

LIST OF SUSPENDABLE AND EXPELLABLE OFFENSES

The following list of offenses may result in suspension, referral to Student Support Services, or expulsion from the Grossmont Union High School District. All cases recommended for expulsion will be investigated and determined on specific articulable facts.

MANDATORY

Recommendation for Expulsion [California Education Code 48915(c)]:

The Principal **must** recommend expulsion for the following:

1. Possessing, selling, or otherwise furnishing a firearm.
2. Brandishing a knife at another person.
3. Selling a controlled substance.
4. Committing or attempting to commit sexual assault.
5. Possession of explosives (US Code, Section 921, Title 18)

QUASI-MANDATORY/PERMISSIVE

Recommendation for Expulsion [California Education Code 48915 (a)]:

The Principal **shall** recommend expulsion for the following:

The Governing Board is required to make an additional finding that either of the following conditions exist:

- (a) Other means of correction are not feasible or have repeatedly failed to bring about proper conduct; or
 - (b) Due to the nature of the violation, the presence of the pupil causes a continuing danger to the physical safety of the pupil or others.
1. Causing serious physical injury
 2. Possession of any knife, explosive, or dangerous object of no reasonable use to a student.
 3. Possession of any controlled substance
 4. Robbery or extortion
 5. Assault or battery on a school employee

DISCRETIONARY RECOMMENDATION [California Education Code 48900]

The Principal **may** recommend expulsion for the following if:

- (a) Other means of correction are not feasible or have repeatedly failed to bring about proper conduct; or*
- (b) Due to the nature of the violation, the presence of the pupil causes a continuing danger to the physical safety of the pupil or others.*

- a.(1) Physical injury to another person
- a.(2) Willfully caused physical injury by force or violence upon another person
- b. Possession of weapons, explosives or dangerous objects
- c. Possession or use of controlled substance, alcohol or intoxicant
- d. Offered, arranged, or negotiated to sell a substance represented to be a controlled substance

- e. Committed robbery or extortion
- f. Vandalism to school property or private property
- g. Theft
- h. Possession of tobacco
- i. Excessive use of profanity or repeated vulgarity
- j. Possession of drug paraphernalia
- k. Defiance or disruption of school activities
- l. Possession of stolen property
- m. Possession of an imitation firearm
- n. Commit or attempt to commit sexual assault or sexual battery
- o. Harass, threaten or intimidate a student witness
- .2 Sexual harassment
- .3 Hate violence
- .4 Intentional harassment, threats, or intimidation
- .7 Intentional terrorist harassment, threats or intimidation against school staff or property

JURISDICTION (Education Codes 48900, 48915)

All school rules will be enforced:

- While on school grounds
- While coming to or going from school
- During school hours whether on or off campus, including while truant from school
- During or while coming to or going from a school-sponsored activity.

SEARCHES AND SEIZURES

The law provides school officials with a wide latitude to search students, their possessions, and automobiles, in the ongoing effort to maintain a safe and secure campus. When a school official has a "reasonable suspicion" that a student may be in possession of contraband or dangerous objects, the student will be asked to empty all pockets and provide the official access to other personal items (backpacks, lockers, cars) which may contain contraband or dangerous objects. Reasonable suspicion may also warrant school officials' use of a metal detector to identify concealed weapons or a breathalyzer to determine if a student is under the influence of alcohol. It is hoped all students will be cooperative, as the school official will make every attempt to be unobtrusive and respectful of privacy. Students should be aware that grounds for suspicion commonly include being "out-of-bounds" without permission or a report by another student, parent or staff member of possession of contraband or dangerous objects. Students should also be aware that any contraband or dangerous objects found in their *possession will be assumed to belong to them. Finally, if a student should discover contraband or dangerous objects on campus, he or she should go directly to a vice principal or other staff member and turn it over without delay. (Education Code 489050)*

EXPLANATION OF BEHAVIOR TERMS

1. Suspensions/Expulsions

Suspensions remove a student from campus from one to five days, after which time the student may return. Expulsion, by contrast, is a formal process which entails suspension and a hearing at the District Office to determine if a student will be dismissed from their current educational setting. Students who have been expelled by the Governing Board may not attend any school or

program operated by the Grossmont Union High School District until the Governing Board acts to lift the expulsion. Suspension or expulsion will be imposed only when other means of correction fail to bring about proper conduct. However, any pupil, including pupils with exceptional needs may be suspended--and possibly expelled--for any of the reasons enumerated in California Education Code section 48900 and 48915 (a), or if the school determines that the pupil's presence causes a danger to persons or property or threatens to disrupt the instructional process.

2. Saturday School

This program is an attendance make-up alternative and is held on Saturdays from 8:00 a.m. to 12:00 p.m.. Students must bring either schoolwork or appropriate reading material; talking is not permitted. Students who fail to bring work or insist on talking/misbehaving will be sent home. Credit for attendance depends upon full cooperation with the teacher.

3. Intensive Supervised Study (ISS)

ISS is an alternative to home suspensions. Students will be completely separated from the remainder of the student population for an entire day and may not participate in any extracurricular activities. The class climate will be strictly business, and student will be required to work the entire time they are in ISS. The rules will be simple: students will do assigned work without talking, sleeping, or leaving desks. Lunch and breaks will be controlled, supervised, and taken when other students are in class. Failure to comply with ISS rules will result in home suspension.

3. Behavior/Performance Contracts

Any student who fails to comply with school and classroom expectations, after teacher and administrative interventions, will be placed on a "THREE STIKES" BEHAVIOR/PERFORMANCE CONTRACT. Criteria for placing students on behavior contracts will be based upon 1) the significance of the violations and/or 2) the number of violations. As an administrative guideline any student receiving 5-6 referrals in a given year or in multiples of 5-6 over a four-year period will be placed on a behavior contract. Violation of the contract will result in an involuntary transfer to an alternative site. The contract will remain in effect for the student's tenure at Mt. Miguel unless notified otherwise, however. "Strikes" begin over each school year.

4. Detention

A teacher or administrator may assign detention. Detention may be held in a teacher's classroom at lunch or after school, to be determined by the teacher. Detention assigned by the Vice Principal may be held during period 7 or after school depending on when the student is done with regular classes. Students must bring something to read or schoolwork to do. Talking, sleeping, passes, radios and all other distractions are not allowed. Students who are tardy will not be allowed to enter.

Violation of Ed Code 48900 Section (A) - (O) and 48900.2-48900.7

All cases recommended for expulsion will be investigated and determined on specific articulable facts.

Behavior: 48900 Section A: PHYSICAL INJURY TO ANOTHER PERSON

Students are expected . . . to seek non-violent and constructive solutions to conflict.

1) Caused, attempted to cause, or threatened to cause physical injury to another person (Mutual Combat) [Education Code 48900 (a)(1)].

Mutual Combat means two or more students are both actively involved or engaged in a fight. An incident may begin as a battery but end as a mutual combat. For example, if an aggressor hits another student, and the victim strikes back and becomes engaged in a fight with the aggressor, this becomes mutual combat. Aiding and abetting the commission of a fight is also a violation of Education Code 48900(a)(1).

2) Willfully used force or violence upon another person [Education Code 48900 (a)(2)].

If an aggressor strikes another student and the victim does not fight back, this is a battery. If two students are actively engaged in a fight, but one stops fighting or is no longer able to fight back, and the second student continues to beat him or her, this incident has turned into a battery.

Interventions:

1. Student involved in a "first" fight (48900 a 1) will be referred to the S.T.E.P. (Systems to Encourage Peace) Program at Chaparral High School.
2. Students involved in verbal or physical confrontations may be referred to on site:
 - a. Peer Mediation
 - b. Anger Management/Conflict Resolution Counseling

Disciplinary Consequences:

Students involved in fighting for the first offense within a four-year period while enrolled at a Grossmont District school: Suspension is from three to five days. Students will be referred to the S.T.E.P. Program on a "first" fight. If they do not attend and/or satisfactorily complete the STEP Program, they will be suspended and their absences will be coded as a suspension. Consequence for a second offense while enrolled at a Grossmont District school: the student may be referred to alternative education. Students who commit an assault, battery or cause severe injury are subject to arrest and/or referral to the Governing Board for expulsion.

Behavior: 48900 Section B: DANGEROUS OBJECTS

Students are expected . . . to maintain a safe environment in the school free of weapons and/or dangerous object

Students may not possess, sell or otherwise furnish any knife, explosive, or other dangerous object unless, in the case of possession of any such object of this type, the pupil had obtained written permission to possess the item from a certificated school employee, with concurrence by the Principal or the designee of the Principal.

Definition: Students may not possess any dangerous object which constitutes a potential threat to the safety and security of the school. Students are hereby informed not to bring any of the

following items to campus or any school-related activity (including but not limited to): **gun, rifle, pistol, revolver, semi-automatic weapon.** Firearms represent a danger to safety and security of the school and must be recommended for a mandatory expulsion [Cal. Ed. Code 48915 (c)].

Students may not possess the following items: BB gun, cap gun, dart gun, pellet gun, spot marker gun, stun gun, model gun, toy gun, squirt gun, replica gun, "zip gun," model rifle, taser, model semi-automatic weapon, toy semi-automatic weapon, knife, locking blade, switchblade knife, butterfly knife, pocket knife, Swiss Army knife, pen knife, keychain knife, kitchen knife, box-knife, Exacto knife, dirk, dagger, ice pick, razor, razor blades, bombs, pipe bomb, time bomb, containers of inflammable fluids, clubs, billy club, blackjack, slingshot, nunchaku, sandclub, sandbag, metal knuckles, any metal plate with radiating points with one or more sharp edges, and spiked jewelry & apparel, chains (including wallet chains), pepper spray or mace, anything that expels a projectile by force of air or explosion, fireworks or any incendiary devices, pressurized cartridges, replica weapons and replica ammunition, and the using or flashing of laser pointers. These dangerous objects may be recommended for expulsion as a quasi-mandatory.

Interventions:

Students involved in having dangerous objects may be referred to on site:

- a. Peer Mediation
- b. Anger Management/Conflict Resolution Counseling

Disciplinary Consequences:

Suspension and possible referral to the Governing Board for expulsion on the first offense.

**Behavior: 48900 Section C & D: CONTROLLED SUBSTANCES
48915 Section C**

Students are expected . . . to be drug, alcohol and weapon free.

Students may not possess, use, *sell, be under the influence of, or furnish any amount of controlled substance, alcohol, or intoxicant of any kind. These include, but are not limited to all alcoholic beverages, narcotics, marijuana, methamphetamines, inhalants, and hallucinogens. All prescription and over-the-counter medication must remain in the possession of the school nurse. In addition, students may not offer, arrange or negotiate to sell any controlled substance, alcoholic beverage or intoxicant and then furnish a substitute item intended to represent the controlled substance, alcoholic beverage, or intoxicant.

***Students who unlawfully sell a controlled substance must be recommended for expulsion (Mandatory) [Cal. Ed. Code 48915 (c)].**

Interventions: [48900 (c)]

Students may be referred to P.A.T.H., a five-day intervention program for first time involvement with alcohol, marijuana, controlled substances, or intoxicant of any kind (excluding selling of a controlled substance which is a mandatory recommendation for expulsion).

Disciplinary Consequences:

1. Controlled substances/Intoxicants: Students found in possession of alcohol, marijuana, intoxicants, or any controlled substance or who use alcohol, marijuana, intoxicants or any controlled substance while under the school's jurisdiction will be suspended for five days.

- a) If this is the student's first incident with any controlled substance/intoxicant while enrolled at a Grossmont District school, the student will be referred to the five-day intervention program [P.A.T.H. (Pointing Adolescents Toward Health)] at an alternative school that must be successfully completed before returning to the school of residence.
- b) On a second offense, the student will be referred to an intervention program where students are required to attend a weekly after-school intervention program related to controlled substance abuse. The student will also be required to participate in regular drug screenings. If the student does not meet attendance requirements for the program or fails the drug screening, the student will be referred for expulsion.
- c) If the student has committed a third controlled substance/intoxicant related infraction, he/she will be referred to the Governing Board for expulsion.

2. Students who do not attend the five day P.A.T.H. Program will be suspended for five days and involuntarily transferred to alternative education for the remainder of that semester and one additional semester.

3. False Representation: Students who provide other persons with an item intended to represent any alcoholic beverage, intoxicant or controlled substance will receive the same consequences as someone who furnishes a controlled substance/intoxicant.

Students who sell alcohol/marijuana or any controlled substance/intoxicant to another person will be suspended for five days and will be recommended to the Governing Board for expulsion.

Behavior: 48900 Section E: ROBBERY

Students are expected. . . to respect the property of others.

Students may not commit or attempt to commit robbery or extortion. This includes the theft of any property not belonging to the student or any attempt made to force or create fear in others while attempting to steal or while stealing another's property.

Interventions:

Schools will determine appropriate interventions (e.g. counseling, community service, campus projects, etc.)

Disciplinary Consequences:

The consequences for robbery or extortion will range from suspension to referral to the Governing Board for expulsion. The student and/or parent will be responsible for returning the stolen property or for full payment. In addition, law enforcement may be contacted.

Behavior: 48900 Section F: DAMAGE TO PROPERTY

Students are expected . . . to respect the property of others.

Interventions:

Schools will determine appropriate interventions (e.g. counseling, community service, campus projects, etc.)

Disciplinary Consequences:

The consequences for attempting to cause or causing damage to other's property will range from suspension to referral to the Governing Board for expulsion. The student and/or parent will be responsible for payment for the damage. In addition, law enforcement may be contacted.

Behavior: 48900 Section G: THEFT

Students are expected . . . to respect the property of others.

Interventions:

Schools will determine appropriate interventions (e.g. community services, campus projects, etc.)

Disciplinary Consequences:

The consequences for theft will range from suspension to referral to the Governing Board for expulsion. The student and/or parent will be responsible for returning the stolen property or for full payment of the property. In addition, law enforcement may be contacted.

Behavior: 48900 Section H: TOBACCO

Students are expected . . . to live healthy lifestyles.

Students may not possess or use tobacco, or any products containing tobacco or nicotine products, including, but not limited to, cigarettes, cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel.

Interventions and Disciplinary Consequences:

First Offense: Students will receive a tobacco cessation program.

Second Offense: Suspension

Third Offense: Referral to Alternative Education

Behavior: 48900 Section I: OBSCENITY, PROFANITY & VULGARITY

Students are expected . . .

- *to treat all members of the school community with respect .*
- *to practice responsible and honest behavior.*

Students may not engage in obscene acts or engage in habitual profanity or vulgarity, which includes: writing, speaking, gesturing or acting in contempt of sacred or holy things, or using irreverent, or coarse language.

Interventions:

Student may participate in appropriate counseling to deter obscenity, profanity and vulgarity. Student may participate in peer mediation/student support groups with topics of profanity, obscenity and vulgarity.

Disciplinary Consequences:

Will range from detention to referral to the Governing Board for expulsion.

Behavior: 48900 Section J: PARAPHERNALIA

Students are expected . . .to live healthy lifestyles & to be drug, alcohol and weapon free.

Students may not possess, offer, arrange, or negotiate to sell any drug paraphernalia as defined in Section 11014.5 of the Health and Safety Code. Examples of paraphernalia include, but are not limited to, pipes, bong, roach clips, rolling papers, and any other devices used in conjunction with illicit substances.

Interventions:

Students who are found with drug paraphernalia on a first offense will be referred to the P.A.T.H., five day intervention program. Students who are found with paraphernalia on a second offense may be recommended for a long-term substance abuse counseling program as part of an expulsion placement.

Disciplinary Consequences:

Students who possess, offer, arrange or negotiate to sell drug paraphernalia will receive consequences ranging from suspension through referral to the Governing Board for expulsion.

1. Students may be referred to the P.A.T.H. Program in lieu of suspension for five days. Upon verified completion of the P.A.T.H. Program, the days of absence will be coded as a field trip and the student will be allowed to make up missed work.
 2. Students who do not attend and/or successfully complete the P.A.T.H. Program, will be referred for an involuntary transfer to alternative education.
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Behavior: 48900 Section K: DEFIANCE & DISRUPTION

Students are expected . . .

- *to follow all school rules and respect the authority and direction of school staff.*
- *to behave in a safe and orderly manner.*
- *to maintain a safe environment in the school.*
- *to treat all members of the school community with respect .*

Students may not be defiant, disruptive, disrespectful, or deceptive. These behaviors negatively impact the orderly operation of the classroom or general educational environment of the school.

Interventions:

Students may be referred to an appropriate counseling or support group which addresses anger management, conflict resolution, and decision-making.

Disciplinary Consequences:

Students who defy the directions of a school employee or disrupt the orderly operation of any school-related activity will receive consequences ranging from a detention, suspension through referral to the Governing Board for expulsion. In addition, students who run from or attempt to evade a school official may be referred to alternative education on the first offense.

Behavior: 48900 Section L: RECEIVING STOLEN PROPERTY

Students are expected . . . to respect the property of others.

Interventions:

Students may participate in a student support group or counseling which addresses:

- Values clarification
- Character education
- Responsible decision making

Disciplinary Consequences:

Students who knowingly receive stolen property will be suspended and may be referred to the Governing Board for expulsion. In addition, law enforcement may be contacted.

Behavior: 48900 Section M: POSSESSION OF AN IMITATION FIREARM

Students are expected . . .

- *to maintain a safe environment in the school.*
- *to be weapon free.*

As used in this section, "imitation firearm" means a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm. This includes pellet guns, BB guns, and or other "toy" guns which may be mistaken for a real firearm.

Interventions:

Student may be referred to an appropriate campus support group or counseling:

- Anger Management
- Conflict Resolution
- Peer Mediation

Disciplinary Consequences:

Suspension and possible referral to the Governing Board for expulsion on the first offense. In addition, law enforcement may be contacted.

Behavior: 48900 Section N: COMMIT OR ATTEMPT TO COMMIT A

SEXUAL ASSAULT OR SEXUAL BATTERY

Students are expected . . . to treat all members of the school community with respect.

As used in this section, sexual assault includes any sexual acts performed against the victim's will by means of force, violence, threats, or duress, or fear of immediate and unlawful bodily injury on the victim.

As used in this section, sexual battery means intentionally touching the breasts, buttocks, or groin area of another person without his/her consent.

Disciplinary Consequences:

Suspension and referral to the Governing Board for expulsion on the first offense. In addition, law enforcement will be contacted. Committing a sexual assault is a mandatory recommendation for expulsion offense [Education Code 48915 (c)].

Behavior: 48900 Section O: HARASS, THREATEN OR INTIMIDATE A STUDENT WITNESS

Students are expected . . . to treat all members of the school community with respect.

Interventions:

Student may be referred to a campus support group or counseling for:

- Character Education
- Values Clarification
- Peer Mediation
- Conflict Resolution/Anger Management

Disciplinary Consequences:

Students who knowingly harass, threaten or intimidate a student who is a complaining witness or who is a witness in a school disciplinary proceeding for the purpose of either preventing that pupil from being a witness or retaliating against that student for being a witness or both will face suspension and possible referral to the Governing Board for expulsion on the first offense. In addition, law enforcement may be contacted.

Behavior: 48900.2: SEXUAL HARASSMENT

Students are expected . . . to treat all members of the school community with respect .

Students may not engage in conduct constituting sexual harassment such as, but not limited to, unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature, including harassment for sexual orientation, severe enough to have a negative impact upon another student's academic performance or to create an intimidating, hostile, or offensive educational environment. Any student wishing to make a complaint of sexual harassment should immediately report it to a vice principal.

The Grossmont Union High School District is committed to making the educational environment for students free from sexual harassment. Board Policy 5145.7 prohibits sexual harassment as defined in the Education Code to mean unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature, made by someone from or in the educational setting.

The District prohibits conduct that has the purpose or effect of having a negative impact upon the individual's work or academic performance, or of creating an intimidating, hostile, or offensive work or educational environment.

The District further prohibits sexual harassment, which conditions a student's academic status, progress, benefits, services, honors, program or activities based on submission to such conduct.

Students should report any sexual harassment to their school principal, vice principal, counselor, or teacher. Students who violate this policy shall be disciplined appropriately, including suspension or possible expulsion. Incidents of sexual harassment will be recorded on the site sexual harassment log. Employees who violate this policy shall be disciplined, pursuant to Board Policy 4119.11.

Complaints must be initiated no later than six (6) months from the date when the alleged discrimination occurred or when the individual first obtained knowledge of the facts of the alleged discrimination. Investigation of alleged discrimination complaints shall be conducted in a manner that protects confidentiality of individuals and the facts. The District prohibits retaliatory behavior against any complainant or any participant in the complaint process. The initiation of a complaint of sexual harassment will not reflect negatively on the student who initiates the complaint nor will it affect the student's academic standing, rights or privileges.

Sometimes harassment complaints can be settled at the school and sometimes at the District Office. If the complaint is not settled after mediation and/or investigation, you have the right to discuss your concerns with the Superintendent or the Superintendent's Designee. If it is not resolved there, you may go to the Governing Board, Child Protective Services, and/or law enforcement agencies including the U.S. Office of Civil Rights, which may also investigate complaints of sexual harassment. The U.S. Office of Civil Rights may be contacted directly to file complaints. (For additional information or the complete District policy governing sexual harassment (BP 5145.7) contact: Human Resources, Title IX Coordinator, Grossmont Union High School District Office.

Interventions:

Students may participate in campus support groups or counseling on

- Character Education
- Values Clarification
- Conflict Resolution
- Other Appropriate Activities

Disciplinary Consequences:

The consequences for sexual harassment will range from a warning through referral to the Governing Board for expulsion.

Behavior: 48900.3: HATE VIOLENCE

Students are expected . . . to treat all members of the school community with respect .

Students may not cause, attempt to cause, threaten to cause, or participate in an act of hate violence as defined in Education Code 33032.5 (Such acts include injuring or intimidating another person either verbally or physically; interfering with the exercise of a person's civil rights; and or damaging a person's property because of the person's race, color, religion, ancestry, national origin, disability, gender, or sexual orientation.) This includes racial/ethnic/religious slurs.

Interventions:

Students may participate in campus support groups or counseling on

- Anger Management
- Conflict Resolution
- Character Education
- Peer Mediation
- Values Clarification
- Site programs on hate violence

Disciplinary Consequences:

The consequences for hate violence will range from suspension through referral to the Governing Board for expulsion.

Behavior: 48900.4: HARASSMENT, THREATS & INTIMIDATION

Students are expected . . . to treat all members of the school community with respect.

Students may not intentionally engage in bullying behavior including: harassment, threats, or intimidation, directed against any other student(s), that is severe enough to disrupt class work, create disorder, and invade the rights of the other student(s) by creating an intimidating or hostile educational environment. This includes verbal, non-verbal and physical acts.

Interventions:

Students may participate in appropriate campus support groups or counseling on

- Anger Management
- Conflict Resolution
- Character Education
- Values Clarification

Disciplinary Consequences:

The consequences for harassing, threatening or intimidating behavior will range from suspension through referral to the Governing Board for expulsion.

Behavior: 48900.7: TERRORIST THREATS ON SCHOOL STAFF AND/OR PROPERTY

Students are expected . . .to treat all members of the school community with respect.

Students may not make terrorist threats against school officials and or property as defined in AB 307, Chapter 405 (such acts include 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 \$1000 with the specific intent that the statement is taken as a threat, EVEN IF THERE IS NO INTENT OF ACTUALLY CARRYING IT OUT.

Interventions:

Students may participate in campus support groups or counseling on

- Anger Management
- Conflict Resolution
- Character Education
- Peer Mediation
- Value

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Disciplinary Consequences:

The consequences for terrorist threats will range from suspension through referral to the Governing Board for expulsion.