

STUDENT CONDUCT CODE

***MARYSVILLE JOINT UNIFIED
SCHOOL DISTRICT***

Revised June 2019

PHILOSOPHY

It is the intent of the Marysville Joint Unified School District ("District") to provide all students with a learning environment in which optimum learning can take place. Students are a key part of that environment. Those who obey rules, respect others and take responsibility for their actions assist the District in establishing a secure climate so that all students may learn.

The District believes it is essential that public schools prepare youth for productive and effective citizenship by helping each student respect law and order, and assume his/her responsibilities as a citizen. Each student should learn that he/she has freedom of choice and action, so long as that action does not infringe on the rights of others.

This District-wide Student Conduct Code is to be read in conjunction with school rules. Its purpose is to inform students and parents about unacceptable behaviors and the consequences for those behaviors. The District asks that parents recognize the importance of school regulations and assist the District in their enforcement. By becoming familiar with this Conduct Code, students may also learn to make intelligent choices. Students who engage in violations of the Student Conduct Code will be subject to the appropriate consequences.

The Governing Board desires to provide district students access to educational opportunities in an orderly school environment that protects their safety and security, ensures their welfare and well-being, and promotes their learning and development. The Board shall develop rules and regulations setting the standards of behavior expected of district students and the disciplinary processes and procedures for addressing violations of those standards, including suspension and/or expulsion.

The grounds for suspension and expulsion and the procedures for considering, recommending, and/or implementing suspension and expulsion shall be only those specified in law, in this policy, and in the accompanying administrative regulation.

Except when otherwise permitted by law, a student may be suspended or expelled only when his/her behavior is related to a school activity or school attendance occurring within any district school or another school district, regardless of when it occurs, including, but not limited to, the following: (Education Code 48900(s))

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

District staff shall enforce the rules concerning suspension and expulsion of students fairly, consistently, equally, and in accordance with the district's nondiscrimination policies.

I. RESPONSIBILITIES AND EXPECTATIONS

A. STUDENT RESPONSIBILITIES AND EXPECTATIONS

Students are required by law to attend school from the age of six to eighteen. Daily school attendance is required unless the student is sick or legally excused. Students are also required to participate actively in the educational process. Students must comply with all school rules, pursue their required course of study, and submit to the authority of teachers of the school. Perhaps most importantly, students are expected to take primary responsibility for their own behavior. [Education Code §35181; Education Code §48908; Title 5, California Code of Regulations §300]

B. DISTRICT STAFF RESPONSIBILITIES

To maintain and encourage acceptable standards of student behavior, District personnel should provide good examples for students in real life. District personnel shall:

1. Establish an atmosphere in which productive learning can take place.
2. Establish an atmosphere of mutual respect.
3. Teach the District standards of behavior.
4. Identify the causes of student misconduct.
5. Find constructive methods of preventing and controlling such misconduct
6. Consistently and fairly apply classroom, school and District rules.
7. Communicate regularly with students and parents regarding the student's academic progress and behavior.

[Title 5, California Code of Regulations §5530; Education Code §44807]

C. PARENT RESPONSIBILITIES

Parents are responsible for sending the student to school daily and ensuring that he/she arrives on time. Additional responsibilities include:

1. Acknowledge/accept that the school and the Board of Education have the right and the responsibility to maintain standards for all students.
2. Cooperate with school staff in helping students with academic, discipline or attendance problems.

D. STUDENT SEARCHES

School officials may conduct searches of pupils and their personal belongings while on school property or at school-sponsored events. Searches of pupils and personal belongings will be conducted when there are reasonable grounds to suspect that the search will provide evidence that the pupil is violating the law and/or school regulations. The scope of the search will be related to the objectives of the search, the age and sex of the pupil, and the nature of the violation. [Board Policy & AR 5145.12]

By way of example, and not limitation, "personal belongings" includes: backpacks, brief cases, bags, et cetera. Searches are also conducted of school property under joint control. "School property" under joint control includes lockers and desks.

Lockers are school property under the joint control of the school and the pupil. There is no expectation of privacy. The District may search lockers, or any other school property under joint control, at any time. Searches may be random and without cause of any kind.

Automobiles parked on the school premises or in the school parking lot are subject to search when officials have reason to believe weapons, drugs, or objects prohibited by school policy or state law are contained therein.

Canines may be used to search a pupil's personal belongings and vehicles and school property under joint control. Canine searches will be used to search a pupil's person when either (1) there are reasonable grounds to suspect a particular pupil of wrongdoing; or (2) the District determines that the school has a drug crisis or problem.

E. MEDICATIONS

The District recognizes that certain pupils may require medication (prescription or non-prescription) during the school day in order to attend school without jeopardizing their health. When such medication is required, designated school personnel must assist the pupil in administering the requisite medication. This also applies to the administration of tests or procedures for medical reasons. (Example: diabetes testing for blood sugar level.)

A pupil who brings medication (prescription or non-prescription) on school grounds and either (1) gives or sells the medication to other pupils; or (2) self-administers a medication without the District's assistance, may be subject to discipline. [Education Code §§49423 and 49423.5]

F. DUE PROCESS AND THE RIGHT TO APPEAL

No student will be suspended or expelled without due process. As an added safeguard, a student and his/her parent/guardian has the right to request an appeal regarding the

discipline imposed. Board Policy 5144 and Administrative Regulation 5144.1 set forth a complete explanation of the procedures for suspension, expulsion and appeals.

II. CONDUCT CODE VIOLATIONS AND CONSEQUENCES

A. DEFINITION OF STUDENT MISCONDUCT

A student may be disciplined, to include suspension and/or expulsion, for any of the reasons set forth in the California Education Code. At the current time, this includes the categories of behavior set forth in Education Code §48900 and 48915, plus those described in 48900.2, 48900.3, 48900.4 and 48900.7. To assist students in modeling appropriate behavior, District staff has prepared this Student Conduct Code which lists various types of inappropriate behavior. It is not, however, the intent of the District that the Student Conduct Code define in detail every possible situation which may warrant disciplinary action nor to list every possible consequence. The District will proceed with disciplinary action permitted by law for misconduct even if it is not specifically listed in this Student Conduct Code.

B. LEVEL IV DISCIPLINE—Mandatory Expulsion Recommendation

Firearm: 48915 (c)(1) Possessing, selling, or otherwise furnishing a firearm. *See definition of Firearm below.*

Knife: 48915 (c)(2) Brandishing a knife at another person. *See definition of Knife below.*

Controlled Substance: 48915 (c)(3) Unlawfully selling a controlled substance.

Sexual Assault/Battery: 48915 (c)(4) & 48900(n) Committing a sexual battery or committing or attempting to commit sexual assault. (Title IX)

Explosive: 48915 (c)(5) Possession of an explosive. *See definition of Explosive below.*

C. LEVEL III DISCIPLINE—Discretionary Expulsion Recommendation

Serious Physical Injury: 48915 (a)(1)(A) Causing serious physical injury to another person, except in self-defense. *“Serious physical impairments of physical condition, such as loss of consciousness, concussion, bone fracture, protracted loss or impairment of function of any bodily member or organ, a wound requiring suturing, and serious disfigurement.”*

Knife or Dangerous Object: 48915(a)(1)(B) Possession of any knife or other dangerous object of no reasonable use to the pupil.

Controlled Substance: 48915(a)(1)(C) Unlawful possession of any controlled substance except for the first offense for the possession of not more than one avoirdupois ounce of marijuana. Except for possession of over the counter medication for use by the pupil for medical purposes or medication prescribed by pupil by physician.

Robbery or Extortion: 48915 (a)(1)(D) Robbery or extortion

Assault or Battery: 48915(a)(1)(E) Assault or battery upon any school employee

C. LEVEL II DISCIPLINE- Suspension of Student Recommended

Physical Injury to Another: 48900 (a)(1) Caused, attempted to cause, or threatened to cause physical injury to another person.

Force or Violence upon Another: 48900 (a)(2) Willfully used force or violence upon the person of another, except in self-defense.

Dangerous Object: 48900 (b) Possessed, sold, or otherwise furnished any firearm, knife, explosive, or other dangerous object.

Controlled Substance: 48900 (c) Unlawfully possessed, used, sold, or otherwise furnished or been under the influence of any controlled substance, alcohol beverage, or an intoxicant of any kind.

Drugs/Alcohol: 48900(d) Unlawfully offered, arranged, or negotiated to sell any controlled substance, an alcoholic beverage, or an intoxicant of any kind, and 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.

Robbery or Extortion: 48900(e) Committed or attempted to commit robbery or extortion

D. LEVEL I DISCIPLINE—Discipline shall be imposed if other means of correction fail to bring about proper conduct

Damage to School/Property: 48900 (f) Caused or attempted to cause damage to school or private property.

Stole School/Private Property: 48900 (g) Stolen or attempted to steal school property or private property.

Tobacco or Nicotine Products: 48900 (h) Possessed or used tobacco, or any products containing tobacco or nicotine products, including cigarettes, cigars, smokeless tobacco, snuff, chew packets.

Students shall not smoke or use tobacco, or any product containing tobacco or nicotine, while on campus, while attending school-sponsored activities, or while under the supervision and control of district employees. Students' possession or use of nicotine delivery devices, such as electronic cigarettes, is also prohibited. (Education Code 48901)

Obscene Act of Habitual Profanity: 48900 (i) Committed an obscene act or engaged in habitual profanity or vulgarity.

Drug Paraphernalia: 48900 (j) Unlawfully possessed or unlawfully offered, arranged or negotiated to sell any drug paraphernalia

Disruption of School Activities or Defiance of School Personnel: 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. *(Any pupil enrolled in grades K-3, inclusive, shall not be suspended for any of the acts enumerated in this subdivision, and this subdivision shall not constitute grounds for a pupil enrolled in kindergarten or any grades 1 to 12, inclusive, to be recommended for expulsion). EXAMPLES OF THIS MAY BE:*

- ***Refusing to comply with the reasonable request of school personnel***
- ***Forged, falsified, altered or used forged school correspondence, passes or readmission slips***
- ***Failed to identify oneself or give false information to school personnel***
- ***Cheating***
- ***Leaving campus without proper authorization***
- ***Gambled***
- ***Interfering with the peaceful conduct of the campus or classroom.***
- ***Loitering on or about campus without an apparent and lawful purpose (A student may be subject to arrest according to Penal Code 653(g) if he/she loiters at or near any school or public place at or near where students attend or normally congregate, or reenters or comes upon such school or place after being asked to leave by a school official.***
- ***Exhibits any dress, grooming or appearance which disrupts or tends to disrupt the educational process or affects the health and safety of individuals. (Any attire, paraphernalia or symbol that displays a logo or other message relating to alcohol, tobacco, drugs or gangs may not be worn or permitted on campus or at any school-related activities. Body tattoos relating to alcohol, tobacco, drugs or gang must be covered by clothes, bandages, or otherwise, while on school property or at school events).***
- ***Possessed disruptive items. This may include items such as cellphones, electronics, MP3 players skateboards or any other items on school grounds is not permitted on school grounds or during instructional time.***

- ***Possessed or used any electronic signaling device*** *Using a cell phone during class time, AR 5131.*
- ***Demonstrating unsafe riding, driving practices with bicycle or vehicle***

Received Stolen School/ Private Property: 48900 (l) Knowingly received stolen school property or private property.

Imitation Firearm: 48900 (m) Possessed an imitation firearm. Imitation firearm means a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead to reasonable person to conclude that the replica is a firearm.

School Discipline Witness: 48900 (o) Harassed, threatened or intimidated a pupil who is complaining witness or a 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

Soma (prescription drug): 48900 (p) Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug, Soma.

Hazing: 48900(q) Engaged in, or attempted to engage in, hazing as defined in Section 32050.

Bullying: 48900(r) Any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, and including one or more acts committed by a pupil or group of pupils as defined in below sections:

- **Sexual Harassment (48900.2)**
- **Hate Violence (48900.3)**
- **Harassment, Threats, or Intimidation (48900.4)**

Aids or Abets Physical Violence: 48900(t) A pupil who aids or abets, the infliction or attempted infliction of physical injury to another person, **(but, per Education Code, expulsion may not be imposed unless the student is adjudged guilty in juvenile court).**

Sexual Harassment: 48900.2 Harassment 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 ***(4th-12th grade only / Title IX)**

Hate Violence: 48900.3 Pupil has caused, attempted to cause, threatened to cause, or participated in an act of hate violence as described in Section 233 ***(4th-12th grade only / Title IX)**

No person shall by force or threat of force, willfully injure, intimidate, interfere with, oppress, or threaten any other person, or knowingly deface, damage or

destroy the real or personal property of any other person for the purpose of intimidating or interfering with the free exercise or enjoyment of any right or privilege secured to the other person by the Constitution or laws of this state or the U.S. Constitution because of the other person's race, color, religion, ancestry, national origin, disability, gender or sexual orientation, or because he/she perceives that the other person has one or more of those characteristics.

Harassment: 48900.4 Intentionally engaged in harassment, threats, or intimidation, directed against school district personnel or pupils ***(4th-12th grade only)**

Terrorist Threats: 48900.7 Any statement, whether written or oral, by a person who willfully threatens to commit a crime which will result in death, great bodily injury to another person, or property damage in excess of one thousand dollars, with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out.

A terroristic threat is one which is made with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying out the threat; and is made under circumstances which would cause a reasonable person to believe that execution of the threat is imminent; causes the person threatened to reasonably fear for his/her own safety/personal property, or his/her immediate family's safety/personal property, or for the protection of school district property.

DEFINITIONS:

Explosive: Any “explosive, incendiary, or poison gas; bomb; grenade; rocket having a propellant charged of more than four ounces; missile having an explosive or incendiary charge of more than one-quarter ounce; mine, or device similar to any of the devices described in the preceding cause.”

Knife: Any knife as “any dirk, dagger, or other weapon with a fixed, sharpened blade fitted primarily for stabbing, a weapon with a blade fitted primarily for stabbing, a weapon with a blade longer than 3¹/₂ inches, a folding knife with a blade that locks into place, or a razor with an unguarded blade.”

Firearm/Gun: Any “weapon with, from which is expelled through a barrel, a projectile by the force of an explosion or other form of combustion.”

III. "RELATED TO SCHOOL ACTIVITY OR SCHOOL ATTENDANCE"

A student will not be disciplined unless their conduct is related to school activity or school attendance. Conduct related to school activity or attendance may occur at any time and include, by way of illustration and not limitation:

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

Pursuant to the above definition, the district will impose discipline for prohibited conduct which occurs on any school or District grounds or facilities regardless of when the conduct occurs.

C. TYPICAL DISCIPLINARY ACTIONS

Students of the District are required to follow and comply with school and District conduct rules. If a student chooses to break the rules, he/she will be subject to various consequences.

A list of typical disciplinary actions which may result from a student's breach of school regulations is listed below. The actual action taken by the District may vary from the list below and the level of discipline imposed will depend on the frequency and seriousness of the violation.

1. Parent Conference

A parent/teacher/principal conference may be required to discuss the student's behavior and/or to reach an agreement on the student's behavior.

2. Detention

A student may be assigned to a supervised area for a specific period of time before or after school or on a Saturday.

3. Referral to Counseling

A student may be referred to counseling services to discuss problems. Any fees for counseling services will be the parent/guardian's responsibility.

4. Loss of Privileges

A student's participation in school activities such as games, dances, field trips, etcetera may be limited.

5. Saturday School

A student may be required to attend class on Saturday for repeated unexcused absences from class(es) or in lieu of suspension. Character education will be taught as an intervention.

6. Community Service on School Grounds

A student may be required to perform community service on school grounds during non-school hours. This may include outdoor beautification, campus betterment and teacher or peer assistance programs.

7. Behavior Contract

The District may enter into an agreement with the student wherein he/she agrees to comply with the conditions contained in the contract, and the school rules. The student agrees to refrain from committing the same violation and/or breaking other school regulations. This contract may be in addition to a suspension and/or expulsion and/or in lieu of such actions.

8. In-School Suspension

A student may be assigned to a supervised suspension classroom separated from other students at the school site for the period of the suspension.

9. At-Home Suspension

A student may be suspended from attending regular classes and prohibited from attending school, participating in school activities, and being on school grounds for a period of time.

10. Expulsion

A student may be expelled from all schools in the District and removed from the immediate supervision and control of school personnel. The student would be prohibited from being on school grounds. The Board of Education has the authority to expel students for serious and/or repeated offenses. Typically, student expulsions are a last resort after other actions have been tried. In certain situations, however, expulsion is appropriate, or may be required by law, on the first offense.

A student on a suspended expulsion may not be allowed to participate in extracurricular/co-curricular activities. The activities include, but are not limited to, field trips, athletic events, theater events, proms, student dances, student government, graduation ceremonies, band events or similar activities.

11. Administrative Transfer to another Comprehensive School Site

Upon approval by the principals of the sending site and the proposed receiving site, a student may be administratively transferred to another comprehensive school site and directed to successfully complete a District approved rehabilitation plan.

12. Notice to Law Enforcement Authorities

The District may notify the appropriate law enforcement authorities for various student violations of school rules and state law. For certain violations, the District is required by law to notify the appropriate law enforcement authorities.

III. ADDITIONAL CONSIDERATIONS

A. MORE THAN ONE CONSEQUENCE

Depending on the nature of the offense, the site administrator will determine whether the consequences should include more than one form of discipline. Typical consequences which are determined and combined by a site administrator include home suspension, in school suspension, Saturday school, and intervention group, and detention, administrative transfer to another comprehensive school site, community service or counseling.

B. RELATED TO SUSPENSION

1. First Offense Suspensions

For some infractions, the student may be suspended on the first offense if it is determined that the student's presence causes a danger to persons or property or threatens to disrupt the instructional process. [Education Code §48900.5]

2. Gang Related

Gang-related offenses are generally of the nature where the student's presence does pose a danger to persons or property or threatens to disrupt the instructional process. In such cases, the student may be suspended or recommended for expulsion.

3. Violation of Suspension Rules

Violation of suspension rules may result in a minimum consequence of a warning and a maximum consequence of a referral to the appropriate law enforcement agency.

C. DURING SUSPENSION

1. Parental Supervision

Students on home suspension are expected to be under the supervision of a parent/guardian during school hours. (8:00 a.m. – 3:00 p.m.)

2. Stay Off School Grounds

Students on home suspension must stay off any school campus unless a prior arrangement has been made with a school administrator to come to the office on official business with the student's parent/guardian.

3. No School-Sponsored Activities

Students on suspension may not attend any school-sponsored activity (whether on or off *any* school campus - including weekends and holidays). This includes, by way of illustration and not limitation, graduation ceremonies, field trips, athletic events, proms, dances, athletic activities, latch key and after-school recreation.

4. Make-Up Work

Students who miss school work because of an excused absence or suspension *shall* be given the opportunity to complete all assignments and tests that can be reasonably provided. As determined by the teacher, the assignments and tests *shall* be reasonably equivalent to, but not necessarily identical to, the assignments and tests missed during the absence. Students shall receive full credit for work satisfactorily completed within a reasonable period of time.

D. PAYMENT FOR DAMAGES

If a student's misconduct results in damage or injury to school property, or the personal property of any District employee, the student's parent/guardian is liable for all damages caused by the student.

If the student's parent/guardian is unable to pay for the damages, the District may provide a program of voluntary work for the minor in lieu of payment of monetary damages.

The parent/guardian is responsible for the amount of any reward not exceeding ten thousand dollars (\$10,000) paid for information leading to the apprehension of the person causing the damage. [Education Code §§48904 and 48905]

E. CONFISCATED PROPERTY

Any confiscated material (e.g., cell phones, any other electronic device, skateboards, or tobacco) will be returned to the parents and not the student. *The District is not responsible for loss of or damage to confiscated materials.*

Guns, knives, controlled substances and drug paraphernalia will be turned over to the appropriate law enforcement authorities.

F. PROPERTY TURNED IN BY THE STUDENT

If a student finds that he/she has inadvertently brought a dangerous object to school, and he/she immediately turns the object over to a teacher, administrator or other school staff member, the consequences shall be waived.