

# MODESTO CITY SCHOOLS

## Board Policy

BP 5132

### STUDENTS

#### Student Conduct Code, 7-12

The Board of Education has the responsibility to see that an appropriate educational program is available to every student and that the dignity and worth of each student is respected. Within the framework of California law, courses and materials are developed, teachers and administrators are selected, and rules and regulations are established to ensure a proper climate in which students may pursue their studies. In addition, Modesto City Schools defines the essential elements of the moral and ethical behavior expected of every student by the nine character traits (Courage, Honesty, Loyalty, Respect, Responsibility, Civility, Compassion, Initiative, and Perseverance).

Sections of that law are cited here so that students and parents may know the basis for the rules that must be enforced by the Board. This responsibility is an obligation the Board takes seriously. School personnel have been charged by the Board to carry out these rules in a fair, firm, and friendly manner in order to safeguard each student's right to the finest education we can provide. Staff is also responsible for teaching, and modeling the nine character traits as they apply to behavior and citizenship in order to hold distracting forces to a minimum, and to eliminate behavior that disrupts the learning process. This will benefit the majority of students by allowing them to go to schools relatively free from unnecessary interruption.

Parents, administrators, teachers, and others responsible for the welfare of students must cooperate to interpret and enforce our behavior code and attendance policy.

---

ADOPTED: August 13, 1984  
REVISED: May 10, 1999                      June 1, 2010  
              April 9, 2001                      April 11, 2011  
              May 28, 2002  
              June 23, 2003  
              June 7, 2004  
              May 9, 2005  
              May 1, 2006  
              June 25, 2007  
              August 7, 2007  
              June 2, 2008  
              June 22, 2009

## **RIGHTS AND RESPONSIBILITIES**

### **Rights of Students**

- To attend school unless removed under due process as specified in the Education Code.
- To attend school in a secure academic and social climate, free from discrimination, harassment and intimidation.
- To enjoy the full benefit of their teachers' efforts, without interruption by the disruptive student.
- To have ready access to a designated counselor.
- To examine personal records upon reaching the age of sixteen or completing the 10th grade.
- To be fully informed of school rules and regulations.

### **Responsibilities of Students**

- To attend school and classes regularly and on time.
- To be prepared for class with the appropriate materials and work.
- To know and obey school rules and regulations.
- To respect the rights of school personnel, fellow students, and the public in general.
- To demonstrate pride in the appearance of school buildings and grounds.
- To resolve differences in a positive way and seek adult assistance and support with resolving differences.

### **Rights of Parents**

- To expect that their children will spend their time at school in a safe, wholesome, stimulating atmosphere engaged in productive activity under the care and direction of a dedicated staff.
- To have assurance that school personnel will at no time preempt parental prerogative.
- To be informed of District policies and regulations and school rules.
- To review their child's record with a certificated staff member providing assistance.

### **Responsibilities of Parents**

- To visit school periodically to participate in conferences with teachers, counselors or administrators regarding the academic and behavioral status of their children.
- To provide supportive action by making sure that children have enough sleep, adequate nutrition and appropriate clothing before coming to school.
- To maintain consistent and adequate control over their children and to approve of reasonable control measures as applied by school personnel.
- To cooperate with the school in bringing about improvements designed to enhance the educational program offered students.
- To provide the school with current information regarding legal address, phone, medical data, and other facts which may help the school to serve their children.
- To become familiar with District policies and school rules and regulations.

## **Rights of Teachers**

- To expect and receive the attention, effort, and participation of the students attending their classes.
- To have parental and administrative backing when enforcing rules designed to provide an optimum learning climate.
- To teach with interruptions held to an absolute minimum.
- To enjoy the same level of respect and courteous treatment accorded members of the class individually and collectively.

## **Responsibilities of Teachers**

- To consider the personal worth of each individual student as a single, unique, important human being.
- To attempt to equip each learner with the knowledge, skills, attitudes, and values required for successful living.
- To hold students accountable for their actions at all times.
- To assess divergent ideas, opinions, and expressions objectively and deal with them in a balanced, unbiased manner.
- To keep parents and students informed with timely or periodic reports, including all pertinent data related to the student's school experience.
- To consistently critique their own performance with the objective of an ever growing professional stature.
- To initiate and enforce individual classroom rules consistent with school and District policies.

## **Rights of Administrators**

- To initiate such control measures as needed to establish and maintain an environment in which optimum learning and teaching conditions prevail.
- To make decisions on all issues confronting schools, primarily on the basis of what is best for the students.
- To hold students accountable for their conduct and to take prompt and appropriate action toward those guilty of violations.
- To expect that all school employees recognize and fulfill their role in terms of campus control.

## **Responsibilities of Administrators**

- To provide leadership that will establish, encourage, and promote good teaching and effective learning.
- To establish, publicize, and enforce school rules that facilitate effective learning and promote attitudes and habits of good citizenship among the students.
- To request assistance from the District's support services and community agencies and resources in all cases indicating such action.
- To make a determined effort to stay attuned to expressions of student/staff/parent/community concerns and to react with sensitivity toward them.

## ATTENDANCE EXPECTATIONS

**EDUCATION IS AN OPPORTUNITY AND A RIGHT. IF STUDENTS DO NOT EXERCISE THEIR RIGHT TO ATTEND SCHOOL, THEY HAVE LIMITED THEIR OPPORTUNITY FOR THE BASIC EDUCATION NECESSARY TO BECOME MATURE, KNOWLEDGEABLE, AND PRODUCTIVE MEMBERS OF SOCIETY. ABSENTEEISM HAS A DIRECT, NEGATIVE EFFECT ON STUDENT ACHIEVEMENT, PROMOTION, GRADUATION, BEHAVIOR, AND EMPLOYMENT POTENTIAL. IT HAS BEEN WELL DEMONSTRATED THAT REGULAR ATTENDANCE IS A KEY FACTOR IN THE SUCCESS A STUDENT ACHIEVES AT SCHOOL.**

## ABSENCES – ASSIGNMENT MAKE-UP ALLOWED

### 1. EXCUSED ABSENCES (C.A.C. Title 5, Sec. 420)

Absences listed below are excused when verified in accordance with the Education Code and Board Policy:

A. Illness.

B. Quarantine directed by county or city health officer.

C. Medical, dental, and optometrical appointments:

1. Students are encouraged to make medical appointments after school hours. If this is not possible, then students must return to school immediately after an appointment.
2. Students will be released for and receive excused absences for appointments only on the written approval of parents or guardians.

The only exception shall be for those students whose parents or guardians have provided annual written consent to the school to release and excuse their child(ren) upon doctor verification.

D. Attending funeral services of a member of the pupil's immediate family as defined in E.C. 45194, so long as such absence is not more than one day if the service is conducted in California and not more than three days if the service is conducted outside of California.

Students shall be permitted to make up missed school assignments. Students shall be allowed TWO schooldays for each day of absence to make up the work. The time for make-up may be extended by the teacher. Responsibility for requesting missed work lies with student.

### 2. ABSENCES EXCUSED FOR PERSONAL REASONS (PRIOR APPROVAL REQUIRED) (E.C. 48205)

A. A pupil's absence shall be allowed provided the absence is for one of the following justifiable personal reasons:

1. An appearance in court.
  2. An employment conference.
  3. A pupil/family hardship situation, as authorized by the principal.
  4. An observance of a holiday or ceremony of the pupil's religion.
  5. Attendance at religious retreats not to exceed four (4) hours per semester.
  6. Attending a funeral service of a person who is not an immediate family member.
- B. PRIOR to an absence described in this regulation, a signed parental request must be received and approved by the principal or administrative designee.
- C. Only in the case of extreme emergency will the principal approve an absence after the absence occurs.

A pupil whose absence is excused according to the above conditions shall be allowed make-up privileges. Students shall make arrangements with the teacher to make up missed work prior to the absence. Students shall be allowed two schooldays for each day of absence to make up the work. The time for make-up may be extended by the teacher. Responsibility for requesting missed work lies with student.

3. **ABSENCES EXCUSED/RELEASE TIME FOR RELIGIOUS EDUCATION (PRIOR NOTIFICATION REQUIRED)** (E.C. 46014)

The District will allow release time for students to participate in religious exercises or to receive moral and religious instruction.

A student's absence will be considered excused, with full rights to make up tests and homework, if the following conditions are complied with:

- A. The student has the written consent of his/her parent or guardian indicating the time the student is to be released from school. The written consent must be submitted to the school two days prior to release from school.
- B. Verification of attendance at the designated exercise is provided to the school on the first day after the absence.
- C. The student attends school on the day of the absence for at least the minimum day (as defined by the Education Code).
- D. No pupil shall be excused from school for such purpose on more than four days per school year.

Students shall make arrangements with the teacher to make up missed work prior to the absence. Students shall be allowed two schooldays for each day of absence to make up the work. The time for make-up may be extended by the teacher. Responsibility for requesting missed work lies with student.

4. **UNEXCUSED ABSENCES FOR PERSONAL REASONS MADE UP IN SATURDAY SCHOOL** (NO PRIOR APPROVAL) (E.C. 37223, 48205)

Students who are absent for personal reasons and who did NOT receive prior approval from the school administrator may be assigned to Saturday School to make up class work missed because of the unexcused absence. Absences will be considered unexcused and may affect extra-curricular eligibility if not cleared within 7 school days after the student returns from the absence.

5. **SUSPENSION (HOME AND IN-SCHOOL) / ASSIGNMENT MAKE - UP** (E.C. 48913)

A suspended student may be allowed to complete comparable assignments. The responsibility of obtaining and doing class work lies with the student. The teacher may require the student to complete any assignments and tests missed during the suspension.

Note: Suspensions are considered “excused” absences and assignment make-up shall be allowed if requested by the student or parent.

**ABSENCES—ASSIGNMENT MAKE-UP NOT ALLOWED**

1. **TRUANCY/UNEXCUSED ABSENCES**

Students who are absent from school without approval of the school shall be considered truant/unexcused and shall NOT be allowed to make up assignments or tests which were assigned during the truancy/unexcused absence.

Students who leave the campus or the classroom without proper school authorization will be considered truant.

Note: If the student has an absence verified at the attendance office at a later time, he/she is NOT allowed make-up privileges unless he/she presents the teacher a verified re-admit slip within ONE day after the student returns to school.

**TRUANCY/UNEXCUSED, EXCESSIVE ABSENTEEISM, TARDIES**  
(E.C. 37223)

**TRUANCY/UNEXCUSED** (E.C. 48260-48263, 48900 k, 49164)

Students may not be absent from school without approval of the school. Absences will be considered unexcused and may affect extra-curricular eligibility if not cleared within 7 school days after the student returns from the absence. The following represents the procedures which will be followed when a student is absent from school without a valid excuse or is tardy without the school's approval in excess of 30 minutes.

First Incident--The student and parents will be informed of the mandatory attendance laws and the District's pertinent policy and procedures. The student will be instructed to attend all classes. Failure to do so shall be treated as "defiance of authority." Student will be informed that a work permit will not be issued or will be revoked if the student reaches the 4th step.

ALTERNATIVE CONSEQUENCE MAY BE ASSIGNED SUCH AS  
DETENTION, IN-SCHOOL SUSPENSION, SATURDAY SCHOOL,  
COMMUNITY SERVICE.

Second Incident--The student and parents will be informed of the mandatory attendance laws and the District's pertinent policy and procedures. The student will be instructed to attend all classes. Failure to do so shall be treated as "defiance of authority." Student will be informed that a work permit will not be issued or will be revoked if the student reaches the 4th step.

ALTERNATIVE CONSEQUENCES WILL BE ASSIGNED SUCH AS  
DETENTION, IN-SCHOOL SUSPENSION, SATURDAY SCHOOL, COMMUNITY  
SERVICE.

Third Incident --The student and parents will be informed of the mandatory attendance laws and the District's pertinent policy and procedures. The student will be instructed to attend all classes. Failure to do so shall be treated as "defiance of authority." The student will be informed that a work permit will not be issued or will be revoked if the student reaches the 4th step. The student is a legal truant (absent from school without a valid excuse for 3 days or tardy in excess of 30 minutes on each of 3 or more days). (E.C. 48260) (E.C. 48260.5) The school may recommend that the parent/guardian attend school one day with the student.

Fourth Incident--Student will be referred to a school administrator/designee. The student is now a legal habitual truant and shall be within the jurisdiction of the juvenile court which may adjudge the pupil to be a ward of the court. (E.C. 48262) (WIC 601) The school administrator shall call and hold a parent conference. Parents and student are again informed that failure to follow the school's directive to attend classes will be "defiance of authority" and will be grounds for referral to the School Attendance Review Board and/or involuntary transfer to an alternative education program.

ALTERNATIVE CONSEQUENCES WILL BE ASSIGNED SUCH AS  
DETENTION, IN-SCHOOL SUSPENSION, SATURDAY SCHOOL, COMMUNITY  
SERVICE.

STUDENT IS INELIGIBLE TO PARTICIPATE IN EXTRA-CURRICULAR  
ACTIVITIES FOR NINE WEEKS.

A WORK PERMIT WILL NOT BE ISSUED/OR WORK PERMIT WILL BE  
REVOKED FOR A MAXIMUM OF NINE WEEKS. (E.C. 49164)

THE PUPIL MAY BE SUBJECT TO SUSPENSION, RESTRICTION, OR DELAY  
OF THE PUPIL'S DRIVING PRIVILEGE PURSUANT TO SECTION 13202.7 OF  
THE VEHICLE CODE. (E.C. 48260.5)

Fifth Incident--Student will be referred to a school administrator. The parents and student will be informed that the next incidence of refusal to attend classes upon the direction of school authorities may result in a recommendation of the student to an alternative education program and possible referral of parent and student to the School Attendance Review Board.

ALTERNATIVE CONSEQUENCES WILL BE ASSIGNED SUCH AS DETENTION, IN-SCHOOL SUSPENSION, SATURDAY SCHOOL, COMMUNITY SERVICE.

STUDENT IS INELIGIBLE TO PARTICIPATE IN EXTRA-CURRICULAR ACTIVITIES FOR AN ADDITIONAL NINE WEEKS.

A WORK PERMIT WILL NOT BE ISSUED/OR WORK PERMIT WILL BE REVOKED FOR A MAXIMUM OF NINE WEEKS. (E.C. 49164)

Sixth Incident--A letter shall be sent certified or by using "proof of service" method to the parents/guardians informing them that their student has had additional incidents of truancy since being declared a legal habitual truant (E.C. 48262) and has been in "persistent defiance of authority." Parent and student may be referred to the School Attendance Review Board (SARB).

STUDENT **MAY** BE REFERRED TO AN ALTERNATIVE EDUCATION PROGRAM, SUCH AS CONTINUATION HIGH SCHOOL IF THE STUDENT IS SIXTEEN YEARS OF AGE OR OLDER, OR TO OPPORTUNITY SCHOOL/PROGRAM/CLASS IF THE STUDENT IS UNDER SIXTEEN YEARS OF AGE.

STUDENT IS INELIGIBLE TO PARTICIPATE IN EXTRA-CURRICULAR ACTIVITIES THE REMAINDER OF THE SCHOOL YEAR AT THE REGULAR CAMPUS.

A WORK PERMIT WILL NOT BE ISSUED/OR WORK PERMIT WILL BE REVOKED BY THE ISSUING AUTHORITY AT THE REGULAR CAMPUS. (E.C. 49164)

ALTERNATIVE CONSEQUENCES WILL BE ASSIGNED SUCH AS DETENTION, IN-SCHOOL SUSPENSION, SATURDAY SCHOOL, COMMUNITY SERVICE.

### **EXCESSIVE ABSENTEEISM**

Once a pupil accumulates fifteen (15) absences (excused or unexcused) during one school year:

1. A school administrator may place the student on Attendance Supervision which imposes a requirement that additional absences must be verified by a licensed medical practitioner. (C.A.C. Title 5 sec. 421 b)
2. A student may not be placed on Attendance Supervision unless the parent/guardian has been notified previously in conference or by letter of the District's excessive absence policy after that student has been absent ten (10) days or more.
3. Once a student has been placed on Attendance Supervision, a school administrator/certificated designee shall call and hold a parent conference.

Parent/guardian will again be informed of the District's excessive absence policy. If the parent/guardian cannot be contacted, the administrator/ designee will hold a conference with the student and a certified letter shall be sent informing the parent/guardian that the student is placed on Attendance Supervision and the pertinent provisions of the excessive absence policy.

4. A student absent from school five (5) or more times without the required verification:
  - A. WILL BE INELIGIBLE TO PARTICIPATE IN EXTRA-CURRICULAR ACTIVITIES THE REMAINDER OF THE SCHOOL YEAR AT THE REGULAR CAMPUS.
  - B. WILL NOT BE ISSUED A WORK PERMIT OR THE WORK PERMIT WILL BE SUSPENDED OR REVOKED BY THE ISSUING AUTHORITY AT THE REGULAR CAMPUS. (E.C. 49164)
  - C. MAY BE REFERRED TO THE SCHOOL ATTENDANCE REVIEW BOARD.
  - D. MAY BE REFERRED TO AN ALTERNATIVE EDUCATION PROGRAM, SUCH AS CONTINUATION HIGH SCHOOL IF THE STUDENT IS SIXTEEN YEARS OF AGE OR OLDER. (E.C. 48432.5)

Note: Six period absences equal one full-day absence and will be counted toward the fifteen days.

Note: Written notification will be sent to the parents of a student who is absent from school for a total of 3 days, 10 days, and 15 days without valid excuse. These notifications will be mailed for absences that are either unexcused or unverified.

## **TARDIES**

One of the responsibilities of each student is to be in the classroom in his/her seat or work station when the bell rings or when class is to begin. Being tardy is irresponsible behavior because it is disruptive to the learning process.

7-12 Each teacher shall refer a student to an administrator/designee for a student's fourth and any successive tardy in one quarter.

### **1ST, 2ND, AND 3RD TARDY IN EACH CLASS**

Consequences to be determined by each site.

### **FOURTH AND SUBSEQUENT TARDIES WILL RESULT IN AN ADMINISTRATIVE REFERRAL WITH THE FOLLOWING CONSEQUENCES:**

- |    |   |
|----|---|
| 4  | 30 minute detention   |
| 5  | 60 minute detention   |
| 6  | 1 Period ISS  |
| 7  | 2 Periods ISS   |
| 8  | Saturday School (or other alternative consequences other than home suspension)    |
| 9  | 2 Saturday Schools (or other alternative consequences other than home suspension) |
| 10 | 1 day ISS   |
| 11 | 2 days ISS  |

All subsequent tardies are subject to additional ISS days.

Note: Referral to the tutoring center may be added to each of the above steps.

### **STUDENTS OUT OF CLASS WITHOUT WRITTEN AUTHORIZATION 5 MINUTES AFTER CLASS IS TO BEGIN.**

An administrator or his/her designee(s) will assign the student a consequence which may include work detail/detention/in-school suspension/Saturday School.

### **TARDY IN EXCESS OF 10 MINUTES**

If a student is tardy in excess of 10 minutes, but no more than 30 minutes, the teacher has the option of not allowing assignment make-up because of lack of class participation. If the student is tardy in excess of 30 minutes, he/she is truant according to E.C. 48260 and must obtain a re-admit slip from the attendance office indicating "truancy."

**SCHOOL ATTENDANCE REVIEW BOARD (SARB)**

(E.C. 48320-48324, 48292-48293)

The Education Code provides for the establishment of School Attendance Review Boards to meet the special needs of pupils with school attendance problems or school behavior problems.

The School Attendance Review Board may include a parent and representatives of (1) the school, (2) the county probation department, (3) county welfare department, and (4) a representative of the county superintendent of schools.

SARB has the authority to recommend that parents and students take certain measures to correct inappropriate behavior, refer the pupil to community agencies for assistance, or suggest adjustments to the school assignment.

In the event that a parent or guardian or pupil fails to respond to the directives of SARB or to services offered on behalf of the minor, SARB may:

1. Direct that the minor be referred to the county welfare department under Section 300 of the Welfare and Institutions Code.
2. Direct that the minor be referred to the county probation department under Section 601 of the Welfare and Institutions Code.
3. Request the Director, Child Welfare and Attendance, to file a complaint against the parent, guardian, or other person in charge of such minor with the District Attorney.

The parent/guardian of any pupil who fails to comply with the directives of SARB, unless excused or exempted therefrom, is guilty of an infraction and shall be punished as follows:

1. Upon conviction, by a fine of not more than one hundred dollars (\$100).
2. Upon a second conviction, by a fine of not more than two hundred fifty dollars (\$250).
3. Upon a third or subsequent conviction, by a fine of not more than five hundred dollars (\$500).
4. In lieu of imposing the fines prescribed in paragraphs (1) and (2), the court may order such person to be placed in a parent education and counseling program.

## **SATURDAY SCHOOL**

(E.C. 37223)

The governing board of any elementary, high school, or unified school district may maintain classes on Saturday. The Modesto City Schools' Board of Education approves such classes when appropriate and practicable.

The classes may include MAKE-UP CLASSES FOR UNEXCUSED ABSENCES occurring during the week. Attendance at Saturday School for unexcused absences will permit the student to make up missed assignments and the absence record will be changed to reflect Saturday School attendance. Unexcused absences must be made up through Saturday School within 20 school days from original absence.

Attendance at classes conducted on Saturday shall be at the election of the pupil or, in the case of a minor pupil, the parent or guardian of the pupil. However, the governing board may require truants, as defined by Section 48260, to attend make-up classes conducted on one day of the weekend.

# MODESTO CITY SCHOOLS

## Administrative Regulation

AR 5135

### STUDENTS

#### Dress and Grooming

The Modesto City Schools dress code sets standards that promote a positive and safe learning environment for students. Annual notice of this regulation shall be provided to students, parents and staff. Each Site Safety Committee shall regularly review these standards. Appropriate dress for school dances, graduation activities and other special events will be communicated to parents and students by the school.

The following guidelines shall apply to all regular school activities:

#### Standards

1. Students shall dress appropriately for educational activities in which they will participate so as not to endanger their health, safety, or welfare, or that of others, or cause a disruption to the educational process. Clothes shall be sufficient to conceal undergarments when sitting or standing, or bending. The following articles of clothing are not permitted:
  - Shorts, skirts, pants, and tops that fail to conceal undergarments, back, abdomen, and cleavage.
  - Back-less or strap-less tops
  - Low-cut tops and dresses
  - Bare-midriff tops
  - Chains of any sort, wallet or utility-type chains
  - See-through or fishnet fabrics that fail to conceal undergarments
2. All attire must fit appropriately and must not be too small or too large. Skirts shorter than mid-thigh are prohibited.
3. Shoes shall be worn at all times. Steel-toed boots and bedroom slippers are prohibited.

## STUDENTS

### Dress and Grooming

4. Athletic/club spirit shirts must have administrative approval and follow dress code standards before printing. Shirts that have a double meaning will be prohibited.
5. Clothing, accessories, and jewelry shall be free of writing, pictures, symbols or any other insignia which are crude, vulgar, profane, obscene, libelous, slanderous, or sexually suggestive. Clothing, accessories, or jewelry that degrade any cultural, religious or ethnic values, that advocate racial, ethnic, or religious prejudice or discrimination, or that promote sex, the use of tobacco, drugs, alcohol or violence or any unlawful acts (including gang activity) are prohibited.
6. Dark glasses shall not be worn indoors, except for valid medical reasons authorized by the administration and verified in writing by a physician.
7. Gang-related clothing or accessories, including but not limited to bandannas, or other symbols, emblems, or insignia are prohibited. Gang-related web belts with or without punched out metal buckles are prohibited. School officials shall consider student history and information obtained from community agencies and resources when making these judgments. Dangerous clothing accessories are prohibited (i.e., spiked jewelry, studded collars, studded belts).
8. School Administrators have the right to restrict the color of clothing worn by any student involved in a documented gang offense.
9. Repeated violation of the District or school dress code(s) shall be considered a violation of Education Code section 48900 (k): Disruption of school activities and/or willful defiance of valid school personnel authority. Appropriate consequences shall be specified and implemented according to the K-6 and 7-12 discipline policies. Final determination of what constitutes appropriate dress shall be made by the principal/designee.

## STUDENTS

### Dress and Grooming

#### 10. Head Covering

**K-12** Hats, caps and other head coverings are prohibited during regular school hours except as specifically authorized by a school official for such school activities as athletics and theatrical performances or other approved personal reasons such as health needs. Hooded sweatshirts when used to conceal identity are not permitted.

- **K-6**--During inclement weather, K-6 students may wear protective head coverings outdoors, other than bill caps such as: sweatshirt/jacket hoods, knit caps, scarves, earmuffs, etc.
- **7-12**--During inclement weather, 7-12 students may wear school-specific knit caps outdoors.

**Note:** According to Education Code 35183.5, sun-protective hats may be worn for health needs. The following specifications are recommended by the American Cancer Society:

*“The hat must include a 2-3 inch all around brim to protect areas often exposed to the sun, such as the neck, ears, eyes, forehead, nose, and scalp.”*

**INSERT DRESS CODE  
PICTURES HERE**

## Dress and Grooming

The Board of Education has determined that certain gangs (also known as criminal gangs or street gangs) are operating in and around Modesto. In light of this fact, the Board of Education has also determined that the wearing of gang-related clothing on school premises or during school-sponsored activities threatens the health and safety of the students and impairs the school environment accordingly.

Students may not wear, possess, use, distribute, or display any clothing, color, jewelry, emblem, badge, symbol, colored bandana, or sash which represents or evidences membership or affiliation with any gang or promotes gang-related activity.

Clothing or grooming which has been deemed, through collaboration between Modesto City School District and local law enforcement or other experts, to be gang-related is prohibited. The specific items of clothing prohibited are: Red or blue cloth belts with or without punched out buckles; red or blue shoe laces; any sports related apparel that is known to reference gang association (UNLV, University of Nebraska, red New York Yankees apparel, red Oakland Raiders apparel, red San Francisco Giants apparel), Mongolian hair cuts (mostly shaved head with hair only at top or back of head and/or top knot), other hair styles depicting 3 braids/hair bunches with blue binders or 4 braids/hair bunches with red binders; notched eyebrows indicating 13 or 14, clothing including any gang symbols or initials including, but not limited to; N, S, SUR (Sureno), Norte (Norteno), Sureno, Norteno, any reference to South Side, West Side, East Side, or North Side, area codes (209, 510, 415, etc.); hair nets, bandanas, doo-rags, or shower caps; gang-associated jackets and clothing; t-shirts with creased sleeves, or creased down the center; and split pant cuffs. Hats and other sun-protective clothing may be worn by students outdoors during inclement weather. However, specific clothing or hats determined to be gang-related or otherwise inappropriate under Board Policy and this regulation are prohibited.

Each school site may provide parents with a site-specific hat policy which may be more restrictive than the items listed within this regulation, and prohibited headgear will be specified. These restrictions are subject to periodic review. **Upon consultation with local law enforcement agencies, or other experts, additional rules which restrict gang-associated dress may be instituted by the school principal with notification to students and parents. The school principal may institute additional rules which restrict gang-associated dress without prior notice provided compelling circumstances require such action to be taken and notification is subsequently sent to students and parents within a reasonable time period.**

## Gang Activities

The Board of Education believes that the presence of gangs and gang activities has caused and continues to cause a substantial disruption of, or material interference with, school and school activities.

A "gang" means any ongoing organization, association, or group of three or more persons, whether formal or informal, having as one of its primary activities the commission of one or more criminal acts, which has an identifiable name or identifying sign or symbol, and whose members individually or collectively engage in, or have engaged in, a pattern of criminal gang activity.

The "pattern of gang activity" means the commission, attempt to commit, conspiring to commit, or solicitation of a criminal act, provided two or more criminal acts were committed on separate dates or by two or more persons who are members of, or belong to, the same gang.

Students may be suspended, expelled, or excluded for any violation of the rules listed below. By this policy, the Board of Education acts to prohibit the existence of gangs and gang activities as follows:

No student on or about school property or at any school activity:

1. Shall wear, possess, use, distribute, display, or sell any clothing, jewelry, emblem, badge, symbol, sign, or other thing that is evidence of membership in or affiliation with any gang.
2. Shall commit any act or omission or use any speech, either verbal or non-verbal (gestures, hand shakes, etc.) showing membership or affiliation in a gang.
3. Shall use any speech or commit any act or omission in furtherance of the interests of any gang or gang activity, including, but not limited to:
  - a. Soliciting others for membership in any gangs;
  - b. Requesting any person to pay for "protection" or otherwise intimidating or threatening any person;
  - c. Committing any illegal act or violation of school district policies;
  - d. Inciting another student to act with physical violence upon any other person.

## BEHAVIOR EXPECTATIONS AND CONSEQUENCES

Consequences are determined by the number of violations occurring in one school year.

**A school may have additional rules unique to its site as long as they do not conflict with the Student Conduct Code (E.C. 35291.5).**

**EXCEPTIONS:** The number of offenses and the consequences relating to extra-curricular activities eligibility for substance abuse violations carry over from year to year in grades 7-8 and 9-12, but not from junior high to high school.

### DURING SUSPENSION:

1. Student shall not report to school during the period of suspension, except in the case of in-school suspension, unless coming to the office on official business by prior arrangement with a school administrator. Student is expected to be under the supervision of a parent during school hours when serving suspension days at home. (7:00 a.m.- 4:30 p.m.) P.C. 653G, P.C. 627
2. Student is not to attend any school event at any school campus during home suspension.
3. The responsibility of obtaining and doing classwork lies with the student. The teacher may require the student to complete any assignments and tests missed during the suspension.

*When referenced throughout the remainder of this document, the following abbreviations will apply:*

<i>E.C.</i>	=	<i>California Education Code</i>
<i>P.C.</i>	=	<i>California Penal Code</i>
<i>C.A.C.</i>	=	<i>California Administrative Code, Title 5</i>
<i>BP</i>	=	<i>Board Policy (Modesto City Schools)</i>
<i>AR</i>	=	<i>Administrative Regulation (Modesto City Schools)</i>

## IMPORTANT NOTICE

1. (E.C. 48900) No pupil shall be suspended or expelled for any of the acts enumerated unless the act is related to school activity or school attendance. A pupil may be suspended or expelled for acts which are enumerated in this section and related to school activity or attendance which occur at any time, including, but not limited to, any of the following:
  - a. While on school ground.
  - b. While going to or coming from school.
  - c. During the lunch period whether on or off the campus\*.
  - d. During, or while going to, or coming from, a school sponsored activity.

\*All 7-12 campuses are closed campuses. This means that students may not leave campus between periods or during lunch.
2. Students accumulating 20 days of home suspension only are subject to involuntary transfer to an alternative program.
3. Disciplinary action will be taken if a student's behavior is disruptive to the instructional process or causes a danger to persons or property even though the offense is not defined in this Student Conduct Code.
4. (E.C. 48904 sub-section a 4) Parental liability for willful misconduct of a minor that results in injury or death to a pupil or school employee or who willfully cuts, defaces, or otherwise injures in any way any property, real or personal, belonging to a school district or personal property of any school employee shall be liable for all damages so caused by the minor. The liability of the parent or guardian shall not exceed the state established limit. The parent or guardian shall also be liable for the amount of any reward not exceeding the state established limit.
5. Students and parents have a right to appeal disciplinary action taken against a student. A meeting must be requested with the principal.
6. Vehicles subject to search on school property. By entering school property, the person driving any vehicle is deemed to consent to a complete search of the vehicle--all its compartment and contents--by school officials or law enforcement personnel for any reason whatsoever. This notice applies to all vehicles of any type and is in force 24 hours a day. California Vehicle Code Section 21113 (A).
7. Search and Seizure. The Board authorizes school officials to conduct searches when there are reasonable grounds or suspicion that the search will uncover evidence that the student is violating the law or the rules of the District or the school. The Board urges that discretion, good judgment, and common sense be exercised in all cases of search and seizure (BP 5145.12).

## **7-12 CLOSED CAMPUSES**

On July 19, 1993 the Board of Education approved the closure of all 7-12 campuses beginning with the 1993-94 school year. This action was taken in order to maximize the District's efforts to provide a safe and orderly environment for students.

**This means that students may not leave campus between periods or during lunch.**

There will be no parent approved or school sanctioned exceptions to this closed campus policy.

<p><b><u>NOTE:</u></b>      <b>STUDENTS WHO LEAVE CAMPUS SHALL BE CLASSIFIED AS TRUANT AND SUBJECT TO DISCIPLINARY ACTION (PAGES 5-7) AND LOSS OF ELIGIBILITY FOR EXTRA-CURRICULAR ACTIVITIES (PAGE 38).</b></p>
--

## LEVEL I OFFENSES

### CAUSES FOR HOME SUSPENSION OR OTHER ALTERNATIVE CONSEQUENCES

(See pages 38-43 regarding extra-curricular activities eligibility)

WHEN "SUSPENSION" IS INDICATED ON PAGES 22-31, THE SITE ADMINISTRATOR WILL DETERMINE WHETHER THE CONSEQUENCE SHOULD INCLUDE, BUT NOT BE LIMITED TO, HOME SUSPENSION/IN-SCHOOL SUSPENSION/SATURDAY SCHOOL/INTERVENTION GROUP/DETENTION/COMMUNITY SERVICE. COMMUNITY SERVICE MAY INCLUDE, BUT IS NOT LIMITED TO, WORK PERFORMED ON SCHOOL GROUNDS DURING NONSCHOOL HOURS IN THE AREAS OF OUTDOOR BEAUTIFICATION, CAMPUS BETTERMENT, AND TEACHER OR PEER ASSISTANCE PROGRAMS. (E.C. 48900.6)

LAW ENFORCEMENT AGENCIES MAY BE NOTIFIED AT THE DISCRETION OF THE ADMINISTRATION.

IF THE NATURE OF THE OFFENSE MAKES AN ALTERNATIVE EDUCATION PLACEMENT OR EXPULSION RECOMMENDATION APPROPRIATE, THE STUDENT WILL BE SUSPENDED FIVE DAYS FOR THE INFRACTION.

**STUDENT MAY BE SUSPENDED ON THE FIRST OFFENSE IF IT IS DETERMINED THAT THE PUPIL'S PRESENCE CAUSES A DANGER TO PERSONS OR PROPERTY OR THREATENS TO DISRUPT THE INSTRUCTIONAL PROCESS. (E.C. 48900.5)**

**GANG RELATED OFFENSES - A STUDENT MAY BE SUSPENDED FOR FIVE DAYS ON THE FIRST OFFENSE AND RECOMMENDED FOR AN ALTERNATIVE EDUCATION PLACEMENT OR EXPULSION.**

**OFFENSES 1-15 AND 27-29 ONLY -- DEPENDING ON THE SERIOUSNESS OF THE ACT, THE STUDENT MAY BE RECOMMENDED FOR AN ALTERNATIVE EDUCATION PLACEMENT OR EXPULSION ON THE FIRST OR SUCCEEDING OFFENSES.**

1. **POSSESSING, USING, OR BEING UNDER THE INFLUENCE OF** an alcoholic beverage or intoxicant of any kind. Possessing not more than one ounce of marijuana. Using or being under the influence of marijuana or any controlled substance (as defined in Section 11053 of the Health and Safety Code). (E.C. 48915 and E.C. 48900, sub-section c,

1st Offense: 5-day suspension and notification of appropriate law enforcement agency. May be assigned to a substance abuse counseling program.

Note: The suspension will be reduced to three days if the student completes a district-approved intervention program.

Ineligibility for extra-curricular activities would then be reduced from eighteen school weeks to nine school weeks.

2nd Offense: 5-day suspension, possible recommendation for expulsion, and notification of appropriate law enforcement agency.

3rd Offense: 5-day suspension, recommendation for expulsion, and notification of appropriate law enforcement agency.

Note: Students appearing at school functions and having consumed or having in their possession alcoholic beverages or drugs may be handled by police action. (Penal Code Sec. 647) (Health and Safety Code Sec. 11550)

2. **UNLAWFULLY POSSESSING OR UNLAWFULLY OFFERING, ARRANGING, OR NEGOTIATING TO SELL ANY DRUG PARAPHERNALIA,** as defined in Section 11014.5 of the Health and Safety Code. (E.C. 48900, sub-section j)

1st Offense: 5-day suspension and notification of appropriate law enforcement agency. May be assigned to a substance abuse counseling program.

Note: The suspension will be reduced to three days if the student completes a district-approved intervention program.

Ineligibility for extra-curricular activities would then be reduced from eighteen school weeks to nine school weeks.

2nd Offense: 5-day suspension, possible recommendation for expulsion, and notification of appropriate law enforcement agency.

3rd Offense: 5-day suspension, recommendation for expulsion, and notification of appropriate law enforcement agency.

3. **ACTIVATION OF FALSE ALARMS OR TAMPERING WITH EMERGENCY EQUIPMENT, FIRE-SETTING OR ATTEMPTED FIRE-SETTING.** (Penal Code Sec. 447 and 455, 148.4) (E.C. 48900, sub-section k)

1st Offense: 5-day suspension.

2nd Offense: 5-day suspension, recommendation for expulsion.

Note: Fire-setting of any nature may lead to recommendation for alternative education program or expulsion on the first offense. Fire-setting is never considered to be a prank. The burning of trash cans can lead to immediate and serious consequences.

4. **HARASSED, THREATENED, OR INTIMIDATED A PUPIL WHO IS A COMPLAINING WITNESS OR WITNESS IN A SCHOOL DISCIPLINARY PROCEEDING** for the purpose of preventing that pupil from being a witness or retaliating against that pupil for being a witness, or both. (E.C. 48900, sub-section o, r)

1st Offense: 5-day suspension and possible recommendation for expulsion.

2nd Offense: 5-day suspension, recommendation for alternative education program or expulsion. Mandatory removal from campus.

5. **CAUSING, ATTEMPTING, OR THREATENING TO CAUSE PHYSICAL INJURY OR WILLFULLY USING FORCE OR VIOLENCE UPON ANOTHER PERSON, except in self-defense.** (E.C. 48900, sub-sections (a) (1), (a) (2), r, and s) An individual must do everything possible to avoid a conflict. Acts of aggression will not be considered self-defense.

Note: An incident will be considered a mutual fight when two students engage in a physical altercation, regardless of who initiated the conflict. A student who allows him/herself to be provoked into fighting will be considered as guilty as the one who starts the fight. It is the responsibility of the administrator to conduct an investigation to determine if one of the parties was acting in self-defense.

1st Offense: 3-day suspension.

2nd Offense: 5-day suspension and possible recommendation for alternative education program or expulsion.

3rd Offense: 5-day suspension and recommendation for alternative education program or expulsion.

Note: Any act committed against school staff shall warrant consequences starting at Step 2.

Note: If a student caused serious physical injury (as defined in Penal Code Section 243) to another person, except in self-defense, the principal must recommend expulsion or report in writing to the superintendent who will advise the governing board that expulsion is inappropriate due to the nature of the particular circumstances which shall be indicated in the report of the incident. (E.C. 48915).

6. **CAUSING OR ATTEMPTING TO CAUSE DAMAGE TO PROPERTY**--cutting, defacing, or otherwise injuring any school district property, or the malicious injury or destruction of any other person's real or personal property. (Penal Code Sec. 594) (E.C. 48900, sub-section f and t)

Note: Damage valued in excess of \$25.00 will warrant consequences starting at Step 2.

1st Offense: 1-day suspension.

2nd Offense: 3-day suspension and possible recommendation for alternative education program

3rd Offense: 5-day suspension and recommendation for expulsion.

Note: Parent/guardian will be held responsible for damage to school district property up to the State established limit. When the minor and parent are unable to pay for the damages, the school district shall provide a program of voluntary work for the minor in lieu of the payment of monetary damages. Parents or guardian of the student are also liable for the amount of a reward paid for information leading to the apprehension of person(s) causing damage up to the State established limit. (E.C. 48904).

7. **THREATENING, INTIMIDATING, MENACING OR HARASSING (INCLUDING SEXUAL HARASSMENT) ANY OTHER PERSON** (E.C. 48900 sub-section a, r and/or k) (E.C. 48900.2) (E.C. 48900.4) Possible removal from campus or separation of student. (See pages 49-51)

1st Offense: Warning to student and/or other alternative consequences.

2nd Offense: 3-day suspension.

3rd Offense: 5-day suspension and recommendation for alternative education program or expulsion.

Note: In the event an allegation of sexual harassment is not resolved informally to the satisfaction of a complainant, the complainant may use the District complaint process for formal resolution of such complaints. (AR 5145.7)

8. **ENGAGING IN, OR HAVING ANY PART IN HAZING** or committing any act that injures, degrades, or disgraces any other person attending school. Causing, attempting to cause, threatening to cause, or participating in an act of hate violence. (E.C. Sec. 32050-52) (E.C. Sec. 33032.5) (E.C. 48900, sub-section a and/or k and q) (E.C. 48900.3)

"Hazing" includes any method of initiation or pre-initiation into a student organization or student body or any pastime or amusement engaged in with respect to these organizations which causes, or is likely to cause bodily danger, physical harm, or personal degradation or disgrace. (E.C. 32050)

1st Offense: 2-day suspension.

2nd Offense: 4-day suspension and recommendation for alternative education program.

3rd Offense: 5-day suspension and recommendation for expulsion.

9. **ENGAGING IN AN ACT OF BULLYING**, including, but not limited to, bullying committed by means of an electronic act, as defined in subdivisions (f) and (g) of Section 32261, directed specifically toward a pupil or school personnel. (E.C. 48900, sub-section r)

1st Offense: Warning to student and/or alternative consequences.

2nd Offense: 3 day suspension.

3rd Offense: 5 day suspension and possible recommendation for alternative education program or expulsion.

Note: Any act committed against school staff would warrant consequences starting at step 2.

Bullying is one or more acts by a pupil or group of pupils directed against another pupil or school personnel in order to cause fear, distress or harm. Bullying can be *physical* (hitting, kicking, spitting, pushing), *verbal* (taunting, malicious teasing, name calling, threatening), *emotional* (spreading rumors, manipulating social relationships, extorting, or intimidating) or a combination of the three.

An “electronic act” is defined as transmission of a communication, including, but not limited to, a message, text, sound, or image by means of an electronic device, including but not limited to, a telephone, wireless telephone or other wireless communication device, computer, or pager.

10. **STEALING OR ATTEMPTING TO STEAL SCHOOL PROPERTY OR PRIVATE PROPERTY** (E.C. 48900 sub-section g and t)

Note: Stolen items of value greater than \$25.00 will warrant consequences starting at Step 2.

1st Offense: 2-day suspension.

2nd Offense: 4-day suspension and recommendation for alternative education program.

3rd Offense: 5-day suspension and recommendation for expulsion.

11. **KNOWINGLY RECEIVING STOLEN SCHOOL PROPERTY OR PRIVATE PROPERTY** (E.C. 48900 sub-section l and t)

Note: Stolen items of value greater than \$25.00 will warrant consequences starting at Step 2.

1st Offense: 2-day suspension.

2nd Offense: 4-day suspension and recommendation for alternative education program.

3rd Offense: 5-day suspension and recommendation for expulsion.

12. **COMMITTING AN OBSCENE ACT OR ENGAGING IN HABITUAL PROFANITY OR VULGARITY** either verbally or in writing. (E.C. 48900, sub-section i)

Note: A student **may** be suspended on the first offense for 5 days if such behavior disrupts school activities, (E.C. 48900, sub-section k) threatens to disrupt the instructional process, or causes a danger to persons or property (E.C. 48900.5).

1st Offense: Warning to student and/or alternative consequences.

2nd Offense: 3-day suspension.

3rd Offense: 5-day suspension and possible recommendation for alternative education program.

Note: Any act committed against school staff would warrant consequences starting at Step 2.

13. **USE OF SLURS** either verbally or in writing based on race, religion, ethnic background or national origin, language, gender, sexual orientation, economic status, physical or developmental disabilities, or other special needs. (E.C. 48900, sub-section k) (BP 5145.4)

Note: A student **may** be suspended on the first offense for 5 days if such behavior disrupts school activities, (E.C. 48900, sub-section k) threatens to disrupt the instructional process, or causes a danger to persons or property (E.C. 48900.5).

1st Offense: Warning to student and/or alternative consequences.

2nd Offense: 3-day suspension.

3rd Offense: 5-day suspension and possible recommendation for alternative education program.

Note: Any act committed against school staff would warrant consequences starting at Step 2.

14. **POSSESSING ANY OBJECTS** of a dangerous nature (unless in the case of possession of any such object, the pupil had obtained written permission to possess the item from a certificated school employee, which is concurred in by the principal or the designee of the principal) ON CAMPUS if the principal deems expulsion inappropriate. (E.C. 48900 sub-section b)

Note: Toy guns (imitation) are considered objects of a dangerous nature. Look-a-like (imitation) toy guns refers to a replica of a firearm that is substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm. (E.C. 48900 sub-section m). Possession of any toy weapon that appears to be real to a reasonable person or that is used in a threatening manner may result in alternative placement or recommendation for expulsion. (E.C. 48900, sub-section m) Also, see page 33, number 5.

Note: Laser pointers are considered objects of a dangerous nature.

Note: Principal must report in writing to the superintendent who will advise the governing board that expulsion is inappropriate due to the nature of the particular circumstances which shall be indicated in the report of the incident. (E.C. 48915)

1st Offense: Warning to student. Notification of parent and/or other alternative consequences.

2nd Offense: 3-day suspension.

3rd Offense: 5-day suspension and possible recommendation for alternative education program.

15. **FORGING, FALSIFYING, ALTERING, OR USING FORGED SCHOOL CORRESPONDENCE, PASSES, OR RE-ADMIT SLIPS** (E.C. 48900, sub-section k)

1st Offense: Warning to student and/or other alternative consequences.

2nd Offense: 2-day suspension.

3rd Offense: 4-day suspension and possible recommendation for alternative education program.

16. **VIOLATING THE USE OF TECHNOLOGY, NETWORK, AND ELECTRONIC INFORMATION POLICY** (E.C. 48900, sub-section k and t) (BP 0440)

1st Offense: Warning to student and loss of network and computer use.

2nd Offense: 1-day suspension and loss of network and computer use.

3rd Offense: 3-day suspension and possible recommendation for expulsion or alternative education program.

17. **POSSESSING OR USING TOBACCO** ( or any products containing tobacco or nicotine products) in grades 7-12. (E.C. 48900, sub-section h)

Tobacco and nicotine products include, but are not limited to, cigarettes, cigars, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel. (E.C. 48900, sub-section h)

1st Offense: 1-day suspension.

2nd Offense: 2-day suspension.

3rd Offense: 3-day suspension.

Note: No school shall permit the smoking or use of tobacco, or any product containing tobacco, or nicotine products, by pupils of the school while pupils are on campus, or while attending school-sponsored activities or while under the supervision and control of school district employees. (E.C. 48901)

Confiscated materials will be returned to parents upon request. Confiscated materials will not be returned to students.

18. **FAILING TO IDENTIFY ONESELF** or giving false information to school personnel. (E.C. 48900, sub-section k)

1st Offense: Warning to student and/or alternative consequences.

2nd Offense: 2-day suspension.

3rd Offense: 4-day suspension and possible recommendation for alternative education program.

19. **TAMPERING WITH PROPERTY OF THE SCHOOL DISTRICT** or belongings of any other person. (E.C. 48900, sub-section k and t)

1st Offense: Warning to student and/or alternative consequences.

2nd Offense: 2-day suspension.

3rd Offense: 4-day suspension and possible recommendation for alternative education program.

20. **CHEATING** (E.C. 48900, sub-section k)

1st Offense: Warning to student. "F" on assignment/test.

2nd Offense: 2-day suspension. "F" on assignment/test.

3rd Offense: 4-day suspension. "F" on assignment/test.

21. **BEING IN A PARKING LOT OR OUT OF BOUNDS** without proper authorization. (E.C. 48900, sub-section k)

1st Offense: Warning to student and/or alternative consequences.

2nd Offense: 1-day suspension.

3rd Offense: 3-day suspension.

22. **GAMBLING AND WAGERING**, or habitually being present where gambling and wagering are taking place. (E.C. 48900, sub-section k)

1st Offense: Warning to student and/or alternative consequences.

2nd Offense: 2-day suspension.

3rd Offense: 4-day suspension and possible recommendation for alternative education program.

23. **LOITERING ON OR ABOUT ANY CAMPUS** without apparent lawful purpose. (E.C. 48900, sub-section k) (Penal Code 653G and 627)

Note: A student may be subject to arrest according to Penal Code 653G if he/she loiters at or near any school or public place at or near where students attend or normally congregate, or re-enters or comes upon such school or place after being asked to leave by a school official. According to PC 653G, punishment for loitering includes a fine not to exceed \$1,000 and/or imprisonment in the county jail not to exceed six months.

1st Offense: Warning to student and/or alternative consequences.

2nd Offense: 2-day suspension.

3rd Offense: 4-day suspension and possible recommendation for alternative education program.

24. **ANY DRESS, GROOMING, OR APPEARANCE** which disrupts, or tends to disrupt the educational process, or affect the health or safety of individuals shall be prohibited. (E.C. 48900, sub-section k) (E.C. 35161, 35183, 35291.5, 35294.1; C.A.C. Title 5, Section 302; and BP 5135, 5135.1, and 5137.) Refer to AR 5135, pp. 12-14

Note: Any attire/paraphernalia/symbol that signifies gang affiliation will not be allowed on campus.

Any attire/paraphernalia/symbol that displays a logo or other message promoting alcohol or controlled substances, promoting violence, illegal activity, or relating to gangs may not be worn on campus.

Note: In addition to this Conduct Code, schools may have additional rules approved by School Safety Committees.

1st Offense: Warning to student. Notification of parent. Student may be sent home to dress properly, if necessary.

2nd Offense: Detention, Saturday School, or other alternatives to home suspension.

3rd Offense: 1-day In-school suspension.

Note: All subsequent violations are subject to additional referrals to In-school suspension.

25. **POSSESSION OF ANY OBJECT NOT OF A DANGEROUS NATURE** (i.e. items a school administrator identifies as disruptive.) (E.C. 48900, sub-section k) (Unless in the case of possession of any such object, the pupil had obtained written permission to possess the item from a certificated school employee, which is concurred in by the principal or the designee of the principal.)

Note: Unauthorized object may be confiscated by school authorities. The Principal/Designee will decide whether to return the object to the student or the parent/guardian.

1st Offense: Warning to student and/or alternative consequences.

2nd Offense: Detention, Saturday School, or other alternatives to home suspension.

3rd Offense: 1-day In-school suspension.

Note: All subsequent violations are subject to additional referrals to In-school suspension.

Note: Modesto City Schools is not responsible for the loss or damage of personal property, because of vandalism or theft. Students are responsible for all of their personal belongings.

## 26. POSSESSING OR USE OF ANY ELECTRONIC SIGNALING DEVICE

Students may possess electronic signaling devices on campus during the school day, while attending school-sponsored activities, or while under the supervision and control of a school district employee. **Electronic signaling devices shall be turned off during school hours and not be visible.** (No pupil shall be prohibited from using an electronic signaling device that is determined by a licensed physician or surgeon to be essential for the student's health and use of which is limited to health-related purposes or during a school-wide emergency affecting the school or community.) (E.C. 48901.5)

1st Offense: Warning to student and/or alternative consequences. Parent notification

2nd Offense: Detention, Saturday School, or other alternatives to home suspension.

3rd Offense: 1-day In-school suspension.

Note: All subsequent violations are subject to additional referrals to In-school suspension.

Note: Unauthorized object may be confiscated by school authorities. The Principal/Designee will decide whether to return the object to the student or the parent/guardian.

Note: Use of cell phones to bully, harass or cheat may result in more severe consequences to be determined by the site administrator. (E.C. 48900 r)

## 27. BEHAVIOR ON BUS

1st Offense: Warning to student and/or alternative consequences.

2nd Offense: Not allowed to ride the bus for 3 days

3rd Offense: Not allowed to ride the bus for 5 days

4th Offense: Not allowed to ride the bus for 10 days

5th Offense: Not allowed to ride the bus for 20 days or the remainder of the current semester/trimester, whichever is greater.

6th Offense: Not allowed to ride the bus for the remainder of the school year.

Note: Depending on the seriousness of the act, the student may lose bus privileges for the remainder of the school year on the first or succeeding offenses.

Note: Depending on the circumstances, alternatives to suspension from the bus may be used as determined by the site administrator.

28. **WILLFUL DEFIANCE OR DISOBEDIENCE:** A willful act, verbal or non-verbal, that demonstrates deliberate resistance or refusal to obey a reasonable request or directive issued by a school district employee. (E.C. 48900, sub-section k)

1st Offense: Warning to the student, Parent contact.

2nd Offense: Alternative consequences (counseling, detention, Saturday School, work detail, etc.). Parent contact.

3rd Offense: 1-day In-school suspension

4th Offense: 2-day In-school suspension

**Examples:** Including but not limited to: Eating/drinking in class, willfully defying staff in non-safety related incident, non-habitual use of profanity or vulgarity, verbal insults/put-downs/name calling (non-discriminatory), horseplay, etc.

29. **INTERFERING WITH THE PEACEFUL CONDUCT OF THE CAMPUS OR CLASSROOM:** Any willful act of a minor but annoying nature, verbal or non-verbal, that disrupts the educational process, distracts from the educational environment, or interrupts any administrative, disciplinary, or other activity sponsored or approved by the district. (E.C. 48900, sub-section k, r)

1st Offense: Warning and/or alternative consequences. Parent contact.

2nd Offense: Detention, Saturday School or other alternative consequences. Parent contact.

3rd Offense: 1-day suspension

4th Offense: 3-day suspension and possible recommendation for alternative education program.

**Examples:** Including but not limited to: Minor altercation not resulting in actual fight (i.e. pushing/shoving), minor bullying etc.

30. **WILLFUL DEFIANCE CAUSING A MAJOR CAMPUS OR CLASS DISRUPTION:** Any willful major act of insubordination, verbal or non-verbal, that causes a major campus disruption or severely distracts from or interrupts the educational environment, or any administrative, disciplinary, or other activity sponsored or approved by the District. (Penal code Sec. 148.1) (E.C. 48900, sub-section k)

1st Offense: 5-day suspension.

2nd Offense: 5-day suspension. Recommendation for alternative education program or expulsion. Mandatory removal from campus.

**Examples:** Including but not limited to: Activating a fire alarm, physical altercation, instigating a fight, etc.

## LEVEL II OFFENSES

### SUSPENSION REQUIRED

#### POSSIBLE RECOMMENDATION FOR EXPULSION

unless the principal or superintendent finds that expulsion is inappropriate, due to the particular circumstance. (E.C. 48915 sub-section a)

(See pages 38-43 regarding extra-curricular activities eligibility)

1. **CAUSED SERIOUS PHYSICAL INJURY** to another person, except in self-defense. (E.C. 48915 and 48900, sub-section a). An individual must do everything possible to avoid a conflict. Acts of aggression will not be considered self-defense.

1st Offense: 5-day suspension, possible recommendation for expulsion, and notification of appropriate law enforcement agency.

2<sup>nd</sup> Offense: 5-day suspension, recommendation for expulsion, and notification of appropriate law enforcement agency.

Note: "Serious bodily injury" means a serious impairment of physical condition including, but not limited to, the following: loss of consciousness; concussion; bone fracture; protracted loss or impairment of function of any bodily member or organ; a wound requiring extensive suturing; and serious disfigurement. (P.C. 243 (f) (4))

Note: An incident will be considered a mutual fight when two students engage in a physical altercation, regardless of who initiated the conflict. A student who allows him/herself to be provoked into fighting will be considered as guilty as the one who starts the fight. It is the responsibility of the administrator to conduct an investigation to determine if one of the parties was acting in self-defense.

2. **UNLAWFUL POSSESSION ANY CONTROLLED SUBSTANCE** as listed in Chapter 2 (commencing with Section 11053) of the Health and Safety Code, except for the first offense of possession of not more than one ounce of marijuana, other than concentrated cannabis. (E.C. 48915 and E.C. 48900, sub-section c, 48900 sub-section p)

1st Offense: 5-day suspension, suspension reductions-see Pg. 26, and notification of appropriate law enforcement agency.

Note: The suspension will be reduced to three days if the student completes a district-approved intervention program.

2<sup>nd</sup> Offense: 5-day suspension, possible recommendation for expulsion, and notification of appropriate law enforcement agency.

3<sup>rd</sup> Offense: 5-day suspension, recommendation for expulsion, and notification of appropriate law enforcement agency.

3. **COMMITTED OR ATTEMPTED TO COMMIT ROBBERY OR EXTORTION**  
(E.C. 48915 and 48900 sub-section e)

1st Offense: 5-day suspension, possible recommendation for expulsion, and notification of appropriate law enforcement agency.

2nd Offense: 5-day suspension, recommendation for expulsion, and notification of appropriate law enforcement agency.

4. **COMMITTED ASSAULT OR BATTERY ON SCHOOL PERSONNEL** (Penal Code Sec. 240, 242) (E.C. 48915 and E.C. 48900, sub-section a, E.C. 44014)

1st Offense: 5-day suspension, possible recommendation for expulsion, and notification of appropriate law enforcement agency.

2nd Offense: 5-day suspension, recommendation for expulsion, and notification of appropriate law enforcement agency.

5. **POSSESSED, SOLD, OR OTHERWISE FURNISHED ANY FIREARM, KNIFE, EXPLOSIVE, OR OTHER DANGEROUS OBJECT** of no reasonable use to the pupil on school grounds or at a school related activity off school grounds unless in the case of possession of any such object, the pupil had obtained written permission to possess the item from a certificated school employee, which is concurred in by the principal or the designee of the principal. (E.C. 48915 and 48900, sub-section b)

Note: A knife includes, but is not limited to, a dirk, dagger, ice pick, razor any folding blade knife, any locking blade knife, fixed blades longer than 3 ½”, or objects with a fixed, sharpened blade designed to cut or stab. (E.C. 48915 sub-section g)

Note: Furnishing or possessing an imitation controlled substance (look-a-likes) with the intent to distribute will result in a recommendation for expulsion. Imitation controlled substances are considered "dangerous objects." This offense is also in violation of Health and Safety Code 11680.

Note: Look-a-like (imitation) toy guns refers to a replica of a firearm that is substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm. (E.C. 48900 sub-section m).

Note: Possession of tear gas/tear gas weapon/pepper spray is considered a dangerous object. (Penal Code Sec. 12401, 12402) (E.C. 49330)

1st Offense: 5-day suspension, possible recommendation for expulsion, and notification of appropriate law enforcement agency.

2nd Offense: 5-day suspension, recommendation for expulsion, and notification of appropriate law enforcement agency.

6. **FURNISHED OR SOLD ANY CONTROLLED SUBSTANCE** listed in Chapter 2 (as defined in Section 11053 of the Health and Safety Code), an alcoholic beverage, or an intoxicant of any kind. (E.C. 48915 and E.C. 48900, sub-section c, 48900 sub-section p)

1st Offense: 5-day suspension, possible recommendation for expulsion, and notification of appropriate law enforcement agency.

2nd Offense: 5-day suspension, recommendation for expulsion, and notification of appropriate law enforcement agency.

7. **OFFERED, ARRANGED, OR NEGOTIATED TO SELL ANY CONTROLLED SUBSTANCE** defined in Section 11053 of the Health and Safety Code, alcoholic beverage, or intoxicant and then sold, delivered, or furnished look-a-likes or in lieu substances. (E.C. 48900, sub-section d)

1st Offense: 5-day suspension, possible recommendation for expulsion, and notification of appropriate law enforcement agency.

2nd Offense: 5-day suspension, recommendation for expulsion, and notification of appropriate law enforcement agency.

8. **COMMITTED A TERRORISTIC THREAT** including, but not limited to, a bomb threat. (E.C. 48900.7) This includes any threatening statement, written or oral, which threatens death, great bodily injury or property damage in excess of \$1,000, even if there is no intent of actually carrying it out.

1st offense: 5-day suspension, possible recommendation for expulsion, and notification of appropriate law enforcement agency.

2nd Offense: 5-day suspension, recommendation for expulsion, and notification of appropriate law enforcement agency.

Note: The elements of a Terroristic Threat include the intent that the statement be taken as a serious threat, the gravity and immediacy of the threat is unequivocal, unconditional, immediate and specific, and causes sustained fear in the person/people threatened.

## LEVEL III OFFENSES

### RECOMMENDATION FOR EXPULSION MANDATED BY LAW

#### E.C. 48915 (c)

(See pages 38-43 regarding extra-curricular activities eligibility)

1. **POSSESSING, SELLING, OR OTHERWISE FURNISHING A FIREARM**, unless in the case of possession of any such object, the pupil had obtained written permission to possess the item from a certificated school employee, which is concurred in by the principal or the designee of the principal. (E.C. 48915, subdivision (c) (1))

1st Offense: 5-day suspension, recommendation for expulsion, and notification of appropriate law enforcement agency.

2. **BRANDISHING A KNIFE AT ANOTHER PERSON**. (E.C. 48915 sub-section (c) (2))

1st Offense: 5-day suspension, recommendation for expulsion, and notification of appropriate law enforcement agency.

Note: Brandishing means to display or wield in a threatening manner.

3. **UNLAWFULLY SELLING A CONTROLLED SUBSTANCE** listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code. (E.C. 48915 sub-section (c) (3))

1st Offense: 5-day suspension, recommendation for expulsion, and notification of appropriate law enforcement agency.

4. **COMMITTED OR ATTEMPTED TO COMMIT A SEXUAL ASSAULT** as defined in Sections 261, 266c, 286, 288, 288a, or 289 of the Penal Code or committed a sexual battery as defined in Section 243.4 of the Penal Code. (E.C 48915 sub-section (c) (4) and E.C. 48900, sub-section n)

1st Offense: 5-day suspension, recommendation for expulsion, an notification of appropriate law enforcement agency.

5. **POSSESSION OF AN EXPLOSIVE**. (E.C. 48915 sub-section (c) (5))

1st Offense: 5-day suspension, recommendation for expulsion, and notification of appropriate law enforcement agency.

## **CLASSROOM CITIZENSHIP EXPECTATIONS AND CONSEQUENCES**

### **OVERVIEW:**

It is one of the school's duties to assist parents in helping students develop responsible attitudes and behavior. This means preparing students for adult citizenship as well as preparing them for jobs and higher education.

For this reason it is as important for the school to teach and evaluate citizenship as it is to teach and evaluate academic work.

### **THE CITIZENSHIP MARK:**

Students will receive a quarterly citizenship mark from each of their classroom teachers.

The mark will be based solely on the citizenship displayed in each teacher's classroom.

Students will receive a mark of "outstanding", "satisfactory", or "unsatisfactory" based on the "Citizenship Guidelines".

The citizenship mark for each class will be shown on the student's report card. Citizenship marks will not be shown on the student's transcript or other permanent records.

### **CITIZENSHIP GUIDELINES FOR STUDENTS AND PARENTS**

The following criteria shall be used in determining a student's citizenship mark in his/her class.

1. Attends class daily. Three or more unexcused absences will result in an unsatisfactory citizenship mark.
2. Comes to class on time. Five or more unexcused tardies in a quarter will result in an unsatisfactory citizenship mark.
3. Comes to class with necessary materials.
4. Turns in assignments/homework/projects on time.
5. Does his/her own work when independent work is required; does not cheat.
6. Exercises reasonable care of school property.
7. Shows respect for others.
8. Does not disrupt class; exercises good conduct.

Teachers are required, based on the above "Citizenship Guidelines", to establish written classroom rules regarding students' expected classroom behavior. These written expectations, "Citizenship Mark Guidelines," will be provided to students at the beginning of the year or when new students transfer into the class.

Teachers are also required to discuss these standards with their students and explain their expectations at the beginning of each semester.

If a student's citizenship mark is unsatisfactory at the time progress reports are issued, the fact WILL be noted on the progress report. However, if a student's citizenship becomes unsatisfactory after that point, teachers may issue such a mark without a progress report.

### **APPEAL OF CITIZENSHIP MARK**

Students and parents have the right to appeal citizenship marks which they feel are in error or unjustified.

1. The parent/guardian and/or student shall first contact the teacher to gain clarification as to the reason the unsatisfactory citizenship mark was given.
2. If the parent/guardian and teacher do not resolve the concern and the parent/guardian still feels the citizenship mark is in error, then the parent/guardian may appeal the citizenship mark to a site committee made up of one administrator and at least two teachers. A meeting with the committee must be requested within two weeks after the citizenship marks are released to students. (The committee will meet and make a decision within one week of the parent appeal request.)
3. The parent/guardian may appeal the decision of the committee to the school principal.
4. The parent/guardian may appeal the decision of the principal to the Superintendent's designee, the Director of Education Services 7-12.
5. The parent/guardian may request in writing that the Board of Education hear the appeal of the decision of the Director of Education Services 7-12.
6. A student who has lost privileges remains in the status pending resolution of the appeal.

Note: Because students who receive two or more unsatisfactory citizenship marks are ineligible to participate in extracurricular activities, it is extremely important that any appeal to the next level be made IMMEDIATELY (within two days) following a decision at a lower level.

## LOSS OF PRIVILEGES/EXTRA-CURRICULAR ACTIVITIES

It is the goal of the District to work with parents to assist students in becoming self-directed and responsible for their own behavior.

When students do not meet the clearly defined and communicated expectations outlined in this Student Conduct Code, the student will not be allowed to participate in extra-curricular activities which are limited to:

1. After school recreation (7-8), athletics (9-12)
2. Student clubs (9-12)
3. Student government (7-12)
4. Spirit leaders/Cheerleaders (9-12)
5. Special field trips not a part of regular classroom work (7-12) \*
6. School dances (7-8)
7. School assemblies (7-8)
8. Extra-curricular public performances of music, dance, drama, and speech (the loss of these privileges shall not apply to class activities to publicize and/or promote school activities and feeder schools which are conducted during the school day) (7-12)

**\* NOTE: THE PRINCIPAL/DESIGNEE MAY MAKE EXCEPTIONS REGARDING ACADEMIC AND ATTENDANCE INELIGIBILITY ONLY, FOR SPECIAL FIELD TRIPS NOT A PART OF REGULAR CLASSROOM WORK (7-12). HOWEVER, SUCH FIELD TRIPS MUST BE DIRECTLY RELATED TO THE EDUCATIONAL PROGRAM.**

## EXTRA-CURRICULAR ACTIVITY ELIGIBILITY

### 1. ACADEMIC

In order for a pupil to participate in extra-curricular activities as listed on Page 38, the pupil shall achieve a grade point average of 2.0 with no more than one "F".

#### Grades 7-8

**The eligibility grading periods shall be the first quarter, first semester, third quarter and second semester.**

The grading periods shall be considered consecutive and uninterrupted. Therefore, the second semester grade of the 7<sup>th</sup> grade shall be the basis for determining the first quarter eligibility for the 8<sup>th</sup> grade year.

Three weeks after grades are released to students, any junior high student has five (5) school days to petition the principal/designee to be placed on academic probation and regain privileges. A student must maintain a "C" grade and satisfactory citizenship in each class to remain on probation.

#### Grades 9-12

Academic, attendance, substance abuse, behavior, and classroom citizenship eligibility consequences shall not carry over from junior high to high school. **Ineligibility due to Modesto City Schools textbook or library book debts shall carry over from junior high to high school and will be effective beginning 2<sup>nd</sup> quarter.**

**The eligibility grading periods shall be the first quarter, first semester, third quarter and second semester.**

The grading periods shall be considered consecutive and uninterrupted. **Therefore, the second semester grade of the previous year shall be the basis for determining the first quarter eligibility for the following year. EXCEPTION: Initial high school eligibility will be waived for all incoming ninth grade students not meeting the district academic eligibility criteria. This shall be a one-time waiver for the first quarter of the fall semester only.**

#### 7-12 Summer School Grades--Effect on Eligibility

Summer school grades shall be included to determine eligibility.

In calculating eligibility, a summer school grade will replace the grade of a "like" course taken previously.

Grades/units earned in summer school classes which do not replace grades earned previously in "like" courses will be averaged with grades from the previous grading period.

Summer school grades shall not impair a student's academic eligibility achieved in the previous grading period.

## 2. ATTENDANCE

### Truancy

Absences will be considered unexcused and may affect extra-curricular eligibility if not cleared within 7 school days after the student returns from the absence.

A student may not participate in extra-curricular activities as listed on Page 38 for nine (9) weeks if the student reaches step 4 of the truancy policy (described on page 6).

If the student reaches step 5, the student is ineligible to participate for nine (9) additional weeks from the date the student reached step 5 of the truancy policy (described on page 6).

If a student reaches step 6 of the truancy policy (described on page 7), the student is ineligible to participate in extra-curricular activities as listed on Page 38 for the remainder of the school year at the regular campus unless the student returns to the regular campus after successfully completing an alternative education program.

A student reaching Step 6 of the truancy policy is also ineligible for 8th grade/ senior trips; 8th grade graduation dance/high school prom; 8th grade/senior graduation ceremonies.

### Excessive Absenteeism

Students who are absent fifteen (15) days in one school year may be placed on Attendance Supervision which imposes the requirement that future absences be verified by a licensed medical practitioner.

If a student on Attendance Supervision accumulates five (5) unexcused absences (absences without medical verification), the student will be ineligible to participate in extra-curricular activities as listed on Page 38 the remainder of the school year at the regular campus unless the student returns to the regular campus after successfully completing an alternative education program.

## 3. SUBSTANCE ABUSE

A. A student who is suspended for:

1. Possession of not more than one ounce of marijuana, or possession, use, or being under the influence of an alcoholic beverage, or intoxicant; or
2. For possession of drug paraphernalia is ineligible to participate in extra-curricular activities according to the following guidelines:

1st Offense: Student is ineligible to participate in all extracurricular activities listed on Page 38 as well as 8th grade/senior trips; 8th grade graduation dance, winter formal, high school prom; 8th grade/senior graduation ceremonies for 18 school weeks from the time of the suspension. (Unless the student completes a district-approved intervention program. Completion of the program will reduce the period of ineligibility to nine school weeks.)

2nd Offense: Student is ineligible for the length of the expulsion. If the student receives a suspended expulsion, the student is ineligible to participate in all extracurricular activities listed on Page 38 as well as 8th grade/senior trips; 8th grade graduation dance, winter formal, high school prom; 8th grade/senior graduation ceremonies for 18 school weeks from the time of the first day of suspension unless the student completes a District approved intervention program. Completion of the program will reduce the period of ineligibility to nine school weeks.

B. A student who possesses a controlled substance (except for the first offense of possession of not more than one ounce of marijuana other than concentrated cannabis) or who sells, furnishes, or unlawfully offers, arranges, or negotiates to sell an alcoholic beverage, controlled substance, drug-paraphernalia, or an in-lieu substance (look-a-like purported to be a controlled substance) is ineligible to participate in extra-curricular activities according to the following guidelines:

1st Offense: Student is ineligible for the length of the expulsion. If the student receives a suspended expulsion, the student is ineligible to participate in all extracurricular activities listed on Page 38 as well as 8th grade/senior trips; 8th grade graduation dance, winter formal, high school prom; 8th grade/senior graduation ceremonies for 18 school weeks from the date of suspension unless the student completes a District approved intervention program. Completion of the program will reduce the period of the ineligibility to nine school weeks.

#### 4. **BEHAVIOR**

Students who are home suspended for four (4) days and/or home suspended twice within a quarter are to be declared "unsatisfactory" and may not participate in extra-curricular activities as listed on Page 38 as well as 8th grade/senior trips; 8th grade graduation dance, winter formal, high school prom; 8th grade/senior graduation ceremonies for nine school weeks commencing from the time of the suspension.

If an additional suspension occurs during the nine school week period, the period of ineligibility is to be extended for nine school weeks effective the date of the subsequent suspension, but will not extend beyond the current school year.

Students who are on involuntary transfer to alternative education will be ineligible to participate in extra-curricular activities as listed on Page 38, including the Winter Formal and Senior Prom, for the remainder of the school year at the regular campus unless the student returns to the regular campus after successfully completing an alternative education program.

5. **CLASSROOM CITIZENSHIP** (Consequences for citizenship marks do not carry from junior high to high school.)

Students who receive two or more "unsatisfactory" citizenship marks from teachers may not participate in extra-curricular activities as listed on Page 38 until the next regular reporting period (the following quarter).

For grades (7-8), if a student received two or more "unsatisfactory" citizenship marks, the student may petition the principal to be placed on behavioral probation three weeks after grades are released to students if the student has improved citizenship marks. Once the student is placed on behavioral probation, the student will be eligible to take part in extra-curricular activities as listed on Page 38 if the student maintains a "C" grade and satisfactory citizenship in each of the student's classes. The reporting periods shall be considered consecutive and uninterrupted. Therefore, the fourth quarter citizenship marks of the previous year shall be the basis for determining first quarter eligibility for the following year. The effective date to determine eligibility shall be the day report cards are released to student.

Students who receive two or more unsatisfactory marks in the third quarter shall also be ineligible for 8<sup>th</sup> grade/senior trips; 8<sup>th</sup> grade graduation dance/high school prom; and 8<sup>th</sup> grade/senior graduation ceremonies.

**Note:** If the high school prom occurs before third quarter marks become final, the second quarter citizenship marks determine eligibility.

### **8<sup>TH</sup> GRADE STUDENTS/THIRD QUARTER CITIZENSHIP MARKS**

An 8<sup>th</sup> grade student who receives two unsatisfactory citizenship marks the 3<sup>rd</sup> quarter may regain the privilege of participating in the 8<sup>th</sup> grade trip, 8<sup>th</sup> grade graduation dance, and 8<sup>th</sup> grade graduation ceremony if teacher verification of improved citizenship is substantiated by the school administration.

6. **DEBTS OWED FOR LOSS OR DAMAGE TO SCHOOL DISTRICT PROPERTY**

Students with outstanding Modesto City School debts (K-12) will not be allowed to participate in extra-curricular activities as listed on Page 38 as well as 8<sup>th</sup> grade/senior trips; 8<sup>th</sup> grade graduation dance/high school prom; 8<sup>th</sup> grade/senior graduation ceremonies until the debt is paid or until the student completes a program of voluntary work as provided by the Education Code 48904 in lieu of payment.

Notification to the parent/guardian regarding the debt will be made in writing.

The effective date to determine eligibility shall be 3 days after the issuance of the notification letter.

Loss of privileges includes participation in the graduation ceremony (grades 7-12) if the parent/guardian is notified of the debt at least three days prior to the ceremony.

Note: Attendance, substance abuse, behavior, and classroom citizenship eligibility consequences shall not carry over from junior high to high school.

However, any student who owes for outstanding school debts will remain ineligible to participate in extra-curricular activities, grades 7-12, until the debt is paid or until the student completes a program of voluntary work as provided in Education Code 48904 in lieu of payment. **EXCEPTION: Initial high school eligibility will be waived for all incoming ninth grade students not meeting the district academic eligibility criteria. This shall be a one-time waiver for the first quarter of the fall semester only.**

### **ALL 7-12 STUDENTS**

The District reserves the right to exclude a student from the graduation ceremony or other activities for a flagrant infraction to the Student Conduct Code irrespective of the student's citizenship status.

## RIGHT OF APPEAL AND DUE PROCESS

### SUSPENSION

1. Suspension by the principal/designee, or the superintendent, shall be preceded by an informal conference which is conducted by the principal or his/her designee between the pupil, and, whenever practicable, the teacher, supervisor, or school employee who referred the pupil to the principal. At the conference the pupil shall be informed of the reason for the disciplinary action and the evidence against him or her and shall be given the opportunity to present his/her defense. (E.C. 48911, sub-section b)
2. A principal/designee, or the superintendent, may suspend a pupil without affording the pupil an opportunity for a conference only if the principal or his/her designee determines that an "emergency situation" exists. If a pupil is suspended without a conference prior to a suspension, both the parent and pupil shall be notified of the pupil's right to such a conference and the pupil's right to return to school for such purpose. The conference shall be held within two (2) school days, unless the pupil waives his right or is physically unable to attend for any reason including, but not limited to, incarceration or hospitalization. The conference shall then be held as soon as the pupil is physically able to return to school for the conference. (E.C. 48911, sub-section c)
3. At the time of suspension, a school employee shall make a reasonable effort to contact the parent or guardian of the pupil in person or by telephone. (E.C. 48911, sub-section d)
4. Whenever a pupil is suspended from school, the parent or guardian shall be notified in writing of the suspension. (E.C. 48911, sub-section d)
5. The parent or guardian of any pupil shall respond without delay to any request from school officials to attend a conference regarding his/her child's behavior. (E.C. 48911, sub-section f)
6. The pupil or pupil's parent or guardian has the right to appeal the suspension to the building principal whose decision will be final.

A meeting must be requested within five (5) schooldays following the first day of suspension.

7. Students remain on suspension through the appeal process. If the suspension is overturned by the principal, all information related to the suspension will be deleted from the pupil's record.

## **EXPULSION**

1. In a case where expulsion is being processed by the governing board, the superintendent/designee may extend the suspension until such time as the governing board has rendered a decision, provided that the superintendent/designee has determined that the presence of the pupil 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. (E.C. 48911, sub-section g)
2. The pupil and the pupil's parent or guardian shall be entitled to a hearing to determine whether the pupil should be expelled. An expulsion hearing shall be held within thirty (30) school days of the date the principal or superintendent determines that the pupil committed any of the acts enumerated in Section 48900 unless the pupil requests in writing that the hearing be postponed. The pupil shall be entitled to at least one postponement for a period of not more than thirty (30) calendar days of an expulsion hearing. In the event that compliance by the governing board with the above time requirements is impracticable, the expulsion hearing may be delayed, for good cause, up to five (5) additional days. Reasons for the extension shall be a part of the record at the time of the hearing. (E.C. 48918, sub-section a)
3. Written notice of the hearing shall be forwarded to the pupil at least ten (10) calendar days prior to the date of the hearing. (E.C. 48918, sub-section b)
4. An Administrative Panel shall conduct a hearing to consider the expulsion of a pupil in a session closed to the public unless the pupil or the pupil's parent or guardian request, in writing at least five (5) days prior to the date of the hearing, that the hearing be a public meeting. (E.C. 48918, sub-sections c, d)
5. Within three (3) schooldays following the hearing, the Administrative Panel shall determine whether to recommend expulsion of the pupil to the governing board. (E.C. 48918, sub-section e)
6. The expulsion order and the causes therefore shall be recorded in the pupil's mandatory interim record and shall be forwarded to any school in which the pupil subsequently enrolls upon receipt of a request from the admitting school for the pupil's school records. (E.C. 48918, sub-section j)
7. A decision of the governing board whether to expel a pupil shall be made within ten (10) schooldays following the conclusion of the hearing, unless the pupil requests in writing that the decision be postponed.

If the hearing is held by an administrative panel, or if the district governing board does not meet on a weekly basis, the governing board shall make its decision about a pupil's expulsion within 40 schooldays after the date of the pupil's removal from his/her school of attendance for the incident for which the recommendation for expulsion is made by the principal or the superintendent, unless the pupil requests in writing that the decision be postponed.

8. Written notice of any decision of the governing board to expel or to suspend the enforcement of the expulsion order during a period of probation shall be sent by mail, using "proof of service" method to the student or parent or guardian. The notice shall include notification of the right to appeal the expulsion to the county board of education. (E.C. 48918, sub-section i)
9. Students who have been expelled shall not participate in extra-curricular activities, including the 8th grade/senior trips, 8th grade graduation dance, high school prom, winter formal and the graduation ceremony (8, 12) for the length of the expulsion. Students who are on a suspended expulsion shall not participate in extra-curricular activities for the length of time defined on pages 38-43 of the Student Conduct Code.
10. Students who are on a suspended expulsion to another site will be ineligible to participate in extra curricular activities at the original site including the 8<sup>th</sup> grade/senior trips, 8<sup>th</sup> grade graduation dance, high school prom, winter formal, and the graduation ceremony (8, 12).
11. At the time an expulsion of a pupil is ordered for an act other than those described in subdivision (c) of Section 48915, the Governing Board shall set a date, not later than the last day of the semester following the semester in which the expulsion occurred, when the pupil shall be reviewed for readmission to a school maintained by the District. The Director, Child Welfare and Attendance/Designee will determine if the conditions for readmittance in the expulsion order have been met.
12. For a pupil who has been expelled pursuant to subdivision (c) of Section 48915, the Governing Board shall set a date of one year from the date the expulsion occurred, when the pupil shall be reviewed for readmission to a school maintained by the District, except that the Governing Board may set an earlier date for readmission on a case-by-case basis. The Director, Child Welfare and Attendance/Designee will determine if the conditions for readmittance in the expulsion order have been met. Subdivision (c) of Section 48915 offenses include:
  - Possessing, selling, or otherwise furnishing a firearm.
  - Brandishing a knife at another person.
  - Unlawfully selling a controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code.
  - 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 explosives (except snappers, poppers, firecrackers, and fireworks).

**INVOLUNTARY TRANSFER TO OPPORTUNITY SCHOOL**  
**California Department of Education Guidelines**

Opportunity Education schools, classes, and programs are established to provide additional support for students who are habitually truant from instruction, irregular in attendance, insubordinate, disorderly while in attendance, or failing academically.

A decision to transfer a pupil involuntarily shall be based on findings that the pupil (a) committed an act enumerated in E.C. 48900, or (b) has been habitually truant or irregular in attendance from instruction upon which he or she is lawfully required to attend.

The student and the student's parent or guardian will be notified in writing of the intended assignment to the Opportunity School program. The parent or guardian has the right to request a meeting with the school officials. The purpose of this meeting will be to discuss the specific reason(s) for the transfer being recommended. Following the third-party review of the referral document, a final decision for the transfer will be made. The student and parent or guardian has the right to appeal the third-party decision to the Director, Child Welfare and Attendance.

At the request of the student's parent or guardian, the involuntary transfer shall be reviewed at the end of each semester/trimester of attendance at the alternative education site. Students who are on involuntary transfer to alternative education will be ineligible to participate in extra-curricular activities listed on page 38, including Winter Formal and Senior Prom, for the remainder of the school year at the regular campus unless the student returns to the regular campus after successfully completing an alternative education program.

**INVOLUNTARY TRANSFER TO CONTINUATION SCHOOL** (E.C. 48432.5)

A decision to transfer the pupil involuntarily shall be based on finding that the pupil (a) committed an act enumerated in E.C. 48900, or (b) has been habitually truant or irregular in attendance from instruction upon which he or she is lawfully required to attend.

Involuntary transfer to a continuation school shall be imposed only when other means fail to bring about pupil improvement; provided that a pupil may be involuntarily transferred the first time he or she commits an act enumerated in Section 48900 if the principal determines that the pupil's presence causes a danger to persons or property, or threatens to disrupt the instructional process.

A written notice must be provided to the student and the student's parent or guardian informing them of the opportunity to request a meeting with a designee of the district superintendent.

None of the persons involved in the final decision to make an involuntary transfer of a pupil to a continuation school shall be a member of the staff of the school in which the pupil is enrolled at the time that the decision is made.

Students who are on involuntary transfer to alternative education will be ineligible to participate in extra-curricular activities as listed on Page 38, including the Winter Formal and Senior Prom, for the remainder of the school year at the regular campus unless the student returns to the regular campus after successfully completing an alternative education program.

At the request of the student's parent or guardian, the involuntary transfer shall be reviewed following the second semester of attendance at the alternative education site.

### **SUSPENSION FROM CLASS**

A teacher may suspend any pupil from the teacher's class for any violation of E.C. 48900, for the day of the suspension and the day following.

The teacher shall send the pupil to the principal/designee for appropriate action. If that action requires the continued presence of the pupil at the school site, the pupil shall be under appropriate supervision.

As soon as possible, the teacher shall ask the parent/guardian of the pupil to attend a parent/teacher conference regarding the suspension. If an in-person conference cannot be arranged, a telephone conference may be substituted. A school administrator shall attend the conference if the teacher or parent/guardian so request.

The pupil shall not be returned to the class during the period of suspension without the concurrence of the teacher and the principal. A pupil suspended from a class shall not be placed in another regular class during the period of suspension.

### **DETENTION OF STUDENTS AFTER SCHOOL**

Students may be detained after school for up to 15 minutes without prior notice to the parents.

Detention from 16 to 30 minutes requires a reasonable effort to give prior notice to the parent. Detention longer than 30 minutes requires prior notice to the parent. Prior notice includes telephone calls.

Regardless of the length of detention, prior notice to parents must occur in cases where detention will cause a student to miss the school bus.

### **STUDENT SEXUAL HARASSMENT (Prohibited by Law and by Modesto City Schools' Board Policy 5145.7)**

The Board of Education will not tolerate sexual harassment and will make efforts to maintain schools free from sexual harassment. It is the Board of Education's intent to maintain an academic and work environment which protects the dignity and promotes the mutual respect of all employees and pupils.

### **BOARD POLICY 5145.7, STUDENT SEXUAL HARASSMENT**

1. Prohibits sexual harassment of any student by any employee, student, or other person in, or from, the District.
2. Expects students or staff to immediately report incidents of sexual harassment to a site administrator or to another District administrator.
3. Each site administrator has the responsibility of maintaining an educational and work environment free of sexual harassment.

4. Each sexual harassment complaint shall be promptly investigated in a way designed to respect the privacy of all parties concerned. This responsibility includes discussing this policy with his/her students and employees and assuring them that they NEED NOT endure sexually insulting, degrading, or exploitative treatment or any other form of sexual harassment, including harassment because of sexual orientation.

### **WHAT IS SEXUAL HARASSMENT?**

"Sexual harassment" means 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 work or educational setting under any of the following conditions:

1. When submission to the conduct is explicitly or implicitly made a term or condition of an individual's employment, academic status, or progress.
2. When submission to, or rejection of, the conduct by the individual is used as the basis of academic decisions affecting the individual.
3. When the conduct 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 educational environment.
4. When submission to, or rejection of, the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs or activities available at, or through, the educational institution.

### **EXAMPLES OF SEXUAL HARASSMENT**

Sexual harassment may occur as a pattern of degrading sexual speech or action ranging from verbal or physical annoyances or distractions to deliberate intimidations and frank threats or sexual demands. Such conduct may constitute sexual harassment, regardless of an individual's actual or perceived sexual orientation.

Forms of sexual harassment include, but are not limited to the following:

1. **Verbal Harassment** - Derogatory comments, jokes, or slurs; graphic verbal abuse of a sexual nature; comments about an individual's body/dress, sexual preferences or sexual conduct; sexually degrading words used to demean, label, or describe an individual; or, spreading sexual rumors.
2. **Physical Harassment** - Unnecessary or offensive touching, or impeding or blocking movement.
3. **Visual Harassment** - Derogatory or offensive posters, cards, cartoons, graffiti, drawings, or gestures; suggestive or obscene letters, notes or invitations; the display in the educational environment of sexually suggestive objects or pictures.
4. **Sexual Favors** - Unwelcome sexual advances, requests for sexual favors, unwelcome sexual flirtations or propositions.

## **RETALIATION**

The District prohibits retaliatory behavior against any complainant as a result of a negative response to sexual advances or the making of an informal or formal complaint alleging sexual harassment.

## **CONSEQUENCES FOR SEXUAL HARASSMENT**

Any student who engages in sexual harassment is subject to disciplinary action according to Board Policy 5131, Student Conduct Code, K-6 and Board Policy 5132, Student Conduct Code, 7-12 and in accordance with the Education Code. (Employees are subject to disciplinary action according to Board policies 4119.13/4219.13/4319.13 and in accordance with the Education Code.)

## **GRIEVANCE (COMPLAINT) PROCEDURES (AR 5145.7)**

1. Any student who feels that he/she is being sexually harassed should immediately contact a school site or district administrator.
2. Staff members who receive complaints of sexual harassment from students should refer such complaints to the site or other district administrator.
3. If the site or district administrator is notified that an allegation of sexual harassment was not addressed to the complainant's satisfaction, that administrator should provide the student and/or the student's parent/guardian with a copy of the District's sexual harassment policy and grievance (complaint) procedures.
4. Nothing in the District's grievance (complaint) procedures shall affect the right of the complainant to pursue the matter with any state or federal enforcement agency.
5. The District prohibits retaliatory behavior against any complainant or any participant in the complaint process.

## **TITLE IX COORDINATOR FOR STUDENT-TO-STUDENT SEXUAL HARASSMENT**

The Director, Child Welfare and Attendance is the Title IX Coordinator for student-to-student sexual harassment and is designated by the District to receive and process complaints under this procedure.

## **TITLE IX COORDINATOR FOR STUDENT SEXUAL HARASSMENT COMPLAINTS INVOLVING EMPLOYEES OF THE DISTRICT**

The Deputy Superintendent, Human Resources is the Title IX Coordinator for any student sexual harassment complaints involving employees of the District.