
Student Code of Conduct

Policy 3-104

Scope:

This policy applies to all students enrolled in the District and governs behavior:

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

1. Prohibition of Corporal Punishment

In accordance with the Education Code, the District strictly prohibits the use of corporal punishment as a means of disciplining students. No employee shall inflict or cause to be inflicted corporal punishment upon a student.

2. Discipline Procedures

The District shall ensure discipline practices are:

- Fair, consistent, and age-appropriate
- Aligned with the Education Code's disciplinary provisions and requirements
- Respectful of student rights to due process and nondiscrimination

Suspension and expulsion shall be used only when other means of correction have failed, except in cases where immediate suspension or expulsion is authorized by law.

Purpose

The District is committed to fostering a positive school climate that supports student learning, safety, and well-being. This policy outlines student discipline procedures in compliance with California law, including Education Code § 32212, and promotes positive behavioral interventions over punitive measures.

3. Restorative Practices

Whenever possible, the District shall use restorative approaches to address harm, rebuild relationships, and support reentry into the learning environment following a disciplinary event.

4. Staff Training and Student Education

All staff shall be trained annually on:

- District discipline policies and procedures
- Positive behavior strategies
- De-escalation and conflict resolution techniques

Students shall be informed of behavior expectations and disciplinary procedures at the beginning of each school year.

5. Students with Disabilities

Disciplinary actions involving students with disabilities shall comply with the Education Code, Individuals with Disabilities Education Act (IDEA), and Section 504 of the Rehabilitation Act. Manifestation determinations and behavior intervention plans shall be provided as required therein.

6. Parent and Guardian Engagement

The District shall inform parents/guardians of disciplinary incidents and work collaboratively with families to support student success and behavioral growth.

Administrative Regulations

1. School-Level Responsibilities

- Each school site administrator shall ensure all staff are trained annually on this policy, including PBIS practices, suspension/expulsion procedures, and alternatives to discipline.
- Staff shall document behavioral incidents, interventions used, and outcomes in the student's discipline record.

2. School Bus Conduct

- Students riding the school bus or student activity bus who fail to comply with the authority of the school bus driver will be reported to their school principal. The principal will determine the severity of the misconduct and take action accordingly. The student and their parent/guardian shall be given notice of the violation prior to action being taken. With severe violations or repeated offenses, the student may be denied transportation for a period of time as determined by the principal, up to the remainder of the school year.

3. Behavior Incident Reporting

- All incidents involving suspension, expulsion, or significant behavior events must be reported to the superintendent or designee within 24 hours.
- The District shall maintain an internal behavior incident log to track trends and inform school climate improvements.

4. Willful Property Damage and Withholding of Grades or Transcripts

- When authorized by law, the District may withhold a student's grades, diploma, or transcripts when District property has been willfully damaged or when property loaned to the student has been willfully not returned after demand by an authorized District employee. Before withholding grades, a diploma, or transcripts, the District shall notify the parent/guardian in writing of the alleged misconduct and afford the student due process. The due process procedures shall conform to the procedures established for the expulsion of students.
- If the student and parent/guardian are unable to pay for the damages or return the property, the District shall provide the student an opportunity to perform voluntary

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work in lieu of payment. The withheld grades, diploma, or transcripts shall be released upon payment, return of the property, or completion of the voluntary work.

- This section shall not be applied to a student who is a current or former homeless child or youth or current or former foster youth.

5. **Parent Notification**

- Parents/guardians shall be notified of any disciplinary action within 24 hours and shall be given an opportunity to meet with school staff to discuss the incident and next steps.
- Notices shall be provided in the primary language of the family when required.

6. **Due Process**

- Prior to suspension, students shall be informed of the reason for the suspension, given an opportunity to explain their version of events, and provided with a written notice outlining the suspension and other required information in accordance with Education Code section 48911.
- For expulsion, students shall receive a formal hearing before the school board or a designated administrative panel in accordance with Education Code section 48918, et seq, and the District's designated expulsion procedures, below.
- The District shall document all disciplinary actions, and students and their families shall receive information about their rights in a language they understand.
- The District shall use other means of correction before imposing suspension, including but not limited to: conferences, counseling, peer mediation, restorative practices, positive behavior support plans, and participation in intervention programs. These shall be documented in the student record.
- **Teacher Suspension from Class.** A teacher may suspend a student from class for any act set forth in Education Code section 48900 for the day of the suspension and the following day. Such suspension shall be immediately reported to the principal or designee and the student sent to the principal for appropriate action. If the student remains at the school site, they shall be under appropriate supervision. As soon as possible, the teacher shall ask the student's parent/guardian to attend a parent-teacher conference regarding the suspension; a school administrator shall attend if requested by the teacher or parent/guardian. The student shall not be returned to the class during the suspension period without the concurrence of both the teacher and the principal, and shall not be placed in another regular class during the period of suspension, except that, for a student assigned to more than one class per day, this restriction applies only to

other regular classes scheduled at the same time as the class from which the student was suspended.

7. Students with Disabilities

- The IEP team must convene for a manifestation determination when a student with a disability is suspended for more than 10 consecutive days or has a pattern of removals.
- Behavior Intervention Plans must be developed or updated in response to recurring behavioral concerns.
- The District shall ensure the provision of FAPE during suspension or expulsion and consider alternative transportation or supports for students excluded from specific services.

8. Law Enforcement Notification

- The principal or designee shall notify local law enforcement within one school day if a student is involved in an incident involving weapons, narcotics, serious threats of harm, or other criminal conduct as required by Education Code section 48902.
- In cases involving students with exceptional needs, relevant disciplinary and special education records may be shared with law enforcement as permitted by FERPA.

9. Readmission Following Expulsion

- At the time of expulsion, the student and parent/guardian shall receive written notice of the procedures for readmission, including the criteria and timeline for review, as required by Education Code section 48916.
- The governing board or its designee shall conduct a review of the expulsion order at the end of the expulsion term to determine whether the student may be readmitted.
- Readmission decisions shall consider the student's compliance with the rehabilitation plan, as well as whether the student continues to pose a danger to campus safety or to other students and/or employees.
- During the expulsion period, the student shall be referred to an alternative educational placement or appropriate educational program that meets their instructional needs.

10. Gun-Free Schools Act Compliance

- In accordance with 20 U.S.C. § 7961, any student who is determined to have brought a firearm to school or possessed a firearm at school shall be expelled from the regular school program for a period of not less than one year.
- The District shall refer to the criminal justice or juvenile delinquency system any student who brings a firearm or weapon to a school served by the District.

11. Expulsion Procedures

- Students may be recommended for expulsion in accordance with Education Code section 48900 through 48923, inclusive.
- **Hearing Timeline.** Any student recommended for expulsion shall be entitled to a hearing before the governing board or, if applicable, a neutral administrative panel. The hearing shall be held within 30 schooldays after the date the principal or the superintendent of schools determines that the student has committed any act supporting his or her expulsion, unless the student requests, in writing, that the hearing be postponed. If such postponement is requested, the hearing may be postponed for not more than 30 calendar days. Any additional postponement may be granted at the discretion at the District's discretion for good cause.
- **Written Notice of Hearing.** Written notice of the hearing shall be sent to the student at least 10 calendar days before the date of the hearing. The notice shall include at least the following information:
 - The date, time, and location of the hearing.
 - A statement of the specific facts and charges upon which the expulsion is based.
 - A copy of the District's applicable disciplinary rules, including this policy.
 - A notice of the parent, guardian, or student's obligation to report the student's expulsion upon enrolling in other districts, in accordance with Education Code section 48915.1.
 - Notice of the following hearing rights:
 - The right to appear in person or to be represented by legal counsel or a non-attorney advisor.
 - To inspect and obtain copies of all documentary evidence to be used at the hearing.
 - To confront and question all witnesses who testify at the hearing, to question all other evidence presented, and to present oral and documentary evidence on their behalf, including witnesses.

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- In a hearing in which a student is alleged to have committed or attempted to commit a sexual assault as specified in subdivision (n) of Section 48900 or to have committed a sexual battery as defined in subdivision (n) of Section 48900, a complaining witness shall be given five days' notice before being called to testify, and shall be entitled to have up to two adult support persons, including, but not limited to, a parent, guardian, or legal counsel, present during his or her testimony. Before a complaining witness testifies, support persons shall be admonished that the hearing is confidential. This subdivision shall not preclude the person presiding over an expulsion hearing from removing a support person whom the presiding person finds is disrupting the hearing. If one or both of the support persons is also a witness, the provisions of Penal Code Section 868.5 be followed for the hearing.
- **Expulsion Hearings Involving Sexual Assault or Sexual Battery Allegations.** In expulsion hearings involving allegations of sexual assault and/or sexual battery under Education Code section 48900(n), the District shall provide the complaining witness, when the hearing is recommended, the applicable disciplinary rules and notice of the rights required by Education Code section 48918.5. The District shall provide the complaining witness a non-threatening environment, including a separate room before testimony and during breaks, and the otherwise applicable expulsion-hearing timeline may be extended by one schoolday to accommodate the complaining witness' special physical, mental, or emotional needs. The person conducting the hearing may allow reasonable breaks, arrange seating, limit testimony to normal school hours absent good cause, and permit one support person to accompany the complaining witness to the witness stand. The complaining witness and accused student shall be advised immediately to refrain from personal or telephonic contact during the expulsion process.
- **Hearing to be Conducted in Closed Session.** Any hearing shall be conducted in closed session, unless the student requests, in writing and at least five days prior to hearing, that the hearing be conducted in open session. However, the governing board or administrative panel shall retain the right to deliberate regarding the expulsion in closed session for purposes of determining whether the student should be expelled. If the governing board or administrative panel allows any other person to attend such deliberations, the student's parent/guardian, the student, and/or their counsel shall be permitted to attend as well.
 - If the hearing is to be conducted at a public meeting, and there is a charge of committing or attempting to commit a sexual assault or sexual battery, as those terms are defined in Education Code section 48900(n), a complaining witness shall

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have the right to have his or her testimony heard in closed session when testifying at a public meeting would threaten serious psychological harm to the complaining witness and there are no alternative procedures to avoid the threatened harm, including, but not limited to, videotaped deposition or contemporaneous examination in another place communicated to the hearing room by means of closed-circuit television.

- **Evidentiary Standard.** At hearing, the technical rules of evidence do not apply. All relevant evidence, including hearsay, shall be admitted and given probative effect so long it is of the type upon which reasonable persons are accustomed to rely in the conduct of serious affairs. Any decision to expel a student shall be supported by substantial evidence. Unless an exception applies, no decision to expel shall be based solely upon hearsay evidence.
 - In hearings that include an allegation of committing or attempting to commit a sexual assault or sexual battery, as those terms are defined in Education Code section 48900(n), evidence of specific instances, of a complaining witness' prior sexual conduct is presumed inadmissible and shall not be heard absent a determination by the person or people conducting the hearing that extraordinary circumstances exist requiring the evidence be heard. Before the person or people conducting the hearing makes such determination, the complaining witness shall be provided notice and an opportunity to present opposition to the introduction of the evidence. In doing so, the complaining witness shall be entitled to be represented by a parent, guardian, legal counsel, or other support person. Reputation or opinion evidence regarding the sexual behavior of the complaining witness is not admissible for any purpose.
 - If supported by good cause, the people or persons conducting the hearing may determine that the disclosure of either the identity of a witness or the testimony of that witness at the hearing, or both, would subject the witness to an unreasonable risk of psychological or physical harm. If such a determination is made, the testimony of the witness may be presented at the hearing in the form of sworn declarations that shall be examined only by the governing board, the hearing officer, or administrative panel. Copies of these sworn declarations, edited to delete the name and identity of the witness, shall be made available to the student.
 - A hearing record shall be made through any reasonable means, including, but not limited to, an electronic recording, so long as a reasonably accurate and complete written transcript can be made.
- **Subpoenas.** Before the hearing has commenced, the governing board may issue subpoenas at the request of expelling authority or the student, for the personal

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appearance of percipient witnesses at the hearing. Such subpoenas may also be issued after the hearing has commenced by the governing board, administrative panel, or hearing officer. Such subpoenas shall be issued and enforced in accordance with law.

- Any objection to the issuance of subpoenas may be considered by the governing board in closed session, or in open session, if so requested by the student before the meeting. Any decision by the governing board in response to an objection to the issuance of subpoenas shall be final and binding.
 - Subpoenas shall not be issued to compel the attendance of any witness whose testimony would result in an unreasonable risk of physical or psychological harm, as determined by the governing board, administrative panel, or hearing officer.
- **Administrative Panel Permitted.** Instead of conducting an expulsion hearing itself, the governing board may contract with the county hearing officer, or with the Office of Administrative Hearings. The governing board may also appoint an impartial administrative panel of three or more certificated persons, none of whom is a member of the governing board or employed on the staff of the school in which the student is enrolled.
 - The hearing officer or administrative panel shall decide whether to recommend the student's expulsion no more than three days following the hearing. If the hearing officer or administrative panel decides not to recommend expulsion, the student shall be immediately reinstated to the same classroom and program, unless the student's parent/guardian requests a different placement in writing. If the hearing officer or administrative panel finds that the student committed any of the acts specified in Education Code section 48915(c), but does not recommend expulsion, the student shall be immediately reinstated, but may instead be placed at another comprehensive school or continuation school. The decision not to recommend expulsion shall be final.
 - If the hearing officer or administrative panel recommends expulsion, it shall prepare findings of fact and forward its recommendation to the governing board. All findings of fact and recommendations shall be based solely on the evidence adduced at the hearing. If the governing board accepts the panel's recommendation, acceptance shall be based either upon a review of the findings of fact and recommendations submitted by the hearing officer or panel or upon the results of any supplementary hearing if ordered by the governing board.
 - **Governing Board Decision.** Final action on an expulsion shall be taken only by the governing board in open session. Within 10 schooldays after the conclusion of the hearing, the governing board shall decide whether to expel the student, unless the student requests in writing that the decision be postponed. If the hearing is held by a

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hearing officer or an administrative panel, or if the governing board does not meet on a weekly basis, the governing board shall decide whether to expel the student within 40 schooldays after the date of the student's removal from his or her school of attendance for the incident for which the recommendation for expulsion is made, unless the student requests in writing that the decision be postponed.

- The governing board's decision shall be in writing, including any decision to suspended the expulsion's enforcement pursuant to Education Code section 48917. The Board's decision shall include at least the following:

- The term of the student's expulsion and a date on which the student may apply for readmission
- A rehabilitation plan to be completed by the student prior to readmission
- Notice of the right to appeal to the county board of education
- Notice of the alternative educational placement to be provided to the student during the term of the student's expulsion
- Notice of the parent, guardian, or student's obligation to notify any new school district of their expulsion in accordance with Education Code section 48915(b).

- **Decision Timeline Exceptions.** If compliance with the above timelines is impracticable during the regular school year, the superintendent or designee may, for good cause, extend the time period for the holding of the expulsion hearing for an additional five schooldays. If compliance by the governing board with the time requirements for the conducting of an expulsion hearing under this subdivision is impractical due to a summer recess of governing board meetings of more than two weeks, the days during the recess period shall not be counted as schooldays in meeting the time requirements. The days not counted as schooldays in meeting the time requirements for an expulsion hearing because of a summer recess of governing board meetings shall not exceed 20 schooldays unless the student requests in writing that the expulsion hearing be postponed, the hearing shall be held not later than 20 calendar days before the first day of school for the school year. Reasons for the extension of the time for the hearing shall be included as a part of the record at the time the expulsion hearing is conducted. Upon the commencement of the hearing, all matters shall be pursued and conducted with reasonable diligence and shall be concluded without any unnecessary delay.

- **Board to Maintain Record of Expulsions.** The District shall maintain a record of each expulsion, including its cause(s). The expulsion order and the causes for the expulsion shall be recorded in the student's mandatory interim record and shall be forwarded to any school in which the student subsequently enrolls upon receipt of a request from the admitting school for the student's school records.

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12. Readmission

- At the time an expulsion order is issued, the governing board shall set a date for the student's readmission review in accordance with Education Code section 48916 and shall recommend an individualized rehabilitation plan addressing the behavior that led to the expulsion.
- The rehabilitation plan shall include periodic review and a preliminary assessment for readmission at least 45 days before the end of the expulsion term. The District shall assist the student in locating accessible opportunities necessary to complete the rehabilitation plan and shall not require the student or parent/guardian to pay for services the Board determines are necessary to complete the plan.
- The District shall maintain procedures for filing and processing readmission requests, conducting the required review of all expelled students for readmission, and transitioning readmitted students back into the District's regular school program. A description of the readmission procedure shall be provided to the student and parent/guardian when they are notified of the expulsion order.
- As part of the readmission review, the Board shall determine whether the student had access to the necessary resources and viable opportunities to complete the rehabilitation plan. The Board shall not deny readmission based on failure to complete a rehabilitation-plan requirement caused by financial barriers, transportation barriers, or lack of viable opportunities.
- After completing the readmission review, the Board shall readmit the student unless it finds that the student has not substantially met the rehabilitation-plan conditions despite access to necessary resources and viable opportunities, or continues to exhibit documented behavior that caused the expulsion or has committed a new expellable act during the expulsion term.
- If readmission is denied, the Board may extend the expulsion term one semester at a time, shall reassess the student for readmission after each extension, shall determine the student's continued educational placement, and shall provide written notice to the student and parent/guardian stating the reasons for denial and the educational program placement.