

# MODESTO CITY SCHOOLS

## Administrative Regulation

AR 5144

### STUDENTS

#### Discipline

##### Site-Level Rules

Site-level rules shall be consistent with state law and Board policies and administrative regulations. In developing site-level disciplinary rules, the principal or designee shall solicit the participation, views, and advice of one representative selected by each of the following groups: (Education Code 35291.5)

1. Parents/guardians
2. Teachers
3. School administrators
4. School security personnel, if any
5. For junior high and high schools, students enrolled in the school

Annually, site-level discipline rules shall be reviewed and, if necessary, updated to align with any changes in state law, District discipline policies and regulations, and/or goals for school safety and climate as specified in the District's local control and accountability plan. A copy of the rules shall be filed with the Superintendent or designee for inclusion in the comprehensive safety plan.

School rules shall be communicated to students clearly and in an age-appropriate manner.

It shall be the duty of each employee of the school to enforce the school rules on student discipline. (Education Code 35291.5)

##### Disciplinary Strategies

To the extent possible, staff shall use disciplinary strategies that keep students in school and participating in the instructional program. Except when students' presence causes a danger to themselves or others or they commit a single

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act of a grave nature or an offense for which suspension or expulsion is required by law, suspension or expulsion shall be used only when other means of correction have failed to bring about proper conduct. Disciplinary strategies may include, but are not limited to:

1. Discussion or conference between school staff, the student, and the student's parents/guardians
2. Referral of the student to the school counselor or other school support service personnel for case management and counseling
3. Convening of a study team, guidance team, resource panel, or other intervention-related team to assess the behavior and develop and implement an individual plan to address the behavior in partnership with the student and the student's parents/guardians
4. When applicable, referral for a comprehensive psychosocial or psychoeducational assessment, including for purposes of creating an individualized education program or a Section 504 plan
5. Enrollment in a program for teaching prosocial behavior or anger management
6. Participation in a restorative justice program
7. A positive behavior support approach with tiered interventions that occur during the school day on campus
8. Participation in a social and emotional learning program that teaches students the ability to understand and manage emotions, develop caring and concern for others, make responsible decisions, establish positive relationships, and handle challenging situations capably
9. Participation in a program that is sensitive to the traumas experienced by students, focuses on students' behavioral health needs, and addresses those needs in a proactive manner

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10. After-school programs that address specific behavioral issues or expose students to positive activities and behaviors, including, but not limited to, those operated in collaboration with local parent and community groups
11. Recess restriction as provided in the section below entitled "Recess Restriction"
12. Detention after school hours as provided in the section below entitled "Detention After School"
13. Community service as provided in the section below entitled "Community Service"
14. In accordance with Board policy and administrative regulation, restriction or disqualification from participation in extracurricular activities
15. Reassignment to an alternative educational environment
16. Suspension and expulsion in accordance with law, Board policy, and administrative regulation

When, by law or District policy, other means of correction are required to be implemented before a student could be suspended or expelled, any other means of correction implemented shall be documented and retained in the student's records. (Education Code 48900.5)

Staff shall enforce disciplinary rules fairly, consistently, and in accordance with the District's nondiscrimination policies.

When disciplining a student who has been identified for special education and related services, the procedures specified in Administrative Regulation 5144.2 - Suspension And Expulsion/Due Process (Students With Disabilities) shall be applied. If a student has not been identified as a student with a disability and the District suspects the behavior that resulted in discipline may be based in an unidentified disability, the District shall conduct an evaluation to determine if the student has a disability which requires an IEP or 504 plan. (U.S.C. 1412(a)(3))

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#### **Recess Restriction**

Teachers may restrict a student's recess time only when they believe that this action is the most effective way to bring about improved behavior. When recess restriction involves the withholding of physical activity from a student, teachers shall try other disciplinary measures before imposing the restriction. Recess restriction shall be subject to the following conditions:

1. The student shall be given adequate time to use the restroom and get a drink or eat lunch, as appropriate.
2. The student shall remain under a certificated employee's supervision during the period of restriction.
3. The student's teacher shall inform the principal of any recess restrictions imposed.

#### **Detention After School**

Students may be detained for disciplinary reasons for up to one hour after the close of the maximum school day, or until the departure of the school bus to which they have been assigned if applicable. (5 CCR 307, 353)

The student shall not be detained unless the principal or designee notifies the parent/guardian. Students shall remain under the supervision of a certificated employee during the period of detention.

Students may be offered the choice of serving their detention on Saturday rather than after school.

#### **Community Service**

As part of or instead of disciplinary action, the Board, Superintendent, principal, or principal's designee may require a student to perform community service during nonschool hours on school grounds or, with written permission of the student's parent/guardian, off school grounds. Such service may include, but is not limited to, community or school outdoor beautification, community or campus betterment,

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and teacher, peer, or youth assistance programs. (Education Code 48900.6)

This community service option is not available for a student who has been suspended, pending expulsion, pursuant to Education Code 48915. However, if the recommended expulsion is not implemented or the expulsion itself is suspended, then the student may be required to perform community service for the resulting suspension. (Education Code 48900.6)

### **Notice to Parents/Guardians and Students**

At the beginning of the school year, the Superintendent or designee shall notify parents/guardians, in writing, about the availability of District rules related to discipline. (Education Code 35291, 48980)

The Superintendent or designee shall also provide written notice of disciplinary rules to transfer students at the time of their enrollment in the District.

#### *Legal References:*

##### **EDUCATION CODE**

*32280-32289.5 School safety plans*

*35146 closed sessions*

*35291 Rules*

*35291.5-35291.7 School-adopted discipline rules*

*37223 Weekend classes*

*44807.5 Restriction from recess*

*48900-48926 Suspension and expulsion*

*48980-48985 Parent/Guardian notifications*

*49005-49006.4 Seclusion and restraint*

*49330-49335 Injurious objects*

*49550-49564.5 Meals for needy students*

*52060-52077 Local control and accountability plan*

##### **CODE OF REGULATIONS, TITLE 5**

*307 Participation in school activities until departure of bus*

*353 Detention after school*

##### **CIVIL CODE**

*1714.1 Liability of parent or guardian for act of willful misconduct by a minor*

##### **UNITED STATES CODE, TITLE 20**

*1400-1482 Individuals with Disabilities Education Act*

##### **UNITED STATES CODE, TITLE 29**

*794 Rehabilitation Act of 1973; Section 504*

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*Legal References (cont.):*

UNITED STATES CODE, TITLE 42

*1751-1769j School Lunch Program*

*1773 School Breakfast Program*

*Management Resources:*

CALIFORNIA DEPT OF EDUCATION PROGRAM ADVISORIES

*Classroom Management: A California Resource Guide for Teachers and Administrators of Elementary and Secondary Schools, 2000*

CSBA PUBLICATION

*Recent legislation on Discipline: AB 240, Fact Sheet, March 2015*

*The Case for Reducing Out-of-School Suspensions and Expulsions, Fact Sheet, April 2014*

*Maximizing Opportunities for Physical Activity during the School Day, Fact Sheet, 2009*

*Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014*

*Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011*

WEBSITES

*Public Counsel: <https://publiccounsel.org/>*

*U.S. Department of Education, Office for Civil rights:*

*<https://www2.ed.gov/about/offices/list/ocr/index.html>*

*California Department of Education: <https://www.cde.ca.gov/>*

*CSBA: <https://www.csba.org/>*

*Cross References (cf.):*

*0450 – Comprehensive Safety Plan (N/A)*

*0460 – Local Control And Accountability Plan (N/A)*

*1114 – District-Sponsored Social Media*

*1312.3 – Uniform Complaint Procedures*

*1313 – Civility*

*3512 – Equipment (N/A)*

*3513.3 – Tobacco-Free Schools*

*3513.4 – Drug And Alcohol Free Schools*

*3513.4 – Liability Issues and Parent Groups Organizing Grad Night*

*3515 – Campus Security*

*3515.21 – Unmanned Aircraft Systems (Drones)*

*3515.3 – District Police/Security Department*

*3515.3 – District Security Department*

*3515.31 – School Resource Officers (N/A)*

*3515.4 – Recovery For Property Loss Or Damange*

*3543 – Transportation Safety And Emergencies (N/A)*

*4131 – Staff Development*

*4158/4258/4358 – Employee Security (N/A)*

*5000 – Concepts And Roles (N/A)*

*5020 – Parent Rights And Responsibilities*

*5030 – Student Wellness*

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*Cross References (cf.) (cont.):*

- 5112.1 – Exemptions From Attendance*
- 5112.5 – Open/Closed Campus (N/A)*
- 5112.5 – Closed Campuses*
- 5113.1 – Chronic Absence And Truancy (N/A)*
- 5113.1 - Truancy*
- 5116.2 – Involuntary Student Transfers*
- 5125 – Student Records; Confidentiality*
- 5127 – High School Graduation Ceremonies And Activities*
- 5131 – Conduct*
- 5131.1 – Bus Conduct*
- 5131.2 – Bullying*
- 5131.4 – Student Disturbances*
- 5131.41 – Use Of Seclusion and Restraint (N/A)*
- 5131.5 – Vandalism and Graffiti*
- 5131.6 – Alcohol And Other Drugs*
- 5131.62 – Tobacco*
- 5131.63 – Steroids (N/A)*
- 5131.7 – Weapons And Dangerous Instruments*
- 5131.9 – Academic Honesty*
- 5137 – Positive School Climate*
- 5138 – Conflict Resolution/Peer Mediation (N/A)*
- 5132 – Dress And Grooming (N/A)*
- 5132 – Student Conduct Code 7-12*
- 5138 – Electronic Signaling or Communication Devices*
- 5141.4 – Child Abuse Prevention And Reporting (N/A)*
- 5141.4 – Suspected Child Abuse Report Procedures*
- 5142 – Safety (N/A)*
- 5144.1 – Suspension And Expulsion/Due Process*
- 5144.2 – Suspension And Expulsion/ Due Process (Students with Disabilities)*
- 5144.4 – Required Parental Attendance (N/A)*
- 5145.2 – Freedom Of Speech/Expression (N/A)*
- 5145.2 – Student Free Speech*
- 5145.3 – Nondiscrimination/Harassment*
- 5145.6 – Parent Notifications*
- 5145.7 – Sexual Harassment*
- 5145.71 – Title IX Sexual Harassment Complaint Procedures (N/A)*
- 5145.9 – Hate-Motivated Behavior (N/A)*
- 5148.2 – Before/After School Programs*
- 6145 – Extracurricular And Cocurricular Activities*
- 6145.2 – Athletic Competition*
- 6145.8 – Assemblies And Special Events (N/A)*
- 6153 – School-Sponsored Trips (N/A)*
- 6153 - Fieldtrips*
- 6159.4 – Behavioral Interventions For Special Education Students (N/A)*

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*Cross References (cf.) (cont.):*

*6162.54 – Test Integrity/Test Preparation (N/A)*

*6163.4 – Student Use Of Technology*

*6164.2 – Guidance/Counseling Services*

*6164.5 – Student Success Teams*

*6184 – Continuation Education*

*6185 – Community Day School (N/A)*

*9321 – Closed Session*

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