

CODE OF CONDUCT

Code of Conduct

As a parent, you are the best person to set rules and consequences for your children. Society has set rules as well. This section talks about those rules. Parents can impact their children's discipline at home and at school. Studies prove that children whose parents are involved in their education perform better in school. That is why we encourage parents to be active with their children at all grade levels. We encourage parents to work with their school parent group, volunteer in the classroom and to be active with their children's learning at home.

The California Education Code

A student shall not be disciplined, suspended or recommended for expulsion unless the Superintendent, a designee or the principal of the school in which the student is enrolled determines the student has violated one or more parts of the Code of Conduct.

A student may be disciplined, suspended or expelled for acts enumerated in the Code of Conduct that are related to school activity or school attendance occurring at any District school or within any other school district, including, but not limited to, any of the following:

1. While on school grounds.
2. While going to or coming from school.
3. During the lunch period whether on or off campus.
4. During, while going to, or coming from a school sponsored activity
5. For conduct which occurs after school hours and off District property, but which is reasonably likely to cause or causes a substantial disruption of a school activity or attendance [AESD BP/AR 5131.4]

Disciplinary consequences include, but are not limited to, detention, suspension and expulsion.

To the extent possible, staff shall use disciplinary strategies that keep students in school and participating in the instructional program. Alternative means of correction and disciplinary strategies. [E.C. 48900(v), 48900.5; AESD BP/AR 5144]

Detention is the assignment of a student to a supervised area for a specified time before or after school, at lunch or during Saturday school.

Except for single acts of a grave nature or offenses for which suspension or expulsion is permitted or required by law for a student's first offense, suspension or expulsion shall be used only when other means of correction have failed to bring about proper conduct or the student's presence causes a continuing danger to himself/herself or others [E.C. 48900.5]

Suspension is the removal of a student from the classroom for disciplinary reasons for a defined period of time by a teacher or school administrator. A principal or designee may suspend a student for up to five days a teacher may suspend a student for the remainder of the class in which the misbehavior occurred and for the next day's class. A suspension may be extended under certain conditions. There are two kinds of suspension-on-campus suspension and home suspension. Student placed on home suspension are not permitted on or near the school campus, nor are they allowed to participate in any school activities during suspension. They may, however, be required to complete assignments and tests which will be made available to them through an intermediary.

Expulsion, as ordered by the Board of Education, is the removal of a student from all schools in the Atwater Elementary School District for violating the California Education Code. The expulsion is for a defined period. State law provides for due process and rights to appeal any order of expulsion.

The following identifies the sections of the California Education Code that govern student conduct regarding suspension and expulsion.

SUSPENSION

If a student's behavior is a threat to the safety, health or emotional well-being of others, and previous methods of prevention and intervention have not been successful, that student may be suspended in accordance with state law and District policy. Suspension may be imposed upon a first offense if

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the Superintendent, principal or designee determines the student violated Education Code section 48900(a)-(3) or if the student's presence causes a danger to persons. [E.C. 48900.5]

Reasons for Suspension*

State law allows for the suspension of a student if a student commits or engages in any of the acts listed below, where such conduct or acts relate to school activities or attendance, such as, but not limited to when such acts or conduct take place—while on school grounds, going to or from school, during lunch period (on or off campus), during, or while going to or from, a school-sponsored activity, or for conduct which occurs after school hours and off District property, but which is reasonably likely to cause or causes a substantial disruption of a school activity or attendance:

- **Assault/Battery [E.C. 48900(a)]**

Causing, attempting to cause, or threatening to cause physical injury to another person. Exceptions may be made in a situation where witnesses and evidence support a case of self-defense.

- **Weapons [E.C. 48900(b)]**

Possessing, selling, or otherwise providing any weapon including firearms, knives, explosives or other dangerous object.

- **Alcohol/Intoxicants/Controlled Substances [E.C. 48900(c)]**

Unlawfully possessing, using, selling or otherwise providing alcohol, intoxicants or controlled substance including prescribed medications. Also applies to being under the influence of alcohol, intoxicants or controlled substances.

- **Substance in Lieu of Alcohol/Intoxicants/Controlled Substances [E.C. 48900(d)]**

Delivering, providing or selling items which are claimed to be alcohol, intoxicants or controlled substances but were not such items.

- **Robbery or Extortion [E.C. 48900(e)]**

Committing or attempting to commit robbery or extortion. Extortion occurs when threats are made with the intent to obtain money or something of value.

- **Property Damage**[E.C. 48900(f)]**

Causing or attempting to cause damage to school property or private property.

- **Property Theft** [E.C. 48900(g)]**

Stealing or attempting to steal school or private property.

- **Tobacco or Nicotine Products [E.C. 48900(b)]**

Possessing, providing or using tobacco, or any item containing tobacco or nicotine products, including but not limited to cigarettes, cigars, clove cigarettes, smokeless tobacco, snuff, chew packets and betel.

- **Obscenity [E.C. 48900(i)]**

Committing an obscene act or engaging in regular profanity, swearing or vulgarity.

- **Drug Paraphernalia [E.C. 48900(j)]**

Unlawfully possessing, offering, arranging for, or negotiating to sell any drug items.

- **Disruption or Defiance [E.C. 48900(k)]**

Disrupting school activities or otherwise refusing to follow the valid authority of school personnel, including supervisors, teachers, school officials or other school staff performing their duties.

“Disruption of school activities” is defined as follows: when a student’s conduct, presence or actions disrupts or threatens to disrupt normal District or school operations, threatens the health or safety of anyone on District or school property, or causes or threatens to cause damage to District property or to any property on school grounds.

Examples of disruption of school activities under subdivision (k) of Education Code section 48900, as defined above, which may subject a student to discipline, include but are not limited to:

- Classroom behavior that impedes a teacher’s ability to teach and other students’ ability to learn, such as a student talking loudly or making other distracting noises or gestures while a teacher is speaking to and instructing the class and when students are expected to be silent and attentive; or
- The intentional activation of the fire alarm causing the temporary evacuation of the school and/or causing emergency personnel to respond.

“Willful defiance of valid authority” is defined as follows: when a student defies the valid authority of a District or school official or District or school staff in a manner that has an impact on the effective or safe functioning of District or school operations, such as continuing to remain at the

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scene of a fight or to instigate a disturbance after being told to stop the subject behavior; repeated disobedience to or defiance of school personnel when other interventions have not been successful in modifying the misbehavior; or in the proper instance one-time or first-time disobedience to or defiance of school personnel that has an impact on the effective or safe functioning of District or school operations.

Examples of willful defiance of valid authority under subdivision (k) of Education Code section 48900, as defined above, which may subject a student to discipline, include but are not limited to:

- Continuing to remain at the scene of a fight or other violent disturbance despite specific directions to leave the area by administrators or other school staff attempting to break up the fight or mitigate the disturbance caused by the fight; or
- Repeated episodes of misbehavior, despite multiple efforts and/or directives by a classroom teacher or other District staff intended to change and correct the student's misbehavior.
- **Receiving Stolen Property ** [E.C. 48900(l)]**
Receiving stolen school or personal property.
- **Possessing Imitation Firearm [E.C. 48900(m)]**
Possessing an imitation firearm or simulated firearm that is substantially similar in physical properties to an existing firearm.
- **Sexual Harassment [E.C. 48900(n)]**
Committing or attempting to commit a sexual assault or committing a sexual battery.
- **Threats and Intimidation [E.C. 48900(o)]**
Harassing, intimidating or threatening a student who is a witness in a school disciplinary proceeding for a purpose of either preventing that student from being a witness or retaliating against that student for being a witness, or both.
- **Prescription Drug Soma [E.C. 48900(p)]**
Offered, arranged to sell, negotiated to sell or sold the prescription drug Soma.
- **Hazing [E.C. 48900(q)]**
Engaging in, or attempting to engage in any activities used for initiation or pre-initiation into a student organization, or student body or related activities, which causes or is likely to cause bodily danger, physical harm, or personal degradation or disgrace, resulting in physical or mental harm.
- **Bullying [E.C. 48900(r)]**
Bullying means any severe or pervasive or verbal act or conduct, including communications made in

writing or by means of an electronic act, directed toward one or more students that has or can reasonably be predicted to have the effect of placing a reasonable student in fear of harm to himself/herself or his/her property; cause the student to experience a substantially detrimental effect on his/her physical or mental health; or cause the student to experience substantial interferences with his/her academic performance or ability to participate in or benefit from services, activities, or privileges provided by a school. [E.C. 48900(r)] Bullying shall include any act of sexual harassment, hate violence, or harassment, threat, or intimidation, as defined in Education Code 48900.2, 48900.3, or 48900.4 that has any of the effects described above on a reasonable student. [E.C. 48900(r)]

- **Aided or abetted to Inflict Physical Injury [E.C. 48900(t)]**

Aiding or abetting in the infliction or attempted infliction of physical injury to another student. However, the District cannot seek to expel a student for violation of Education Code 48900(t) until juvenile court proceedings are completed and the juvenile has been convicted of being an aider or abettor of a crime of physical violence in which the victim suffered great bodily injury or serious bodily injury.

- **Sexual Harassment (Grades 4-12) [E.C. 48900.2]**

Engaging in prohibited sexual harassment that includes, but is not limited to, unwelcome sexual advances, requests for sexual favors, or other verbal, visual or physical conduct of a sexual nature.

- **Hate Violence (Grades 4-12) [E.C. 48900.3]**

Hate violence means any act punishable under Penal Code 422.6, 422.7 or 422.75. Such acts include injuring or intimidating a victim, interfering with the exercise of a victim's civil rights, or damaging a victim's property because of the victim's race, ethnicity, religion, nationality, disability, gender, gender identity, gender expression or sexual orientation; a perception of the presence of any of those characteristics in the victim; or the victim's association with a person or group with one or more of those actual or perceived characteristics. [E.C. 233; Penal Code 422.55]

- **Other Harassment (Grades 4-12) [E.C. 48900.4]**

Harassing, intimidating or threatening a student or group of students, or school personnel, with the actual or expected effect of disrupting class

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work, or creating substantial disorder, or creating a hostile educational environment.

- **Terrorist Threats [E.C. 48900.7]**

Making terrorist threats against school officials and/or property, or both.

*the superintendent or principal may use his or her discretion to provide alternatives to suspension or expulsion to address student misconduct. [E.C. 48900(v), 48900.5] [AESD AR 5144]

**School property includes, but is not limited to, electronic files.

EXPULSION

Expulsion, as ordered by the Atwater Elementary School District Board of Education, is the removal of a student from all schools in the District for violating the California Education Code at school or at a school activity off school grounds. The expulsion is for a defined period of time, but an application for re-admission must be considered within a specified time period. State law provides for full due process and rights to appeal any order of expulsion.

A student shall be recommended for expulsion for violation of any of the acts set forth in Education Code 48915(a)(1)(A)-(E), unless the Superintendent, Superintendent's designee, principal or principal's designee determines that expulsion should not be recommended under the circumstances or that an alternative means of correction would address the conduct.

- **Serious Physical Injury [E.C. 48915(a)(1)(A)]**

Causing serious physical injury to another person, except in self-defense.

- **Possession of Knife or Dangerous Object [E.C. 48915(a)(1)(C)]**

Unlawful possession of any drug except for (1) the first time offense of possession of not more than one ounce of marijuana, or (2) for the student's possession of over-the-counter medication for his/her use or other medication prescribed for him/her by a physician.

- **Robbery or Extortion [E.C. 48915(a)(1)(D)]**

- **Assault or Battery on a School Employee [E.C. 48915(a)(1)(E)]**

State law requires a school administrator to recommend expulsion if a student commits certain

violations of the Education Code. A student shall immediately be recommended for expulsion for violation of any of the acts set forth in Education Code section 48915(c)(1)-(5).

- **Possession, Selling or Furnishing a Firearm [E.C. 48915(c)(1)]**

Possessing, selling or otherwise furnishing a firearm (verified by an employee of the school district). However, possession of an imitation firearm, as defined in Education Code 48900(m), shall not be regarded as an offense requiring a mandatory recommendation for expulsion and mandatory expulsion.

- **Brandishing a Knife [E.C. 48915(c)(2)]**

Brandishing a knife at another person.

- **Selling a Controlled Substance [E.C. 48915(c)(3)]**

Unlawfully selling a controlled substance.

- **Sexual Assault or Batter [E.C. 48915(c)(4)]**

Committing or attempting to commit a sexual assault as defined in subdivision (n) of Section 48900 or committing a sexual battery as defined in subdivision (n) of Section 48900.

- **Possession of an Explosive [E.C. 48915(c)(5)]**

For all other acts and conduct for which a student is subject to discipline under Education Code sections 48900 through 48900.7 and which are not specifically listed or addressed under Education Code section 48915(a) or 48915(c), a student may be recommended for expulsion where other means of correction are not feasible or have repeatedly failed to bring about proper conduct, or where due to the nature of the student's conduct violation, the presence of the student causes a continuing danger to the physical safety of the student of others. [E.C. 48915(b) and (e)]

Education Codes Related to Discipline

The following table identifies the consequences in the Code of Conduct that may be applied. Most violations allow for a range of disciplinary responses within educational system. Some consequences may occur simultaneously. Additionally, certain violations overlap the California Penal Code and may have consequences within the juvenile/adult court systems.



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EDUCATION CODES RELATED TO DISCIPLINE & REQUIRED OR POTENTIAL DISCIPLINARY CONSEQUENCES

1. Mandatory Expulsion {E.C. 48915(c)}	Alternative to Suspension	Suspension	Expulsion
(1) Possession, selling or otherwise furnishing a firearm. However, possession of an imitation firearm, as defined in Education Code 48900(m), shall not be regarded as an offense requiring a mandatory recommendation for expulsion and mandatory expulsion.			•
(1) Brandishing a knife.			•
(2) Unlawfully selling a controlled substance.			•
(3) Committing or attempting to commit a sexual assault or battery.			•
(4) Possession of an explosive			•
2. Mandatory Recommendation for Expulsion {E.C. 48915(a)(1)} Unless the Superintendent, Superintendent's designee, principal or principal's designee determines that expulsion should not be recommended under the circumstances or that an alternative means of correction would address the conduct.	Alternative to Suspension	Suspension	Expulsion
(1) Causing serious physical injury to another person except in self-defense.			•
(2) Possession of any knife or other dangerous object of an reasonable use to the pupil.			•
(3) Unlawful possession of any drug except for (1) the first offense of possession of not more than one ounce of marijuana, or (2) for the student's possession of over-the-counter medication for his/her use of other medication prescribed for him/her by a physician.			•
(3) Robbery or extortion.			•
3. Acts of Violence {E.C. 48900(a)}	Alternative to Suspension	Suspension	Expulsion
(1) Caused, attempted to cause, or threatened to cause physical injury to another person.	•	•	•
(2) Willfully used force or violence upon another person.		•	•
4. Weapons and Dangerous Objects {E.C. 48900(b)}	Alternative to Suspension	Suspension	Expulsion
(1) Possession, sale, or furnishing of weapons (knife, gun, sharp object, club, or an object that could inflict injury) or explosive.		•	•
(2) Explosives, use or possession.		•	•
5. Drugs and Alcohol {E.C. 48900(c)}	Alternative to Suspension	Suspension	Expulsion
(1) Possession, use, sale, or furnishing, or otherwise being under the influence of alcohol, controlled substances, or an intoxicant.		•	•
6. Sale of "Look-alike" Controlled Substance or Alcohol {E.C. 48900(d)}	Alternative to Suspension	Suspension	Expulsion
Offering, arranging, or negotiating to sell drugs, alcohol or any intoxicant and then substituting a look-alike substance intended to represent drugs, alcohol, or an intoxicant.		•	•
7. Robbery or Extortion {E.C. 48900(e)}	Alternative to Suspension	Suspension	Expulsion
Committed or attempted to commit robbery or extortion.			•
8. Damage to Property {E.C. 48900(f)}	Alternative to Suspension	Suspension	Expulsion
Caused, or attempted to cause damage to school or private property	•	•	•
9. Theft or Stealing {E.C. 48900(g)}	Alternative to Suspension	Suspension	Expulsion
Stealing, or attempting to steal school or private property.	•	•	•
10. Tobacco {E.C. 48900(h)}	Alternative to Suspension	Suspension	Expulsion
Possessed or used tobacco or nicotine products.	•	•	•

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Code	Alternative to Suspension	Suspension	Expulsion
11. Profanity, Obscene Acts, Vulgarity {E.C. 48900(i)}	Alternative to Suspension	Suspension	Expulsion
(1) Directed at peers.	•	•	•
(2) Directed at school personnel		•	•
12. Drug Paraphernalia {E.C. 48900(j)}	Alternative to Suspension	Suspension	Expulsion
Possessed, offered, arranged, or negotiated to sell any drug paraphernalia.		•	•
13. Willful Defiance or Disruption of School Activities {E.C. 48900(k)}	Alternative to Suspension	Suspension	Expulsion
(1) Disrupting school activities.	•	•	•
(2) Refusing to follow the valid authority of school personnel, including supervisors, teachers, school officials or other school staff performing their duties.	•	•	•
(3) Failure to follow school rules.	•	•	•
(4) Failure to follow directive or instruction of staff or teachers	•	•	•
(5) Failure to follow conduct code for school bus passengers.	•	•	•
14. Possession of Stolen Property {E.C. 48900(l)}	Alternative to Suspension	Suspension	Expulsion
Knowingly received stolen school property or private property.	•	•	•
15. Imitation Firearm {E.C. 48900(m)}	Alternative to Suspension	Suspension	Expulsion
Possession of an imitation firearm that is substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude the replica is a firearm.		•	•
16. Sexual Assault or Sexual Batter {E.C. 48900(n)}	Alternative to Suspension	Suspension	Expulsion
Committed or attempted to commit a sexual assault or battery.			•
17. Harassment of a Student Witness {E.C. 48900(o)}	Alternative to Suspension	Suspension	Expulsion
Harassed, threatened, or intimidate a pupil who is a witness in a school disciplinary proceeding for the purpose of intimidation or retaliation.	•	•	•
18. Prescription Drug Soma {E.C. 48900(p)}	Alternative to Suspension	Suspension	Expulsion
Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.	•	•	•
19. Hazing {E.C. 48900(q)}	Alternative to Suspension	Suspension	Expulsion
Engaged or attempted to engage in hazing.	•	•	•
20. Bullying and Bullying by Electronic Act {E.C. 48900(r)}	Alternative to Suspension	Suspension	Expulsion
Engaged in an act of bullying, including, but not limited to, bullying committed by means of an electronic act, directed specifically toward a pupil.	•	•	•
21 Aided or Abetted to Inflict Physical Injury {E.C. 48900(t)}	Alternative to Suspension	Suspension	Expulsion
Aided or abetted in the infliction or attempted infliction of physical injury to another student.	•	•	•
22. Sexual harassment {E.C. 48900.2}	Alternative to Suspension	Suspension	Expulsion
Prohibited sexual harassment includes, but is not limited to, unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature. Applies to grades 4-12.	•	•	•
23. Acts of Hate Violence {E.C. 48900.3}	Alternative to Suspension	Suspension	Expulsion
Students in grades 4-12 may be suspended or recommended for expulsion for causing, threatening, or attempting to cause, or participating in an act of hate violence defined as willfully interfering with or threatening another person's person or property rights because of race, ethnicity, national origin, religion, disability, or sexual orientation. Speech that threatens violence, when the perpetrator has the apparent ability to carry out the threat, may be considered an act of hate violence.	•	•	•



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	Alternative to Suspension	Suspension	Expulsion
24. Other Harassment {E.C. 48900.4} Students in grades 4-12 may be suspended or recommended for expulsion for intentionally engaging in harassment, threats, or intimidation against a student or group of students when the harassment is severe and pervasive and disrupts classes or created disorder or an intimidating or hostile educational environment.	•	•	•
25. Terrorist Threats {E.C. 48900.7} Making terrorist threats against school officials and/or property.		•	•
26a. Attendance – Truant {E.C. 48260} Absent from school without a valid excuse.	•	•	•
26b. Attendance – Repeat Truant {E.C. 48260} Absent from school more than one day without a valid excuse.	•	•	•
26c. Attendance – Habitual Truant {E.C. 48262} Any student truant three or more times per school year. Students who are habitually truant may be referred to the School attendance Review Board.	•	•	•

Respect and Civility

We believe everyone – students and District employees – deserves to be treated with respect. There is a great deal of diversity in the families we serve and we believe that our diversity is a strength. We strive to ensure everyone feels welcome in our schools. The school District will not tolerate behavior by students, staff or visitors that insults, degrades or stereotypes any race, gender, disability, physical characteristic, ethnic group, sexual preference, age, national origin or religion. Any person who comes onto a school campus or other school facility and there is reasonable cause to believe that their conduct has willfully disrupted the orderly operation of such campus/facility is subject to having their permission to remain withdrawn by the chief administrator and/or may be subject to arrest. [Penal Code 626.4, 626.8]

School Attendance Review Board (SARB)

SARB reviews student attendance and disruptive behavior. Students may be referred to SARB for habitual truancy or irregular attendance. SARB may involve the District Attorney, County Probation Department and County Health and Human Services in a student's case.

School Rules

You have a right to review school rules regarding student discipline. If you wish to do so, please contact the school office. [E.C. 35291, 48980]

Search and Seizure Policy

The Search and Seizure Policy governs the District's authority to search individual students and their property and the student's responsibility to submit to searches. Under Board Policy 5145.12, school officials may conduct a search when there is a reasonable suspicion the search will uncover evidence that the student is violating the law or the rules of the school or district.

General inspections of school properties, such as lockers and desks, may be conducted on a regular, announced basis. Any items in a locker shall be considered the property of the student to whom the locker was assigned.