENTEEISM**

Once a student is considered "Chronically Absent" (10% absence rate at any point of the school year) or accumulates fifteen (15) absences (excused or unexcused) during the school year:

1. A school administrator may place the student on Attendance Supervision, which imposes a requirement that a licensed medical practitioner must verify additional absences. (C.A.C. Title 5 sec. 421 b)
2. A student may not be placed on Attendance Supervision unless the parent/guardian has been notified previously, in conference or by letter, of the District's excessive absence policy after that student has been absent ten (10) days or more.
3. Once a student has been placed on Attendance Supervision, a school administrator/certified designee shall call and hold a telephone parent conference. The parent/guardian will again be informed of the District's excessive absence policy. If the parent/guardian cannot be contacted, a certified letter will be sent informing the parent/guardian that the student is placed on Attendance Supervision and the pertinent provisions of the excessive absence policy.
4. A student who is absent from school five (5) or more times without the required parent verifications from a doctor are subject to being referred to the district School Attendance Review Team (SART) or the county School Attendance Review Board. (SARB) (EC 48320-48324)

### **SCHOOL ATTENDANCE REVIEW TEAM (SART) BOARD (SARB) (EC 48320-48324, 48292-48293)**

The Education Code provides for the establishment of School Attendance Review Boards (SART or SARB) to meet the special needs of pupils with school attendance problems or school behavior problems.

SARB may include a parent and representatives of 1) the district, 2) probation, 3) welfare department, 4) county superintendent of schools, and 5) community representatives.

SARB has the authority to recommend that parents and students take certain measures to correct inappropriate behavior, refer the pupil to community agencies for assistance, or suggest adjustments to the school site assignment.

In the event that a parent or guardian or pupil fails to respond to the directives of SARB or to services offered on behalf of the minor, SARB may:

- Direct that the minor be referred to the county welfare department under Section 300 of the Welfare and Institutions Code.
- Direct that the minor be referred to the county probation department under Section 601 of the Welfare and Institutions Code.
- File a complaint against the parent, guardian, or other person in charge of such minor with the District Attorney.

The parent or guardian of any pupil who fails to comply with the directives of SARB, unless excused or exempted from them, is guilty of an infraction and shall be punished as follows:

- Upon conviction, by a fine of \$400 PER COUNT.
- Upon a second or subsequent conviction, by a fine of \$400 PER COUNT.

### **TARDIES (1-30 Minutes)**

One of the responsibilities of each student is to be in the classroom in his/her seat when the bell rings. Being tardy is irresponsible behavior in that it is disruptive to the learning process. The initial consequences for tardies not excused by the school will be determined at each school site. Administrator/ designee may assign the student a consequence, which may include detention, community service, in- school suspension or other alternative consequence.

#### Excessive tardy consequences are as follows:

Parents will be notified by letter regarding their child's tardies after 5 incidents. Student may be assigned disciplinary consequences for defiance of authority. Parents may be referred to the district School Attendance and Review Team (SART) and/ or SARB.

## **INDEPENDENT STUDY – SITE / SHORT TERM (EC 51745) (BP and AR 6158 and 6158.1)**

In the unusual circumstance that a student has a special need to be away from school for more than 5 school days but not more than 10 school days, an Independent Study contract may be requested through the school site principal/designee. The request must be made at least 5 school days prior to the student being away from campus. The principal will approve or disapprove in writing by signing the Independent Study request. The principal shall approve independent study for an individual student in good standing academically, behaviorally, and with satisfactory attendance, and only upon determining that the student is prepared to meet the district's requirements for independent study and is likely to succeed in independent study as well as or better than he/she would in the regular classroom. It is the student's responsibility to make arrangements with the teacher to get assignments equal to the assignments in the regular classroom for all subjects prior to leaving. It is the teacher's responsibility to provide the requirements for the student prior to the student leaving. Teachers will need 4 school days in order to prepare lessons and appropriate work for the student. Short term Independent Study is only allowed on a case-by-case basis as the District strongly feels the interaction and discussion within the classroom environment is an integral part of the learning experience. All work must be returned with the contract when the student returns to school at the end of the Independent Study contract. Students who do not complete or abide to all stipulations in the agreement may have future Short Term Independent Study requests denied. Short Term Independent Study requests will not be granted for periods that include the first two weeks or the last two weeks of any Trimester or Semester.

## **HOME AND HOSPITAL INSTRUCTION (E.C. 48206.3 AND BP 6175)**

Students **temporarily disabled** by injury or illness may receive individual instruction at home or in a hospital or residential health facility within the District. Such instruction may be given from one to five hours a week.

Home or hospital instruction will be provided only when a student is expected to be out of school for two (2) weeks or longer.

The home/hospital teacher will consult with the student's current classroom teacher or teachers so as to provide a continuity of instruction that enables the student to keep up with the regular school program.

When seeking instruction for a student at home or in a hospital located within the District, the parent or guardian shall present this request at the in-home school, together with a physician's written description of the disabling condition. The physician shall have determined that the student is unable to attend school and will not expose the home teacher to any contagious disease that can be transmitted by casual contact.

Principal/designee will provide to the regular education teacher a request for work, an estimated time the student will be absent, and due dates for when the work is to be provided to the principal/designee, who will forward the work to the Home/Hospital teacher. Where possible the Home/Hospital teacher and regular education teacher would work together, but the principal/designee is in charge of assuring that the work is provided and agreements fulfilled.

For students eligible to receive special education services, the movement to Home/Hospital instruction requires that the principal/designee check the latest Individualized Education Plan (IEP) to verify that the IEP identified services are being provided. If it is not possible to provide such services while the student is on Home/Hospital, an IEP team will be convened to address services and placement.

If the student is to be assigned to Home/Hospital for a short period of time, the regular education teacher may correct assignments and assign all grades, but unless other provisions are agreed to, the Home/Hospital teacher will assign grades for the time the student is assigned to Home/Hospital instruction. This grade will be averaged in with the grade for the regular classroom upon the student's return by the teacher of record.

Materials, teachers' manuals, etc. will be available for use by the Home/Hospital teacher from the individual school site.



**RIGHT OF APPEAL AND DUE PROCESS****SUSPENSION**

- 1) Suspension by the principal/designee, or the superintendent, shall be preceded by an informal conference which is conducted by the principal or his/her designee with the pupil, and, whenever practical, the teacher, supervisor, or school employee who referred the pupil to the principal. At the conference the pupil shall be informed of the reason for the disciplinary action and the evidence against him or her and shall be given the opportunity to present his/her defense. (EC 48911, sub-section b)
- 2) A principal/designee, or the superintendent, may suspend a pupil without affording the pupil an opportunity for a conference only if the principal or his/her designee determines that an "emergency situation" exists. If a pupil is suspended without a conference prior to a suspension, both the parent and pupil shall be notified of the pupil's right to such a conference and the pupil's right to return to school for such purpose. The conference shall be held within two (2) school days, unless the pupil waives his right or is physically unable to attend for any reason including, but not limited to, incarceration or hospitalization. The conference shall then be held as soon as the pupil is physically able to return to school for the conference. (EC 48911, sub-section c)
- 3) At the time of suspension, a school employee shall make a reasonable effort to contact the parent or guardian of the pupil in person or by telephone. (EC 48911, sub-section d)
- 4) Whenever a pupil is suspended from school, the parent or guardian shall be notified in writing of the suspension. (EC 48911, sub-section d)
- 5) The parent or guardian of any pupil shall respond without delay to any request from school officials to attend a conference regarding his/her child's behavior. (EC 48911, sub-section f)
- 6) The pupil or pupil's parent or guardian has the right to appeal the suspension to the building principal. A meeting must be requested within five (5) school days following the first day of suspension. The legal standard for fact-finding when determining a Conduct Code violation is based upon a "Preponderance of the Evidence". Appeals to the principal will include a review of the evidence to confirm the "Preponderance" standard and "Due Process."
- 7) If the building principal upholds the suspension, the pupil or pupil's parent or guardian may request a Due Process appeal to the District's Assistant Superintendent of Pupil Services. A meeting with the Assistant Superintendent of Pupil Services must be requested within five (5) school days of the principal's decision. The appeal will only consider whether Due Process occurred. This decision will be final.
- 8) Students remain on suspension through the appeal process. If the suspension is revoked, all information related to the suspension will be deleted from the pupil's record.

**EXPULSION**

In a case where expulsion is being processed by the governing board, the superintendent/designee may extend the suspension until such time as the governing board has rendered a decision, provided that the superintendent/designee has determined that the presence of the pupil at the school or in an Oakdale Joint Unified School District alternative school placement would cause a danger to persons or property or a threat of disrupting the instructional process. (EC 48911, sub-section g)

The pupil and the pupil's parent or guardian shall be entitled to a hearing to determine whether the pupil should be expelled. An expulsion hearing shall be held within thirty (30) school days of the date the principal or superintendent determines that the pupil committed any of the acts enumerated in Section 48900 unless the pupil requests in writing that the hearing be postponed. The pupil shall be entitled to at least one postponement for a period of not more than thirty (30) calendar days of an expulsion hearing. In the event that compliance by the governing board with the above time requirements is impractical, the expulsion hearing may be delayed, for good cause, up to five (5) additional days. Reasons for the extension shall be a part of the record at the time of the hearing. (EC 48918, sub-section a)

Written notice of the hearing shall be forwarded to the pupil at least ten (10) calendar days prior to the date of the hearing (EC 48918, sub-section b) unless waived by mutual consent of parent and school.

If the governing board so directs, an Administrative Hearing Panel shall conduct a hearing to consider the expulsion of a pupil in a session closed to the public unless the pupil or the pupil's parent or guardian request, in writing at least five (5) days prior to the date of the hearing, that the hearing be a public meeting. (EC 48918, sub-sections c and d). The school board may choose to provide the expulsion hearing in lieu of the Administrative Hearing Panel.

Within three (3) school days following the hearing, the Administrative Panel shall determine whether to recommend expulsion of the pupil to the governing board if the school board chooses to use the Administrative Hearing Panel. (EC 48918, sub-section e)

The expulsion order and the causes therefore shall be recorded in the pupil's mandatory interim record and shall be forwarded to any school in which the pupil subsequently enrolls upon receipt of a request from the admitting school for the pupil's school records. (EC 48918, sub-section i)

A decision of the governing board whether to expel a pupil shall be made within ten (10) school days following the conclusion of the hearing, unless the pupil requests in writing that the decision be postponed. If the hearing is held by an administrative panel, or if the district governing board does not meet on a weekly basis, the governing board shall make its decision about a pupil's expulsion within 40 school days after the date of the pupil's removal from his/her school of attendance for the incident for which the recommendation for expulsion is made by the principal or the superintendent, unless the pupil requests in writing that the decision be postponed.

Written notice of any decision of the governing board to expel or to suspend the enforcement of the expulsion order during a period of probation shall be sent by mail, using "proof of service" method to the student or parent or guardian. The notice shall include notification of the right to appeal the expulsion to the county Board of Trustees. (EC 48918, sub-section i)

### **Readmission**

The student and his/ her parent must apply for re-enrollment with the Assistant Superintendent of Pupil Services no less than 4 school weeks prior to the semester in which the student is requesting to be readmitted into the district. The Assistant Superintendent of Pupil Services will meet with the student and/ or parent to verify all terms of the rehabilitation plan has been adhered to and completed. Upon this verification, the student's case will be submitted to the Superintendent for consideration of readmission. The student and/or parent will be informed in writing of the decision.

## STUDENT SEXUAL HARASSMENT (Prohibited by Law and by Oakdale Joint Unified School's Board Policy 5145.7)

The OJUSD Board of Trustees will not tolerate sexual harassment and will make efforts to maintain schools free from sexual harassment. It is the Board of Trustee's intent to maintain an academic and work environment, which protects the dignity and promotes the mutual respect of all pupils and employees.

### BOARD POLICY 5145.7, STUDENT SEXUAL HARASSMENT

- 1) Prohibits sexual harassment of any student by any employee, student, or other person in, or from, the District.
- 2) Expects students or staff to immediately report incidents of sexual harassment to a site administrator or to another District administrator.
- 3) Each site administrator has the responsibility of maintaining an educational and work environment free of sexual harassment.
- 4) Each sexual harassment complaint shall be promptly investigated in a way designed to respect the privacy of all parties concerned. This responsibility includes discussing this policy with his/her students and employees and assuring them that they NEED NOT endure sexually insulting, degrading, or exploitative treatment or any other form of sexual harassment, including harassment because of sexual orientation.

### WHAT IS SEXUAL HARASSMENT?

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

- 1) When submission to the conduct is explicitly or implicitly made a term or condition of an individual's employment, academic status, or progress.
- 2) When submission to, or rejection of, the conduct by the individual is used as the basis of academic decisions affecting the individual.
- 3) When 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 educational environment.
- 4) When 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.

### EXAMPLES OF SEXUAL HARASSMENT

Sexual harassment may occur as a pattern of degrading sexual speech or action ranging from verbal or physical annoyances or distractions to deliberate intimidations and frank threats or sexual demands. Such conduct may constitute sexual harassment, regardless of an individual's actual or perceived sexual orientation.

Forms of sexual harassment include, but are not limited to the following:

- 1) **Verbal Harassment** – Derogatory comments, jokes, or slurs; graphic verbal abuse of a sexual nature; comments about an individual's body/dress, sexual preferences or sexual conduct; sexually degrading words used to demean, label, or describe an individual; or, spreading sexual rumors.
- 2) **Physical Harassment** – Unnecessary or offensive touching, or impeding or blocking movement.

- 3) **Visual Harassment** – Derogatory or offensive posters, cards, cartoons, graffiti, drawings, or gestures; suggestive or obscene letters, notes, or invitations; the display in the educational environment of sexually suggestive objects or pictures. Observing unnecessary or offensive touching in the educational environment.
- 4) **Sexual Favors** – Unwelcome sexual advances, requests for sexual favors, unwelcome sexual flirtations or propositions.
- 5) **Retaliation** -The District prohibits retaliatory behavior against any complainant as a result of a negative response to sexual advances or the making of an informal or formal complaint alleging sexual harassment.

### **CONSEQUENCES FOR SEXUAL HARASSMENT**

Any student who engages in sexual harassment is subject to disciplinary action according to Board Policy 5145.7, Student Conduct Code, K-6 and Student Conduct Code, 7 – 12 and in accordance with the Education Code. (Employees are subject to disciplinary action according to BP4119.11 and AR 4119.11, AR 4031 and in accordance with the Education Code.)

### **GRIEVANCE (COMPLAINT) PROCEDURES (AR 5145.7)**

- 1) Any student who feels that he/she is being sexually harassed should immediately contact a school site or district administrator.
- 2) Staff members who receive complaints of sexual harassment from students should refer such complaints to the site or other district administrator.
- 3) If the site or district administrator is notified that an allegation of sexual harassment was not addressed to the complainant's satisfaction, that administrator should provide the student and/or the student's parent/guardian with a copy of the District's sexual harassment policy and grievance (complaint) procedures.
- 4) Nothing in the District's grievance (complaint) procedures shall affect the right of the complainant to pursue the matter with any state or federal enforcement agency.
- 5) The District prohibits retaliatory behavior against any complainant or any participant in the complaint process.

### **TITLE IX INFORMATION:**

Oakdale Joint Unified School District and the Title IX Coordinator are up to date regarding trainings associated with Title IX regulation updates issued by the U.S. Department of Education on May 6, 2020. The District will continue to update board policies and administrative regulations pending updates in additional federal legislation. On June 23, 1972, the President signed Title IX of the Education Amendments of 1972, Public Law No. 92-318, 86 Stat. 235 (June 23, 1972), codified at 20 U.S.C. §§ 1681-1688, into law. Title IX is a comprehensive federal law that prohibits discrimination on the basis of sex in any federally funded education program or activity, regardless of their sex, sexual orientation, gender identity, part- or full-time status, disability, race, or national origin—in all aspects of a recipient's educational programs and activities.

The U.S. Department of Education's Office for Civil Rights ("OCR") enforces, among other statutes, Title IX of the Education Amendments of 1972. Title IX protects people from discrimination based on sex in education programs or activities that receive Federal financial assistance.

Pursuant to Education Code § 221.61, all educational institutions in California subject to Title IX must ensure their websites include the specific Title IX information as set forth.

Notice of Nondiscrimination and Contact Information:

- Tracey Jakubowski, Assistant Superintendent, Pupil Services

Tel: (209) 848-4884; Email: TJakubowski@ojusd.org

## **Rights of Students Pursuant to Title IX**

No person in the United States of America shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any education program or activity receiving Federal financial assistance.

The following is a summary of the rights of students pursuant to Title IX as set forth in Education Code section 221.8:

1. You have the right to fair and equitable treatment and you shall not be discriminated against based on your sex.
2. You have the right to be provided with an equitable opportunity to participate in all academic extracurricular activities, including athletics.
3. You have the right to inquire of the athletic director of your school as to the athletic opportunities offered by the school.
4. You have the right to apply for athletic scholarships.
5. You have the right to receive equitable treatment and benefits in the provision of all of the following:
  - a. Equipment and supplies,
  - b. Scheduling of games and practices,
  - c. Transportation and daily allowances,
  - d. Access to tutoring,
  - e. Coaching,
  - f. Locker rooms,
  - g. Practice and competitive facilities,
  - h. Medical and training facilities and services, and
  - i. Publicity.
6. You have the right to have access to a Title IX Coordinator to answer questions regarding gender equity laws.
7. You have the right to contact the State Department of Education and the California Interscholastic Federation (CIF) to access information on gender equity laws.
8. You have the right to file a confidential discrimination complaint with the United States Office of Civil Rights (OCR) or the State Department of Education if you believe you have been discriminated against or if you believe you have received unequal treatment on the basis of your sex.
9. You have the right to pursue civil remedies if you have been discriminated against.
10. You have the right to be protected against retaliation if you file a discrimination complaint. For more information regarding student rights pursuant to Title IX, please visit:
  - The California Office of Equal Opportunity at [www.cde.ca.gov/re/di/eo/genequitytitleix.asp](http://www.cde.ca.gov/re/di/eo/genequitytitleix.asp)
  - The United States Department of Education Office for Civil Rights at [www2.ed.gov/about/offices/list/ocr/docs/title-ix-rights-201104.html](http://www2.ed.gov/about/offices/list/ocr/docs/title-ix-rights-201104.html)

## **Responsibilities of Oakdale Joint Unified School District under Title IX**

The responsibilities of the Oakdale Joint Unified School District and other education programs or activity receiving Federal financial assistance shall provide all students the right to participate in all education programs or activities free of discrimination based on their sex, sexual orientation, gender identity, part- or full-time status, disability, race, or national origin.

As part of the obligations under Title IX, all recipients of Federal financial assistance must designate at least one (1) employee to coordinate their efforts to comply with and carry out their responsibilities under Title IX and must notify all students and employees of that employee's contact information. This employee is referred to as the "Title IX Coordinator."

For more information regarding the responsibility of educational institutions under Title IX, please visit the following:

- The California Office of Equal Opportunity at [www.cde.ca.gov/re/di/eo/genequitytitleix.asp](http://www.cde.ca.gov/re/di/eo/genequitytitleix.asp)
- The United States Department of Education Office for Civil Rights at [www2.ed.gov/about/offices/list/ocr/docs/title-ix-rights-201104.html](http://www2.ed.gov/about/offices/list/ocr/docs/title-ix-rights-201104.html)

### **How to File a Complaint Pursuant to Title IX**

Individuals who have been subject to discrimination prohibited under Title IX may file a complaint with the District as well as the Office for Civil Rights (“OCR”). If a crime is involved, such as sexual assault or rape, individuals may also file a report with the local police department. Individuals may pursue one or all of these avenues at the same time. Below is a summary of each process.

- **District Complaint** - Individuals may file a complaint pursuant to the Uniform Complaint Procedure (UCP) as set forth in District Administrative Regulation No. 1312.3, which can be found at [http://www.oakdale.k12.ca.us/Board\\_Policy](http://www.oakdale.k12.ca.us/Board_Policy). Please contact the Title IX Coordinator, as identified above, if you have any questions.
- **Time Requirement** - In order to file a complaint with the District, individuals must file the complaint as discussed above within six months of the discrimination occurring or awareness of the discrimination (5 CCR 4630(b) and District AR 1312.3(4c)). If you have any questions about this time limit, or if you believe your complaint may be outside this time requirement but want to explore other options, please contact the Title IX Coordinator.
- **OCR Complaint** - For more information regarding filing a complaint with OCR, please see: [www2.ed.gov/about/offices/list/ocr/complaintintro.html](http://www2.ed.gov/about/offices/list/ocr/complaintintro.html)

OCR requires that the complaint be filed within 180 calendar days after the discrimination. Please contact OCR, or visit the websites above, if you have any questions or concerns about this time requirement.

- **Police Report** - If you are a victim of a crime, call 911. To file a police report, please contact local law enforcement at: Oakdale Police Department 245 North 2<sup>nd</sup> Ave, Oakdale, CA 95361 Tel: (209) 847-2231- <http://www.oakdalegov.com/police>
- **Investigation Procedure** - Upon receipt of any complaint related to a potential Title IX violation, the District will ensure every allegation is investigated promptly, adequately and impartially. The District will also take steps to protect all complainants from retaliation and ensure all parties are treated fairly throughout the District’s investigation process. As part of its Title IX obligations, the District will also take steps to prevent recurrence of any sexual violence and remedy discriminatory effects on the complainant and others, as appropriate.

AR 1312.3 describes the District’s investigation procedure, which can be found at: [https://www.oakdale.k12.ca.us/Board\\_Policy](https://www.oakdale.k12.ca.us/Board_Policy)

For information regarding OCR's investigation process, please see <http://www2.ed.gov/about/offices/list/ocr/complaints-how.html>

#### Contact Information for the Office for Civil Rights (OCR)

OCR enforces Title IX to ensure that institutions that receive federal financial assistance comply with the law.

- OCR provides an online complaint filing system at <https://ocrcas.ed.gov/>
- OCR can also be contacted through the California regional office at:

Office for Civil Rights

U.S. Department of Education

50 United Nations Plaza

Mail Box 1200, Room 1545

San Francisco, CA 94102

Tel: (415) 486-5555

Email: [ocr.sanfrancisco@ed.gov](mailto:ocr.sanfrancisco@ed.gov)

## **Conduct Code Parent Signature Form**

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*Please Confirm via the **On-Line Data Confirmation** through your AERIES Parent Portal Account or tear out, sign and return this form.*

*Dear Parents/Guardians,*

*Please take the time to help your child(ren) read and understand the information contained in this booklet so that we can insure all students the right to attend campuses that are safe, secure, and peaceful.*

*The information contained in this booklet is based on the laws and regulations with which all schools must abide. If you have questions about any of the information in the booklet, please phone your school administrator:*

*Cloverland - 847-4276*

*Fair Oaks –847-0391*

*Magnolia – 847-3056*

*Sierra View- 848-4200*

*I have read the Student Conduct Code and have discussed it with my child(ren).*

*(Please confirm receipt and acknowledgment of this Conduct Code through the District’s “On-Line Data Confirmation” process through your AERIES Parent Portal Account,  
~OR~*

*Sign and return this last page tear-out form, (one per child), and return it to each child’s teacher or school office within the first week of school.*

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*Parent / Guardian Signature(s)*

*Date*

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*Student’s Signature*

*Date*

**PLEASE PRINT:**

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*Student’s Last Name*

*First*

*Middle Initial*

*School / Grade*