



William S. Hart Union High School District

**21380 Centre Pointe Parkway
Santa Clarita, CA 91350**

DISTRICT SAFETY PLAN

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William S. Hart Union High School District

DISTRICT SAFETY PLAN

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CHILD ABUSE

CHILD ABUSE REPORTING PROCEDURES

1. **What is Child Abuse?**

Any act of omission or commission that endangers or impacts a child's physical or emotional health and development. These acts include:

- Physical abuse and corporal punishment resulting in an injury.
- Emotional abuse
- Emotional deprivation
- Physical neglect and/or inadequate supervision
- Sexual abuse and exploitation

2. **Who is required to report?**

- **Classified** employees shall report known or reasonably suspected child abuse immediately to the site principal or assistant principal for investigation and required action.
- **Certificated** employees shall report known or reasonably suspected child abuse immediately to:

-Department of Children and Family Services at **1-800-540-4000**

AND SHALL

-Complete a CHILD ABUSE REPORT form online within 24 hours of reporting the suspected child abuse by phone. This form can be found online at:

<https://mandreptla.org/>

AND SHALL

-Immediately inform the Principal regarding the details of such report.

-Send a copy of the CHILD ABUSE REPORT to the Office of Student Services at the District

3. **When is a Certificated Employee Responsible for Reporting?**

Responsibility for reporting arises when in the scope of his or her employment, or in his or her professional capacity, a certified employee has knowledge of or suspects a student has been the victim of child abuse.

"Within the scope of employment" encompasses all times and occasions when an individual is performing required job duties, both on or off the school campus. "In his or her professional capacity" conceivably extends this duty to occasions where an individual is not on the job but is present in a situation as a professional educator.

**WM. S. HART UNION HIGH SCHOOL DISTRICT
ADMINISTRATIVE REGULATIONS**

| | |
|---------------|---|
| SERIES | 4000 |
| SERIES TITLE: | <u>PERSONNEL</u> |
| SUB-TITLE NO. | <u>4113.1</u> |
| SUB-TITLE: | <u>Child Abuse Reporting Procedures</u> |

The chief administrator or designee of each school or certificated or classified division of the District shall annually review with the staff detection and reporting procedures regarding known or suspected child abuse. Board Policy and Administrative Regulation 4113.1 and Penal Code Section 11165-11172 shall be disseminated to staff.

In conformance with the requirements of the Penal Code, any employee who has knowledge of or observes a child in his or her professional capacity or within the scope of his or her employment whom he or she knows or reasonably suspects has been the victim of child abuse shall report the known or suspected instance of child abuse to the Sheriff and/or child protective agency immediately or as soon as practically possible by telephone and shall prepare and send a written report thereof within 36 hours of receiving the information concerning the incident. The employee making such report shall make a photocopy of the written report and cause it to be delivered to the Principal. Section A - Reporting Party on this copy may be cut off or otherwise obliterated at the discretion of the employee. The Principal shall forward this copy to the Director of Pupil Personnel Services. These reports are not pupil records. They are confidential documents, which shall not be released except by order of a court of competent jurisdiction.

For purposes of this Regulation and the Penal Code, "reasonable suspicion" means that it is objectively reasonable for a person to entertain such a suspicion, based upon facts that could cause a reasonable person in a like situation, drawing when appropriate on his or her training and experience, to suspect child abuse.

Any employee who has received information and training on reporting of suspected child abuse and who fails to report an instance, of child abuse which he or she knows to exist or reasonably should know to exist may be found guilty of a misdemeanor punishable by confinement in county jail for up to six months or by fine up to \$1,000 or by both.

DATE: May 13, 1986

BOARD APPROVED (WHEN APPROPRIATE):

REVISED: September 2, 1986

November 14, 1986

LEGAL REFERENCE:

Penal Code Section 11165 et seq

CHILD ABUSE AND REPORTING PROCEDURES

The Governing Board recognizes that the District has a responsibility to facilitate the prompt reporting of incidents of child abuse and neglect. The superintendent or designee shall ensure that parents/guardians have access to procedures whereby they can report suspected child abuse at a school site to appropriate child protective agencies.

(cf. 1312.1 - Complaints Concerning School Personnel)

(cf. 5141.41 - Child Abuse Prevention)

The superintendent or designee shall establish regulations for use by employees in identifying and reporting child abuse.

District employees shall report known or suspected incidences of child abuse in accordance with District regulations and state law. Employees shall fully cooperate with the child protective agencies responsible for reporting, investigating, and prosecuting cases of child abuse.

(cf. 4112.9 - Signed Statements)

The superintendent or designee shall provide training in child abuse identification and reporting for all certificated personnel.

The superintendent or designee shall also provide training in the duties of child abuse identification and reporting to instructional and teacher aides, teacher assistants, and other classified employees. (Penal Code 11165.7)

Students

AR 5141.4(a)

Duty to Report

Certificated employees and classified employees trained in child abuse identification and reporting shall report known or suspected child abuse to a child protective agency by telephone immediately or as soon as practically possible and in writing within 36 hours. The reporting duties are individual and cannot be delegated to another individual except under circumstances set forth in Penal Code 11166.

Definitions

1. "Child Abuse" includes the following:
 - a. A physical injury inflicted by other than accidental means on a child by another person.
 - b. Sexual abuse of a child.
 - c. Willful cruelty or unjustifiable punishment of a child, or willfully inflicting unjustifiable physical pain or mental suffering, or failure to safeguard a child from these injuries when the child is under a person's care or custody.
 - d. Unlawful corporal punishment or injury resulting in a traumatic condition.
 - e. Neglect of a child or abuse in out-of-home care.

2. "Mandated Reporters" are those people defined by law as "child care custodians," "health practitioners," "child visitation monitors," and "employees of a child protective agency." Mandated reporters include virtually all school employees. The following school personnel are required to report:

Teachers, administrators, supervisors of child welfare and attendance, certificated pupil personnel employees, employees of child care institutions, Head Start teachers, school psychologists, licensed nurses, counselors, presenters of child abuse prevention programs, and those instructional aides or other classified employees trained in child abuse reporting.

"Child Protective Agencies" are those law enforcement and child protective services responsible for investigating child abuse reports, including the local police or sheriff department, county welfare or juvenile probation. Instructions are included on the form, and reporters may ask the site administrator for help in completing and mailing it; however, the mandated reporter is personally responsible for ensuring that the written report is correctly filed.

3. Employees reporting child abuse to a child protective agency are encouraged, but not required, to notify the site administrator or designee as soon as possible after the initial verbal report by telephone. When so notified, the site administrator shall inform the superintendent or designee.

Administrators so notified shall provide the mandated reporter with any assistance necessary to ensure that reporting procedures are carried out in accordance with law and District regulations. At the mandated reporter's request, the principal may assist in completing and filing these forms.

If the mandated reporter does not disclose his/her identity to a district administrator, he/she shall at least provide or mail a copy of the written report to the district without his/her signature or name.

AR 5141.4(c)

Legal Responsibility and Liability

1. Mandated reporters have absolute immunity. School employees required to report are not civilly or criminally liable for filing a required or authorized report of known or suspected child abuse.
2. If a mandated reporter fails to report an instance of child abuse, which he/she knows to exist or reasonably should know to exist, he/she is guilty of a misdemeanor punishable by confinement in jail for up to six months, a fine of up to \$1,000, or both. The mandated reporter may also be held civilly liable for damages resulting from any injury to the child after a failure to report.
3. When two or more persons who are required to report have joint knowledge of a suspected instance of child abuse, and when they so agree, the telephone report may be made by either of

them, and a single report made and signed by that person. However, if any person who knows **or** should know that the designated person failed to make the report, that person then has a duty to do so. Peace officers and child protective services agents will be asked to sign an appropriate release or acceptance of responsibility form.

AR 5141.4(e)

(cf. 5145.11 - Questioning and Apprehension)

When School Employees are Accused of Child Abuse

Regardless of who child abusers may be, the major responsibilities of mandated reporters are to (1) identify incidents of suspected child abuse, and (2) comply with laws requiring the reporting of suspected abuse to the proper authorities. Determining whether or not the suspected abuse actually occurred is not the responsibility of the school employee. Such determination and follow-up investigation will be made by a child protective agency.

Pending the outcome of an investigation by a child protective agency and before formal charges are filed, the employee may be subject to reassignment or a paid leave of absence.

Upon filing formal charges or upon conviction, the district may take disciplinary action in accordance with law, district policies, regulations, and/or collective bargaining agreements. The superintendent or designee should consult with legal counsel in connection with either suspension or dismissal of the employee.

(cf. 4117.4 - Dismissal)

(cf. 4118 - Suspension/Disciplinary Action (Certificated))

(cf. 4218 - Suspension/Disciplinary Action (Classified))

WILLIAM S. HART UNION HIGH SCHOOL DISTRICT, Santa Clarita, California

Date Issued: 08/11/93

Reissued: 02/08/95

SUSPECTEDCHILDABUSEREPORT

To Be Completed by Mandated Child Abuse Reporters

Pursuant to Penal Code Section 11166

CASENAME:

CASENUMBER:

A. REPORTING PARTY

NAME OF MANDATED REPORTER:

TITLE:

MANDATED REPORTER
CATEGORY:

REPORTER'S BUSINESS/AGENCY NAME AND ADDRESS:

DID MANDATED REPORTER WITNESS THE INCIDENT?

REPORTER'S TELEPHONE (DAYTIME):

TODAY'S DATE:

SIGNATURE:

REGIONAL OFFICE:

B. REPORT NOTIFICATION

COUNTY WELFARE/CPS (Child Protective Services)

AGENCY: Dept. of Children and Family Services

ADDRESS:
3075 Wilshire Blvd. 5th Floor
Los Angeles, 90010

DATE OF PHONE CALL:
TIME OF PHONE CALL:

Tracking Number:

TELEPHONE:

C. VICTIM - One report per victim

NAME (LAST, FIRST, MIDDLE):

BIRTHDATE OR APPROX. AGE:

GENDER:

ETHNICITY:

TELEPHONE:

ADDRESS:

PRESENT LOCATION OF VICTIM:

SCHOOL:

CLASS:

GRADE:

PHYSICALLY DISABLED?

DEVELOPMENTALLY DISABLED?

PRIMARY LANGUAGE SPOKEN IN HOME:

OTHER DISABILITY (SPECIFY):

IN FOSTER CARE?

IF VICTIM WAS IN OUT-OF-HOME CARE AT TIME OF INCIDENT, CHECK TYPE OF CARE:

TYPE OF ABUSE:

RELATIONSHIP TO SUSPECT:

PHOTOS TAKEN?

DID THE INCIDENT RESULT IN THIS VICTIM'S DEATH?

INSTRUCTIONS AND DISTRIBUTION

DO NOT submit a copy of this form to the Department of Justice (DOJ). ACPA is required under penal Code Section 11169 to submit to DOJ a Child Abuse Investigation Report Form SS-8583 if (1) an active investigation has been conducted and (2) the incident is not unfounded.

cc: Police or Sheriff; County Welfare or Probation; District Attorney; Reporting Party

Department of Justice SS8572 (Rev. 12/02)

SUSPECTEDCHILDABUSEREPORT

D.INVOLVEDPARTIES/VICTIM'SSIBLINGS

| | | |
|--------------------------------|------------|------------|
| 1. NAME (LAST, FIRST, MIDDLE): | | BIRTHDATE: |
| GENDER: | ETHNICITY: | |
| 2. NAME (LAST, FIRST, MIDDLE): | | BIRTHDATE: |
| GENDER: | ETHNICITY: | |
| 3. NAME (LAST, FIRST, MIDDLE): | | BIRTHDATE: |
| GENDER: | ETHNICITY: | |
| 4. NAME (LAST, FIRST, MIDDLE): | | BIRTHDATE: |
| GENDER: | ETHNICITY: | |

D.INVOLVEDPARTIES/VICTIM'SPARENTS/GUARDIANS

| | | |
|--------------------------------|----------------|------------|
| 1. NAME (LAST, FIRST, MIDDLE): | | GENDER: |
| BIRTHDATE OR APPROX. AGE: | | ETHNICITY: |
| ADDRESS: | | |
| HOMEPHONE: | BUSINESSPHONE: | |
| 2. NAME (LAST, FIRST, MIDDLE): | | GENDER: |
| BIRTH DATE OR APPROX. AGE: | | ETHNICITY: |
| ADDRESS: | | |
| HOMEPHONE: | BUSINESSPHONE: | |

DRAFT

D.INVOLVED PARTIES/SUSPECTS

| | | |
|--------------------------------|--|------------|
| 1. NAME (LAST, FIRST, MIDDLE): | | GENDER: |
| BIRTH DATE OR APPROX. AGE: | | ETHNICITY: |
| ADDRESS: | | TELEPHONE: |
| OTHER RELEVANT INFORMATION: | | |
| 2. NAME (LAST, FIRST, MIDDLE): | | GENDER: |
| BIRTH DATE OR APPROX. AGE: | | ETHNICITY: |
| ADDRESS: | | TELEPHONE: |
| OTHER RELEVANT INFORMATION: | | |

E. INCIDENT INFORMATION

| |
|---------------------------------------|
| IF NECESSARY, ATTACH EXTRA SHEET(S): |
| IF MULTIPLE VICTIMS, INDICATE NUMBER: |
| DATE/TIME OF INCIDENT: |
| PLACE OF INCIDENT: |

NARRATIVE DESCRIPTION (What victim(s) said/what the mandated reporter observed/what person accompanying the victim(s) said/similar or past incidents involving the victim or suspect):

SUSPENSION/EXPULSION

SUSPENSION/EXPULSION POLICY

District policy and the California Education Code prescribe Suspension and/or Expulsion for a variety of student infractions. It is important that parents and students review the rules in order to prevent a violation that may result in serious consequences. Students who are in possession of a weapon on campus or in route to or from campus (no matter what the reason) may be recommended for expulsion.

Included in the following are acts that may require **suspension/transfer to another school** or program, or **expulsion** from the school district:

Violation Against Persons:

1. Causing, attempting to cause, or threatening to cause physical injury to another person.
2. Open defiance of school personnel including:
 - a. continued willful disobedience or
 - b. continued disregard for school rules.
3. Verbal abuse; the habitual use of
 - a. profanity or vulgarity or
 - b. disrespectful or threatening language directed at a staff member.
4. Sexual harassment
5. Commit or attempt to commit a sexual assault or commit a sexual battery.
6. Harass, threaten or intimidate a pupil who is a witness in a school disciplinary proceeding.

Violation Against Property:

1. Causing or attempting to cause damage to school or private property or stealing or attempting to steal school or private property.
2. Forgery on readmit slip, attendance notes, progress reports or any other school document.

Violation of Public Health and Safety:

1. Possessing, selling, or otherwise furnishing any firearms, knives, explosives, or otherwise dangerous objects (this includes buck knives and other similar knives.)
2. Possessing, selling, or otherwise furnishing any controlled substance (narcotics, drugs, marijuana), alcoholic beverage, or intoxicant of any kind, or facsimile of same.
3. Use of tobacco (including chewing tobacco).
4. Unlawfully offering, arranging or negotiating to sell drugs or drug paraphernalia, as defined in Section 11364 of the Health and Safety Code.

BP 5144.1(a)

SUSPENSION AND EXPULSION/DUE PROCESS

The Governing Board has established policies and standards of behavior in order to promote learning and protect the safety and well-being of all students. When these policies and standards are violated, it may be necessary to suspend or expel a student from regular classroom instruction.

(cf. 5144 - Discipline)

Suspended or expelled students shall be excluded from all school-related extracurricular activities during the period of suspension or expulsion.

(cf. 6145 - Extracurricular and Co-curricular Activities)

Except where suspension for a first offense is warranted in accordance with law, suspension shall be imposed only when other means of correction fail to bring about proper conduct. (Education Code 48900.5)

Expulsion is an action taken by the Board for severe or prolonged breaches of discipline by a student. Except for single acts of a grave nature, expulsion is used only when there is a history of misconduct, when other forms of discipline, including suspension, have failed to bring about proper conduct, or when the student's presence causes a continuing danger to him/herself or others. (Education Code 48915)

The grounds for suspension and expulsion and the procedures for considering, recommending, and/or implementing suspension and expulsion shall be specified in administrative regulation.

Zero Tolerance

The Board supports a zero tolerance approach to serious offenses. This approach makes the removal of potentially dangerous students from the classroom a top priority. It ensures fair and equal treatment of all students and requires that all offenders be punished. Staff shall immediately report to the Superintendent or designee any incidence of offenses specified in law, Board policy, and administrative regulation as cause for suspension or expulsion.

The Superintendent or designee shall notify staff, students, and parent/guardians about the district's zero tolerance policy and the consequences which may result from student offenses. He/she shall also ensure strict enforcement of this policy.

Student Due Process

The Board shall provide for the fair and equitable treatment of students facing suspension and expulsion by affording them their due process rights under the law. The Superintendent or designee shall comply with procedures for notices and appeals as specified in administrative regulation and law. (Education Code 48911, 48915 and 48915.5)

(cf. 5119 - Students Expelled from Other Districts)

(cf. 5144.2 - Suspension and Expulsion/Due Process - Individuals with Exceptional Needs)

BP 5144.1(b)

On-Campus Suspension Program

The Board recognizes that students who are suspended from school often have no supervision or guidance during the school hours when they are off campus and may fall behind in the coursework. The Board believes that in many cases it would be better to address the student's misconduct by keeping the student at school and providing him/her with supervision that is separated from the regular classroom.

The Superintendent or designee shall establish a supervised in-house suspension program which meets the requirements of law for suspended students who pose no imminent danger or threat at school and for whom an expulsion action has not been initiated.

The Superintendent or designee shall examine alternatives to off-campus suspension and may establish a suspension program which involves progressive discipline during the school day on campus; use of conferences between staff, parents/guardians, and students; detention; student study teams or other assessment-related teams; and/or referral to school support services staff. The use of such alternatives does not preclude off-campus suspensions.

Required Parental Attendance

The Board believes that parental involvement plays an important role in the resolution of classroom behavior problems. The Board expects that teachers will communicate with parents/ guardians when behavior problems arise.

Whenever a student is suspended from a class because he/she committed an obscene act, engaged in habitual profanity or vulgarity, disrupted school activities or otherwise willfully defied valid staff authority, the teacher of the class from which the student was suspended may require that the student's parent/guardian attend a portion of a school day in that class. After completing the classroom visit and before leaving school premises, the parent/guardian shall meet with the principal or designee. (Education Code 48900.1)

The Board encourages teachers to make reasonable efforts to have the parent/ guardian visit the class voluntarily. The teacher also may inform the parent/guardian about available resources and parent education opportunities. Teachers should reserve the option of required parental attendance for cases in which they have determined that it is the best strategy to promote positive interaction between the student and the parent/guardian and to improve classroom behavior.

The teacher shall apply this policy uniformly to all students within the classroom. This policy shall apply only to a parent/guardian who lives with the student. (Education Code 48900.1)

Parental attendance may be requested on the day the student returns to class or within one week thereafter. The principal or designee shall contact any parents/guardians who do not respond to the request to attend school. The Board recognizes that parental compliance with this policy may be delayed, modified, or prevented for reasons such as serious illness/injury/disability, absence from town, or inability to get certain release time from work.

District regulations and school-site rules for student discipline shall include procedures for implementing parental attendance requirements.

Decision not to Enforce Expulsion Order

On a case-by-case basis, the enforcement of an expulsion order may be suspended by the Board pursuant to the requirements of law.

BP 5144.1(c)

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

Legal Reference:

EDUCATION CODE

212.5 Sexual harassment
1981 Enrollment of students
17292.5 Program for expelled students
33032.5 Hate violence reduction
35146 Closed sessions (re suspensions)
35291 Rules (for government and discipline of schools)
35291.5 Rules and procedures on school discipline
48660-48666 Community day schools
48900-48926 Suspension and expulsion
48950 Speech and other communication
49073-49079 Privacy of student records

CODE OF CIVIL PROCEDURE

1985-1997 Subpoenas; means of production

GOVERNMENT CODE

11455.20 Contempt
54950-54962 Ralph M. Brown Act (re closed sessions)

HEALTH AND SAFETY CODE

11014.5 Drug paraphernalia
11053-11058 Standards and schedules

LABOR CODE

230.7 Discharge or discrimination against employee for taking time off to appear in school on behalf of a child

PENAL CODE

240 Assault defined
242 Battery defined
243.4 Sexual battery
245 Assault with deadly weapon
245.6 Hazing
261 Rape defined

266c Unlawful sexual intercourse
286 Sodomy defined
288 Lewd or lascivious acts with child under age 14
288a Oral copulation
289 Penetration of genital or anal openings
422.6 Interference with civil rights; damaging property
422.7 Aggravating factors for punishment
422.75 Protected classes
626.2 Entry upon campus after written notice of suspension or dismissal without permission
626.9 Gun-Free School Zone Act of 1995
626.10 Dirks, daggers, knives, razors or stun guns
868.5 Supporting person; attendance during testimony of witness
UNITED STATES CODE, TITLE 20
6301-8962 Improving America's Schools Act, especially:
8921-8922 Gun-Free Schools Act of 1994
John A. v. San Bernardino School District(1982) 33 Cal. 3d 301, 308
Fremont Union High School District v. Santa Clara County Board(1991) 235 Cal.App. 3d 1182
Garcia v. Los Angeles Board of Education(1991) 123 Cal.App. 3d 807
80 Ops.Cal.Atty.Gen. 85(1997)
80 Ops.Cal.Atty.Gen. 91(1997)
80 Ops.Cal.Atty.Gen. 347(1997)

Management Resources:

CDE PROGRAM ADVISORIES
0306.96 Expulsion Policies and Educational Placements, SPB 95/96-04

Policy

Adopted: 10/27/93

Revised: 10/11/95

Revised: 11/06/96

Revised: 10/14/98

Revised: 09/06/6

WILLIAM S. HART UNION HIGH SCHOOL DISTRICT

Santa Clarita, California

SUSPENSION AND EXPULSION/DUE PROCESS

Definitions

Suspension from school means removal of a student from ongoing instruction for adjustment purposes. However, "suspension" does not mean any of the following: (Education Code 48925)

1. Reassignment to another education program or class at the same school where the student will receive continuing instruction for the length of day prescribed by the Governing Board for students of the same grade level.
2. Referral to a certificated employee designated by the principal to advise students.
3. Removal from the class, but without reassignment to another class or program, for the remainder of the class period without sending the student to the principal or designee as provided in Education Code 48910. Removal from a particular class shall not occur more than once every five school days.

Expulsion means removal of a student from the immediate supervision and control, or the general supervision, of school personnel. (Education Code 48925)

Day means a calendar day unless otherwise specifically provided. (Education Code 48925)

School day means a day upon which the schools of the district are in session or weekdays during the summer recess. (Education Code 48925)

Student includes a student's parent/guardian or legal counsel. (Education Code 48925)

Principal's designee means one or more administrators or, if there is not a second administrator at one school site, a certificated person specifically designated by the principal, in writing, to assist with disciplinary procedures. Only one such person may be designated at any time as the principal's primary designee and only one such person may be designated as secondary designee for the school year. The names of such persons shall be on file in the principal's office. (Education Code 48911)

Notice of Regulations

At the beginning of each school year, the principal of each school shall ensure that all students and parents/guardians are notified in writing of all school rules related to discipline, suspension, and expulsion. Transfer students and their parents/guardians shall be notified at the time of enrollment. (Education Code 35291.5, 48900.1, 48980)

(cf. 5144 - Discipline)

Notification shall include information about the availability of individual school rules and all district policies and regulations pertaining to student discipline. (Education Code 35291)

(cf. 5145.6 - Parental Notifications)

SUSPENSION AND EXPULSION/DUE PROCESS

Grounds for Suspension and Expulsion

A student may be subject to suspension or expulsion when it is determined that he/she:

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. (Education Code 48900(a))
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 student had obtained written permission to possess the item from a certificated school employee, with the principal or designee's concurrence. (Education Code 48900(b))

(cf. 5131.7 - Weapons and Dangerous Instruments)
3. Unlawfully possessed, used, sold, or otherwise furnished, or was under the influence of any controlled substance as defined in the Health and Safety Code 11053-11058, alcoholic beverage, or intoxicant of any kind. (Education Code 48900(c))

(cf. 5131.6 - Alcohol and Other Drugs)
4. Unlawfully offered, arranged, or negotiated to sell any controlled substance as defined in Health and Safety Code 11053-11058, alcoholic beverage or intoxicant of any kind, and then sold, delivered, or otherwise furnished to any person another liquid, substance, or material and represented same as controlled substance, alcohol beverage, or intoxicant. (Education Code 48900(d))
5. Committed or attempted to commit robbery or extortion. (Education Code 48900(e))
6. Caused or attempted to cause damage to school property or private property. (Education Code 48900(f))
7. Stole or attempted to steal school property or private property. (Education Code 48900(g))
8. Possessed or used tobacco or any products containing tobacco or nicotine products, including but not limited to cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel. This restriction shall not prohibit a student from using or possessing his/her own prescription products. (Education Code 48900(h))
9. Committed an obscene act or engaged in habitual profanity or vulgarity. (Education Code 48900(i))
10. Unlawfully possessed, or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code 11014.5. (Education Code 48900(j))
11. Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, other school officials, or other school personnel engaged in the performance of their duties. (Education Code 48900(k))
12. Knowingly received stolen school property or private property. (Education Code 48900(l))
13. Possessed an imitation firearm, i.e., a replica of a firearm that is substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm. (Education Code 48900(m))
14. Committed or attempted to commit a sexual assault as defined in Penal Code 261, 266c, 286, 288, 288a, or 289, or committed a sexual battery as defined in Penal Code 243.4. (Education Code 48900(n))

15. Harassed, threatened, or intimidated a student who is a complaining witness or witness in a school disciplinary proceeding for the purpose of preventing that student from being a witness and/or retaliating against that student for being a witness. (Education Code 48900(o))
16. Made terrorist threats against school officials and/or school property. (Education Code 48900.7)
17. Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma. (Education Code 48900 (p))
18. Engaged in, or attempted to engage in, hazing. (Education Code 48900 (q))
19. A pupil who aided or abetted, as defined in Section 31 of the Penal Code, the infliction or attempted infliction of physical injury to another person may suffer suspension, but not expulsion, pursuant to this section, except that a pupil who has been adjudged by a juvenile court to have committed, as an aider and abettor, a crime of physical violence in which the victim suffered great bodily injury or serious bodily injury shall be subject to discipline. (Education Code 48900(s))

A student in grades 7 through 12 is also subject to suspension or recommendation for expulsion when it is determined that he/she:

20. Committed sexual harassment as defined in Education Code 212.5. (Education Code 48900.2)
(cf. 5145.7 - Sexual Harassment)
21. Caused, attempted to cause, threatened to cause, or participated in an act of hate violence, as defined in Education Code 33032.5. (Education Code 48900.3)
22. Intentionally harassed, threatened, or intimidated a student or group of students to the extent of having the actual and reasonably expected effect of materially disrupting class work, creating substantial disorder, and invading student rights by creating an intimidating or hostile educational environment. (Education Code 48900.4)

(cf. 5145.3 - Nondiscrimination/Harassment)

AR 5144.1(c)
AR 5144.1(d)

A student may be suspended or expelled for any of the acts listed above 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: (Education Code 48900)

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.

Alternatives to suspension or expulsion will be used with students who are truant, tardy, or otherwise absent from assigned school activities.

(cf. 5113 - Absences and Excuses)

(cf. 5144.2 - Suspension and Expulsion/Due Process (Individuals with Disabilities))

Suspension from Class by a Teacher/Parental Attendance

A teacher may suspend any student from his/her class for the remainder of the day and the following day for any act listed in "Grounds for Suspension and Expulsion" above. (Education Code 48910)

A teacher also may refer a student to the principal or designee for consideration of suspension from school. (Education Code 48910)

When suspending a student from his/her class, the teacher shall immediately report this action to the principal and send the student to the principal for appropriate action. The student shall be appropriately supervised during the class periods from which he/she has been suspended.

As soon as possible, the teacher shall ask the student's parent/guardian to attend a parent-teacher conference regarding the suspension. A counselor or psychologist should attend the conference if it is practical, and a school administrator may attend if either the parent/guardian or teacher so requests.

A suspended student shall not be returned to class during the period of suspension without the approval of the teacher of the class and the principal. (Education Code 48910)

A student suspended from class shall not be placed in another regular class during the period of suspension. However, if a student is assigned to more than one class per day, he/she may be placed in any other regular classes except those held at the same time as the class from which the student was suspended. (Education Code 48910)

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. (Education Code 48913)

Pursuant to Board policy, a teacher may provide that the parent/guardian of a student whom the teacher has suspended attend a portion of a school day in his/her student's classroom. When a teacher makes this request, the principal shall send the parent/guardian a written notice that the parent/guardian's attendance is required pursuant to law. (Education Code 48900.1)

This notice shall also:

1. Inform the parent/guardian when his/her presence is expected and by what means he/she may arrange an alternate date;
2. Describe the legal protections afforded to the parent/guardian as an employee under Labor Code 230.7;
3. Ask the parent/guardian to meet with the principal after the visit and before leaving school, as required by Education Code 48900.1.

AR 5144.1(e)

Suspension by Superintendent, Principal, or Principal's Designee

The Superintendent, principal, or principal's designee may suspend a student from a school for not more than five consecutive school days unless the suspension is extended pending expulsion. (Education Code 48911)

The Superintendent or designee shall immediately suspend any student found at school or at a school activity to be: (Education Code 48915)

1. Possessing, as verified by a district employee, or selling or otherwise furnishing a firearm, unless the student had obtained prior written permission to possess the item from a certificated school employee, with the principal or designee's concurrence.

2. Brandishing a knife, as defined in Education Code 48915(g), at another person.
3. Unlawfully selling a controlled substance listed in Health and Safety Code 11053-11058.
4. Committing or attempting to commit a sexual assault or committing a sexual battery as defined in item #14 under "Grounds for Suspension and Expulsion" above.
5. Possession of an explosive.

Suspension also may be imposed upon a first offense if the Superintendent, principal, or designee determines the student violated items #1-5 listed in "Grounds for Suspension and Expulsion" above or if the student's presence causes a danger to persons or property or threatens to disrupt the instructional process. (Education Code 48900.5)

A student may be suspended from school for not more than 20 school days in any school year, unless for purposes of adjustment a student enrolls in or is transferred to another regular school, an opportunity school, or continuation school or class, in which case suspension shall not exceed 30 days in any school year. However, this restriction on the number of days of suspension does not apply when the suspension is extended pending an expulsion. (Education Code 48903, 48912)

R 5144.1(f)

Suspensions shall be initiated according to the following procedures:

1. **Informal Conference:** Suspension shall be preceded by an informal conference conducted by the principal, designee, or the Superintendent with the student, and whenever practicable, the teacher, supervisor, or school employee who referred the student to the principal. At the conference, the student shall be informed of the reason for the disciplinary action and the evidence against him/her; the student shall be given the opportunity to present his/her version and evidence in support of his/her defense. (Education Code 48911(b))

This conference may be omitted if the principal, designee, or the Superintendent determines that an emergency situation exists. An "emergency situation" involves a clear and present danger to the lives, safety, or health of students or school personnel. If a student is suspended without this conference, both the parent/guardian and student shall be notified of the student's right to return to school for the purpose of a conference. The conference shall be held within two school days, unless the student waives his/her right to it or is physically unable to attend for any reason. In such case, the conference will be held as soon as the student is physically able to return to school. (Education Code 48911(c))

2. **Administrative Actions:** All requests for student suspension are to be processed by the principal or designee of the school in which the student is enrolled at the time of the misbehavior.

A school employee shall report the suspension, including the name of the student and the cause for the suspension, to the Superintendent or designee.

3. **Notice to Parents/Guardians:** At the time of the suspension, a school employee shall make a reasonable effort to contact the parent/guardian by telephone or in person. Whenever a student is suspended, the parent/guardian shall be notified in writing of the suspension. (Education Code 48911)

This notice shall state the specific offense committed by the student. (Education Code 48900.8)

In addition, the notice may also state the date and time when the student may return to school. If school officials wish to ask the parent/guardian to confer regarding matters pertinent to the suspension, the notice may add that state law requires the parent/guardian to respond to such requests without delay.

4. Parent/Guardian Conference: Whenever a student is suspended, school officials may meet with the parent/guardian to discuss the causes and duration of the suspension, the school policy involved, and any other pertinent matters. (Education Code 48914)

While the parent/guardian is required to respond without delay to a request for a conference about a student's behavior, no penalties may be imposed on the student for the failure of the parent/guardian to attend such a conference. The student may not be denied readmission solely because the parent/guardian failed to attend. (Education Code 48911)

5. Extension of Suspension: If the Board is considering the expulsion of a suspended student from any school or the suspension of a student for the balance of the semester from continuation school, the Superintendent or designee may, in writing, extend the suspension until such time as the Board has made a decision. (Education Code 48911(g))

AR 5144.1(g)

Any extension of the original period of suspension shall be preceded by notice of such extension with an offer to hold a conference concerning the extension, giving the student an opportunity to be heard. This conference may be held in conjunction with a meeting requested by the student or parent/guardian to challenge the original suspension. Extension of the suspension may be made only if the Superintendent or designee determines, following a meeting in which the student and the student's parent/guardian were invited to participate, that the student's presence at the school or at an alternative school would endanger persons or property or threaten to disrupt the instructional process. (Education Code 48911)

Suspension by the Board

The Board may suspend a student for any of the acts listed in "Grounds for Suspension and Expulsion" above and within the limits specified in "Suspension by Superintendent, Principal, or Principal's Designee" above. (Education Code 48912)

The Board may suspend a student enrolled in continuation school or class for a period not longer than the remainder of the semester if any of the acts listed in "Grounds for Suspension and Expulsion" occurred. The suspension shall meet the requirements of Education Code 48915. (Education Code 48912.5)

When the Board is considering a suspension, disciplinary action, or any other action (except expulsion) against any student, it shall hold closed sessions if a public hearing would lead to disclosure of information violating a student's right to privacy under Education Code 49073-49079.

(cf. 9321 - Closed Session Purposes and Agendas)

The Board shall provide the student and his/her parent/guardian with written notice of the closed session by certified mail. Upon receiving this notice, the student or parent/guardian may request a public meeting, and this request shall be granted if made in writing within 48 hours after receipt of the Board's notice. However, any discussion that conflicts with any other student's right to privacy still shall be held in closed session. (Education Code 35146, 48912)

On-Campus Suspension Program

Students for whom an action to expel has not been initiated and who pose no imminent danger or threat to the school, students, or staff may be assigned to a separate, supervised suspension classroom for the entire period of suspension. The following conditions shall apply: (Education Code 48911.1)

1. The supervised suspension classroom shall be staffed in accordance with law.

2. The student shall have access to appropriate counseling services.
3. The supervised suspension classroom shall promote completion of schoolwork and tests missed by the student during the suspension.
4. Each student shall be responsible for contacting his/her teacher(s) to receive assignments to be completed in the supervised suspension classroom. The teacher shall provide all assignments and tests that the student will miss while suspended. If no such work is assigned, the person supervising the suspension classroom shall assign schoolwork.

AR 5144.1(h)

At the time a student is assigned to a supervised suspension classroom, the principal or designee shall notify the student's parent/guardian in person or by telephone. When the assignment is for longer than one class period, this notification shall be made in writing. (Education Code 48911.1)

Authority to Expel

A student may be expelled only by the Board. The Board shall expel, as required by law, any student found to have committed certain offenses listed below under "Mandatory Recommendation and Mandatory Expulsion."

The Board also may order a student expelled for any of the acts listed above under "Grounds for Suspension and Expulsion" upon recommendation by the principal, Superintendent, hearing officer, or administrative panel, based on finding either or both of the following: (Education Code 48915(b) and (e))

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 student causes a continuing danger to the physical safety of the student or others.

Possible Recommendation for Expulsion

The principal, Superintendent, or designee may recommend a student's expulsion for any of the following acts: (Education Code 48915(a))

1. Causing serious physical injury to another person, except in self-defense.
2. Possession of any knife as defined in Education Code 48915(g), explosive, or other dangerous object of no reasonable use to the student.

(cf. 5131.7 - Weapons and Dangerous Instruments)

3. Unlawful possession of any controlled substance, as listed in the Health and Safety Code.
4. Robbery or extortion.
5. Assault or battery, as defined in Penal Code 240 and 242, upon any school employee.

Mandatory Recommendation for Expulsion and Mandatory Expulsion if guilt is established

The principal, Superintendent, or designee shall recommend that the Board expel any student found at school or at a school activity to be: (Education Code 48915(c))

1. Possessing, as verified by a district employee, or selling, or otherwise furnishing a firearm, unless the student had obtained prior written permission to possess the item from a certificated school employee, with the principal or designee's concurrence.
2. Brandishing a knife as defined in Education Code 48915(g) at another person.
3. Unlawfully selling a controlled substance listed in Health and Safety Code 11053-11058.
4. Committing or attempting to commit a sexual assault or committing a sexual battery as defined in item #14 under "Grounds for Suspension and Expulsion" above.
5. Possession of an explosive.

Upon finding that the student committed any of these acts, the Board shall expel the student. (Education Code 48915)

AR 5144.1(i)

Student's Right to Expulsion Hearing

The student is entitled to a hearing to determine whether the student should be expelled. The hearing shall be held within 30 school days after the principal or Superintendent or designee determines that one of the acts listed under "Grounds for Suspension and Expulsion" has occurred. (Education Code 48918(a))

The student is entitled to one postponement of an expulsion hearing for a period of not more than 30 calendar days. The request for postponement shall be in writing. Any subsequent postponement may be granted at the Board's discretion. (Education Code 48918(a))

If the Board finds it impracticable to comply with these time requirements for conducting an expulsion hearing, the Superintendent or designee may, for good cause, extend the time period by an additional five school days. Reasons for the extension shall be included as a part of the record when the expulsion hearing is held.

Once the hearing starts, all matters shall be pursued with reasonable diligence and concluded without unnecessary delay. (Education Code 48918(a))

Rights of Complaining Witness

An expulsion hearing involving allegations of sexual assault or sexual battery may be postponed for one school day in order to accommodate the special physical, mental, or emotional needs of a student who is the complaining witness. (Education Code 48918.5)

Whenever the Superintendent or designee recommends an expulsion hearing that addresses allegations of sexual assault or sexual battery, he/she shall give the complaining witness a copy of the district's suspension and expulsion policy and regulation and shall advise the witness of his/her right to: (Education Code 48918.5)

1. Receive five days' notice of his/her scheduled testimony at the hearing.
2. Have up to two adult support persons of his/her choosing present in the hearing at the time he/she testifies.
3. Have a closed hearing during the time he/she testifies.

Whenever any allegation of sexual assault or sexual battery is made, the Superintendent or designee shall immediately advise complaining witnesses and accused students to refrain from personal or telephone contact with each other during the time when an expulsion process is pending. (Education Code 48918.5)

AR 5144.1(j)

Written Notice of the Expulsion Hearing

Written notice of the hearing shall be forwarded to the student and the student's parent/guardian at least 10 calendar days before the date of the hearing. The notice shall include: (Education Code 48918(b))

1. The date and place of the hearing.
2. A statement of the specific facts, charges, and offense upon which the proposed expulsion is based.
3. A copy of district disciplinary rules which relate to the alleged violation.
4. Notification of the student's or parent/guardian's obligation, pursuant to Education Code 48915.1, to provide information about the student's status in the district to any other district in which the student seeks enrollment. This obligation applies when a student is expelled for acts other than those described in Education Code 48915(a).

(cf. 5119 - Students Expelled from Other Districts)

5. The opportunity for the student or the student's parent/ guardian to appear in person or to employ and be represented by counsel.
6. The right to inspect and obtain copies of all documents to be used at the hearing.
7. The opportunity to confront and question all witnesses who testify at the hearing.
8. The opportunity to question all evidence presented and to present oral and documentary evidence on the student's behalf, including witnesses.

Conduct of Expulsion Hearing

1. Closed Session: Notwithstanding the provisions of Government Code 54953 and Education Code 35145, the Board shall conduct a hearing to consider the expulsion of the student in a session closed to the public unless the student requests in writing at least five days prior to the hearing that the hearing be a public meeting. If such request is made, the meeting shall be public unless another student's privacy rights would be violated.
 - a. Whether the expulsion hearing is held in closed or public session, the Board may meet in closed session to deliberate and determine whether or not the student should be expelled. If the Board admits any other person to this closed session, the parent/guardian, the student, and the counsel of the student shall also be allowed to attend the closed session. (Education Code 48918(c))
 - b. If a hearing that involves a charge of sexual assault or sexual battery is to be conducted in public, a complaining witness shall have the right to have his/her testimony heard in closed session when testifying in public would threaten serious psychological harm to the witness and when 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 closed-circuit television. (Education Code 48918(c))
2. Record of Hearing: A record of the hearing shall be made and may be maintained by any means, including electronic recording, as long as a reasonably accurate written and complete written transcription of the proceedings can be made. (Education Code 48918(g))
3. Subpoenas: Before commencing a student expulsion hearing, the Board may issue subpoenas, at the request of either the student or the Superintendent or designee, for the personal appearance at the hearing of any person who actually witnessed the action that gave rise to the recommendation for expulsion. After the hearing has commenced, the Board or the hearing officer or administrative panel may issue such subpoenas at the request of the student or the County Superintendent of Schools or designee. All subpoenas shall be issued in accordance with the Code of Civil Procedure 1985-1985.2 and enforced in accordance with Government Code 11525. (Education Code 48918(i))

4. Any objection raised by the student or the Superintendent or designee to the issuance of subpoenas may be considered by the Board in closed session, or in open session if so requested by the student, before the meeting. The Board's decision in response to such an objection shall be final and binding. (Education Code 48918(i))
5. If the Board determines, or if the hearing officer or administrative panel finds and submits to the Board, that a witness would be subject to unreasonable risk of harm by testifying at the hearing, a subpoena shall not be issued to compel the personal attendance of that witness at the hearing. However, that witness may be compelled to testify by means of a sworn declaration as described in item #4 below. (Education Code 48918(i))
6. Presentation of Evidence: While technical rules of evidence do not apply to expulsion hearings, evidence may be admitted and used as proof only if it is the kind of evidence on which reasonable persons can rely in the conduct of serious affairs. The decision of the Board to expel must be supported by substantial evidence that the student committed any of the above acts listed in "Grounds for Suspension and Expulsion" above.

Findings of fact shall be based solely on the evidence at the hearing. While no evidence shall be based solely on hearsay, sworn declarations may be admitted as testimony from witnesses whose disclosure of their identity or testimony at the hearing may subject them to an unreasonable risk of physical or psychological harm. (Education Code 48918(f) and (h))

7. In cases where a search of a student's person or property has occurred, evidence describing the reasonableness of the search shall be included in the hearing record.

(cf. 5145.12 - Search and Seizure)
AR 5144.1(l)

8. Testimony by Complaining Witnesses: The following procedures shall be observed when hearings involve allegations of sexual assault or sexual battery by a student: (Education Code 48918)
 - a. Any complaining witness shall be given five days' notice before being called to testify.
 - b. Any complaining witness 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/her testimony.
 - c. Before a complaining witness testifies, support persons shall be admonished that the hearing is confidential.
 - d. The person presiding over the hearing may remove a support person whom he/she finds is disrupting the hearing.
 - e. If one or both support persons are also witnesses, the hearing shall be conducted according to Penal Code 868.5.
 - f. Evidence of specific instances of prior sexual conduct of a complaining witness shall be presumed inadmissible and shall not be heard unless the person conducting the hearing determines that extraordinary circumstances require the evidence to be heard. Before such a determination is made, the complaining witness shall be given notice and an opportunity to oppose the introduction of this evidence. In the hearing on the admissibility of this evidence, 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 a complaining witness shall not be admissible for any purpose.
 - g. In order to facilitate a free and accurate statement of the experiences of the complaining witness and to prevent discouragement of complaints, the district shall provide a nonthreatening environment.

(1) The district shall provide a room separate from the hearing room for the use of the complaining witness before and during breaks in testimony/

(2) At the discretion of the person conducting the hearing, the complaining witness shall be allowed reasonable periods of relief from examination and cross-examination during which he/she may leave the hearing room.

(3) The person conducting the hearing may:

(a) Arrange the seating within the hearing room so as to facilitate a less intimidating environment for the complaining witness.

(b) Limit the time for taking the testimony of a complaining witness to the hours he/she is normally in school, if there is no good cause to take the testimony during other hours.

(c) Permit one of the support persons to accompany the complaining witness to the witness stand.

9. **Decision Within 10 Days:** The Board's decision on whether to expel a student shall be made within 10 school days after the conclusion of the hearing, unless the student requests in writing that the decision be postponed. (Education Code 48918(a))

10. **Decision Within 40 Days:** If the Board does not meet on a weekly basis, its decision on whether to expel a student shall be made within 40 school days after the student is removed from his/her school of attendance, unless the student requests in writing that the decision be postponed. (Education Code 48918(a))

AR 5144.1(n)

Alternative Expulsion Hearing: Hearing Officer or Administrative Panel

Instead of conducting an expulsion hearing itself, the Board may contract with the county hearing officer, or with the Office of Administrative Hearings of the State of California for a hearing officer. Alternatively, the Board may appoint an impartial administrative panel composed of three or more certificated personnel, none of whom shall be members of the Board or on the staff of the school in which the student is enrolled. (Education Code 48918(d))

A hearing conducted by the hearing officer or administrative panel shall conform to the same procedures as apply to a hearing conducted by the Board as specified in "Conduct of Expulsion Hearing."

The hearing officer or administrative panel shall, within three school days after the hearing, determine whether to recommend expulsion of the student to the Board. If expulsion is not recommended, the student shall be immediately reinstated. The Superintendent or designee shall place the student in a classroom instructional program, any other instructional program, a rehabilitation program, or any combination of these programs after consulting with district staff, including the student's teachers, and with the student's parent/guardian. (Education Code 48918(e)).

If expulsion is recommended, findings of fact in support of the recommendation shall be prepared and submitted to the Board. All findings of fact and recommendations shall be based solely on the evidence presented at the hearing. The Board may accept the recommendation based either upon a review of the findings of fact and recommendations submitted or upon the results of any supplementary hearing the Board may order. (Education Code 48918(f))

In accordance with Board policy, the hearing officer or administrative panel may recommend that the Board suspend the enforcement of the expulsion for a period of one year. (See "Decision Not to Enforce Expulsion Order" below.)

The Board shall make its decision about the student's expulsion within 40 school days after the date of the student's removal from school unless the student requests in writing that the decision be postponed. (Education Code 48918(a))

Final Action by the Board

Whether the expulsion hearing is conducted in closed or public session by the Board, a hearing officer, or an administrative panel, the final action to expel shall be taken by the Board at a public meeting. (Education Code 48918(j))

(cf. 9321.1 - Closed Session Actions and Reports)

If the Board conducts the hearing and reaches a decision not to expel, this decision shall be final, and the student shall be reinstated immediately.

Upon ordering the expulsion, the Board shall set a date when the student shall be reviewed for readmission to a school within the district. For a student expelled for an act listed under "Mandatory Recommendation and Mandatory Expulsion" above, this date shall be one year from the date the expulsion occurred, except that the Board may set an earlier date on a case-by-case basis. For a student expelled for other acts, this date shall be no later than the last day of the semester following the semester in which the expulsion occurred. (Education Code 48916)

AR 5144.1(o)

At the time of the expulsion order, the Board shall recommend a plan for the student's rehabilitation, which may include: (Education Code 48916)

1. Periodic review as well as assessment of the student at the time of review for readmission.
2. Recommendations for improved academic performance, tutoring, special education assessments, job training, counseling, employment, community service, and other rehabilitative programs.

With parental consent, students who have been expelled for reasons relating to controlled substances or alcohol may be required to enroll in a county-sponsored drug rehabilitation program before returning to school. (Education Code 48916.5)

Written Notice to Expel

The Superintendent or designee shall send written notice of the decision to expel to the student or parent/guardian. This notice shall include the following:

1. The specific offense committed by the student for any of the causes for suspension or expulsion listed in Education Code 48900(a)-(o), Education Code 48900.2-48900.4 and Education Code 48915(c). (Education code 48900.8)
2. The fact that a description of readmission procedures will be made available to the student and his/her parent/ guardian. (Education Code 48916)
3. Notice of the right to appeal the expulsion to the County Board of Education. (Education Code 48918)
4. Notice of the alternative educational placement to be provided to the student during the time of expulsion. (Education Code 48918)
5. Notice of the student's or parent/guardian's obligation to inform any new district in which the student seeks to enroll of the student's status with the expelling district, pursuant to Education Code 48915.1. (Education Code 48918)

Suspension of Enforcement of the Expulsion

In accordance with Board policy, when deciding whether to suspend the enforcement of an expulsion, the Board shall take into account the following criteria:

1. The student's pattern of behavior.
2. The seriousness of the misconduct.
3. The student's attitude toward the misconduct and his/her willingness to follow a rehabilitation program.

AR 5144.1(p)

The suspension of the enforcement of an expulsion shall be governed by the following: (Education Code 48917)

1. The Board may, as a condition of the suspension of enforcement, assign the student to a school, class, or program appropriate for the student's rehabilitation. This rehabilitation program may provide for the involvement of the student's parent/guardian in the student's education. However, a parent/guardian's refusal to participate in the rehabilitation program shall not be considered in the Board's determination as to whether the student has satisfactorily completed the rehabilitation program.
2. During the period when enforcement of the expulsion order is suspended, the student shall be on probationary status.
3. The suspension of the enforcement of an expulsion order may be revoked by the Board if the student commits any of the acts listed under "Grounds for Suspension and Expulsion" above or violates any of the district's rules and regulations governing student conduct.
4. When the suspension of the enforcement of the expulsion order is revoked, a student may be expelled under the terms of the original expulsion order.
5. Upon satisfactory completion of the rehabilitation assignment, the Board shall reinstate the student in a district school. Upon reinstatement, the Board may order the expunging of any or all records of the expulsion proceedings.
6. Suspension of the enforcement of an expulsion order shall not affect the time period and requirements for the filing of an appeal of the expulsion order with the County Board of Education.
7. The Superintendent or designee shall send written notice of any decision to suspend the enforcement of an expulsion order during a period of probation to the student or parent/guardian. The notice shall also inform the parent/guardian of the right to appeal the expulsion to the County Board of Education. (Education Code 48918(j))

Right to Appeal

The student or parent/guardian is entitled to file an appeal of the Board's decision to the County Board of Education. The appeal must be filed within 30 days of the Board's decision to expel, even if the expulsion action is suspended and the student is placed on probation. (Education Code 48919)

Post-Expulsion Placements

The Board shall refer expelled students to a program of study that is: (Education Code 48915, 48915.01)

1. Appropriately prepared to accommodate students who exhibit discipline problems.
2. Not provided at a comprehensive middle, junior, or senior high school, or at any elementary school, unless the program is offered at a community day school established at such a site.
3. Not housed at the school site attended by the student at the time of suspension.

(cf. 6185 - Community Day School)

When the placement described above is not available, and when the County Superintendent of Schools so certifies, students expelled for acts described in items #6 through 13 and #17 through 19 under "Grounds for Suspension and Expulsion" above may be instead referred to a program of study that is provided at another comprehensive middle, junior, or senior high school, or at an elementary school.

The program for a student expelled from any of grades K-6 shall not be combined or merged with programs offered to students in any of grades 7-12. (Education Code 48916.1)

AR 5144.1(q)

Readmission After Expulsion

Readmission procedures shall be as follows:

1. On the date set by the Board when it ordered the expulsion, the district shall consider readmission of the student. (Education Code 48916)
2. The Superintendent or designee shall hold a conference with the parent/guardian and the student. At the conference the student's rehabilitation plan shall be reviewed, and the Superintendent or designee shall verify that the provisions of this plan have been met. School regulations shall be reviewed, and the student and parent/guardian shall be asked to indicate in writing their willingness to comply with these regulations.
3. The Superintendent or designee shall transmit to the Board his/her recommendation regarding readmission. The Board shall consider this recommendation in closed session if information would be disclosed in violation of Education Code 49073-49079. If a written request for open session is received from the parent/guardian or adult student, it shall be honored.
4. If the readmission is granted, the Superintendent or designee shall notify the student or parent/guardian, by registered mail, of the Board's decision regarding readmission.
5. The Board may deny readmission if it finds that the student has not satisfied the conditions of the rehabilitation plan or that the student continues to pose a danger to campus safety or to other district students or employees. (Education Code 48916)
6. If the Board denies the readmission of a student, the Board shall determine either to continue the student's placement in the alternative educational program initially selected or to place the student in another program that serves expelled students, including placement in a county community school. (Education Code 48916)
7. The Board shall provide written notice to the expelled student and parent/guardian describing the reasons for denying re-admittance into the regular program. This notice shall indicate the Board's determination of the educational program which the Board has chosen.

The student shall enroll in that program unless the parent/guardian chooses to enroll the student in another school district. (Education Code 48916)

Maintenance of Records

The Board will maintain a record of each expulsion, including the cause of the expulsion. The expulsion record shall be maintained in the student's mandatory interim record and sent to any school in which the student subsequently enrolls, within five days of a written request by the admitting school. (Education Code 48918(k))

The Superintendent or designee shall, within five working days, honor any other district's request for information about an expulsion from this district. (Education Code 48915.1)

(cf. 5119 - Students Expelled from Other Districts)

(cf. 5125 - Student Records)

Notifications to Law Enforcement Authorities

Prior to the suspension or expulsion of any student, the principal or designee shall notify appropriate city or county law enforcement authorities of any student acts of assault which may have violated Penal Code 245. (Education Code 48902)

The principal or designee also shall notify appropriate city or county law enforcement authorities of any student acts which may involve the possession or sale of narcotics or of a controlled substance or possession of weapons or firearms in violation of Penal Code 626.9 and 626.10. (Education Code 48902)

Within one school day after a student's suspension or expulsion, the principal or designee shall notify appropriate city or county law enforcement authorities, by telephone or other appropriate means, of any student acts which may violate Education Code 48900(c) or (d), relating to the possession, use, offering, or sale of controlled substances, alcohol, or intoxicants of any kind. (Education Code 48902)

Outcome Data

The Superintendent or designee shall maintain the following data and report such annually to the California Department of Education, using forms supplied by the California Department of Education: (Education Code 48900.8, 48916.1)

1. The number of students recommended for expulsion.
2. The grounds for each recommended expulsion.
3. Whether the student was subsequently expelled.
4. Whether the expulsion order was suspended.
5. The type of referral made after the expulsion.
6. The disposition of the student after the end of the expulsion period.

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WILLIAM S. HART UNION HIGH SCHOOL DISTRICT
Santa Clarita, California

SUSPENSION AND EXPULSION/DUE PROCESS (STUDENTS WITH DISABILITIES)

Suspension

A student identified as an individual with disabilities pursuant to the Individuals with Disabilities Education Act or Section 504 of the federal Rehabilitation Act of 1973 is subject to the same grounds for suspension and expulsion which apply to regular education students. All the procedural safeguards established by district policies and regulations shall be observed in considering the suspension of students with disabilities.

(cf. 5144.1 - Suspension and Expulsion/Due Process)

(cf. 6159.4 - Behavioral Interventions for Special Education Students)

Students with disabilities who have engaged in misconduct shall be entitled to an IEP (Individual Education Program) meeting before changing the placement of the student or imposing discipline that results in a significant change in placement. A "significant change in placement" includes a suspension for more than 10 consecutive school days or a series of suspensions which total more than 10 days in a school year where the cumulative effect of the suspensions creates a pattern of exclusion. The IEP shall be conducted and include a review of the appropriateness of the pupil's placement at the time of the alleged misconduct and a determination of the relationship, if any, between the pupil's behavior and his or her disability. An IEP team meeting or Section 504 meeting will be held to determine whether the misconduct was caused by, or was a direct manifestation of, the pupil's disability, and whether the pupil had been appropriately placed at the time the misconduct occurred.

A student who has not been identified as an individual with disabilities pursuant to IDEA and who has violated the district's disciplinary procedures may assert the procedural safeguards granted under this administrative regulation only if the district had knowledge that the student was disabled before the behavior occurred. (20 USC 1415)

The district shall be deemed to have knowledge that the student had a disability if one of the following conditions exists: (20 USC 1415)

1. The parent/guardian has expressed concern in writing that the student is in need of special education or related services.
2. The behavior or performance of the student demonstrates the need for such services.
3. The parent/guardian has requested an evaluation of the student for special education.

(cf. 6164.4 - Identification of Individuals for Special Education)

4. The teacher, Director of Special Education, or other district personnel has expressed concern about the behavior or performance of the student to other district personnel.

If it is determined that the district did not have knowledge that the student was disabled, then the student shall be disciplined in accordance with procedures established for students without disabilities. (20 USC 1415)

**SUSPENSION AND EXPULSION/DUE PROCESS
(STUDENTS WITH DISABILITIES) *(continued)***

Suspension

The Superintendent or designee may suspend a student with disability for up to five school days for a single incident of misconduct, and for up to 20 school days in a school year. If the student is transferred to another school or alternative educational program, the student may be suspended for up to 30 school days in a school year, but still no more than five days for a single incident of misconduct, unless the student is suspended by the Governing Board pursuant to Education Code 48912. Provided, however, that if a suspension would result in a significant change in the placement of the student, the student may not be suspended unless an IEP or 504 team first determines that the misconduct is not a direct manifestation of the student's disability and that the student was not in an inappropriate placement, as described in the previous paragraph. (Education Code 48903, 48911)

If the student poses an immediate threat to the safety of himself/herself or others, the Superintendent or designee may suspend the student for up to, but not more than, 10 consecutive school days. In the case of a dangerous child, a suspension may exceed 10 consecutive school days, and/or the student's placement may be changed, if the parent/guardian so agrees or if a court order so provides. (Education Code 48911)

Services During Suspension

Students suspended for more than 10 school days shall continue to receive a free and appropriate public education during the term of the suspension.

Interim Alternative Placement Due to Dangerous Behavior

A student with a disability may be placed in an appropriate interim alternative educational setting when he/she commits one of the following acts: (20 USC 1415)

1. Carries a weapon, as defined in 18 USC 930, to school or to a school function.
2. Knowingly possesses or uses illegal drugs while at school or a school function.
3. Sells or solicits the sale of a controlled substance while at school or a school function.
4. Inflicts serious bodily injury upon another person while at school.

A hearing officer may order a change in placement of a student with a disability to an appropriate interim educational setting if the hearing officer: (20 USC 1415)

1. Determines that the district has established by substantial evidence that maintaining the current placement of the student is substantially likely to result in injury to the student or others.
2. Considers the appropriateness of the student's current placement.
3. Considers whether the district has made reasonable efforts to minimize the risk of harm in the student's current placement, including the use of supplementary aids and services.
4. Determines that the interim alternative educational setting allows the student to participate in general curriculum, to continue to receive IEP services and to receive services designed to ensure that the behavior does not recur.

**SUSPENSION AND EXPULSION/DUE PROCESS
(STUDENTS WITH DISABILITIES) *(continued)***

The student may not be placed in the interim alternative educational setting for more than 45 calendar days, or until the conclusion of any due process hearing proceedings requested by the parent/guardian. (20 USC 1415)

The student's alternative educational setting shall be determined by the student's individualized educational program (IEP) team or school site committee. (20 USC 1415)

(cf. 6159 - Individualized Education Program)

Procedural Safeguards/Manifestation Determination

Either before or not later than 10 days after a student has been suspended for more than 10 days or placed in an alternative educational setting, the district shall convene an IEP team meeting to conduct a functional behavior assessment and implement a behavioral intervention plan. If the student already has a behavioral intervention plan, the IEP team shall review the plan and modify it as necessary to address the behavior. (20 USC 1415)

(cf. 6159.4 - Behavioral Interventions for Special Education Students)

The following procedural safeguards shall apply when a student is suspended for more than 10 days, when disciplinary action is contemplated for a dangerous behavior as described above, or when a change of placement of more than 10 days is contemplated: (20 USC 1415)

1. The parents/guardians of the student shall be immediately notified of the decision and all procedural safeguards on the day the decision to take action is made.
2. No later than 10 school days after the date of the decision, a manifestation determination shall be made of the relationship between the student's disability and the behavior subject to the disciplinary action by the IEP team.

At this hearing, the IEP team shall consider:

- a. Evaluations and diagnoses.
- b. Observations of the student.
- c. The student's IEP placement.

The team shall then determine whether the IEP and placement were appropriate and supplementary aids services, and behavioral interventions were provided. (20 USC 1415)

If the team determines that the student's behavior was not a manifestation of his/her disability, then the student may be disciplined in accordance with the procedures for students without disabilities. (20 USC 1415)

SUSPENSION AND EXPULSION/DUE PROCESS (STUDENTS WITH DISABILITIES) *(continued)*

If the team determines that the student's behavior was a manifestation of his/her disability then the student's placement may only be changed via the IEP or 504 team process.

Pre-Expulsion Meeting

Procedures and timelines governing the expulsion of students with disabilities shall be the same as those for all other students, except that a manifestation determination shall be made and an IEP team meeting or school site committee meeting held under conditions and with possible consequences indicated below.

1. The parent/guardian shall receive written notice of the district's intent to conduct an assessment and shall make the student available for the assessment without delay at a site designated by the district. The parent/guardian shall also have the right to an independent assessment as provided in Education Code 56329. (Education Code 48915.5)
2. The assessment shall be conducted in accordance with the guidelines of 34 CFR 104.35, which shall include a review of the student's placement at the time of the alleged misconduct and a determination of the relationship, if any, between the student's behavior and his/her disability. (Education Code 48915.5)
3. The IEP team or school site committee shall meet to determine if an expulsion hearing is appropriate. This meeting shall be held at a time and place mutually convenient to the parent/guardian and district within the period, if any, of the student's pre-expulsion suspension. The parent/guardian's participation may be made through actual participation, representation, or a telephone conference call. (Education Code 48915.5)
4. The parent/guardian shall be notified of his/her right to participate in the meeting at least 48 hours before the meeting. This notice shall specify: (Education Code 48915.5)
 - a. That the meeting may be held without the parent/ guardian's participation unless he/she requests a postponement for up to three additional school days and
 - b. That the suspension will be continued during the postponement if the student continues to pose an immediate threat to the safety of himself/herself or others.

If the required notice has been given and the parent has not requested a postponement, the meeting may be conducted without the parent's participation. In order to make a record of its attempts to arrange the meeting at a mutually convenient time and place, the district shall keep documentation such as: (34 CFR 300.345)

- a. Detailed records of telephone calls made or attempted and the results of those calls.
- b. Copies of correspondence sent to parents/guardians and any responses received.
- c. Detailed records of visits made to the parent/ guardian's home or place of employment and the results of those visits.

SUSPENSION AND EXPULSION/DUE PROCESS (STUDENTS WITH DISABILITIES) *(continued)*

5. The district shall grant a parent/guardian's request that the meeting be postponed for up to three additional school days and may extend a student's suspension for the period of postponement if he/she continues to pose an immediate threat to the safety of himself/herself or others. However, the suspension shall not be extended beyond 10 consecutive school days unless agreed to by the parent/guardian or by court order. If the parent/guardian refuses to consent to an extension beyond 10 consecutive school days and chooses not to participate, the meeting may be conducted without the parent/guardian's participation. (Education Code 48915.5)
6. The IEP team or school site committee shall consider any assessment results and shall also review and consider the student's health records and school discipline records. (Education Code 48915.5)
7. If the IEP team or school site committee determines that the alleged misconduct was caused by, or was a direct manifestation of the student's disability, or that the student was not appropriately placed, the expulsion shall not proceed. (Education Code 48915.5)
8. If the IEP team or school site committee determines that the alleged misconduct was not caused by, or a direct manifestation of, the student's disability, and if it is determined that the student was appropriately placed, the student shall be subject to expulsion in accordance with procedures that apply to all students. (Education Code 48915.5)
9. When expulsion is ordered, the Board shall recommend a rehabilitation plan for the student. (Education Code 48916)
10. If an IEP team or school site committee determines that the misconduct of a student with a disability was a direct manifestation of the disability, any record of expulsion or other disciplinary action which constituted a significant change in placement shall be expunged from all of the student's files and the student shall be reinstated into his or her previous placement, or an alternative program developed by the IEP or 504 team or ordered by a hearing officer or court.

Due Process Appeals

If the parent/guardian disagrees with the decision that the behavior was not a manifestation of the student's disability or with any decision regarding placement, he/she has a right to appeal the decision. (20 USC 1415)

Due process appeals must be initiated within 15 days of the decision of the IEP team or school site committee.

The expulsion hearing shall not be conducted, and the 30-day expulsion proceedings time limit shall not commence, until after completion of:

1. The pre-expulsion assessment and the manifestation determination (Education Code 48915.5, 20 USC 1415).
2. The IEP team or school site committee meeting. (Education Code 48915.5)
3. Due process hearings and appeals, if initiated. (Education Code 48915.5)

SUSPENSION AND EXPULSION/DUE PROCESS (STUDENTS WITH DISABILITIES) (continued)

The Board may expel a student with disability only if an IEP team or school site committee has determined that the misconduct was not caused by, or a direct manifestation of, the student's identified disability, and the student was appropriately placed at the time the misconduct occurred. (Education Code 48915.5)

Services During Expulsion

During the term of the expulsion, a student with a disability shall continue to be offered a program of free and appropriate public education. Such services may include independent study, home instruction, or another appropriate alternative program. The Board shall consider the recommendations of the IEP team or school site committee when developing a rehabilitation plan for an expelled student with disability.

(cf. 6158 - Independent Study)

(cf. 6183 - Home and Hospital Instruction)

Readmission

Readmission procedures for students with disabilities shall be the same as those used for all students. The Superintendent or designee may consider input of the student's IEP team or school site committee when developing recommendations to the Board regarding a request for readmission. Upon readmission, an IEP team or school site committee meeting shall be convened to determine whether a new IEP needs to be established.

Suspension of Expulsion

The Board's criteria for suspending the enforcement of an expulsion order shall be applied to students with disabilities in the same manner as they are applied to regular students. (Education Code 48917)

Legal Reference: (See next page)

**SUSPENSION AND EXPULSION/DUE PROCESS
(STUDENTS WITH DISABILITIES) (continued)**

Legal Reference:

EDUCATION CODE

35146 *Closed sessions (re suspensions)*
35291 *Rules (of governing board)*
48900-48925 *Suspension and expulsion*
56320 *Educational needs; requirements*
56321 *Development or revision of individualized education program*
56329 *Independent educational assessment*
56340-56347 *Individual education program teams*
56505 *State hearing*

PENAL CODE

626.2 *Unauthorized entry upon campus after written notice of suspension or dismissal*

UNITED STATES CODE, TITLE 18

930 *Weapons*

UNITED STATES CODE, TITLE 20

1412 *State eligibility*

1415 *Procedural Safeguards*

UNITED STATES CODE, TITLE 29

706 *Definitions*

794 *Rehabilitation Act of 1973, Section 504*

CODE OF FEDERAL REGULATIONS, TITLE 34

104.35 *Evaluation and placement*

104.36 *Procedural safeguards*

300.345 *Parent participation*

Honig v. Doe, (1988) 484 U.S. 305

Doe v. Maher, (1986) 793 F.2d 1470

Parents of Student W. v. Puyallup School District, (1994 9th Cir.) 31 F.3d 1489

M.P. v. Governing Board of Grossmont Union High School District, (1994) U.S. Dist. Ct. S.D. Cal. 858 F.Supp 1044

Rock Island School District #41, IDELR 353:364

San Juan Unified School District, 20 IDELR 549

Management Resources:

CDE LEGAL ADVISORIES

0123.91 *Clarification of Education Code Amendments, LO: 1-91*

0623.89 *Suspension and Expulsion of Handicapped Pupils, LO: 3-89*

CDE PROGRAM ADVISORY

0122.90 *Suspension and Expulsion Procedures for Individuals with Exceptional Needs, SPB:89/90-9*

Date

Issued: 10/27/93

Reissued: 08/23/95

Reissued: 04/16/97

Reissued: 12/02/98

Reissued: 09/17/08

WILLIAM S. HART UNION HIGH SCHOOL DISTRICT

Santa Clarita, California

**WILLIAM S. HART UNION HIGH SCHOOL DISTRICT
NOTICE OF SUSPENSION**

(Ref. E.C. 48900, 48900.2, 48900.3, 48900.4, 48900.7)

| | | | |
|--|-----------------|---------------------------|------------------------|
| To the Parent(s) or Guardian(s) of: | _____ | Date | _____ |
| Address | _____ | Home Phone | () - _____ |
| City/State | _____ Zip _____ | Other Phone | () - _____ ext. _____ |
| Dates of Suspension | _____ | Gender | _____ E.C. _____ |
| | | Date of Birth | _____ Grade _____ |
| | | Student ID No. | _____ |
| | | Special Education Program | _____ |

- Out of School In School Saturday (SOC) DAPEC

PLEASE BE ADVISED THAT THE ABOVE NAMED STUDENT IS SUSPENDED FROM SCHOOL FOR HAVING:

48900

- a. 1) Caused, attempted to cause, or threatened to cause physical injury to another person.
 - 2) Willfully used force or violence upon the person of another, except self-defense.
 - b. Possessed, sold, or furnished any firearm, knife, explosive, or other dangerous object.
 - c. Possessed, used, sold, furnished, or been under the influence of any controlled substance, alcoholic beverage or intoxicant.
 - d. Offered, arranged, or negotiated to sell any controlled substance, alcoholic beverage, or intoxicant of any kind, and then sold, delivered, or otherwise furnished to any person another liquid, substance, or material in lieu of the controlled substance, alcoholic beverage, or intoxicant.
 - e. Committed or attempted to commit robbery or extortion.
 - f. Caused or attempted to cause damage to school property or private property.
 - g. Stolen or attempted to steal school property or private property.
 - h. Possessed or used tobacco or any products containing tobacco or nicotine.
 - i. Committed an obscene act or engaged in habitual profanity or vulgarity.
 - j. Had unlawful possession of, or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia.
 - k. Disrupted school activities or otherwise willfully defied the valid authority of school personnel.
 - l. Knowingly received stolen school property or private property.
 - m. Possessed an imitation firearm.
 - n. Committed or attempted to commit a sexual assault or committed a sexual battery.
 - o. Harassed, threatened, or intimidated a pupil who is a complaining witness or witness in a school disciplinary proceeding.
 - p. Unlawfully offered, arranged to sell, negotiated to sell or sold the prescription drug Soma.
 - q. Engaged in, or attempted to engage in, hazing.
 - r. Engaged in any act of bullying, including but not limited to, bullying committed by means of an electronic act, directed specifically toward a pupil or school personnel.
 - t. Aided or abetted the infliction or attempted infliction of physical injury to another person.
- 48900.2 Committed sexual harassment.
- 48900.3 Participated in, caused, attempted to cause or threatened to cause an act of hate violence.
- 48900.4 Engaged in harassment, threats or intimidation of school district personnel or pupils.
- 48900.7 Made terrorists threats against school officials, school property, or both.

Brief description of the incident causing suspension:

Student is removed from the following extracurricular/co-curricular activity _____
from : _____ to _____

Contact with _____ was made on _____ at _____ () - _____ ext. _____
Parent or Guardian Date Phone

School personnel were unable to contact a parent/guardian by phone. Please call the administrator whose signature appears below.

Parent/guardian is required to attend a conference at school (E.C. 48911) on _____

During the period of suspension this student is to be under the supervision of a parent or guardian and is expressly denied access to all school campuses and facilities of the District and is prohibited from attending or participating in any school-sponsored activity, irrespective of location, unless otherwise expressly authorized by the Director of Student Services. Violations of these restrictions may result in additional disciplinary action, including misdemeanor arrest and prosecution under the provisions of the California Penal Code Section 626.2.

The student may return to school on _____. You and/or the student have a right of access to the student's records relating to this act and after meeting with the Principal, may request a meeting with the District Director of Student Services regarding this action by calling (661) 259-0033, ext. 210. **The period of suspension may be extended pending an expulsion hearing.** I understand the terms and conditions of this suspension

Parent/Guardian's Signature

Student's Signature

Administrator's Signature

School

Name and Title

()

School Phone

DANGEROUS STUDENT NOTIFICATION

DANGEROUS STUDENT NOTIFICATION

Per Education Code 48918(k): The governing board shall maintain a record of each expulsion, including the cause therefore. Records of expulsions shall be a non-privileged, disclosable public record. 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. To be in compliance with Education Code 49079 and Administrative Regulation 4158(a), the following protocol shall be observed:

In order to enroll at any Hart District School, the parent or legal guardian must complete the Hart District's Statement of Expulsion or Not. A sample of this form follows this page. If a student is reported via this form as being on expulsion—from another district or within our district—the Registrar will inform the administrators, their assistants, counselors, and the Special Assignment Sheriff's Deputy.

If it is reported that a student is on probation, the school official learning of this will inform the administrators, their assistants, counselors, and the Special Assignment Sheriff's Deputy.

For a student within our district, the Infinite Campus files will contain the pertinent information about any student's suspension and/or expulsion. If the student is from another district, the pertinent information of a student's suspension and/or expulsion will be placed in the student's Infinite Campus discipline file. Regarding a student being on probation, the name of the probation officer and that officer's phone number will be placed in the student's Infinite Campus discipline file and the information will be filed in the student's discipline hard file. This information will be available and accessible by all faculty, counselors, and administrators.

Employees will receive a Confidential Notification to contact an administrator when a student has previously been suspended or expelled for being in possession of a weapon or for directing a violent act towards an employee. In order to maintain confidentiality when providing the information about student offenses to employees, the notification shall not name or otherwise identify the student. An administrator will reveal the identity of the student to the employee(s). The employee shall be asked to initial the notification and to return it to the administrator. The employee shall then review the student's file in the administrator's office. After reviewing the student's file, the employee shall initial that the file was reviewed.

An administrator will immediately inform an employee if a threat of potential violence or danger has been made toward that employee—even if the employee is not aware of the threat. An investigation and validation of the alleged threat by an administrator will occur within a 48-hour period at the conclusion of which the employee will be advised of the results.

An employee, who is aware of any threat made by a student, or who is assaulted or battered by a student, shall report it to an administrator.

WILLIAM S. HART UNION HIGH SCHOOL DISTRICT

Dear Parent/Guardian:

One of our Governing Board's highest priorities is to ensure that our schools maintain a safe and orderly learning environment. As a result, our staff is providing you with the information below and request that parents of students new to our district complete this form and return it to the Registrar at the time of enrollment.

Education Code Section 48915.1 requires parents or guardians of students, or the student if over 18 years of age, to inform a school district upon enrollment if the enrolling student was expelled from his/her previous school district. Expulsion means removal from all schools of the district. This information must be divulged, even if the student was expelled and the expulsion was suspended and the student was allowed to return to school.

The Hart District shall hold a hearing before admitting any student who has been expelled from another district. If the student has been expelled for certain serious reasons specified in Education Code 48915 (a) or (c), his/her enrollment may occur only after the term of expulsion, and only if he/she has established legal residence in the district or is enrolled pursuant to an interdistrict attendance agreement.

I certify that _____ who is enrolling grade _____,

WAS expelled from his/her previous school district.

Was NOT expelled from his/her previous school district.

Is NOT on Probation

IS currently on Probation

Probation Officer's Name

Probation Officer's Telephone

Parent/Guardian Signature (or student signature if over 18 years of age)

Date

Please Print Parent/Guardian Name

Current Street Address

City

State

Zip Code

SEXUAL HARASSMENT

Employment and Housing

For more information, contact your nearest Fair Employment and Housing office.

BAKERSFIELD

1001 Tower Way, #250
Bakersfield, CA 93309-1586
(805) 395-2728

FRESNO

1900 Mariposa Mall, Suite
130 Fresno, CA 93721-2504
(209) 445-5373

LOS ANGELES

322 West First Street, #2126
Los Angeles, CA 90012-3112
(213)897-1997

OAKLAND

1330 Broadway, #1326
Oakland, CA 94612-
2512 (510)286-4095

SACRAMENTO

2000 "O" Street, #120
Sacramento, CA 95814-5212
(916)445-9918

SAN DIEGO

110 West "C" Street, #1702 San Diego,
CA 92010-3901 (619)237-7405

SAN FRANCISCO

30 Van Ness Avenue, Suite 3000 San
Francisco, CA 94102-6073 (415)557-2005

SAN JOSE

111 North Market Street, #810 San Jose, CA
95113-1102 (408)277-1264

SANTA ANA

28 Civic Center Plaza, #538 Santa Ana, CA
92701-4010 (714)558-4159

VENTURA

5720 Ralston Street, #302 Ventura, CA
93003-6081 (805) 654-4513

SAN BERNARDINO

1845 S. Business Center Dr., #127 San
Bernardino, CA 92408-3426 ;909) 383-4711

TDD NUMBERS

LOS ANGELES SACRAMENTO
(213)897-2840
(916)324-1678

SEXUAL HARASSMENT IS FORBIDDEN BY LAW

Sexual harassment in employment violates the provisions of the Fair Employment and Housing Act, specifically Government Code Sections 12940(a), (h), and (i).

EMPLOYER OBLIGATIONS

- Employers must take all reasonable steps to prevent discrimination and harassment from occurring.
- Employers must act to ensure a workplace free from sexual harassment by posting in the workplace a poster made available by the Department of Fair Employment and Housing.
- Employers must act to ensure a workplace free from sexual harassment by distributing to employees an information sheet on sexual harassment. An employer may either distribute this brochure (DFEH-185) or develop an equivalent document, which must meet the requirements of Government Code Section 12950(b).

DEFINITION OF SEXUAL HARASSMENT

The Fair Employment and Housing Commission regulations define sexual harassment as unwanted sexual advances, or visual, verbal or physical conduct of a sexual nature. This definition includes many forms



of a person of the same sex as the harasser; the following is a partial list:

- Unwanted sexual advances.
- Offering employment benefits in exchange for sexual favors.
- Making or threatening reprisals after a negative response to sexual advances.
- Visual conduct: leering, making sexual gestures, displaying of sexually suggestive objects or pictures, cartoons or posters.
- Verbal conduct: making or using derogatory comments, epithets, slurs, and jokes.
- Verbal sexual advances or propositions.
- Verbal abuse of a sexual nature, graphic verbal commentaries about an individual's body, sexually degrading words used to describe an individual, suggestive or obscene letters, notes, or invitations.
- Physical conduct: touching, assault, impeding or blocking movements.

EMPLOYER LIABILITY

All employers are covered by the harassment section of the Fair Employment and Housing Act. If harassment occurs, an employer may be liable even if management was not aware of the harassment. An employer might avoid liability if the harasser is a rank and file employee and if there was a program to prevent harassment. The harasser, as well as any management representative who knew about the harassment and condoned or ratified it, can be held personally

DFEH-1 TYPICAL SEXUAL HARASSMENT CASES

The three most common types of sexual harassment complaints filed with the Department are:

- An employee is fired or denied a job or an employment benefit because he/she refused to grant sexual favors or because he/she complained about harassment. (Retaliation for complaining about harassment is illegal, even if it cannot be demonstrated that the harassment actually occurred.)
- An employee quits because he/she can no longer tolerate an offensive work environment. (Referred to as a "constructive discharge" harassment case.) If it is proven that a reasonable person, under like conditions, would resign to escape the harassment, the employer may be held responsible for the resignation as if the employee had been discharged.
- An employee is exposed to an offensive work environment. Exposure to various kinds of behavior or to unwanted sexual advances alone may constitute harassment.

HOW THE LAW IS ENFORCED

Employees or job applicants who believe that they have been sexually harassed may, within one year of the harassment, file a complaint of discrimination with the California Department of Fair Employment and Housing. The Department serves as a neutral fact-finder and attempts to help the parties voluntarily resolve disputes. If the Department finds evidence of sexual harassment and settlement efforts fail, the Department may file a formal accusation against the employer and the harasser. The accusation will lead to either a public hearing before the Fair Employment and Housing Commission or a lawsuit filed on the

PREVENTING SEXUAL HARASSMENT

A program to eliminate sexual harassment from the workplace is not only required by law, but it is the most practical way to avoid or limit damages if harassment should occur despite preventive efforts.

COMPLAINT PROCEDURE:

An employer should take immediate and appropriate action when he/she knows, or should have known, that sexual harassment has occurred. An employer must take effective action to stop any further harassment and to ameliorate any effects of the harassment. To those ends, the employer's policy should include provisions to:

- Fully inform complainant of his/her rights and any obligations to secure those rights.
- Fully and effectively investigate. It must be immediate, thorough, objective and complete. All those with information on the matter should be interviewed. A determination must be made and the results communicated to the complainant, to the alleged harasser, and, as appropriate, to all others directly concerned.
- If proven, there must be prompt and effective remedial action. First, appropriate action must be taken against the harasser and communicated to the complainant. Second, steps must be taken to prevent any further harassment. Third, appropriate action must be taken to remedy the complainant's loss, if any.

TRAINING OF ALL INDIVIDUALS IN THE WORKPLACE:

| | |
|-------------------|----|
| All Personnel | BP |
| 4119.11 | |
| 4219.11 | BP |
| SEXUAL HARASSMENT | BP |
| 4319.11 | |

The Governing Board prohibits sexual harassment in the working environment of district employees or applicants by any person in any form. Employees who permit or engage in such harassment may be subject to disciplinary action up to and including dismissal.

(cf.4030 - Nondiscrimination In Employment) (cf. 4118 - Suspension/Disciplinary Action)

Any employee or applicant for employment who feels that he/she or another individual in the district is being sexually harassed should immediately contact his/her supervisor, principal, other district administrator or the Superintendent or designee in order to obtain procedures for reporting a complaint. Complaints of harassment can be filed in accordance with AR 4031 - Complaints Concerning Discrimination in Employment.

Any supervisor who receives a harassment complaint shall notify the Superintendent or designee, who shall ensure that the complaint is appropriately investigated.

(cf. 4031 - Complaints Concerning Discrimination In Employment)

The district prohibits retaliatory behavior against any complainant or any participant in the complaint process. Each complaint of sexual harassment shall be promptly investigated in a way that respects the privacy of all parties concerned.

Legal Reference:

EDUCATION CODE 200-240 Prohibition of discrimination on the basis of sex, especially:

212.5 Sexual harassment, defined

212.6 Sexual harassment policy

230 Particular practices prohibited

GOVERNMENT CODE

12900-12996 Fair Employment and Housing Act

LABOR CODE

1101 Political activities of employees

1102,1 Discrimination: sexual orientation

UNITED STATES CODE, TITLE 42

2000d S 2000e et seq. Title VI & Title VII, Civil Rights Act of 1964 as amended

2000/1-2 etseq. Title IX, 1972 Education Act Amendments

Meritor Savings Bank, FSB v. Vinson et al.

86 Daily Journal D.A.R. 2130

Policy
DISTRICT
Adopted: 10/27/93
California

WILLIAM S. HART UNION HIGH SCHOOL

Santa Clarita,

All Personnel

SEXUAL HARASSMENT

AR 4119.11 (a) 4219.11 4319.11

Prohibited sexual harassment includes, but is not limited to, unwelcome sexual advances, requests for sexual favors, or other verbal, visual or physical conduct of a sexual nature made by someone from or in the work or educational setting when:

1. Submission to the conduct is made either expressly or by implication in term or condition of any individual's employment.
2. Submission to or rejection of such conduct by an individual is used as the basis for an employment decision affecting the individual.
3. The conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or of creating an intimidating, hostile, or offensive working or educational environment or of adversely affecting the student or employee's performance, evaluation, advancement, assigned duties, or any other condition of education, employment or career development.
4. 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.

Other examples of sexual harassment, whether committed by a supervisor or any other employee, are:

1. Unwelcome leering, sexual flirtations or propositions.
2. Unwelcome sexual slurs, epithets, threats, verbal abuse, derogatory comments or sexually degrading descriptions.
3. Graphic verbal comments about an individual's body, or overly personal conversation.
4. Sexual jokes, stories, drawings, pictures or gestures.
5. Spreading sexual rumors.
6. Touching an individual's body or clothes in a sexual way.
7. Cornering or blocking of normal movements.
8. Displaying sexually suggestive objects in the educational or work environment.

SEXUAL HARASSMENT (continued)

9. Any act of retaliation against an individual who reports a violation of the district's sexual harassment policy or who participates in the investigation of a sexual harassment complaint.

Each principal and supervisor has the responsibility of maintaining an educational and work environment free of sexual harassment. This responsibility includes discussing the district's sexual harassment policy with his/her students and/or employees and assuring them that they are not required to endure sexually insulting, degrading or exploitative treatment or any other form of sexual harassment.

Notifications

A copy of the district's policy on Harassment in Employment shall:

1. Be displayed in a prominent location near each school principal's office.
2. Be provided to each faculty member, all members of the administrative staff, and all members of the support staff at the beginning of the first quarter or semester of the school year, or whenever a new employee is hired.
3. Appear in any school or district publication that sets forth the school or district's comprehensive rules, regulations, procedures and standards of conduct. (Education Code 212.6)

All employees shall receive either a copy of information sheets prepared by the California Department of Fair Employment and Housing or a copy of district information sheets that contain, at a minimum, components on:

1. The illegality of sexual harassment.
2. The definition of sexual harassment under applicable state and federal law.
3. A description of sexual harassment, with examples.
4. The district's complaint process available to the employee.
5. The legal remedies and complaint process available through the Fair Employment and Housing Department and Commission.6. Directions on how to contact the Fair Employment and Housing Department and Commission. (Government Code 12950)

NONDISCRIMINATION/HARASSMENT

District programs and activities shall be free from discrimination, including harassment, with respect to ethnic group, religion, gender, color, race, national origin, and physical or mental disability.

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 1312.3 - Uniform Complaint Procedures)
(cf. 6164.6 - Identification and Education Under Section 504)

The Governing Board shall ensure equal opportunities for all students in admission and access to the educational program, guidance and counseling programs, athletic and other co-curricular programs, testing procedures, and other activities. School staff and volunteers shall, carefully guard against segregation, bias, and stereotyping in instruction, guidance, and supervision.

(c£. 1240 - Volunteer Assistance)
(cf. 6145.2 - Interscholastic Competition)

The schools may provide girls and boys with separate shower rooms and sex instruction to protect student modesty. In physical education, when objective standards have an adverse effect on students because of their gender, race, ethnic group, or disability, other standards shall be used to measure achievement and create comparable educational opportunities.

The Board prohibits intimidation or harassment of any student by any employee, student, or other person in the district. Staff shall be alert and immediately responsive to student conduct, which may interfere with another student's ability to participate in or benefit from school services, activities, or privileges.

(cf. 5145.2 - Freedom of Speech/Expression: Publications Code) (cf. 5145.7 - Sexual Harassment)

Students who harass other students shall be subject to appropriate counseling and discipline, up to and including expulsion. An employee who permits or engages in harassment may be subject to disciplinary action, up to and including dismissal.

(cf. 4218 - Dismissal/Suspension/Disciplinary Action)
(cf. 5144.1 - Suspension and Expulsion/Due Process)

NONDISCRIMINATION/HARASSMENT (continued)

Any student who feels that he/she is being harassed should immediately contact the principal or designee. If a situation involving harassment is not promptly remedied by the principal or designee, a complaint can be filed in accordance with administrative regulations. The superintendent or designee shall determine which complaint procedure is appropriate.

(cf. 1312.1 - *Complaints Concerning District Employees*)
(cf. 1312.3 - *Uniform Complaint Procedures*)

Legal Reference:

CIVIL CODE

1714.1 *Liability of parents/guardians for willful misconduct of minor*

EDUCATION CODE

200-262.4 *Prohibition of discrimination on the basis of sex*

221.5 *Prohibited, sex discrimination*

221.7 *School-sponsored athletic programs; prohibited sex discrimination*

48900.3 *Suspension or expulsion for act of hate violence*

48900.4 *Suspension or expulsion for threats or harassment*

48904 *Liability of parent/guardian for willful student misconduct*

48907 *Student exercise of free expression*

48950 *Freedom of speech*

49020-49023 *Athletic programs*

51006-51007 *Equitable access to technological education programs*

51500 *Prohibited instruction or activity*

51501 *Prohibited means of instruction* 60044 *Prohibited instructional materials* **CODE OF**

REGULATIONS, TITLE 5

4621 *District policies and procedures*

4622 *Notice requirements*

UNITED STATES CODE, TITLE 42

2000d & 2000e et seq. **Title VI & VII. Civil Rights Act of 1964 as amended**

2000h-2 et seq. **Title IX, 1972 Education Act Amendments**

CODE OF FEDERAL REGULATIONS, TITLE 34

100.3a *Prohibition of discrimination on basis of race, color or national origin*

106.8 *Designation of responsible employee*

106.9 *Notification of nondiscrimination on basis of sex*

Policy WILLIAM S. HART UNION HIGH SCHOOL DISTRICT

Adopted:08/11/93

Revised: 08/09/95

Santa Clarita, California

SEXUAL HARASSMENT

The Governing Board prohibits unlawful sexual harassment of or by any student by anyone in or from the district.

Teachers shall discuss this policy with their students in age-appropriate ways and should assure them that they need not endure any form of sexual harassment.

(cf. 5131.5 - Vandalism, Theft and Graffiti)
(cf. 5137 - Positive School Climate)

Any student who engages in the sexual harassment of anyone in or from the district may be subject to disciplinary action up to and including expulsion. Any employee who permits or engages in sexual harassment may be subject to disciplinary action up to and including dismissal.

(cf. 4118 - Suspension/Disciplinary Action)
(cf. 5144.1 - Suspension and Expulsion/Due Process)

The Board expects students or staff to immediately report incidents of sexual harassment to the principal or designee or to another district administrator.
Any student who feels that he/she is being harassed should immediately contact the principal or designee or another district administrator in order to obtain a copy of AR 1312.3 - *Uniform Complaint Procedures*. Complaints of harassment can be filed in accordance with these procedures.

The district prohibits retaliatory behavior against any complainant or any participant in the complaint process. Each complaint of sexual harassment shall be promptly investigated in a way that respects the privacy of all parties concerned.

(cf. 1312.3 - Uniform Complaint Procedures)

Legal Reference: *(see next page)*

SEXUAL HARASSMENT (continued)

Legal Reference:

EDUCATION CODE 200-240 Prohibition of discrimination on the basis of sex, especially:

212.5 Sexual harassment

212.6 Sexual harassment policy

230 Particular practices prohibited

48980 Notice at beginning of term

UNITED STATES CODE, TITLE 42

2000d & 2000e et seq. Title VI & Title VII, Civil Rights Act of 1964 as amended

2000h-2 et seq. Title IX, 1972 Education Act Amendments

Franklin vs. Gwinnet County Schools (1992) 112 S. Ct. 1028

Policy
DISTRICT
adopted: 10/27/93
California

WILLIAM S. HART UNION HIGH SCHOOL

Santa Clarita,

SEXUAL HARASSMENT

Prohibited sexual harassment includes, but is not limited to, unwelcome sexual advances, requests for sexual favors, and other verbal, visual or physical conduct of a sexual nature when:

(Education Code 212.5)

1. Submission to the conduct is explicitly or implicitly made a term or condition of an individual's employment, academic status or progress.
2. Submission to or rejection of the conduct by an individual is used as the basis for academic or employment decisions affecting the individual.
3. The conduct has the purpose or effect of having a negative impact on the individual's academic or work performance, or of creating an intimidating, hostile or offensive educational or work environment.
4. 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 school.

Other types of conduct which are prohibited in the district and which may constitute sexual harassment include:

1. Unwelcome leering, sexual flirtations or propositions.
2. Unwelcome sexual slurs, epithets, threats, verbal abuse, derogatory comments or sexually degrading descriptions.
3. Graphic verbal comments about an individual's body, or overly personal conversation.
4. Sexual jokes, stories, drawings, pictures or gestures.
5. Spreading sexual rumors.
6. Teasing or sexual remarks about students enrolled in a predominantly single-sex class.
7. Touching an individual's body or clothes in a sexual way.
8. Purposefully limiting a student's access to educational tools.
9. Cornering or blocking of normal movements.

SEXUAL HARASSMENT (continued)

10. Displaying sexually suggestive objects in the educational environment.
11. Any act of retaliation against an individual who reports a violation of the districts sexual harassment policy or who participates in the investigation of a sexual harassment complaint.

Notifications

A copy of the district's sexual harassment policy shall:

1. Be included in the notifications that are sent to parents/guardians at the beginning of each school year. (Education Code 48980)

(cf. 5145.6 - Notifications Required by Law)

2. Be displayed in a prominent location near each school principal's office. (Education Code 212.6)
3. Be provided as part of any orientation program conducted for new students at the beginning of each quarter, semester or summer session. (Education code 212.6)
4. Appear in any school or district publication that sets forth the school or district's comprehensive rules, regulations, procedures and standards of conduct. (Education Code 212.6)

Enforcement

The principal or designee shall take appropriate actions to reinforce the district's sexual harassment policy. These actions may include:

1. Removing vulgar or offending graffiti.
2. Providing staff in-service and student instruction or counseling.
3. Taking appropriate disciplinary action as needed.

Government Code Section 12950(a) Requires All Employers to Post This Document

State of California

Department of Fair Employment and Housing



HARASSMENT OR DISCRIMINATION IN EMPLOYMENT

Because of

- Sex • Sexual Orientation • Race • Color • Religious Creed • Marital Status • Denial of Family and Medical Care Leave • Ancestry • National Origin
- Medical Condition (Cancer/Genetic Characteristics)
- Age (40 and above) • Disability (Mental and Physical) Including HIV and AIDS
- Denial of Pregnancy Disability Leave or Reasonable Accommodation

IS PROHIBITED BY LAW

The California Fair Employment and Housing Act

(Part 2.8 (commencing with Section 12900) of Div. 3 of Title 2 of the Government Code) and the Regulations of the Fair Employment and Housing Commission (Cal. Code of Regs., Title 2, Division 4, Section 7285.0 through Section 8504)

- prohibit harassment of employees, applicants and independent contractors and requires employers to take all reasonable steps to prevent harassment. The prohibition against sex harassment includes a prohibition against sexual harassment, gender harassment, and harassment based on pregnancy, childbirth, or related medical conditions.
- require that all employers provide information to each of their employees on the nature, illegality and legal remedies, which apply to sexual harassment. Employers may either develop their own publication, which must meet standards as set forth in California Government Code Section 12950, or use a brochure which may be obtained from the Department of Fair Employment and Housing.
- require employers to reasonably accommodate disabled employees or job applicants in order to enable them to perform the essential functions of a job.
- permit job applicants and employees to file complaints with the Department of Fair Employment and Housing (DFEH) against an employer, employment agency, or labor union, which fails to grant equal employment as required by law.
- prohibit discrimination against any job applicant or employee in hiring, promotions, assignments or discharge. On-the-job segregation also is prohibited.
- require employers, employment agencies, and unions to preserve applications, personnel and employment referral records for a minimum of two years.
- require employers to provide leaves of up to four months to employees disabled because of pregnancy, maternity or childbirth.
- require an employer to provide reasonable accommodations requested by an employee, with the advice of her health care provider, related to her pregnancy, childbirth or related medical conditions.
- require employers of 50 or more persons to allow eligible employees to take up to 12 weeks leave in a 12-month period for the birth of a child, the placement of a child for adoption or foster care, for an employee's own serious health condition, or to care for a parent, spouse or child with a serious health condition. (Employers are required to post a notice informing employees of their family and medical leave rights.)
- require employment agencies to serve all applicants equally; to refuse discriminatory job orders; to refrain from prohibited pre-hiring inquiries or help-wanted advertising.
- require unions not to discriminate in member admissions or dispatching to jobs.
- forbid any person to interfere with efforts to comply with the act. Permits employers to file complaints against workers who refuse to cooperate with the provisions of the law. Authorizes the DFEH to work affirmatively with cooperating employers to review hiring and recruiting practices in order to expand equal opportunity.

THE LAW PROVIDES FOR ADMINISTRATIVE FINES AND FOR REMEDIES FOR INDIVIDUALS, WHICH MAY INCLUDE:
hiring, back pay, promotion, reinstatement, cease-and-desist order, expert witness fees, punitive damages, and damages for emotional distress.

JOB APPLICANTS AND EMPLOYEES: If you believe you have experienced discrimination, you may file a DFEH complaint. INDEPENDENT CONTRACTORS: If you believe you have been harassed, you may file a DFEH complaint. Complaints must be filed within one year from the last act of discrimination/harassment.

For information contact the Department of Fair Employment and Housing:

Toll Free 1-800-884-1684 SACRAMENTO, CA Area/OUT OF STATE (916) 227-0551

TDD Number 1-800-700-2320 Website: www.dfeh.ca.gov

This notice must be conspicuously posted in hiring offices, on employee bulletin boards, in employment agency waiting rooms, union halls, etc.

DFEH 162

STATE OF CALIFORNIA THE DEPARTMENT OF FAIR EMPLOYMENT AND
HOUSING

SEXUAL HARASSMENT IS FORBIDDEN BY LAW

Sexual Harassment in employment violates the provisions of the Fair Employment and Housing Act, specifically Government Code Sections 12940(a), (h) and (I).

EMPLOYER OBLIGATIONS

Employers must take all reasonable steps to prevent discrimination and harassment from occurring.

Employers must act to ensure a workplace free from sexual harassment by distributing to employees an Information sheet on sexual harassment. An employer may either distribute the brochure (DFEH-185) or develop an equivalent document, which must meet the requirements of Government Code Section 12950(b).

DEFINITION OF SEXUAL HARASSMENT

appropriate corrective action to stop the harassment once the employer learns about it. Employers are strictly liable for harassment by their supervisor or agents. The harasser, as well as any management representative who knew about the harassment and condoned or ratified it can be held personally liable for damages.

Additionally, Government Code Section 12940(0) requires an entity to take all reasonable steps to prevent harassment from occurring." If an employer has failed to take such preventive measures, that employer can be held liable for the harassment.

A victim may be entitled to damages even though no employment opportunity has been denied and there is no actual loss of pay or benefits.

Commission finds that harassment occurred, it can order remedies, including up to \$50,000 in fines or damages for emotional distress from each employer or harasser charged. In addition the Commission may order hiring or reinstatement, back pay, promotion, and changes in the policies or practices of the involved employer. A court may order unlimited damages.

PREVENTING SEXUAL HARASSMENT

A program to eliminate sexual harassment from the workplace is not only required by law, but it is the most practical way to avoid or limit damages if harassment should occur despite preventive efforts.

The Fair Employment and Housing Act defines harassment because of sex as including sexual harassment, gender harassment, and harassment based on pregnancy, childbirth, or related medical conditions. The Fair Employment and Housing Commission regulations define sexual harassment as unwanted sexual advances, or visual, verbal or physical conduct of a sexual nature. This definition includes many forms of offensive behavior and includes gender-based harassment of a person of the same sex as the harasser: the following is a partial list

- Unwanted sexual advances.
- Offering employment benefits in exchange for sexual favors.
- Making or threatening reprisals after a negative response to sexual advances.
- Visual conduct: leering, making sexual gestures, displaying of sexually suggestive objects or pictures, cartoons or posters.
- Verbal conduct making or using derogatory comments, epithets, slurs, and jokes.
- Verbal sexual advances or propositions.
- Verbal abuse of a sexual nature, graphic verbal commentaries about an individual's body, sexually degrading words used to describe an individual, suggestive or obscene letters, notes, or invitations.
- Physical conduct: touching, assault, impeding or blocking movements.

EMPLOYER LIABILITY

All employers are covered by the harassment section of the Fair Employment and Housing Act. If harassment occurs, an employer may be liable even if management was not aware of the harassment. An employer might avoid liability if the harasser is a rank and file employee and if the employer had no knowledge of the harassment, and if there was a program to prevent harassment. If the harasser is a rank and file employee, the employer may avoid liability if the employer takes immediate and

TYPICAL SEXUAL HARASSMENT CASES

The three most common types of sexual harassment complaints filed with the Department are:

- An employee is fired or denied a job or an employment benefit because he/she refused to grant sexual favors or because he/she complained about harassment. Retaliation for complaining about harassment is illegal, even if it cannot be demonstrated that the harassment actually occurred.
- An employee quits because he/she can no longer tolerate an offensive work environment, referred to as a "constructive discharge" harassment case. If it is proven that a reasonable person, under like conditions, would resign to escape the harassment, the employer may be held responsible for the resignation as if the employee had been discharged.
- An employee is exposed to an offensive work environment. Exposure to various kinds of behavior or to unwanted sexual advances alone may constitute harassment.

HOW THE LAW IS ENFORCED

Employees or job applicants who believe that they have been sexually harassed may, within one year of the harassment, file a complaint of discrimination with the California Department of Fair Employment and Housing. The Department serves as a neutral (act) and attempts to help the parties voluntarily resolve disputes. If the Department finds evidence of sexual harassment and settlement efforts fail, the Department may file a formal accusation against the employer and the harasser. The accusation will lead to either a public hearing before the Fair Employment and Housing Commission or a lawsuit filed on the complainant's behalf by the Department (he

For more information contact the Department of Fair Employment and Housing:

Toll Free 1-800-884-1684

TDD Numbers:

Los Angeles (213) 897-2840

Sacramento (916) 324-1678

COMPLAINT PROCEDURE

An employer should take immediate and appropriate action when he/she knows, or should have known, that sexual harassment has occurred. An employer must take effective action to stop any further harassment and to ameliorate any effects of the harassment. To those ends, the employer's policy should include provisions to:

- Fully inform complainant of his/her rights and any obligations to secure those rights.
- Fully and effectively investigate. It must be immediate, thorough, objective and complete. All those with information on the matter should be interviewed. A determination must be made and the results communicated to the complainant, to the alleged harasser, and, as appropriate, to all others directly concerned.
- If proven, there must be prompt and effective remedial action. First, appropriate action must be taken against the harasser and communicated to the complainant. Second, steps must be taken to prevent any further harassment. Third, appropriate action must be taken to remedy the complainant's loss, if any.

TRAINING OF ALL INDIVIDUALS IN THE WORKPLACE

All employees must receive from their employers a copy of pamphlet #DFEH-185 or an equivalent document.

All employees should be made aware of the seriousness of violations of the sexual harassment policy. Supervisory personnel should be educated about their specific responsibilities. Rank and file employees should be cautioned against using peer pressure to discourage harassment victims from using the internal grievance procedure.

HATE CRIME POLICIES AND PROCEDURES

HATE CRIME REPORTING

The Governing Board prohibits unlawful harassment of or by any student, which includes hate motivated acts. Teachers are to discuss this policy with their students in age appropriate ways and should assure them that they need not endure any form of harassment. Any student who engages in the harassment of anyone in or from the District is subject to disciplinary action up to and including expulsion. Any employee who permits or engages in harassment may be subject to disciplinary action up to and including dismissal. The Board expects students and staff to immediately report incidents of harassment to the principal or other administrator. Any student who feels that she/he is being harassed should immediately contact the principal or designee or another district administrator in order to obtain a copy of AR1312.3—Uniform Complaint Procedure. Complaints of harassment can be filed in accordance with these procedures.

The District prohibits retaliatory behavior against any complainant or any participant in the complaint process. Each complaint of harassment shall be promptly investigated in a way that respects the privacy of all parties concerned.

The principal or designee shall take appropriate actions to reinforce the district's harassment policy. These actions may include, but are not limited to:

1. Removing hateful, vulgar, or offending graffiti.
2. Providing staff in-service and student instruction or counseling.
3. Taking appropriate disciplinary action as needed.

Hate-Motivated Behavior

The Governing Board affirms the right of every student to be protected from hate-motivated behavior. It is the intent of the Board to promote harmonious relationships that enable students to gain a better understanding of the civil rights and social responsibilities of people in our society. Hate motivated behavior includes, but is not limited to, statements that degrade an individual on the basis of his/her race, ethnicity, culture, heritage, gender, sexual orientation, physical/mental attributes, or religious beliefs and/or actions that are based on such statements. Hate motivated behavior shall not be tolerated.

(cf. 0410 - Nondiscrimination in District Programs and Activities)

(cf. 0450 - Comprehensive Safety Plan)

(cf. 3515.1 - Crime Data Reporting)

(cf. 3515.4 - Recovery for Property Loss or Damage)

(cf. 5131.5 - Vandalism, Theft and Graffiti)

(cf. 5136 - Gangs)

(cf. 5137 - Positive School Climate)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

(cf. 6141.6 -Multicultural Education)

Any student who feels that he/she is a victim of hate-motivated behavior shall immediately contact the principal or designee. If the student believes that the situation has not been remedied by the principal or designee, he/she may file a complaint in accordance with district complaint procedures.

The superintendent or designee shall ensure that appropriate staff receives necessary training to recognize hate-motivated behavior and methods for handling such behavior in appropriate ways.

The district shall provide age-appropriate information to help promote understanding of and respect for human rights.

At the beginning of each school year, students and staff shall receive a copy of the District policy on hate-motivated behavior.

Legal reference:

EDUCATION CODE

201 Educational Equity

Policy
adopted: 8/27/03

WILLIAM S. HART UNION HIGH SCHOOL DISTRICT
Santa Clarita, California



Dear Students and Parents;

The Hart District Governing Board promotes harmonious relationships that enable students to gain a better understanding of the civil rights and social responsibilities of people in our society. Many of the Board's policies on harassment and discrimination are based on this principle.

This document attempts to bring together policies adopted by the Hart District governing Board dealing with harassment of students on the basis of ethnic identification, religion, gender, sexual orientation, color, race, ancestry, national origin or physical or mental disability. It also covers the appropriate action that should be taken when a student encounters such harassment, and the penalties for committing harassment.

Hart District Governing Board

Policies:

The Board expects students to make effective use of learning opportunities by demonstrating regular attendance, appropriate conduct and respect for others. The Board is fully committed to providing equal educational opportunities and keeping the schools free from discriminatory practices. The Board will not tolerate intimidation or harassment of any student for any reason.

BP 5000

Governing Board policy on Hate-Motivated Behavior specifically affirms the right of every student to be protected from hate-motivated behavior. Hate motivated behavior includes statements that degrade an individual on the basis of his/her race, ethnicity, culture, heritage, gender, sexual orientation, physical/mental attributes or religious beliefs and/or actions based on such statements. *Hate motivated behavior will not be tolerated.*

BP 5145.9

The District's policy on a Comprehensive Safety Plan requires each school to adopt a plan which creates a positive school climate that promotes respect for diversity, personal and social responsibility, effective interpersonal and communication skills, self-esteem, anger management and conflict resolution.

AR 0450

District programs and activities shall be free from discrimination, including harassment, with respect to ethnic group, religion, sex, gender, color, race, national origin and physical or mental disability. The Board prohibits intimidation or harassment of any student by any employee, student or other person in the district. Staff shall be alert and immediately responsive to student conduct that may interfere with another student's ability to participate in or benefit from school services, activities or privileges.

BP 5145.3

District employees are expected to carry out their responsibilities free from discriminatory statements or conduct. Teachers will cooperate with other certificated staff in enforcing general school rules and helping students to understand the benefits of choosing behaviors that show respect for other people and property. Staff shall enforce disciplinary rules fairly and consistently, without regard to race, creed, color or sex.

BP 4030, BP 5131, BP 5144

Hazing is prohibited by Governing Board policy. Hazing includes either engaging in or conspiring with others to engage in harassing acts that injure, degrade or disgrace other individuals.

EC 32051

Students are expected to refrain from profane, vulgar abusive language. Students who violate these rules may be subject to discipline, suspension, exclusion, expulsion or transfer to alternative programs.

BPS131

Complaint Procedures:

Any student who feels that he/she is a victim hate-motivated behavior should immediately report the situation to the principal or other designated administrator. If the student feels that the situation is not being resolved by the administrator, the District's Uniform Complaint Procedure offers specific channels to take the complaint to a higher level.

BP 5145.9, BP 1312.3(a)

Any student who feels that he/she is being harassed should immediately contact the principal or designated administrator. If a situation involving harassment is not promptly remedied by the principal or designee, a complaint can be filed in accordance with administrative regulations. The superintendent or designee shall determine which complaint procedure is appropriate.

BP 5145.3

Complaints alleging unlawful discrimination may be filed by a person who believes that he or she has personally suffered unlawful discrimination or by a person who believes that an individual of any specific class of individuals has been subjected to unlawful discrimination. The complaint must be filed within six months, and sets in motion a five-step procedure that includes an attempt at mediation, investigation of the complaint, a District response, and final written decision. There are specific timeframes established for each step, and rights of appeal within 15 days of the final decision.

AR 1312.3

The schedule of actions possible with an infraction of regulations is:

- 1) Conference regarding violation and a warning
- 2) In-school probation or suspension
- 3) Parent-teacher conference
- 4) Parent-administrator conference
- 5) Detention
- 6) Withhold grades, diploma and transcripts
- 7) Suspension and/or Saturday Opportunity Class
- 8) Arrest
- 9) Transfer to another school
- 10) Transfer to another specialized program or continuation school
- 11) Expulsion from the district

E 5144(a)

It is grounds for suspension or expulsion to cause, attempt to cause, or even threaten to cause physical injury to another person or willfully use force or violence upon another person, except in self-defense. It is also grounds for suspension or expulsion to harass, threaten or intimidate a student who is a complaining witness or witness in a school disciplinary proceeding to prevent that student from being a witness. Retaliating against a student for being a witness is also grounds for suspension or expulsion. Students who cause, attempt to cause, threaten or participate in an act of hate violence (as defined in Education Code 33032.5) are also subject to suspension or expulsion.

AR 5144.1

Students who harass other students shall be subject to appropriate counseling and discipline, up to and including expulsion. An employee who permits or engages in harassment may be subject to disciplinary action, up to and including dismissal.

BP 5145.3

District employees who permit or engage in discrimination or harassment may be subject to disciplinary action up to and including dismissal.

BP 4030

This document presents an abbreviated summary of Hart District policies relating to discrimination and harassment. Full Board Policies (BP), Administrative Regulations (AR) and Education Code (E) documents are available for review at the District Office.

BULLYING, CYBER-BULLYING, AND CYBER-CRIME

Bullying, Cyber-Bullying, Cyber-Crime

The passage of AB9 and AB1156 on October 9, 2011, requires school districts to adopt policies prohibiting bullying and requires that bullying victims be given priority for inter-district transfers. According to these new laws, bullying is defined as severe or pervasive physical or verbal acts or conduct, including communications made in writing or by means of an electronic act that has the effect of or can reasonably be predicted to have the effect of:

- a) placing a reasonable pupil in fear of harm to his or her person or property;
- b) causing a reasonable pupil to experience a substantially detrimental effect on his or her physical or mental health;
- c) causing a reasonable pupil to experience substantial interference with his or her academic performance; or
- d) causing a reasonable pupil to experience substantial inference with his or her ability to participate in or benefit from the services, activities, or privileges provided by a school.

There are many forms of bullying: physical, psychological, emotional, sexual, cyber, etc. Acts of bullying may include pushing, punching, tripping, name-calling, rejecting, terrorizing, extorting, humiliating, sexual harassment, sexual assault, electronically communicating insults/threats, etc.

Under AB9, school personnel who witness such acts must take immediate steps to intervene, when safe to do so. Further, AB1156 requires that student bullying victims be given priority for inter-district transfers under existing inter-district attendance agreements. The Board expects students and staff to immediately report incidents of bullying to the principal or other administrator. Any student who feels that she/he is a victim of bullying should immediately contact the principal or designee or another district administrator.

