

### Administrative Regulation

#### Discipline Procedures

The Board of Education recognizes that each pupil is an individual and that control and correction of pupil misconduct must be handled on an individual case basis. The principal or designee shall investigate and ascertain the level of participation by any pupil involved in an act of misconduct or violation of school regulations. Disciplinary actions imposed on a pupil shall reflect his/her level of participation as concluded by the school's investigation. The following disciplinary actions may be followed as deemed appropriate.

A. Conferences with pupil or pupil/parent

B. Detention and/or Restriction

A pupil may be detained beyond the regular school day for a period not to exceed one hour for disciplinary or educational reasons, provided parents/guardians have been notified. When possible, notification should be made at least 24 hours in advance of any detention. Exceptions may be made only with full cooperation and knowledge of the parent/guardian.

C. Suspension

A pupil may be suspended from school by the principal or the principal's designee, for acts enumerated in this section, for a period of not more than five consecutive school days per offense and not to exceed 20 school days per school year (notify the Office of Student Services if a pupil has been suspended 20 school days), unless for purposes of adjustment, a pupil enrolls in or is transferred to another regular school, an opportunity school or class, or a continuation education school or class, in which case the total number of school days for which the pupil may be suspended shall not exceed 30 days in any school year. At the time of suspension, a school employee shall make a reasonable effort to contact the pupil's parent or guardian in person or by telephone. Within one school day of the beginning of a suspension a notice of suspension signed by the school principal or designee shall be mailed to the parent or guardian of the suspended pupil. (Refer to the Child Welfare and Attendance Handbook regarding Education Code sections and complete information on suspension.)

A pupil may be suspended or expelled for any of the acts listed if the act is related to school activity or school attendance occurring at any district school

under the jurisdiction of the superintendent or principal or within any other school district, including but not limited to the following circumstances:

1. While on school grounds.
2. While going to or coming from school.
3. During the lunch period, whether on or off the school campus.
4. During, going to, or coming from a school-sponsored activity.

Education Code Section 48900 delineates the grounds for suspension and/or expulsion as follows:

1. Caused, attempted to cause, or threatened to cause physical injury to another person; or willfully used force or violence upon the person of another, except in self defense. (EC Section 48900 (a1) (a2))

NOTE - When a fight, physical confrontation, or other acts of aggression occur between two or more pupils, the principal or designee shall investigate and ascertain the level of participation by each pupil involved in the incident. Where evidence supports aggressive or aggravated participation by a pupil, disciplinary action will be imposed on that pupil reflecting his/her level of participation as concluded by the school's investigation. Where evidence supports that a pupil was assaulted or caused bodily harm without provocation by his/her behavior, disciplinary action is not mandatory for that pupil.

2. Possessed, sold, or otherwise furnished any firearm, knife, explosive, or other dangerous object, unless, in the case of possession of any object of this type, the pupil had obtained written permission to possess the item from a certificated school employee, which is concurred in by the principal or designee of the principal; (Note: knife blade over 3 1/2 inches - misdemeanor - PC 626.20). (EC Section 48900 (b))
3. Unlawfully possessed, used, sold, or otherwise furnished, or been under the influence of, any controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind. (EC Section 48900 (c))

4. Unlawfully offered, arranged, or negotiated to sell any controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind, and then either sold, delivered, or otherwise furnished to any person another liquid, substance, or material and represented the liquid, substance, or material as a controlled substance, alcoholic beverage, or intoxicant. (EC Section 48900 (d))
5. Committed or attempted to commit robbery or extortion. (EC Section 48900 (e))
6. Caused or attempted to cause damage to school property or private property. (EC Section 48900 (f))
7. Stolen or attempted to steal school property or private property. (EC Section 48900 (g))

NOTE – School property includes, but not limited to, electronic files and databases.

8. Possessed or used tobacco, or any products containing tobacco or nicotine products, including, but not limited to, cigarettes, cigars, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel. However, this section does not prohibit use or possession by a pupil of his or her own prescription products. (EC Section 48900 (h))
9. Committed an obscene act or engaged in habitual profanity or vulgarity. (EC Section 48900 (i))
10. Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Section 11014.5 of the Health and Safety Code. (EC Section 48900 (j))
11. Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, school officials, or other school personnel engaged in the performance of their duties. (EC Section 48900 (k))
12. Knowingly received stolen school property or private property. (EC Section 48900 (l))

13. Possessed an imitation firearm. As used in this section, “imitation firearm” means a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm. (EC Section 48900 (m))
14. Committed or attempted to commit a sexual assault as defined in Section 261, 266c, 286, 288, 288a, or 289 of the Penal Code or committed a sexual battery as defined in Section 243.4 of the Penal Code. (EC Section 48900 (n))
15. Harassed, threatened, or intimidated a pupil who is a complaining witness 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. (EC Section 48900 (o))
16. Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma. (EC Section 48900 (p))
17. Engaged in, or attempted to engage in, hazing. For purposes of this subdivision, “hazing” means a method of initiation or preinitiation into a pupil organization or body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective pupil. For purposes of this subdivision, “hazing” does not include athletic events or school-sanctioned events. (EC 48900 (q))
18. Engaged in an act of bullying as defined in subdivision (r) of Education Code Section 48900. (EC 48900 (r))
19. Aids or abets in the infliction of physical injury to another person. (EC Section 48900 (t))

In addition to the reasons specified above, a pupil in grades 4-12 may be suspended from school or recommended for expulsion if it is determined that the pupil committed any of the following:

- Sexual harassment as defined in Education Code Section 212.5. (EC Section 48900.2)

For the purposes of this chapter, the conduct described in Section 212.5 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 intimidating, hostile, or offensive educational environment.

- Caused, attempted to cause, threatened to cause, or participated in an act of hate violence. (EC Section 48900.3)
- Engaged in harassment, threats, or intimidation against school district personnel or pupils, and creating an intimidating or hostile educational environment. (EC Section 48900.4)
- Made terroristic threats against school officials or school property, or both. (EC Section 48900.7)
- Committed assault or battery upon a school employee. (EC Section 48915 (a))

D. Corporal Punishment

Corporal punishment shall not be allowed in the Garden Grove Unified School District. (See Board Policy No. 5155)

E. Exclusion

1. If a pupil is excluded from attendance pursuant to Section 120230 of the Health and Safety Code or Section 49451 of the Education Code, or if a principal or his or her designee determines that the continued presence of the child would constitute a clear and present danger to the life, safety, or health of a pupil or school personnel, the governing board is not required to send prior notice of the exclusion to the parent or guardian of the pupil. The governing board shall send a notice of the exclusion as soon as is reasonably possible after the exclusion.
2. The county office of education or the governing board of the school district of attendance shall exclude any pupil who has not been immunized properly pursuant to Chapter 1 (commencing with Section 120325) of Part 2 of Division 105 of the Health and Safety Code.

The governing board of the district shall notify the parent or guardian of the pupil that they have two weeks to supply evidence either that the pupil has been properly immunized, or that the pupil is exempted

from the immunization requirement pursuant to Section 120365 or 120370 of the Health and Safety Code.

The governing board of the district, in the notice, shall refer the parent or guardian of the pupil to the pupil's usual source of medical care to obtain the immunization, or if no usual source exists, either refer the parent or guardian to the county health department, or notify the parent or guardian that the immunizations will be administered at a school in the district.

F. Exemptions

Exemptions may be granted by the superintendent or a designated representative within the limitations set forth by the Education Code, when it is deemed such action would be in the best interest of the pupil and/or school. All requests for exemption shall be referred to the Office of Student Services on the Request for Action form (Form 9807.29).

G. Expulsion

The principal or superintendent of schools shall immediately suspend and shall recommend expulsion of a pupil that he or she determines has committed any of the following acts at school or at a school activity off school grounds (EC Section 48915(c)):

1. Possessing, selling, or otherwise furnishing a firearm.
2. Brandishing a knife at another person.
3. Unlawfully selling a controlled substance.
4. Committing or attempting to commit a sexual assault or committing a sexual battery.
5. Possession of an explosive.

For a pupil expelled pursuant to the above reasons, the length of the expulsion shall be one year from the date the suspension occurred.

In addition, the principal or the superintendent of schools shall recommend a pupil's expulsion for any of the following acts, unless the principal or superintendent finds, and so reports in writing to the governing board, that

expulsion is inappropriate, due to the particular circumstance, which shall be set out in the report of the incident:

1. Causing serious physical injury to another person, except in self-defense;
2. Possession of any knife, explosive, or other dangerous object of no reasonable use to the pupil at school or at a school activity off school grounds;
3. Unlawful possession of any controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, except for the first offense for the possession of not more than one avoirdupois ounce of marijuana, other than concentrated cannabis;
4. Robbery or extortion;
5. Assault or battery upon any school employee as defined in sections 240 and 242 of the Penal Code.

Upon recommendation by the principal, superintendent of schools, or by a hearing officer or administrative panel appointed pursuant to subdivision (d) of Section 48918, the governing board may order a pupil expelled upon finding that the pupil violated any subsection of 48900 (see Part D of this Regulation) and either of the following:

1. That other means of correction are not feasible or have repeatedly failed to bring about proper conduct;
2. That due to the nature of the violation, the presence of the pupil causes a continuing danger to the physical safety of the pupil or others.

The length of expulsion under this section shall be no longer than the last day of the semester following the semester in which the expulsion occurred.

In a matter involving a pupil with previously identified exceptional needs who is currently enrolled in a special education or 504 program, the governing board may order the pupil expelled pursuant to the conditions as stated above only if the board also finds, based upon a determination by an individualized education program team, that the misconduct was not caused by a pupil's identified handicap or by an inappropriate placement.

## G. Expulsion Procedures

Procedures to be followed for pupil expulsion are on file in the Office of Student Services. Procedures include:

1. Written notice of the hearing and disclosure of stipulated information to the pupil and/or parents/guardian of pupil.
2. Expulsion hearing by the District Discipline Committee.
3. Recommendation by the District Discipline Committee to the superintendent/Board of Education.
4. Board action.

District responsibilities following Board action are:

1. Maintain record of Board action, including cause of expulsion.
3. Enter expulsion order and cause in the pupil's cumulative record.
4. Notification of requirements for readmission to the district.
5. Refer pupil to appropriate alternative educational placement.

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