Alternative Education Program

COMPREHENSIVE SCHOOL SAFETY PLAN

School Site Council & School Safety Planning Committee Evaluation Certification

2018-2019 UPDATE

California law requires the Comprehensive School Safety Plan of each school to be annually evaluated and amended, as needed, to ensure the plan is properly implemented (Education Code 35294.2[e]). An updated file of all safety-related plans and materials is maintained by The SCCOE Alternative Education Program and is readily available for inspection by the public.

The SCCOE Alternative Education School Site Council and School Safety Planning Committee has evaluated the Comprehensive School Safety Plan and has determined the following:

The plan has been properly implemented and no amendments are needed.

[Signature]

Faris Sabbah
Superintendent
Santa Cruz County Office of Education
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COMPREHENSIVE SCHOOL SAFETY PLAN
Part I – Public Components
2018-2019

School: Santa Cruz County Office of Education Court & Community Schools
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Purpose of the Comprehensive School Safety Plan (CSSP)

Sections 32280-32288 of the California Education Code outline the requirements of all schools operating any kindergarten and any grades 1 to 12, inclusive, to write and develop a Comprehensive School Safety Plan relevant to the needs and resources of that particular school.

It is the intent of the Legislature in enacting the provisions to support California public schools as they develop their mandated Comprehensive School Safety Plans that are the result of a systematic planning process, that include strategies aimed at the prevention of, and education about, potential incidents involving crime and violence on school campuses. Comprehensive School Safety Plans are required under SB 719 & AB 115 and must contain the following elements:

- Assessment of school crime committed on school campuses and at school-related functions
- Child abuse reporting procedures
- Disaster procedures
- Suspension and expulsion policies
- Procedures to notify teachers of dangerous pupils
- Discrimination and harassment policies
- School wide dress code policies
- Procedures for safe ingress and egress
- Policies enacted to maintain a safe and orderly environment
- Rules and procedures on school discipline
- Hate crime reporting procedures

The Comprehensive School Safety Plan will be reviewed and updated by March 1st every year. In July of every year, the school will report on the status of its school safety plan including a description of its key elements in the annual School Accountability Report Card (SARC).

A copy of the Comprehensive School Safety Plan Public Version – Part I is available for review at the Santa Cruz County Office of Education Court & Community Schools office, and online at http://www.santacruzcoe.org/student-services/alternative-education-programs/.

This Comprehensive School Safety Plan analyzes current school safety conditions, describes programs in place at our schools, and defines strategies and programs for continued improvement in providing a safe, orderly, school environment conducive to learning. This analyses results in a two action plans, one pertaining to school physical safety and the other centering on issues connected to maintaining a safe ad positive school climate. Appendices follow the action plan. These Appendices include specific, mandated policies and procedures connected to the safety strategies and programs described within the analysis section.

This plan was developed with input from the SCCOE School Site Council and local law enforcement.

SCHOOL PROFILE
The SCCOE Alternative Education Program consists of 19 separate school sites throughout Santa Cruz County. SCCOE Alternative Education Programs have an ethnically diverse student population and are served by a dedicated and well-trained staff. The SCCOE Alternative Education Program face unique challenges in maintaining a safe school, partly because of the student population we serve and partly because of the fact that our school sites are small, sometimes impermanent, and are located throughout the county.
Plan Development and Approval
The Santa Cruz County Office of Education Court & Community Schools Comprehensive School Safety Plan has been developed by:

[X] School Site Council
[X] School Safety Planning Committee

Which includes the following members:

<table>
<thead>
<tr>
<th>Name</th>
<th>Membership Role</th>
</tr>
</thead>
<tbody>
<tr>
<td>John Rice, Senior Director</td>
<td>Principal or Principal's Designee</td>
</tr>
<tr>
<td>Javier Gonzalez</td>
<td>Teacher from Santa Cruz County Office of Education Court &amp; Community Schools</td>
</tr>
<tr>
<td>Martha Aguilar</td>
<td>Parent whose child attends the School</td>
</tr>
<tr>
<td>Steve Hunt</td>
<td>Classified Employee</td>
</tr>
<tr>
<td>Joe Hernandez</td>
<td>Law Enforcement Agency Representative</td>
</tr>
<tr>
<td>Adam Wade, Coordinator</td>
<td>Other</td>
</tr>
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</table>

Key Dates of Plan Development and Approval

<table>
<thead>
<tr>
<th>Event</th>
<th>Date(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Meeting with representative of law enforcement agency to develop the Plan</td>
<td>10/25/18</td>
</tr>
<tr>
<td>Meeting at the school site to allow members of the public the opportunity to review and express opinions about the Plan</td>
<td>10/25/18</td>
</tr>
<tr>
<td>School Site Council approval of the Plan</td>
<td>10/25/18</td>
</tr>
<tr>
<td>School District Board approval of the Plan</td>
<td>2/21/19</td>
</tr>
<tr>
<td>Submission to Santa Cruz County Office of Education for audit review</td>
<td>2/21/19</td>
</tr>
</tbody>
</table>
Current Status of School Crime
This section presents data that will be analyzed to assess the current status of school crime committed on the Santa Cruz County Office of Education Court & Community Schools campus and at school-related functions. Data presented include:

Findings from the analysis of the data presented above include:

**School Crime Status and Reporting**

**Violence and Crime on Campus**
According to the CAP, total crime rose slightly between 2010 and 2016, from 36.7 crimes per 1,000 residents to 38.5. From 2010 to 2016 the number of crimes in Santa Cruz County increased by 10.2%, with Capitola (32%) experiencing the largest increase. Unincorporated areas of the county experienced a decrease in crime over the same 6-year span.

The juvenile misdemeanor and felony arrest rate in Santa Cruz County decreased from a high of 46.7 per 1,000 youth ages 10-17 in 2010 to 19.5 per 1,000 youth in 2016. The number of Juvenile Hall bookings fell from 25.8 per thousand in 2010 to 15 in 2016. The average length of stay at juvenile hall is seven days, due this county’s commitment to Restorative Justice. It should further be noted that while gang arrest rates have also decreased slightly over this six-year span. Still, the concern among those surveyed regarding gangs and violence in their community remains high.

According to the 2016-2017 California Healthy Kids Survey (CHKS), 12% of SCCOE students surveyed reported being involved in at least one fight during the year. 11% reported having had property stolen or damaged at school. Another 2% reported carrying a gun at school at least once during the year, and 13% reported carrying some other weapon. 15% of students surveyed reported seeing someone else with a weapon on school campus. 84% of students surveyed still responded “safe” or “very safe” when asked, “How safe do you feel at school?” Only 2% responded with “unsafe” or “very unsafe.”

According to CHKS in 2017, 7% of students reported having been a member of a gang at some point during their lifetime. This is significantly lower than in 2012 when 15% of students self-reported gang involvement. There are two major gangs in the county, Norteños and Sureños. All schools have a dress code to ensure student safety regardless of gang involvement. Every school possesses a copy of the School Safety Plan, and counseling services are available at all sites.

**Alcohol and Drug Abuse**
County-wide alcohol and marijuana use by youth have declined since 2009, according to the CAP report. Still, rates of alcohol and drug use among SCCOE Alternative Education students remain high. According to 2017 CHKS results, 67% of Court and Community school students surveyed reported using alcohol at least once and 64% of Court and Community students reported having tried marijuana. Furthermore, 8% of Alternative Education students reported having used alcohol at school during a 30-day period and 9% reported using marijuana at school. While 83% of students believe that the frequent use of alcohol can be harmful, only 53% believe the same of marijuana. A majority of Alternative Education students report that it is “fairly easy” to “very easy” to obtain either one. Alternative Education offers school options with counseling for students who wish to stop using alcohol and drugs. We provide school services to The Camp Recovery Center in Scott’s Valley, and operate designated clean and sober schools in both
North and South Counties. Several sites offer the Seven Challenges program, which encourages students to look honestly at any and all possibly deleterious or destructive behaviors.
School Safety Strategies and Programs

Santa Cruz County Office of Education Court & Community Schools is committed to school safety for all students, staff, and visitors. Many strategies and programs provide and maintain a high level of school safety.

School Vision/Mission Statement

MISSION STATEMENT
The Mission of the Alternative Education Program is to provide a safe, supportive learning environment where all students can achieve academic, social, and vocational excellence.

VISION STATEMENT
SCCOE Alternative Education’s Safe School Vision

1. The SCCOE Alternative Education Program will provide a safe, orderly, and secure environment conducive to learning.

2. The SCCOE Alternative Education Program will create a school in which pupils will attend regularly and be safe from both physical and social-psychological harm.

3. The SCCOE Alternative Education Program will work collaboratively with the district office and school board to identify, establish and use strategies and programs to comply with school safety laws.

4. The SCCOE Alternative Education Program will develop a plan to work cooperatively and collaboratively with parents, pupils, teachers, administrators, counselors and community agencies, including law enforcement, to provide a safe and orderly school and neighborhood.

5. The SCCOE Alternative Education Program will develop an academic program that will focus on high expectations of pupil performance and behavior in all aspects of the school experience.

6. The SCCOE Alternative Education Program will work collaboratively with other elementary, middle schools and high schools to assist in a smooth transition from one school level to another.

7. The SCCOE Alternative Education Program will solicit the participation, views, and advice of teachers, parents, school administrators, and community members and use this information to promote the safety of our pupils, staff, and community.

Providing a safe learning environment is a priority for staff, parents, students, and school community members. Santa Cruz County Office of Education Court & Community Schools prepares students to be self-disciplined and responsible citizens who can meet the challenge of living in an ethnically and socio-economically diverse community. Santa Cruz County Office of Education Court & Community Schools promotes caring and nurturing relationships and work cooperatively with parents, students, law enforcement representatives, and other community agencies. Santa Cruz County Office of Education Court & Community Schools stresses prevention of violence on campus and prepares students to handle conflict, anger, and other threats to safety.

Programs are implemented to prevent drug, alcohol, and tobacco use. The Santa Cruz County Office of Education Court & Community Schools discipline policy provides students with behavior guidelines that are aligned to the California Education Code and district policies. School-wide rules, classroom rules, the dress code, and consequences for rule infractions provide students with clear expectations for behavior. The focus is to reduce barriers to learning as well as to build protective factors leading to student success, both academically and socially.

Intervention and prevention programs focus on positive youth development. Santa Cruz County Office of Education Court & Community Schools implements programs to create a positive school climate and promote social-emotional
learning using research-based strategies. Santa Cruz County Office of Education Court & Community Schools implements multi-tiered systems of support/response to intervention for students that promote high expectations, maintain student engagement in school, and provide systems for student success.

Strategies and programs unique to Santa Cruz County Office of Education Court & Community Schools that provide a safe learning environment for all students, including specifically for LGBTQ students.

ANALYSIS OF THE PHYSICAL ENVIRONMENT

This section includes a description of school locations, school grounds, maintenance, and inventory control. Also included is a description of safety strategies that are currently in place program-wide. Combined, these descriptions form an analysis of a safe and orderly environment as it applies to the physical environment.

The Schools’ Location and Physical Environment

The SCCOE Alternative Education Programs are located at various community-based sites throughout Santa Cruz County. A description of the physical environment, including site maps and emergency exits are on file with the maintenance department and at each school site.

Description of School Grounds

During the school day, staff members and administrators provide campus supervision. Identified problem areas receive increased supervision to reduce discipline, crime, or other school safety concerns. All staff members are responsible for supervision during break and lunch times. Students are allowed to leave the classrooms on a limited basis to minimize the risks of unsupervised activity. It is the practice of SCCOE Alternative Education Program to remove all graffiti from school property before pupils arrive to begin their school day. Other acts of vandalism are promptly addressed and repaired. Where possible, students participate in campus beautification activities (i.e. planting flowers/vegetable gardens, painting, cleanup, etc.) to increase student awareness of and interest in maintaining the school buildings and grounds. Such school beautification projects have been taken on at a number of school sites through The SCCOE Career and Technical Education Partnership (CTEP).

Maintenance of School Buildings/Classrooms

The school's physical facility is well maintained and generally looks neat and clean. The school sites are painted on a cyclical basis and renovated as needed. District personnel annually examine the school’s physical facility and help eliminate obstacles to school safety. Additionally, health and fire department inspectors contribute to school safety. The classrooms are monitored for safety and appearance by the administration and individual classroom teachers. It should be noted that perception surveys given to both teachers and students during the 2017-2018 school year indicated that at some sites both custodial and maintenance services needed to be provided in a more timely manner. Additionally, a full inspection of sites, paying specific attention to potential hazards, has been conducted.

Inventory System – Engraved ID, Security Storage

Most school-site equipment has a metal ID tag or a bar code sticker adhered to its surface. These items are inventoried annually and there is an established accountability system. Office and classroom supplies are secured.

Site Lead and Administrative Positions

SCCOE Schools enhance site physical safety by monitoring the surrounding school grounds-including landscaping, parking lots, and bus stops. The SCCOE Alternative Education Program employs a Senior Director, two Directors, and two Coordinators whose jobs are designed to help increase school safety, prevent prohibited offenses, and promote positive student relationships. Administrators have developed procedures to monitor the school campus and the surrounding areas, and have designated the safe entrance and exit routes to school. Furthermore, recognizing that pupils are often
the first to know of dangerous plans or actions, administrators at SCCOE Alternative Education Program make themselves available for a pupil to safely report troubling behaviors that may lead to dangerous situations. When it comes to school safety, pupils are taught not to keep secrets. Effective relationships between the administrators and pupils help initiate appropriate investigations, help staff learn of suspects in school offenses, and help collect important knowledge about community conflicts that may have an impact on school safety. While administrators are not always on site, lead teachers have been identified as the immediate school contact.

SCHOOL PHYSICAL SAFETY STRATEGY #1: SCCOE Alternative Education administrators, teachers, families, pupils, support staff, and community members recognize and make appropriate use of the early warning signs related to violence, substance abuse, and other at-risk concerns.

SCHOOL PHYSICAL SAFETY STRATEGY #2: Specific employees (e.g., the site lead or lead teacher) use unique strategies to promote school safety.

SCHOOL PHYSICAL SAFETY STRATEGY #3: Effective procedures will be followed to maintain a safe physical plant and school site.

Enhancing Physical Safety Practices

Schools can enhance physical safety by adjusting traffic flow patterns to limit potential for conflicts or altercations. Schools can enhance physical safety by having adults visibly present throughout the school building. This includes encouraging parents to visit the school. Schools can enhance physical safety by conducting a building safety audit. Recent safety audits have identified the following findings.

The SCCOE Alternative Education Program:

- Operates closed campuses, where pupils must have permission to leave the campus during school hours.
- Has closed off all unused areas of the school;
- Has minimized blind spots around each school facility.
- Has installed alarm systems on campuses where appropriate.
- Has made it a priority to keep buildings clean and maintained.
- Has located its recreation areas where they are easily observed.
- Has limited roof access by keeping dumpsters away from building walls.
- Keeps trees and shrubs closely trimmed to limit outside hiding places for people or weapons.
- Keeps the school grounds free of debris and loose rock surfaces.
- Keeps a complete list of staff members who have keys to building(s).
- Does not allow graffiti to remain on walls. The procedure involves following the three “R’s” after discovery of graffiti—read, record (i.e. photograph or videotape) and remove.

Inflammatory bathroom graffiti is removed daily upon discovery.

- Provides maximum supervision in heavy traffic areas.
- Has relocated staff to be in proximity of typical trouble spots (e.g. relocate a counselor’s office next to a corridor where problems have occurred.
- Offers some school-or-community-based activities for students. However, students might benefit from an expansion of after school activities.
Child Abuse Reporting Procedures

(EC 35294.2 [a] [2]; PC 11166)

All school staff members actively monitor the safety and welfare of all students. Staff members understand their responsibility as child-care custodians and will immediately report all cases of known and suspected child abuse pursuant to Penal Code Section 11166. District employees who are mandated reporters, as defined by law and administrative regulation, are obligated to report all known or suspected incidents of child abuse and neglect.

Penal Code 11166. (a) Except as provided in subdivision (d), and in Section 11166.05, a mandated reporter shall make a report to an agency specified in Section 11165.9 whenever the mandated reporter, in his or her professional capacity or within the scope of his or her employment, has knowledge of or observes a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect. The mandated reporter shall make an initial report by telephone to the agency immediately or as soon as is practicably possible, and shall prepare and send, fax, or electronically transmit a written follow up report within 36 hours of receiving the information concerning the incident. The mandated reporter may include with the report any non-privileged documentary evidence the mandated reporter possesses relating to the incident.

Plans are also completed to assure ongoing monitoring of the student. School staff work closely with police and Child Protective Services with follow up actions as needed. Considerable effort is made to maintain the confidentiality of the student and employee in all cases of child abuse reporting. Copies of all written reports are maintained in a confidential file in the principal’s office. Board Policy 5141.4 addresses Child Abuse Prevention and Reporting and is included in the Appendix of the Comprehensive School Safety Plan.

Child Abuse Reporting Procedure
The SCCOE Alternative Education Program maintains a copy of the LEA’s Child Abuse Reporting Procedures in the main office. A copy of the Procedures is available in the Policies and Procedures section at the end of this document. Also included is a copy of the Child Abuse Reporting Form. Procedures include a description of reportable conditions, a list of mandatory reporters, deadlines for reporting, information on how to report and what to include. Also included in the Procedures is an explanation of protections afforded to Mandatory Reporters, as well as an explanation of liabilities for failing to report. All educators complete an online Mandated Reporter training, annually at the start of the school year.
Emergency/Disaster Preparedness Training Schedule

Santa Cruz County Office of Education Court & Community Schools will provide all students and staff with emergency/disaster preparedness training in a variety of procedures according to the following schedule:

<table>
<thead>
<tr>
<th>Training</th>
<th>Date(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fire Procedures</td>
<td>3/21/19</td>
</tr>
<tr>
<td>Lock Down Procedures</td>
<td>12/13/18</td>
</tr>
<tr>
<td>Code Red Procedures</td>
<td>5/9/19</td>
</tr>
<tr>
<td>Shelter in Place Procedures</td>
<td>2/19/19</td>
</tr>
<tr>
<td>Earthquake Emergency Procedures</td>
<td>10/17/18</td>
</tr>
</tbody>
</table>

Procedures for Emergency Use by Public Agency – BP 3516
As documented in Board Policy 3516, public agencies, including the American Red Cross, have permission to use school buildings, grounds, and equipment for mass care and welfare shelters during disasters or other emergencies affecting the public health and welfare. The Board will cooperate with such agencies in furnishing and maintaining whatever services they deem necessary to meet the community's needs. Board Policy 3516 is included in the Appendix.

Suspension/Expulsion Policies – BP 5144.1
As documented in Board Policy 5144.1, the school desires to provide students access to educational opportunities in an orderly school environment that protects their safety and security, ensures their welfare and well-being, and promotes their learning and development. Rules and regulations set the standards of behavior expected of students and the disciplinary processes and procedures for addressing violations of those standards, including suspension and/or expulsion. Board Policy 5144.1 is included in the Appendix.

Procedures to Notify Teachers of Dangerous Pupils – BP 5148
As documented in Board Policy 5148, the Superintendent or designee shall ensure that employees are informed, in accordance with law, regarding crimes and offenses by students who may pose a danger in the classroom. Board Policy 5148 is included in the Appendix.

Nondiscrimination/Harassment Policy – BP 5145.3
As documented in Board Policy 5145.3, the Board of Education desires to provide a safe school environment that allows all students equal access and opportunities in the district's academic and other educational support programs, services, and activities. The Board prohibits, at any district school or school activity, unlawful discrimination, including discriminatory harassment, intimidation, and/or bullying of any student, based on actual or perceived characteristics of race or ethnicity, color, nationality, national origin, ethnic group identification, age, religion, physical or mental disability, sex, sexual orientation, gender, gender identity, gender expression, or any other characteristic identified in Education Code 200 or 220, Penal Code 422.55, or Government Code 11135, or based on association with a person or group with one or more of these actual or perceived characteristics. Board Policy 5145.3 is included in the Appendix.
Strategies and programs unique to Santa Cruz County Office of Education Court & Community Schools that provide a safe school environment for all students, including specifically for LGBTQ students.

**Dress Code – BP 5132**

As documented in Board Policy 5132, the Board of Education believes that appropriate dress and grooming contribute to a productive learning environment. The Board expects students to give proper attention to personal cleanliness and to wear clothes that are suitable for the school activities in which they participate. Students' clothing must not present a health or safety hazard or a distraction which would interfere with the educational process. Students are prohibited from wearing gang-related apparel when there is evidence of a gang presence that disrupts or threatens to disrupt the school's activities. Board Policy 5132 is included in the Appendix.

Each school site has developed a dress code to prohibit gang-identified colors or symbols, clothing that displays/glorifies violence or drug/alcohol use, and clothing that is inappropriate for the school environment. The dress code is reviewed regularly and guidelines are presented to students and parents frequently. The goals of the dress code are to minimize conflict among students and minimize distractions in the classroom.

**Rules and Procedures for School Discipline – BP 5144**

As documented in Board Policy 5144, the Board of Education is committed to providing a safe, supportive, and positive school environment which is conducive to student learning and to preparing students for responsible citizenship by fostering self-discipline and personal responsibility. The Board believes that high expectations for student behavior, use of effective school and classroom management strategies, provision of appropriate intervention, provision of appropriate intervention and support, and parent involvement can minimize the need for disciplinary measures that exclude students from instruction as a means for correcting student misbehavior.

**Discipline Policy and Code:**

Effective and safe schools, develop, and consistently enforce, school-wide rules that are clear, broad-based, and fair. School safety can be enhanced by the development of a school-wide disciplinary policy that includes a code of conduct, specific rules and consequences that can accommodate student differences on a case-by-case basis when necessary. Discipline consequences should be commensurate with the offense, should be written, applied in a nondiscriminatory manner, and accommodate cultural diversity. Direct teaching, social problem solving, and social decision-making is now a standard feature of effective drug and violence prevention programs.

Students can also be a good source of information. Peers often are the most likely group to know in advance about potential school violence. Information provided to staff by students will be taken seriously and handled in a sensitive, timely manner to minimize risk to the student who revealed it, and to assess the threat and respond appropriately.

The SCCOE Alternative Education Program uses both classroom and school-wide discipline codes that clearly communicate the behavioral expectancies and consequences for students. The SCCOE Alternative Education Program has developed plans to promote positive behaviors on playing fields, in break areas, hallways, and assembly areas.

**The Rules and Procedures for School Discipline Including Suspensions and Expulsions:**

Discipline procedures focus on finding the cause of problems and working with all concerned to reach the proper, lawful solutions. The school’s discipline plan begins at the classroom level. Teachers use a visible classroom management plan to communicate classroom rules, promote positive pupil conduct, and reduce unacceptable conduct. Appropriate consequences are administered based on the seriousness of the pupil’s misbehavior. Frequent communication with
parents occurs in order to apprise them of issues as soon as possible to encourage their support and assistance in the resolution of the problem, and to communicate shared responsibility for student behavior. Some sites provide students and parents with a site-specific school handbook that includes school rules. It has been suggested that all school sites might benefit from this practice.

Pupils may be suspended, transferred to another school, or recommended for expulsion for certain acts. (See Policies and Procedures Section at the end of this document for a complete list.) However, wherever possible, the COE Alternative Education program favors the use of alternatives to suspension and expulsion, embracing the tenets of Restorative Justice and conflict resolution. According to West Ed:

Restorative Justice is a broad term that encompasses a growing social movement to institutionalize peaceful and non-punitive approaches for addressing harm, responding to violations of legal and human rights, and problem solving. RJ has been used extensively both as a means to divert people from official justice systems, and as a program for convicted offenders already supervised by the adult or juvenile justice system.”

In the school setting, it often serves as an alternative to traditional discipline, particularly exclusionary disciplinary actions such as suspension or expulsion. RJ proponents often turn to restorative practices out of concern that more exclusionary disciplinary actions tend to be associated with harmful consequences for children.

Site administrators contribute to a positive school climate, promote positive pupil behavior, and help reduce inappropriate conduct. The director uses available district and other appropriate records to inform teachers of each pupil identified under E.C. 49079. Staff is kept informed with current information pertaining to high-risk students. In addition, the probation department provides school administration with specific confidential notice regarding relevant offenses.

When weapons of dangerous objects are involved, law enforcement is contacted and consulted to help maintain and to promote a safe and orderly school environment. SCCOE Alternative Education Program employees comply with all legal mandates, regulations, and reporting requirements for all instances of suspected child abuse. Child Abuse reporting regulations and procedures are routinely reviewed with staff and counselors designated to assist in case a report needs to be filed.

Walkie-talkies and cellular phones are in use at school sites to promote staff communication and increase site security.

**Bullying Prevention – BP 5131.2**

As documented in Board Policy 5131.2, the Board of Education is committed to creating a safe learning and working environment for all students and employees. The Board of Education recognizes the harmful effects of bullying on student learning and school attendance and desires to provide safe school environments that protect students from physical and emotional harm. District employees shall establish student safety as a high priority and shall not tolerate bullying of any student.

No student or groups of students shall, through physical, written, verbal, or other means, harass, sexually harass, threaten, intimidate, cyberbully, cause bodily injury to, or commit hate violence against any other student or school personnel. Board Policy 5131.2 is included in the Appendix.

Strategies and programs unique to Santa Cruz County Office of Education Court & Community Schools that prevent bullying for all students, including specifically for LGBTQ students. The Santa Cruz County Office of Education participates in the Safe Schools Project, which provides a wide range of services to schools, school districts and related organizations. Professional staff is available to provide school district
wide or school related professional learning experiences ranging from safe and inclusive school visioning, policy development, workshops, professional development days, staff meetings, one on one teaching guidance, curriculum development, and institutes – and we can provide this in person or online. We can provide this guidance for administrators, teachers, support staff, counselors and parents. The LGBTQ School Taskforce was recently created under this project as well.

**Positive School Climate – BP 5137**

As documented in Board Policy 5137, the Board of Education desires to enhance student learning by providing an orderly, caring, and nurturing educational and social environment in which all students can feel safe and take pride in their school and their achievements. The school environment should be characterized by positive interpersonal relationships among students and between students and staff.

The district’s curriculum shall include age-appropriate character education which includes, but is not limited to, the principles of equality, human dignity, mutual respect, fairness, honesty, and citizenship. The Superintendent or designee may develop other strategies to enhance students' feelings of connectedness with the schools, such as campus beautification projects, graffiti removal, development of extracurricular activities and after-school programs, pairing of adult mentors with individual students, recognition of student achievement, and encouragement of strong family and community involvement in the schools. Board Policy 5137 is included in the Appendix.

**SCCOE Alternative Education Programs Provide:**

- Small class sizes
- Success-oriented instructional practices
- Valuable community partnerships
- Effective student intervention strategies
- Well-rounded educational opportunities
- Youth employment and vocational opportunities
- Character Education
- Effective policies and procedures related to student safety

**SCHOOL CLIMATE STRATEGY: SCCOE Alternative Education**

administrators, teachers, families, pupils, support staff, and community members recognize and make appropriate use of the early warning signs related to violence, substance abuse, and other at-risk concerns.

**SCCOE Alternative Education Programs Plan To:**

- Continue to involve visiting professional artists from The William James Society, California Poets in the Schools, Shakespeare Santa Cruz and the Distinguished Artist, Concert and Lecture Series of Cabrillo College at all school sites, giving first priority to schools with higher rates of suspensions and criminal reporting.
- Provide ongoing training in The Character Based Literacy Program at the middle school and high school level, especially for new teachers.
- Increase levels of Career Technical Education available to students.
- Create and implement a health-related unit on the social and scientific effects of drugs and alcohol.
- Continue to strengthen the Alternative Education/Youth Services Drug/Alcohol Intervention Partnership through the YES School and Escuela Quetzal.
- Continue to strengthen the Alternative Education/Probation Partnership to ensure student safety.
- Increase Social/Emotional counseling at all school sites with a specific focus on conflict resolution.
- Increase student and parent involvement through school open house and student recognition ceremonies.
- Provide School Handbooks to all students at all sites.
Provide ongoing staff training in gang and violence awareness/prevention.

Describe roles and responsibilities of mental health professionals, school counselors, and school resource officers in these strategies and programs, if applicable.

Strategies and programs unique to Santa Cruz County Office of Education Court & Community Schools that create a positive school climate for all students, including specifically for LGBTQ students.

Uniform Complaint Procedure – BP 1312.3
As documented in Board Policy 5137, the Board of Education recognizes that the district has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs. The Board encourages early resolution of complaints whenever possible. To resolve complaints which may require a more formal process, the Board adopts the uniform system of complaint processes specified in 5 CCR 4600-4670 and the accompanying administrative regulation. Board Policy 1312.3 is included in the Appendix.

Strategies and programs unique to Santa Cruz County Office of Education Court & Community Schools that encourage early resolution of complaints for all students, including specifically for LGBTQ students.

Protocols to Address Mental Health Care of Pupils Who Have Witnessed a Violent Act
Pupils who have witnessed a violent act at school or at a school-sponsored activity, while going to or coming from school or a school sponsored activity, or during a lunch period on or off campus, will need attention to address their mental health. Witnessing violence and being a victim of violence at school have been found both positively and significantly associated with child psychological trauma symptoms and self-reported violent behavior, even after controlling for the effects of various demographic factors. Serious emotional and behavioral consequences can occur for students who are merely witnesses to violence (Flannery, D. J., Wester, K. L., & Singer, M. I., 2004).

Mental Health Programs
Assigned to the SCCOE Alternative Education Program are a school psychologist and five school counselors. Alternative Education programs contribute to mental health goals through individual and small group counseling, referral to outside agencies as necessary, site-specific counseling to address common group needs at individual school sites, such as Watsonville Community School (gang intervention), Teenage Parent Program (teen parenting), YES/Quetzal (drug/alcohol counseling). In incidences of possible suicide, school/district psychologist or police crisis response units shall be contacted.

Suicide Prevention: Policies and procedures are in place for suicide prevention, assessment, crisis interview and intervention, and communication with parent. However, a review of policies and procedures during staff development time might prove advantageous.

Grief Counseling: Policies and procedures are in place to provide debriefing and grief counseling following any school-related incident.
The safety committee, along with WASC focus groups, note that a number of staffing changes within our counseling partner agency this year, have made it difficult to ensure sufficient counseling services at all times. It is therefore, recommended that the COE continue to consider additions or alternatives to ensure sufficient coverage across sites.

Procedures for Safe Ingress and Egress of Pupils, Parents, and School Employees to and from school

In an effort to assure the safety and welfare of students, parents, and visitors to Santa Cruz County Office of Education Court & Community Schools, the following procedures should be followed when traveling to and from the school site:

- Daily Bus Drop-off & Pick-up at School:
- Students Walking to School:
- Students and Adults visiting the school site after hours or on weekends:

A set of school maps indicating safe entrance and exit areas for pupils, parents and school employees is available in the main office. Site specific maps are posted at the exits of each school.

To ensure the safety of pupils and staff, all visitors to the campus, except pupils of the school and staff members, shall register immediately upon entering any school building or grounds when school is in session. Signs indicating the location of the office are displayed in prominent locations for the public. Students are provided with ID cards to provide easy identification to staff and law enforcement personnel. ID cards are routinely updated to provide the most current photograph of the student, and lost cards can be readily replaced.

An administrator, designee, or lead teacher may direct an individual to leave school grounds if he/she has a reasonable basis for concluding that the person is committing an act that is likely to interfere with the peaceful conduct of school activities or that the person has entered the campus with the purpose of committing such an act.

The SCCOE Alternative Education Program will, when appropriate, exercise the authority to remove a visitor or outsider from the campus. Law enforcement is immediately contacted for individuals engaging in threatening conduct, including disturbing the peace.

The SCCOE Alternative Education Program notice and removal system establishes sufficient documentation for civil law remedies as needed. For continuing disruptive behavior by a visitor or outsider, The SCCOE Alternative Education Program shall contact the district office to determine whether to file for a temporary restraining order and injunction.

SCCOE Alternative Education Program Educators actively supervise student departures and arrivals, placing themselves strategically at pick-up points and bus stops. Arrival and dismissal times are staggered at sites in close proximity to each other to ensure safety. SCCOE Education Program Educators keep law enforcement apprised of any schedule changes.

Appendix

Board Policy 5141.4 Child Abuse Prevention and Reporting

Board Policy 3516 Emergencies and Disaster Preparedness
Board Policy 5144.1 Suspension and Expulsion/Due Process

Board Policy 4158 Employee Security/Teacher Notification

Board Policy 5145.3 Nondiscrimination/Harassment

Board Policy 5132 Dress and Grooming

Board Policy 5144 Discipline

Board Policy 5131.2 Bullying Prevention

Board Policy 5137 Positive School Climate

Board Policy 1312.3 Uniform Complaint Procedure
CHILD ABUSE PREVENTION AND REPORTING

The County Board of Education recognizes the Santa Cruz County Office of Education’s (COE’s) responsibility to educate students about the dangers of child abuse so that they will acquire the skills and techniques needed to identify unsafe situations and to react appropriately and promptly.

The COE’s instructional program shall include age appropriate and culturally sensitive child abuse prevention curriculum. This curriculum shall explain the student’s right to live free of abuse, inform them of available support resources, and teach them how to obtain help and disclose incidents of abuse. The curriculum also may include training in self-protection techniques.

The County Superintendent or designee shall seek to incorporate community resources into the COE-s child abuse prevention programs. To the extent feasible, the County Superintendent or designee shall use these community resources to provide parents/guardians with instruction in parenting skills and child abuse prevention.

Child Abuse Reporting

The County Board recognizes that child abuse has severe consequences and that the COE has a responsibility to protect students by facilitating the prompt reporting of known and suspected incidents of child abuse. The County Superintendent or designee shall establish procedures for the identification and reporting of such incidents in accordance with law.

Employees who are mandated reporters, as defined by law and administrative regulation, are obligated to report all known or suspected incidents of child abuse and neglect. Mandated reporters shall not investigate any suspected incidents but rather shall cooperate with agencies responsible for investigating and prosecuting cases of child abuse and neglect.

The County Superintendent or designee shall provide training regarding the reporting duties of mandated reporters.

In the event that training is not provided to mandated reporters, the County Superintendent or designee shall report to the California Department of Education the reasons that such training is not provided. (Penal Code 11165.7)

Adopted: 10/16/2014
Suspension and Expulsion

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

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

Except in cases 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 usually 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.

Each principal shall annually inform all students and parents/guardians of the school's discipline rules and procedures and of the availability of all district policies and regulations dealing with student discipline, suspension and expulsion. (Education Code 35291, 35291.5)

Alternatives to suspension or expulsion will be used with students who are truant, tardy, or otherwise absent from assigned school activities. (Education Code 48900)

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 regulation and law. (Education Codes 48911, 48915 and 48915.5)
On-Campus Suspension Program

The SCCOE Alternative Education Program recognizes that students who are suspended from school frequently have no supervision or guidance during the school hours when they are off campus and may fall behind in the course work. The Board believes that in many cases, it would be better to manage the student's behavior 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 SCCOE Alternative Education Program 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. Current law enables parents/guardians to be absent from work without endangering their employment status in order to attend a portion of their child's school day at a teacher's request. Besides furthering improved classroom behavior, such attendance should promote positive parent-child interactions.

Whenever a student is removed 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 removed may provide 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 also shall meet with the principal or designee. (Education Code 48900.1)

The SCCOE Alternative Education Program encourages teachers, before requiring parental attendance, 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 release time from work.

LEA 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 the law.

Parents/guardians shall be notified of this policy before it is implemented and at the beginning of each subsequent school year. (Education Codes 48900.1, 35291, 48980)

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

**Legal Reference:**

*EDUCATION CODE*

212.5 Sexual harassment  
233 Hate violence reductions  
1981 Enrollment of students  
17292.5 Program for expelled students  
32050 Hazing  
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  
48930 Speech and other communication  
49073-49079 Privacy of student records

*CIVIL CODE*
47 Privileged communication

CODE OF CIVIL PROCEDURE

1985-1997 Subpoenas; means of production
GOVERNMENT CODE
11455.20 Contempt
54950-54963 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
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
417.25-417.27 Laser scope
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
868.3 Supporting person; attendance during testimony of witness

COURT DECISIONS


ATTORNEY GENERAL OPINIONS

UNITED STATES CODE, TITLE 20
7151 Gun free schools

Management Resources:

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

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

GROUND 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))

A student who aids or abets the infliction or attempted infliction of physical injury on another person, as defined in Penal Code 31, may be suspended, but not expelled. However a student may be suspended or expelled pursuant to Education Code 48900(a) once he/she has been adjudged by a juvenile court to have committed, as an aider or abettor, a crime of physical violence in which the victim suffered great or serious bodily injury. (Education Code 48900(s))

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))

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

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 so 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)

Pursuant to Education Code 48900.7, the making of a terrorist threat includes any written or oral statement by a person who willfully threatens to commit a crime which will result in death, great bodily injury to another person or property damage in excess of $1,000.00, with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out.
A student in grades 4 through 12 is also subject to suspension or recommendation for expulsion when it is determined that he/she:

17. Committed sexual harassment as defined in Education Code 212.5. (Education Code 48900.2)

Pursuant to Education Code 48900.2 the conduct constitutes harassment when considered from the perspective of a reasonable person of the same gender as the victim to be sufficiently severe or pervasive as to have a negative impact upon the victim's academic performance or to create an intimidating, hostile or offensive educational environment.

18. Caused, attempted to cause, threatened to cause, or participated in an act of hate violence as defined in Education Code 233. (Education Code 48900.3)

Education Code 233 defines “hate violence” as any act punishable under Penal Code 422.6, 442.7 or 422.75. Such acts include injuring or intimidating another person, interfering with the exercise of a person's civil rights, or damaging a person's property because of the person’s race, color, religion, ancestry, national origin, disability, gender or sexual orientation.

19. 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)

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.

The Superintendent or principal may use his/her discretion to provide alternative to suspension or expulsion for a student subject to discipline under this administrative regulation, including, but not limited to, counseling and an anger management program. (Education Code 48900(r))
Alternatives to suspension or expulsion will be used with students who are truant, tardy, or otherwise absent from assigned school activities.

REMOVAL 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 removing 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 removed.

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

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

A student removed from class shall not be placed in another regular class during the period of removal. 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 removed. (Education Code 48910)

The teacher of any class from which a student is removed may require the student to complete any assignments and tests missed during the removal. (Education Code 48913)

Pursuant to Board policy, a teacher may provide that the parent/guardian of a student whom the teacher has removed attend a portion of a school day in his/her child’s classroom. When a teacher makes this request, the Director shall send the parent/guardian a written notice that the parent/guardian’s attendance is requested 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. State that if the parent/guardian does not have a means of transportation to school, he/she may ride the school bus with the student.

4. Ask the parent/guardian to meet with the principal after the visit and before leaving school, as required by Education Code 48900.1.

**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 an LEA 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.


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”.

5. Possession of an explosive as defined in 18 USC 921.

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)

The Superintendent or designee may count suspensions that occur while a student is enrolled in another school district toward the maximum number of days for which a student may be suspended in any school year. (Education Code 48903)

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 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))

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 a 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 privacy under Education Code 49073-49079.
The Board shall provide the student and his/her parent/guardian with written notice of the closed session by or 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 Codes 35146, 48912)

ON-CAMPUS SUSPENSION PROGRAM

Students for whom an expulsion action has not been initiated and who pose no imminent danger or threat to the school 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.

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 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.

**MANDATORY RECOMMENDATION FOR EXPULSION**

Unless the principal, Superintendent or designee finds that expulsion is inappropriate due to particular circumstances, the principal, Superintendent or designee shall 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.

3. Unlawful possession of any controlled substance, as listed in the Health and Safety Code 11053-11058, except for the first offense for the possession of not more than one ounce of marijuana, other than concentrated cannabis.

4. Robbery or extortion.

5. Assault or battery, as defined in Penal Code 240 and 242, upon any school employee.

**MANDATORY RECOMMENDATION AND MANDATORY EXPULSION**

Note: The Attorney General has determined, in 80 Ops.Cal. Atty. Gen. 347 (1997), that a district may not adopt a zero tolerance policy mandating expulsion of a student for a first offense of possession of a controlled substance or alcohol.

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. Possessing an explosive as defined in 18 USC 921.

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

The initial recommendation for consideration of expulsion is that of the school principal or the Superintendent. Designees may not make this type of recommendation.

The recommendation for consideration of expulsion shall be submitted to the Director, Office of Student Services, who will review the material and recommend:

1. Reassignment to appropriate regular education program.

2. Refer student to Alternative Program; i.e., Community School, Independent Study, Continuation or Opportunity School, or other district programs.

3. Refer the matter to the Discipline Review Panel for further consideration.

When a case is referred to the discipline Review Panel, the panel shall question school personnel who have information on the incident and the behavior record of the student charged and weigh the evidence presented.

The panel shall, in the case of an expulsion consideration, weigh information presented to determine:

a. Is the evidence sufficient to support consideration by the expulsion panel?

b. Has the district, through the schools involved, considered or utilized alternatives to expulsion when possible?

c. Have due process procedures been adhered to?

The recommendation shall be either to proceed with the expulsion or to utilize an existing practical alternative in lieu of expulsion.

If the district (school) has not adhered to due process requirements, the student shall be returned to school immediately.
If the Discipline Review Panel meets to consider a matter other than an expulsion, it shall provide its best judgment as to an effective alternative program or plan to action.

The recommendation of the Discipline Review Panel shall be forwarded to the Director, Office of Student Services, who shall then review the facts, concur, veto or modify the recommendation.

4. That an expulsion panel be convened.

At the time a recommendation for expulsion is submitted, a hearing shall be scheduled by the Superintendent or designee to determine whether the suspension shall be extended. If the decision is to extend the suspension, the period of time shall be until the Board has rendered a decision or until the expulsion process is otherwise terminated.

The extension of suspension shall be based upon determination by the Superintendent or designee that the presence of the student at the school or in an alternative school placement would cause a danger to persons or property or a threat of disrupting the instructional process. This extension shall be imposed only after the student and the parent/guardian have been given the opportunity to be present at a hearing conducted by the Superintendent or designee. At this time, the student and parent/guardian shall be given the opportunity to be heard and present any information that might bear upon the decision.

Materials which support the decision of the person recommending the expulsion shall be prepared and submitted to the Office of Student Services. The departments of Attendance, Guidance, Special Education and/or Health may be requested to assist in the preparation of this material.

**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 then 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 impractical during the school year 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. (Education Code 48918(a))

If the Board finds it impractical to comply with the time requirements of the expulsion hearing due to summer recess of Board meetings of more than two weeks, the days during the recess shall not be counted as school days. The days not counted during the recess may not exceed 20 school days as defined in Education Code 48925. Unless the student requests in writing that the expulsion hearing be postponed, the hearing shall be held no later than 20 calendar days prior to the first day of the next school year. (Education Code 48918(a))

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

WAIVER OF HEARING (DEFAULT PROCEEDINGS)

If the parent/guardian agrees that their son/daughter behaved essentially in the manner stated in the principals letter recommending expulsion and that such behavior constitutes a violation of the California Education Code, Section 48900, 48900.2, 48900.3, 48900.4, 48900.7 and/or 48915 a suspendable/expellable offense, the parent/guardian may request to waive the Administrative Hearing Panel.

When the parent/guardian agrees to waive the Administrative Hearing Panel, they also waive all notification and timelines related to the expulsion hearing process, along with their rights to appeal the determination of the Board.

The signed affidavit and findings of fact will be submitted to the Board for their approval. The Board has the discretionary power to accept, reject, or modify all recommendations.

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 all the following: (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)

Written Notice of the Expulsion Hearing (Education Code 48918(b))

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 48900.8, 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) or (c).

5. The opportunity for the student or the student’s parent/guardian to appear in person and/or be represented by legal counsel or by a non-attorney advisor.

Legal counsel means an attorney or lawyer who is admitted to the practice of law in California and is an active member of the State Bar of California.

Non-attorney advisor means an individual who is not an attorney or lawyer, but who is familiar with the facts of the case, and has been selected by the student or student’s parent/guardian to provide assistance at the hearing.

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 students privacy rights would be violated.

Whether the expulsion hearing is held in closed or public session, the Board may meet in closed session to determine if the student should be expelled. If the Board admits any other person to the 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))

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 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 11455.20, formerly 11525. (Education Code 48918(i))

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))

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))

4. 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 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))

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.

5. 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 non-threatening 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.

6. 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))

7. 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))

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. (See "Reinstatement.") 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))

THE DISCIPLINE REVIEW PANEL

The Discipline Review Panel will consist of elementary educators when a review is being made of an elementary student and of secondary educators when a review is being made of secondary student.

1. The Discipline Review Panel shall hear the following types of disciplinary cases:

a. Requests for expulsion from site principals or the Superintendent.
b. School site administrative requests for assistance (non-expulsion situations).

2. Each discipline review panel shall consist of three certificated persons plus a chairperson and shall consist of elementary educators when a review is being made of an elementary student and of secondary educators when a review is being made of a secondary student. A panelist may not serve on any panel involving a student who is currently attending the school in which he/she is assigned. A representative from Student Services shall be a nonvoting member of each panel.

A chairperson and assistant chairperson, to serve when the chairperson is unable to serve, shall be appointed by the Superintendent or designee and shall serve at his/her pleasure. Neither shall be a member of the Student Services staff.

A pool of panelists shall be established which shall be composed of personnel who have served or are currently serving as members of administrative expulsion panels. The committee chairman shall select members to serve on individual panels.

The meetings of the discipline review panel are open to school district personnel only.

The duties of the Discipline Review Panel are as follows:

1. The chairperson shall call a meeting of the panel as soon as possible, but no later than 10 school days after the receipt of notice of a pending case.

2. A recommendation must be forwarded to the Director, Office of Student Services, within three days of the review hearing.

3. In the event a member of the committee cannot be present at a meeting, the Director, Office of Student Services, will appoint an alternate from the pool to attend.

**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))

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 an 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)

At the time of the expulsion order, the Board shall recommend a plan for the students 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 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, Education Code 48915 (c) and (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 Governing Board. (Education Code 48918)

4. Notice of the alternative educational placements 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).

DECISION NOT TO ENFORCE EXPULSION ORDER
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.

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 an 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 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.

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" 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. (Education Code 48915)

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)

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 and parent/guardian, by registered mail, of the Board’s decision regarding readmission.

5. The Board may deny readmission only 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 shall maintain a record of each expulsion, including the specific 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 48900.8, 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)

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 data 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.
PROCEDURES FOR NOTIFYING TEACHERS ABOUT DANGEROUS PUPILS

To notify teachers of suspensions as they occur during the school year, the following process is used:

1. Teachers are provided with a copy of the student suspension form.
2. Teachers are advised about the confidential nature of the data.

When students are administratively transferred from one school to another for disciplinary reasons, teachers (to whom the student is assigned) at the new school are notified by the school administration and provided with written information about reasons for the student's transfer and a copy of the student's behavior contract. Copies of the written notice are maintained in the school office.

When the district receives information from the juvenile court system that a student has been convicted of the serious or violent crime requiring teacher notification, the principal and the teachers are provided with written notice from the district Student Services Department. Copies of this notice are maintained in the school office and the district Student Services' Office.
STUDENT SEXUAL AND GENDER-BASED HARASSMENT POLICY

I. STATEMENT OF PURPOSE

It is the policy of the Governing Board of the Santa Cruz County Office of Education to provide all students an educational environment that is free of sexual or gender-based harassment.

This policy is intended to supplement, and not replace, any applicable local, state, or federal laws and regulations.

II. DEFINITIONS

A. Sexual Harassment

This policy adopts the pertinent definition of sexual harassment in Education Code Section 212.5:

“Sexual harassment is unwelcome sexual conduct including advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature, made by someone from or in the work or educational setting.”

B. Gender-Based Harassment

Gender-based harassment may include acts of verbal, non-verbal, physical aggression, intimidation or hostility based on sex or gender identification, although they may not necessarily be sexual in nature.

C. Harassment

Sexual and/or gender-based harassment is conduct that denies or limits a student’s ability to participate in or benefit from the District’s school programs under any of the following conditions:

1. The conduct has the purpose or effect of having a negative impact upon the student’s academic performance, or of creating an intimidating, hostile, or offensive educational environment.
2. Submission to the conduct is explicitly or implicitly made a term or condition of a student’s academic status or progress.

3. Submission to, or rejection of the conduct by the student, is used as the basis of academic decisions affecting the student.

4. Submission to, or rejection of the conduct by the student, is used as the basis for any decision affecting the student regarding benefits and services, honors, programs or activities available at or through the educational institution.

D. Patterns of Conduct; Hostile Environment

Sexual or gender-based harassment may occur as single incidents or in the form of a pattern of speech or actions ranging from subtle verbal or physical annoyances or distractions to deliberate intimidations as frank threats or sexual demands.

A hostile environment based on sex or gender has been created when the conduct of harassment is sufficiently persistent or serious as to interfere with or limit a student’s ability to attend or otherwise participate in any school program.

III. EXAMPLES

A. Sexual Harassment

Examples of conduct which may constitute sexual harassment include, but are not limited to:

1. Suggestive or obscene letters, notes, invitations, derogatory comments, slurs, jokes, epithets, assault, touching, impeding or blocking movements, leering, gestures or display of sexually suggestive objects, images or texts, whether conducted in person or through an electronic means.

2. Among peers, continuing to show sexual interest after being informed that the interest in unwelcome (reciprocal attraction among peers, is not considered sexual or gender-based harassment.)

3. Within the educational environment, implying or actually withholding grades earned or deserved; suggesting a scholarship recommendation or college application will be supported on a condition of receiving sexual favors.

4. Within the educational environment, engaging in sexual behavior to control, influence, or affect the educational opportunities, grades, and /or learning environment of a student.
5. Offering favors, education, or employment benefits such as grades or promotions, favorable performance evaluations, favorable assignments, favorable duties or shifts, recommendations, reclassifications, etc., in exchange for sexual favors.

B. Gender-Based Harassment

Examples of conduct which may constitute gender-based harassment include, but are not limited to:

1. Slurs, threats, derogatory comments, unwelcome jokes, or degrading descriptions related to or because of a student’s gender or gender identification.

2. Harassment of a student for exhibiting what is perceived as a stereotypical characteristic for her, his, or their sex, or conversely for non-conformity with stereotypical notions of masculinity and femininity.

3. Harassment of a student because of his, her, or their non-traditional choice of extracurricular activities, apparel, or personal grooming choices.

4. Disparaging remarks about a student based on the sex or gender identification of the student’s friends or social networks.

IV. VIOLATIONS OF THIS POLICY

It is a violation of this policy by any employee, agent, student or any party with which the Santa Cruz County Office of Education has a cooperative agreement, to engage in sexual or gender-based harassment or to create, promote, or participate in a hostile environment based on sex or gender.

With respect to any allegation of sexual or gender-based harassment, it is further a violation of this policy to cause delay in investigation or enforcement, to conceal or obscure relevant information, to promulgate false or unverified information, to attempt to influence parties or witnesses to the alleged conduct, or in any other manner to interfere with the thorough and proper resolution of the allegation.

This policy is intended to supplement, and not replace, any applicable local, state, or federal laws and regulations. Complaints regarding a violation of this policy shall be processed in accordance with the applicable policies of the Santa Cruz County Office of Education.

V. REMEDIAL AND CORRECTIVE ACTION
Where sexual or gender-based harassment is found to have occurred, the Santa Cruz County Office of Education will take appropriate remedial and/or corrective action(s), which may include consideration of the following:

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A. Providing counseling for targeted student(s) subjected to harassment.

B. Providing counseling for person(s) found to have engaged in harassment.

C. Limiting the interactions between the targeted student(s) and the harassing person(s).

D. Any remedial measures necessary to respond to the impact of the harassing conduct on witnesses or bystanders.

E. Any other school-wide actions, such as education and training, that may be appropriate to respond to the harassing conduct and prevent a recurrence.

F. Removal of the offending party from any or all programs.

VI. **TRAINING AND CURRICULUM**

To implement this policy, the Santa Cruz County Office of Education will provide appropriate training programs for staff and students.

VII. **NOTIFICATION**

To ensure adequate notification of the policy, the Santa Cruz County Office of Education will employ means including permanent posters in public areas, offices and in hallways of all facilities, and publication in Santa Cruz County Office of Education materials for employees.
Nondiscrimination in Santa Cruz County Office of Education Programs and Activities

The County Board of Education (CBE) is committed to providing equal opportunity for all individuals in education. Santa Cruz County Office of Education (SCCOE) programs, activities, and practices shall be free from unlawful discrimination, including discrimination against an individual or group based on race, color, ancestry, nationality, national origin, ethnic group identification, age, religion, marital, pregnancy, or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity or expression, or genetic information; a perception of one or more of such characteristics; or association with a person or group with one or more of these actual or perceived characteristics. SCCOE programs and activities shall also be free of any racially derogatory or discriminatory school or athletic team names, mascots, or nicknames.

Annually, the Superintendent or designee shall review SCCOE programs and activities to ensure the removal of any derogatory or discriminatory name, image, practice, or other barrier that may unlawfully prevent an individual or group in any of the protected categories stated above from accessing SCCOE programs and activities. He/she shall take prompt, reasonable actions to remove any identified barrier. The Superintendent or designee shall report his/her findings and recommendations to the CBE after each review.

All allegations of unlawful discrimination in SCCOE programs and activities shall be investigated and resolved in accordance with the procedures specified in AR 1312.3 - Uniform Complaint Procedures.

Pursuant to 34 CFR 104.8 and 34 CFR 106.9, the Superintendent or designee shall notify students, parents/guardians, employees, employee organizations, applicants for admission and employment, and sources of referral for applicants about the SCCOE's policy on nondiscrimination and related complaint procedures. Such notification shall be included in each announcement, bulletin, catalog, handbook, application form, or other materials distributed to these groups and, as applicable, to the public. As appropriate, such notification shall be posted in SCCOE schools and offices, including staff lounges, student government meeting rooms, and other prominent locations and shall be posted on the SCCOE's web site and, when available, SCCOE-supported social media.

The SCCOE's nondiscrimination policy and related informational materials shall be published in a format that parents/guardians can understand. In addition, when 15 percent or more of a school's students speak a single primary language other than English, those materials shall be translated into that other language.

Access for Individuals with Disabilities

SCCOE programs and facilities, viewed in their entirety, shall be in compliance with the Americans with Disabilities Act (ADA) and any implementing standards and/or regulations. When structural changes to existing district facilities are needed to provide individuals with disabilities access to programs, services, activities, or facilities, the Superintendent or designee shall develop a transition plan that sets forth the steps for completing the changes.
The Superintendent or designee shall ensure that the SCCOE provides appropriate auxiliary aids and services when necessary to afford individuals with disabilities equal opportunity to participate in or enjoy the benefits of a service, program, or activity. These aids and services may include, but are not limited to, qualified interpreters or readers, assistive listening devices, assistive technologies or other modifications to increase accessibility to SCCOE and school web sites, note takers, written materials, taped text, and Braille or large print materials. Individuals with disabilities shall notify the Superintendent or director if they have a disability that requires special assistance or services. Reasonable notification should be given prior to a school-sponsored function, program, or meeting.

The individual identified in AR 1312.3 - Uniform Complaint Procedures as the employee responsible for coordinating the SCCOE's response to complaints and for complying with state and federal civil rights laws is hereby designated as the district's ADA coordinator. He/she shall receive and address requests for accommodation submitted by individuals with disabilities, and shall investigate and resolve complaints regarding their access to SCCOE programs, services, activities, or facilities.

Senior Director, Human Resources
400 Encinal Street, Santa Cruz CA 95003
831-466-5751

**Legal Reference:**

**EDUCATION CODE**

200-262.4 Prohibition of discrimination
48985 Notices to parents in language other than English
51007 Legislative intent: state policy

**GOVERNMENT CODE**

11000 Definitions
11135 Nondiscrimination in programs or activities funded by state
11138 Rules and regulations
12900-12996 Fair Employment and Housing Act
54953.2 Brown Act compliance with Americans with Disabilities Act
**PENAL CODE**

422.55 Definition of hate crime
422.6 Interference with constitutional right or privilege
CODE OF REGULATIONS, TITLE 5

4600-4687 Uniform complaint procedures
4900-4965 Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 20

1400-1482 Individuals with Disabilities in Education Act
1681-1688 Discrimination based on sex or blindness, Title IX
2301-2415 Carl D. Perkins Vocational and Applied Technology Act
6311 State plans
6312 Local education agency plans

UNITED STATES CODE, TITLE 29

794 Section 504 of the Rehabilitation Act of 1973

UNITED STATES CODE, TITLE 42

2000d-2000d-7 Title VI, Civil Rights Act of 1964
2000e-2000e-17 Title VII, Civil Rights Act of 1964 as amended
2000h-2000h-6 Title IX
12101-12213 Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 28

35.101-35.190 Americans with Disabilities Act
36.303 Auxiliary aids and services

CODE OF FEDERAL REGULATIONS, TITLE 34

100.1-100.13 Nondiscrimination in federal programs, effectuating Title VI
104.1-104.39 Section 504 of the Rehabilitation Act of 1973
106.1-106.61 Discrimination on the basis of sex, effectuating Title IX, especially:
106.9 Dissemination of policy

Management Resources:

CSBA PUBLICATIONS

Updated Legal Guidance: Protecting Transgender and Gender Nonconforming Students Against Sex Discrimination, July 2016
Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014
Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011
CALIFORNIA DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING PUBLICATIONS

California Law Prohibits Workplace Discrimination and Harassment

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS

Dear Colleague Letter: Title IX Coordinators, April 2015
Dear Colleague Letter: Harassment and Bullying, October 2010
Dear Colleague Letter: Electronic Book Readers, June 29, 2010
Notice of Non-Discrimination, January 1999
Protecting Students from Harassment and Hate Crime, January 1999

U.S. DEPARTMENT OF JUSTICE PUBLICATIONS

2010 ADA Standards for Accessible Design, September 2010
Accessibility of State and Local Government Websites to People with Disabilities, June 2003

WORLD WIDE WEB CONSORTIUM PUBLICATIONS

Web Content Accessibility Guidelines, December 2008

WEB SITES

CSBA: http://www.csba.org
California Department of Education: http://www.cde.ca.gov
California Department of Fair Employment and Housing: http://www.dfeh.ca.gov
Safe Schools Coalition: http://www.casafeschools.org
Pacific ADA Center: http://www.adapacific.org
U.S. Department of Education, Office for Civil Rights: http://www.ed.gov/about/offices/list/ocr
U.S. Department of Justice, Civil Rights Division, Americans with Disabilities Act: http://www.ada.gov

Originally Adopted: May 17, 2018
SANTA CRUZ COUNTY OFFICE OF EDUCATION
BOARD POLICY MANUAL

Section 5000: Students

BOARD POLICY

BP - 5131.2

STUDENT DRESS CODE

The County Board of Education believes that appropriate dress and grooming contribute to a productive learning environment. Students are expected to give proper attention to personal grooming and to wear clothes that are suitable for the school activities in which they participate. Students' clothing must not present a health or safety hazard or a distraction that would interfere with the educational process.

The Santa Cruz County Board of Education believes that 'gang-related' apparel is hazardous to the health and safety of the school environment.

The Santa Cruz County Board of Education authorizes its student programs to adopt dress codes appropriate to individual classes within the programs. Dress codes are to be predicated upon the effort to promote the safety of students, facilitate and maintain an effective learning environment, and enhance respectful behavior and school ownership. Individual schools may incorporate a reasonable dress code into the school site safety plan (E.C. 32281).

The Santa Cruz County Board of Education further believes the adoption of a school uniform in some instances may provide some protection for students and authorizes each school site to adopt student uniform codes in an effort to ensure the safety of students, facilitate and maintain effective learning environments, and enhance school spirit and ownership.

Staff, as directed by the County Superintendent or his/her designee, shall adopt regulations to implement this policy.

References:
Education Code: 32282(a)(2)(F); 35183

 Adopted: 11/17/05
GANG-RELATED APPAREL

At individual schools/classes that have a dress code prohibiting gang-related apparel at school or school activities, the site administration, staff and parents/guardians participating in the development of the school safety plan shall define “gang-related apparel” and shall limit this definition to apparel that reasonably could be determined to threaten the health and safety of the school environment if it were worn or displayed on a school campus.

Because gang-related symbols are constantly changing, definitions of gang-related apparel shall be reviewed at least once each semester and updated whenever new information is received.

On those campuses where gang activity is deemed to be significant, the school may incorporate a policy for wearing uniforms into the school safety plan in order to maintain the safety and integrity of the school.

I. DRESS

All classes adopting dress codes shall incorporate the following:

A. Involve parents, school staff, law enforcement, community members and students, where age-appropriate, in determining what articles of clothing will be included in the dress code.

B. Provide notice to parents and students, included in the Annual Notice and at other times as required, of the following:

1. Dress code requirements
2. Economic assistance if and when available
3. Names and numbers of County Office of Education employees to contact regarding dress codes
STUDENT DRESS CODE

C. Protect students' rights of expression using the substantial interference with education standard.

D. Establish a progressive discipline structure for violations of the dress code.

E. Provide notice of complaint procedures.

F. If a school/class is located on a host school site, students will also comply with the dress code of the host school.

G. Sun-protective clothing, including but limited to hats, shall be allowed for outdoor use during the school day. Each school site may establish rules as to the type of sun-protective clothing that will be allowed.

II. UNIFORMS

The Santa Cruz County Superintendent of Schools further believes the adoption of a school uniform in some instances may provide some protection for students and authorizes each school program to adopt student uniform regulations in an effort to ensure the safety of students, facilitate and maintain effective learning environments, and enhance school spirit and ownership.

All schools adopting uniform codes shall incorporate the following:

A. Involve parents, school staff, law enforcement, community members and students, where age-appropriate, in determining what articles of clothing will be included.

B. Provide notice to parents and students, included in the Annual Notice and at other times as required with as much notice as possible, of the following:

1. Uniform requirements
2. Economic assistance if and when available
3. Names and numbers of County Office of Education employees to Contact regarding uniform codes

C. Establish op-out provision requiring written parental authorization. No student will be penalized academically or otherwise discriminated against nor denied attendance to school if the pupil’s parents choose not to have the pupil comply with the school uniform policy. The Santa Cruz County Office of Education will continue to have responsibility for the appropriate education of those pupils.
STUDENT DRESS CODE

D. Give notice to students and parents of the consequences of non-compliance including disciplinary measures

E. Protect students' rights of expression using the substantial interference with Education standards.

1. Students are allowed to wear, for example, buttons, pins, badges or religious articles provided these articles do not cover or replace uniform articles.

2. This regulation will not preclude pupils that participate in a nationally recognized youth organization from wearing organization uniforms on days that the organization has a scheduled meeting or day of recognition.

Education Code: 32282(a)(2)(F); 35183

Adopted: 11/17/05
DISCIPLINE

The County Board of Education desires to provide a safe, supportive, and positive school environment conducive to student learning and to prepare students for responsible citizenship by fostering self-discipline and personal responsibility. The County Board believes that high expectations for student behavior, use of effective school and classroom management strategies, and parent involvement can minimize the need for discipline.

The County Superintendent of Schools or designee shall approve for each school, a complement of effective, age-appropriate strategies for correcting student behavior. Such strategies may include, but are not limited to, conferences with students and their parents/guardians; use of study, guidance, or other intervention-related teams; enrollment in a program teaching pro-social behavior or anger management; and participation in a restorative justice program. Staff shall use preventative measures and positive conflict resolution techniques whenever possible. Disciplinary measures that may result in loss of instructional time or cause students to be disengaged from school, such as suspension and expulsion, shall be imposed only when required by law and when other means of correction have failed. (Education Code 48900.5)

County Board policies and administrative regulations shall outline acceptable student conduct and provide the basis for sound disciplinary practices.

The administrative staff at each school may develop disciplinary rules to meet the school’s particular needs. However, the rules shall be consistent with law, County Board policy, and administrative regulations. The County Board may review, at an open meeting, the approved school discipline rules for consistency with County Board policy and state law. (Education Code 35291.5)

At all times, the safety of students and staff and maintenance of an orderly school environment shall be priorities in determining appropriate discipline. When misconduct occurs, staff shall attempt to identify the causes of the student’s behavior and implement appropriate discipline. When choosing between different disciplinary strategies, staff shall consider the effect of each option on the student’s health and opportunity to learn.

Staff shall enforce disciplinary rules fairly, consistently, and in accordance with the Santa Cruz County Office of Education’s nondiscrimination policies.

The County Superintendent or designee shall provide professional development as necessary to assist staff in developing consistent classroom management skills,
implementing effective disciplinary techniques, and establishing cooperative relationships with parents/guardians.

The County Superintendent or designee may report to the County Board regarding disciplinary strategies used in each school in the immediately preceding school and their effect on student learning.

**Corporal Punishment**

Corporal punishment shall not be used as a disciplinary measure against any student. Corporal punishment includes the willful infliction of, or willfully causing the infliction of, physical pain on a student. (Education Code 49901)

However, corporal punishment does not include any pain or discomfort suffered by a student as a result of his/her voluntary participation in an athletic or other recreational competition or activity. In addition, an employee’s use of force that is reasonable and necessary to protect himself/herself, students, staff, or other persons, to prevent damage to property, or to obtain possession of weapons or other dangerous objects within the control of the student is not corporal punishment (Education Code 49901)

*Adopted: 10/16/2014*
UNIFORM COMPLAINT PROCEDURE

I. COMPLIANCE OFFICERS

The Santa Cruz County Office of Education (SCCOE) follows a Uniform Complaint Procedure established in Board Policy 1312.3. Complaints should be directed to the County Office’s Compliance Officer:

Troy Cope
Director, Human Resources
400 Encinal Street
Santa Cruz, CA 95060
(831) 466-5751

The Deputy Superintendent, Student and Personnel Services, shall ensure that employees designated to investigate complaints are knowledgeable about the laws and programs for which they are responsible. Such employees may have access to legal counsel as determined by the Superintendent or designee.

II. NOTIFICATION

The County Superintendent or designee shall meet the notification requirement of the California Code of Regulations, Title 5, Section 4622, including the annual dissemination of SCCOE complaint procedures and information about available appeals, civil law remedies and conditions under which a complaint may be taken directly to the California Department of Education.

Parents or guardians, students, employees, district/site advisory committees, appropriate private school officials or representatives, and or other concerned parties will be notified of SCCOE’s Uniform Complaint Procedures annually. The County Superintendent or designee shall make available copies of the Uniform Complaint Procedures free of charge.

III. PROCEDURES

The following procedures shall be used to address all complaints that allege that the county office has violated federal and or state laws or regulations governing educational programs. The compliance officer shall maintain a record of each complaint as required for compliance with California Code of Regulations, Title 5, Section 4621. All parties involved in allegations shall be notified when a complaint is filed, when a complaint meeting or hearing is scheduled, and when a decision or ruling is made.
A. **Step 1: Filing of Complaint**

Any individual, public agency or organization may file a written complaint of alleged noncompliance by the county office.

Complaints alleging unlawful discrimination may be filed by a person who alleges that he/she personally suffered unlawful discrimination or by a person who believes that an individual or any specific class of individuals has been subjected to unlawful discrimination. The complaint must be initiated no later than six months from the date when the alleged discrimination occurred or when the complainant first obtained knowledge of the facts of the alleged discrimination. [T5 CCR 4630]

The complaint shall be presented to the compliance officer who shall maintain a log of complaints received, providing each with a code number and a date stamp. If a complainant is unable to put a complaint in writing due to conditions such as illiteracy or other disabilities, county office staff shall help him/her to file the complaint. [T5 CCR 4600]

B. **Step 2: Mediation**

The County Board recognizes that a neutral mediator can often suggest a compromise that is agreeable to all parties in a dispute. In accordance with uniform complaint procedures, whenever all parties to a complaint agree to try resolving their problem through mediation, the Superintendent or designee shall initiate mediation. The Superintendent or designee shall ensure that mediation results are consistent with state and federal laws and regulations.

Within three days of receiving the complaint, the compliance officer may informally discuss with the complainant the possibility of using mediation. If the complainant agrees to mediation, the compliance officer shall make all arrangements for this process.

Before initiating the mediation of a discrimination complaint, the compliance officer shall ensure that all parties agree to make the mediator a party to related confidential information. If the mediation process does not resolve the problem within the parameters of law, the compliance officer shall proceed with his/her investigation of the complaint.

The use of mediation shall not extend the county office’s timelines for investigating and resolving the complaint unless the complainant agrees in writing to such an extension of time. [T5 CCR 4631]
C. **Step 3: Investigation of Complaint**

The compliance officer shall make all reasonable efforts to hold an investigative meeting within ten days of receiving the complaint or an unsuccessful attempt to mediate the complaint. This meeting shall provide an opportunity for the complainant and/or his/her representative to repeat the complaint orally.

The complainant and/or his/her representative and the county office's representatives shall have an opportunity to present information relevant to the complaint. Parties to the dispute may discuss the complaint and question each other or each other's witnesses. [T5 CCR 4631]

Refusal by the complainant to provide the investigator with documents or other evidence related to the allegations in the complaint, or to otherwise fail or refuse to cooperate in the investigation or engage in any other obstructions of the investigation, may result in the dismissal of the complaint because of lack of evidence to support the allegations. [T5CCR 4631]

Refusal by the county office to provide the investigator with access to records and/or other information related to the allegation in the complaint, or to otherwise fail to refuse or cooperate in the investigation or engage in any other obstruction of the investigation, may result in a finding based on evidence collected that a violation has occurred and may result in the imposition of a remedy in favor of the complainant. [T5CCR 4631]

D. **Step 4: Response**

Within 60 days of receiving the complaint, the compliance officer shall prepare and send to the complainant a written report of the county office's investigation and decision, as described in Step #5 below unless the complainant agrees in writing to an extension of time. [T5 CCR 4631]

E. **Step 5: Final Written Decision**

The report of the county office's decision shall be in writing and sent to the complainant. [T5 CCR 4631]

The report of the county office's decision shall be written in English and in the language of the complainant whenever feasible or required by law. If it is not feasible to write this report in the complainant's primary language, the county office shall arrange a meeting at which a community member of the complainants choosing will interpret it for the complainant.

The report will contain the following elements [T5CCR 4631]:

1. The findings of fact based on the evidence gathered.
2. Conclusion of law.

3. Disposition of the complaint.

4. The rationale for such a disposition.

5. Corrective actions, if any are warranted.

6. Notice of the complainant's right to appeal the county office's decision within fifteen (15) days to the CDE and procedures to be followed for initiating such an appeal.

In addition, any decision concerning a discrimination, harassment, intimidation, or bullying complaint based on state law shall include a notice that the complainant must wait until sixty (60) calendar days have elapsed from the filing of an appeal with the CDE before pursuing civil law remedies (Education Code 262.3).

If an employee or student is disciplined as a result of the complaint, the decision shall simply state that effective action was taken and that the employee or student was informed of county office expectations.

The report shall not give any further information as to the nature of the disciplinary action. If a complaint alleging noncompliance with the laws regarding student fees, deposits, and other charges is found to have merit, the county office shall provide a remedy to all affected students and parents/guardians, which, where applicable, shall include reasonable efforts to ensure full reimbursement to them (Education Code 49013).

IV. APPEALS TO THE CALIFORNIA DEPARTMENT OF EDUCATION (CDE)

If dissatisfied with the county office’s decision, the complainant may appeal in writing to the CDE within fifteen (15) days of receiving the county office’s decision. When appealing to the CDE, the complainant shall specify the basis for the appeal of the decision and whether the facts are incorrect and/or the law has been misapplied. The appeal shall be accompanied by a copy of the locally filed complaint and a copy of the county office’s decision (Title 5, California Code of Regulations, Section 4632).

Upon notification by the CDE that the complainant has appealed the county office’s decision, the Superintendent or designee shall forward the following documents to the CDE (Title 5, California Code of Regulations, Section 4633):

A. A copy of the original complaint.

B. A copy of the decision.

C. A summary of the nature and extent of the investigation conducted by the county office, if not covered by the decision.
D. A copy of the investigation file, including but not limited to, all notes, interviews, and documents submitted by the parties and gathered by the investigator.

E. A report of any action taken to resolve the complaint.

F. A copy of the county office’s complaint procedures.

G. Other relevant information requested by the CDE.

The CDE may directly intervene in the complaint without waiting for action by the county office when one of the conditions listed in Title 5, California Code of Regulations, Section 4650 exists; including cases in which the county office has not taken action within sixty (60) days of the date the complaint was filed with the county office.

V. CIVIL LAW REMEDIES

A complainant may pursue available civil law remedies outside of the county office's complaint procedures.

Complainants may seek assistance from mediation centers or public/private interest attorneys. Civil law remedies that may be imposed by a court include, but are not limited to, injunctions and restraining orders.

For discrimination complaints however, a complainant must wait until 60 days have elapsed from the filing of an appeal with the California Department of Education before pursuing civil law remedies. The moratorium does not apply to injunctive relief and is applicable only if the county office has appropriately, and in a timely manner, apprised the complainant of his/her right to file a complaint in accordance with Title 5 California Code of Regulations 4622.

To obtain further information and forms regarding Uniform Compliant Procedures, please contact:

Compliance Officer: Troy Cope, Director, Human Resources
Santa Cruz County Office of Education
400 Encinal Street
Santa Cruz, CA 95060
(831) 466-5751