

# **Gravenstein Union School District Administrative Regulation 5144.1c – Charters Temporary Removal and Removal of Students from Gravenstein Elementary and Hillcrest Middle Charter Schools**

## **DEFINITIONS**

**Board** means the Governing Board of the Gravenstein Union School District

**Day** means a calendar day unless otherwise specifically provided.

**District** means Gravenstein Union School District

**Expulsion** means permanent, indefinite dismissal of a student from Gravenstein Union School District pursuant to BP/AR 5144.1.

**Parent** means a student's parent(s) or legal guardian(s).

**Principal's designee** means one or more administrators or, if there is not a second administrator at one school site, a certificated employee specifically designated by the superintendent or principal, verbally or in writing, to assist with disciplinary procedures.

**Removal** means indefinite dismissal of a student from Gravenstein Elementary and Hillcrest Middle Charter Conversion Schools.

**School(s)** means Gravenstein Elementary and/or Hillcrest Middle Charter Conversion Schools.

**School Day** means a day upon which the Schools are in session or weekdays during the summer recess.

**Standards of Behavior** mean the “Grounds for Temporary Removal and Removal” specified in this AR 5144.1 and any school rules established by the Board.

**Temporary Removal** means dismissal of a student from School for a specified amount of time, but less than 3 trimesters.

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

## **NOTICE OF STANDARDS OF BEHAVIORS AND DISCIPLINE PROCEDURES**

At the beginning of each school year, the principal of each School shall ensure that all students and parents are notified in writing of all Standards of Behavior and related disciplinary

procedures. The School/Family Compact shall be sent home to families at the beginning of each school year and upon any student's initial enrollment. Beginning with the 2014-15 school year, the School/Family Compact shall include the link to the District's website where all policies and regulations concerning student discipline are posted. Upon request, a copy of AR 5144.1, AR 5144.1 – Charters, and any other student discipline policy or regulations shall be provided to any parent.

## **STANDARDS OF BEHAVIOR - GROUNDS FOR TEMPORARY REMOVAL AND REMOVAL**

Any student, including a student with disabilities, shall be subject to temporary removal and removal for violation of the Standards of Behavior below; however, paragraphs 20, 21, and 22 shall apply only to a student in any of grades 4 to 12.

1. Caused, attempted to cause, or threatened to cause physical injury to another person or willfully used force or violence upon another person, except in self-defense.
2. Possessed, sold, or otherwise furnished any firearm, knife, explosive, or other dangerous object, unless, in the case of possession of any object of this type, the student had obtained written permission to possess the item from a certificated school employee, with the principal or designee's concurrence.
3. Unlawfully possessed, used, sold, otherwise furnished, or was under the influence of any controlled substance as defined in Health and Safety Code sections 11053-11058, alcoholic beverage, or intoxicant of any kind.
4. Unlawfully offered, arranged, or negotiated to sell a controlled substance as defined in Health and Safety Code sections 11053-11058, alcoholic beverage, or intoxicant of any kind, and then sold, delivered, or otherwise furnished to any person another liquid, substance, or material and represented same as such controlled substance, alcoholic beverage, or intoxicant.
5. Committed or attempted to commit robbery or extortion.
6. Caused or attempted to cause damage to school property or private property.
7. Stole or attempted to steal school property or private property.
8. Possessed or used tobacco or products containing tobacco or nicotine products, including, but not limited to, cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel, except that this restriction shall not prohibit a student from using or possessing his/her own prescription products.
9. Committed an obscene act or engaged in habitual profanity or vulgarity.

10. Unlawfully possessed, offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code section 11014.5.
11. Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, other school officials, or other school personnel engaged in the performance of their duties.
12. Knowingly received stolen school property or private property.
13. Possessed an imitation firearm. Imitation firearm means a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm.
14. Committed or attempted to commit a sexual assault as defined in Penal Code section 261, 266c, 286, 288, 288a, or 289, or committed a sexual battery as defined in Penal Code section 243.4.
15. Harassed, threatened, or intimidated a student who is a complaining witness or witness in a school disciplinary proceeding for the purposes of preventing that student from being a witness and/or retaliating against that student for being a witness.
16. Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.
17. Engaged in, or attempted to engage in, hazing. Hazing means a method of initiation or pre-initiation into a student organization or body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective student. Hazing does not include athletic events or school-sanctioned events.
18. Made terrorist threats against school officials and/or school property, A terrorist threat includes any written or oral statement by a person who willfully threatens to commit a crime which will result in death or great bodily injury to another person or property damage, with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out.
19. Engaged in “bullying” which means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, and including one or more acts committed by a student or group of students as defined in paragraphs 20, 21, or 22, below, directed toward one or more pupils that has or can be reasonably predicted to have the effect of one or more of the following:
  - (A) Placing a reasonable pupil or pupils in fear of harm to that pupil's or those pupils' person or property.

- (B) Causing a reasonable pupil to experience a substantially detrimental effect on his or her physical or mental health.
- (C) Causing a reasonable pupil to experience substantial interference with his or her academic performance.
- (D) Causing a reasonable pupil to experience substantial interference with his or her ability to participate in or benefit from the services, activities, or privileges provided by a school.

“Electronic act” means the creation and transmission originated on or off the school site by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager, of a communication, including, but not limited to, any of the following:

- (A) A message, text, sound, or image.
- (B) A post on a social network Internet Web site including, but not limited to:
  - (1) Posting to or creating a burn page. “Burn page” means an Internet Web site created for the purpose of having one or more of the effects listed above.
  - (2) Creating a credible impersonation of another actual pupil for the purpose of having one or more of the effects listed above. “Credible impersonation” means to knowingly and without consent impersonate a pupil for the purpose of bullying the pupil and such that another pupil would reasonably believe, or has reasonably believed, that the pupil was or is the pupil who was impersonated.
  - (3) Creating a false profile for the purpose of having one or more of the effects listed above. “False profile” means a profile of a fictitious pupil or a profile using the likeness or attributes of an actual pupil other than the pupil who created the false profile.
- (C) An electronic act shall not constitute pervasive conduct solely on the basis that it has been transmitted on the Internet or is currently posted on the Internet.

“Reasonable pupil” means a pupil, including, but not limited to, an exceptional needs pupil, who exercises average care, skill, and judgment in conduct for a person of his or her age, or for a person of his or her age with his or her exceptional needs.

20. Committed sexual harassment. Sexual harassment means conduct which, when considered from the perspective of a reasonable person of the same gender as the victim, is sufficiently severe or pervasive as to have a negative impact upon the victim's academic performance or to create an intimidating, hostile, or offensive educational environment.

21. Caused, attempted to cause, threatened to cause, or participated in an act of hate violence, Hate violence means any act punishable under Penal Code section 422.6, 422.7, or 422.75. Such acts include injuring or intimidating a victim, interfering with the exercise of a victim's statutory rights or state or federal constitutional rights, or damaging a victim's property because of the victim's race, ethnicity, religion, nationality, disability, gender, gender identity, gender expression, or sexual orientation; a perception of the presence of any of those characteristics in the victim; or the victim's association with a person or group with one or more of those actual or perceived characteristics.
22. Intentionally engaged in harassment, threats, or intimidation against district personnel or students that is sufficiently severe or pervasive to have the actual and reasonably expected effect of materially disrupting classwork, creating substantial disorder, and invading the rights of school personnel or students by creating an intimidating or hostile educational environment,
23. Any ground for suspension or expulsion as specified in the California Education Code as from time-to-time amended.
24. Excessive tardiness or absenteeism which is not the result of student's illness or injury or other excusable reason as determined by the Principal or designee. Excessive tardiness means 15 or more late arrivals, of 30 minutes or more, to school or class per trimester. Excessive absenteeism means 15 or more absences from school or class per trimester. After a student has been tardy 10 times, in excess of 30 minutes or more, or had 10 unexcused absences during a trimester, an attempt will be made to have a parent-teacher-administrator conference.
25. Any chronic violation or a serious violation of the Standards of Behavior or rules specified in the GUSD School/Family Compact or GUSD Student Handbook.

## **SCHOOL OR SCHOOL ACTIVITIES**

A student may be temporarily removed or removed for any violation of the Standards of Behavior if the violation is related to school activity or school attendance occurring within any school in the District or within any other school district, at any time, including, but not limited to, the following:

1. While on school grounds,
2. While going to or coming from school,
3. During the lunch period, whether on or off the school campus, and
4. During, going to, or coming from a school-sponsored activity.

## **TEMPORARY REMOVAL FROM CLASS**

A teacher may temporarily remove any student from his/her class for the remainder of the day and the following day for any violation of the Standards of Behavior.

The teacher shall promptly report in writing the temporary removal to the principal or designee, specifying the reason(s) for and length of the removal, and send the student to the principal or designee for appropriate action. If the principal or designee determines that the student shall remain at school, he or she shall arrange appropriate supervision.

The teacher shall promptly ask the student's parent to attend a parent-teacher conference as soon as possible regarding the temporary removal from class. The teacher shall notify the principal or designee upon confirmation of the date and time of the teacher-parent conference. A school administrator shall attend the conference if either the parent or teacher so requests.

The teacher of any class from which a student is removed shall require the student to complete any assignments and tests missed during the removal.

## **TEMPORARY REMOVAL OR REMOVAL FROM SCHOOL BY SUPERINTENDENT, PRINCIPAL, OR DESIGNEE / RECOMMENDATION FOR EXPULSION**

A teacher or other school employee may refer a student to the principal or designee for temporary removal or removal from school for any violation of the Standards of Behavior.

A principal or designee may temporarily remove a student from school for up to ten (10) consecutive school days but not more than 20 school days in any school year for any violation of the Standards of Behavior. The principal or designee shall promptly notify the Superintendent in writing of any temporary removal of a student from school.

A principal or designee may refer a student to the Superintendent for temporary removal in excess of ten (10) consecutive school days or in excess of 20 school days in any school year, removal, or expulsion for any violation of the Standards of Behavior.

The Superintendent may temporarily remove, extend a temporary removal, remove, or recommend a student for expulsion for any violation of the Standards of Behavior.

Temporary removals, extension of temporary removals, removals and recommendations for expulsion shall be in accordance with the following procedures.

1. **Principal/Designee's Informal Conference:** Before a temporary removal, the principal or designee shall conduct an informal conference with the student and, whenever practicable, the teacher or school employee who referred the student. At the conference, the student shall be informed of the reason(s) for the referral, presented with the allegations and supporting evidence against him/her, and given the opportunity to respond.

The informal conference may be omitted if the principal/designee determines that an emergency situation exists involving an imminent danger to the lives, safety, or health of students or school staff. If a student is temporarily removed without an informal conference, both the parent and student shall be notified of the student's right to return to school for the informal conference. The principal/designee shall schedule the informal conference within two school days, unless the student waives the right to an informal conference or is physically unable to attend for any reason. In the case of inability to attend, the conference shall be held as soon as practicable after the student is physically able to return to school or participate by phone.

2. Superintendent's Conference: The Superintendent shall promptly schedule a meeting with the student, the parent, and whenever practicable the principal and/or teacher or school employee who made the original disciplinary referral if:

- a. A student is to be temporarily removed for a period in excess of ten (10) consecutive school days or 20 school days in any school year;
- b. A temporary removal is to be extended to a total period in excess of ten (10) consecutive school days or 20 school days in any school year; or
- c. A student is to be removed from school.

At the conference, the student shall be informed of the reason(s) for the referral, presented with the allegations and supporting evidence against him/her, and given the opportunity to respond. The Superintendent's conference may be conducted concurrently with the principal/designee's informal conference.

3. Notice to Parents/Guardians:

- a. Referral - At the time of the referral for temporary removal or removal, a reasonable effort shall be made to contact the parent by telephone, email, or in person.
- b. Decision - Within two school days after the informal conference or Superintendent's conference, the principal or designee or the Superintendent shall notify the parent in writing of the cause(s) for any temporary removal, extension of temporary removal or removal ("Removal Notice") and, if applicable, the date and time when the student may return to school or, as provided in paragraph 4, below, the right to file a Notice of Appeal within ten (10) days. The Removal Notice shall be mailed to the parent's home address, personally delivered or, at the parent's request, emailed. A student will not be denied readmission solely because the parent failed to attend an informal conference.

4. Other Corrective Measures:

In case of a temporary removal by the principal/designee or the Superintendent, provided the student does not pose a danger or threat to the safety of staff, students, or property, the Superintendent, for all or part of a temporary removal period, may do any one or more of the following in accordance with applicable law, policies and regulations:

1. Direct that specific services be provided to the student,
2. Assign the student to an on-site temporary removal classroom supervised by a teacher or administrator, or
3. Notify the parent of programs designed to help the student correct his/her behavior and be successful in school,

5. Appeal to Board - If the Superintendent extends a temporary removal to a total of eleven (11) or more consecutive school days or 20 or more school days in any school year, or removes a student from school, the student's parent shall be advised in writing of the right to appeal the Superintendent's decision to the Board. Parent shall also be notified in writing that the failure to submit a Notice of Appeal to the Superintendent's office within ten (10) days after the Removal Notice is mailed, personally delivered or, if requested by parent, emailed, whichever is earlier, shall result in the waiver of the right to appeal. If the tenth day falls on a day the Superintendent's office is not open to the public for business, the Notice of Appeal must be received in the Superintendent's office on or before next business day. Upon waiver of the right to appeal, the Superintendent's decision shall be final.
6. Any recommendation for expulsion and related proceedings shall be in accordance with BP/AR 5144.1.

### **MANDATORY REMOVAL**

Unless the Superintendent, principal, or designee determines that removal is not warranted under the circumstances or that an alternative means of correction would address the conduct, he/she shall remove a student for any of the following acts:

1. Causing serious physical injury to another person, except in self-defense
2. Possession of any knife, explosive, or other dangerous object of no reasonable use to the student.
3. Unlawful possession of any controlled substance as listed in Health and Safety Code sections 11053-11058, except for (a) the first offense for the possession of not more than one avoirdupois ounce of marijuana, other than concentrated cannabis, or (b) possession of over-the-counter medication for his/her use or other medication prescribed for him/her by a physician
4. Robbery or extortion
5. Assault or battery, as defined in Penal Code 240 and 242, upon any school employee

### **MANDATORY EXPULSION RECOMMENDATION**

The Superintendent shall temporarily remove or suspend a student from school and shall recommend the expulsion of a student for any of the following conduct:

1. Possessing, as verified by a district employee, selling, or otherwise furnishing a firearm, unless the student had obtained prior written permission to possess the item from a certificated school employee, with the principal or designee's concurrence.
2. Brandishing a knife at another person.



3. Unlawfully selling a controlled substance listed in Health and Safety Code 11053-11058.
4. Committing or attempting to commit a sexual assault as defined in Penal Code section 261, 266c, 286, 288, 288a, or 289, or committing a sexual battery as defined in Penal Code section 243.4.
5. Possessing an explosive as defined in 18 USC 921.

Any suspension or expulsion of a student shall be in accordance with BP/AR 5144.1.

### **REMOVAL – APPEAL HEARINGS**

The parent of any student who is temporarily removed for eleven (11) or more consecutive school days or 20 or more school days in any school year or is removed from school may appeal to the Board. The parent's Notice of Appeal must be received in the Superintendent's office on or before the tenth day after Removal Notice was mailed, personally delivered, or emailed if requested by the parent, whichever is earlier. The Notice of Appeal shall state the basis for the appeal. If the tenth day falls on a day the Superintendent's office is not open to the public for business, the Notice of Appeal must be received in the Superintendent's office on or before next business day.

The Board will determine the date and time of the appeal hearing, which ordinarily will be held within 30 days of the temporary removal or removal. Pending the Board's decision on the appeal, the student will remain on temporary removal from the school, and the Superintendent may refer the student to Community Day School in accordance with BP/AR 6185, or if appropriate and the parent concurs, place the student on Independent Study.

### **POST- HEARING NOTICE**

The Superintendent or designee shall send written notice of the Board's decision on appeal. If the Board does not sustain the temporary removal or removal, the notice shall inform the parent that the student may return to school immediately. If the Board sustains the temporary removal or removal, the notice shall include the following:

1. The specific ground(s) on which the Board sustained the temporary removal or removal.
2. In the case of a temporary removal, the date on which the student may return to school.
3. A referral for placement.
  - a. Upon temporary removal (for 11 or more consecutive school days or 20 or more days in any school year) a student may be referred to the Gravenstein Union Community Day School pursuant to BP/AR 6185 or, if appropriate and the parent concurs, to Independent Study.
  - b. Upon removal from school, a district resident shall be referred to the Gravenstein Union Community Day School pursuant to BP/AR 6185.

- c. Upon removal, a non-district resident student shall be referred to his/her District of residence.
4. The right to enroll the student in another school at the parent's expense.

### **NOTIFICATION TO LAW ENFORCEMENT AUTHORITIES**

Prior to the temporary removal or removal of any student, the principal or designee shall notify appropriate city or county law enforcement authorities of any student acts of assault which may have violated Penal Code section 245.

The principal or designee also shall notify appropriate city or county law enforcement authorities of any student acts which may involve the possession or sale of narcotics or of a controlled substance. In addition, law enforcement authorities shall be notified regarding any acts by students regarding the possession, sale, or furnishment of firearms, explosives, or other dangerous weapons in violation of Penal Code section 626.9 and 626.10.

The principal or designee will notify appropriate city or county law enforcement authorities, by telephone or other appropriate means, of any student acts which may be involved with the possession, use, offering, or sale of controlled substances, alcohol, or intoxicants of any kind.

### **READMISSION AFTER REMOVAL**

After a successful nine-week period of removal without disciplinary incident or unexcused tardiness or absence, at the request of the student's parent, Community Day School teacher, charter schoolteacher, or the administration, a meeting will be convened to discuss the student's placement. The student, the student's parent, current teacher, and charter school teacher, and the charter school principal will be invited to participate in the meeting.

After the meeting, the charter school principal shall confer with the Superintendent to determine whether the student should be permitted to return to the charter school. The Superintendent shall make the final determination and, if deemed appropriate, may place the student on probation upon return to the charter school for a period of up to 30 weeks.

**ADOPTED: January 8, 2014**

**GRAVENSTEIN UNION SCHOOL DISTRICT  
Sebastopol, CA**