

Kern High School District **Discipline Code Summary**

GENERAL AIMS

This summary of the revised Discipline Code of the Kern High School District is given to all of our parents and students. We want to make certain that students, parents and staff understand that school regulations governing discipline are based on written rules. Each staff member of the Kern High School District who works with students and parents has been given the opportunity to read and understand these rules and regulations.

This Discipline Code clearly spells out unacceptable actions by students against persons or property. It is also designed to protect the constitutional rights of students. In recent years the courts have emphasized the constitutional principle that students do have certain rights when they attend our schools. Such rights include freedom of expression, speech, and equal educational opportunity. Along with these rights come additional responsibilities on the part of the students. The staff of the school system will work with the students to help them understand their rights and responsibilities and to grow to maturity with additional respect for fairness, justice and truth.

When students are suspended or expelled from school or school activities, we take this action to protect the physical safety of other students or staff or to ensure that classroom instruction is continued without interference. The general safety, well-being, and educational goals of all students must be considered along with the rights and responsibilities of each individual.

Before a student can be suspended, a hearing by local school officials must be given to each student who has been accused of violating the Discipline Code. Parents or guardians must be notified by mail stating the specific acts for which the suspension was ordered. The parents will be invited to the school to discuss the matter.

California law permits suspension from school and school activities for a period of five days, except while waiting for action by juvenile court or the Board of Trustees, when time may be extended.

In expulsion cases, a full hearing is given to each student. This is held before a panel of administrators and teachers appointed by the Board of Trustees. The facts of each case are carefully reviewed in this hearing and findings from the administrative panel are presented to the Board of Trustees in executive session with a recommendation. Final action is taken by the Board of Trustees in open session.

The complete Discipline Code with its supporting data is a very long document. Copies are kept at each school and may be examined there by patrons and students. It is our hope that these rules and regulations will help our schools to carry on in the best tradition and without interrupting their main function - that of giving each student the best education possible. The complete California Education Code may be secured on the web at www.cde.ca.gov.

EXPECTED STUDENT BEHAVIOR

The Board of Trustees of the Kern High School District, in support of public education and the exercise of general supervision of the secondary schools of the District, believes that the conduct of students attending the high schools must establish an educational climate conducive for the furtherance of educational opportunities for youth and the promotion of learning.

To assure this aim, the people of the State have empowered local boards of education to regulate student conduct.

The governing board of any school district shall prescribe rules not inconsistent with law or with the rules prescribed by the State Board of Education, for the government and discipline of the schools under its jurisdiction. (E.C. 35291)

All pupils shall comply with the regulations, pursue the required course of study, and submit to the authority of the teachers of the schools. (E.C. 48908)

There is a place and an appropriate educational program in our schools for every student interested in pursuing an education. The law requires attendance of youth between certain ages and the public has, through numerous legislative enactments, expressed its will that educational opportunities shall be provided for all.

RULES AND REGULATIONS

The following conduct is not permitted. Rules and regulations are established to maintain an atmosphere conducive to learning. Students who fail to comply with these rules and regulations will be counseled, reprimanded, suspended or expelled and/or arrested as the laws are applied.

Suspension shall be imposed only when other means of correction fail to bring about proper conduct, provided that a pupil may be suspended for any of the reasons enumerated in E.C. Sections 48900 (a-s), 48900.2, 48900.3, 48900.4, 48900.7, 48901.5 and sections of 48915 upon a first offense.

a) The principal may recommend a pupil's expulsion for any of the acts enumerated in Section 48900 and in sections of E.C. 48915.

b) Upon recommendations by the principal or by a hearing officer or administrative panel appointed pursuant to subdivision (d) of Section 48918, the governing board may order a pupil expelled upon finding that the pupil violated E.C. Sections 48900 (a-s), 48900.2, 48900.3, or 48900.4, 48900.7; and that other means of correction have repeatedly failed to bring about proper conduct, or due to the nature of the violation, the presence of the pupil causes a continuing danger to the physical safety of the pupil or others and that other means of correction are not feasible. The governing board shall order expulsion for violation of E.C. 48915 (c-1) to (c-5).

CAUSES FOR DISCIPLINARY ACTION

VIOLATIONS RELATING TO PERSONS

- ABUSE / HARASSMENT, THREATS OR INTIMIDATION** (physical or verbal attack on district employee or student) (E.C. 44810, 48900 (a)(1), (a)(2), 48900 i and o, 48900.4, 48900.7; P.C. 71)
- ASSAULT AND BATTERY** (assault or battery upon another student or upon school personnel; threat of force or violence toward school personnel, at any time or place related to school attendance or functions) (E.C. 44014, 44810, 48900 (a)(1), (a)(2), 48915 (c-2), (a-1), (a-2), (a-5); P.C. 240-243, 245)
- BUS CONDUCT** (continued disorderly conduct or persistent refusal to submit to authority of the driver) (C.A.C. 14103)
- DEFIANCE, DISRESPECT, ETC.** (insubordination or defiance toward school employees, either in language or action) (E.C. 48900 k; 48908)
- ELECTRONIC LISTENING OR RECORDING DEVICE** (It is the students' responsibility to make sure that all devices, including cell phones, are turned off and secure during the official school day. use of all electronic communication devices, without prior consent of the principal, is prohibited. (E.C. 51512, 48901.5)
- EXTORTION / ROBBERY** (taking possessions from another person by threat or force) (E.C. 44014, 44810, 48900 (a)(1), (a)(2), e and g, 48915 (a-4); P.C. 240, 241, 524)
- FIGHTING** (involvement in fighting either in groups, gangs, or as an individual on school premises or elsewhere under authority of school personnel) (E.C. 32210, 44807, 44810, 48900 (a)(1), (a)(2), 48915 (a-1))
- FORGING** (forging notes, signatures, excuses or other school documents) (E.C. 48900 k; P.C. 470)
- GAMBLING** (any betting, gaming played with cards, dice, coins, or other items of value is prohibited) (P.C. 330)
- HAZING / HATE VIOLENCE** (committing any act that injures, degrades, or disgraces any fellow student or person attending the institution) (E.C. 32050-32051; 48900 q; 48900.3; 233) (Ref. 610R Admin. Code and AB 1785. See definition of hate violence in KHSD Discipline Code)
- KEYS** (illegal possession, unauthorized use or duplication of keys to school buildings or premises) (P.C.469)
- RECEIVING STOLEN PROPERTY** (knowingly received stolen school property or private property) (E.C.48900 l)
- SECRET CLUBS** (membership on school campus prohibited) (E.C. 48900 k)
- SEXUAL HARASSMENT / ASSAULT** (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)(E.C. 48900.2, 212.5, 48915 (c-4))
- STEALING** (stealing school property or from persons while on school property or at school sponsored events) (E.C. 19911, 35291, 44807, 48900 g; P.C. 484-485)
- TARDINESS / TRUANCY** (late to class; missing class(es) illegally) (E.C. 48260-48262)
- VEHICLES** (failure to observe posted traffic and parking regulations) (V.C. 21113, 42001)
- OTHER OFFENSES** (serious infractions of behavior standards, not identified above, inimical to the welfare of the school, including buildings, property, staff, students or other personnel during the school day or while in attendance at school functions) (E.C. 48212, 48900 (a)(1) to 48900 o, 48915)

VICTIMS OF VIOLENT CRIMES

Victims of violent crimes, while in or on school grounds, will have the option of an intra-district transfer. Incidents will be reviewed on a case by case basis to determine whether a student is the victim of a violent offense as provided for in the California *Penal Code*.

VIOLATIONS RELATING TO STUDENT DRESS

The District believes that appropriate dress and grooming contribute to a productive learning environment. Students have the right to make individual choices from a wide range of clothing and grooming styles, but they must not present a health or safety hazard, or a distraction which interferes with the educational process. Clothing and personal adornment styles change frequently and any "dress code" which explicitly defines acceptable school wear quickly becomes outdated. Therefore, Kern High School District school administrators have utilized the following general guidelines to make case by case judgments regarding appropriateness of school attire.

GUIDELINES

- DISRUPTIVE CLOTHING / ADORNMENTS** (Any clothing or adornment which causes reactions by other students causing the teacher to lose the attention of the students, to modify or cease instructional activities, or to deal with student confrontations or complaints.)
- SLOGANS, ILLUSTRATIONS** (Slogans or illustrations which promote the use and/or glorification of drugs, alcohol or tobacco are not acceptable. Profane, vulgar, racial, ethnic or sexist slogans or illustrations on articles of clothing also are not acceptable.)
- REVEALING APPAREL** (Any see-through apparel or attire which does not cover undergarments is not acceptable.)
- DANGEROUS ATTIRE** (Attire which may be used as a weapon may not be worn -- e.g.: steel-toed boots, chains, items with spikes or studs.)
- "COLORS"** (The presence of any apparel, jewelry, accessory, notebook, or manner of grooming which, by virtue of its color, arrangement, trademark or any other attribute, denotes or advocates membership in a group or gang which advocates drug use, racial or ethnic disharmony, or which advocates violence or other disruptive behavior, is prohibited.)
- UNSAFE APPAREL** (Any attire or adornment which creates a safety hazard for the wearer or others is prohibited. Included within this criteria is the expectation that all students will wear shoes.)

SPECIFIC CLOTHING REQUIREMENTS (Specific learning activities in shops, labs, on-the-job training in business/industry, or co-curricular activities may have additional clothing and appearance regulations.)

CLEANLINESS (All clothing should be reasonably clean.)

CONSEQUENCES OF DRESS AND GROOMING VIOLATIONS

First Violation - Home contact and the violator will be requested to change clothing, hairstyle or cosmetic.

Second Violation - Home contact and alternative to suspension or suspension if student refuses alternatives.

Third Violation - Home contact and suspension.

VIOLATIONS RELATING TO STUDENT EXPRESSION

LEWD OR LASCIVIOUS ACTS (engaging in or performing lewd or lascivious acts on school grounds or at school sponsored activities) (P.C. 314)

PROFANITY / VULGARITY (continual or habitual use of profanity or vulgarity) (C.A.C. 300; E.C. 48900 l)

VIOLATIONS RELATING TO CAMPUS DISTURBANCE

FALSE FIRE ALARMS (willfully tampers with any fire alarm equipment or deliberately sounds a false fire alarm) (E.C. 48900 k; P.C. 148.4)

LOITERING (persons on school premises unlawfully) (P.C. 653 g)

PICKETING (persons posted to affect the school) (P.C. 407, 409)

SIT-INS, WALK-ONS, ETC. (violations of rules governing lawful assemblage on school grounds or at school events; failure to disperse) (P.C. 407, 409, 416, 420 j, p, 626.2, 626.4, 626.6, 626.8)

TRESPASSING / FORCED ENTRY (trespassing or forced entry with respect to school buildings or school events) (E.C. 32210, 44810; P.C. 902 p, 626.8)

UNAUTHORIZED VISITORS (persons who come into any school building or onto any school ground or adjacent areas without lawful business thereon) (E.C. 44810; P.C. 626.8, 647 b, 653 g)

VIOLATIONS RELATING TO PROHIBITED ITEMS

ALCOHOL / INHALENTS (use or possession on school campus or at school sponsored events) (B. & P.C. 25608, 25658, 25662; C.A.C. 14251; E.C. 48900 c, 48915 (a-3); P.C. 647 e)

CHEMICAL SPRAYS (possession of or use of any chemical weapon) (E.C. 48900 b; P.C. 12403.7 (4))

DRUGS / NARCOTICS (use, possession or sale of narcotics or other hallucinogenic drugs or substances or any other controlled substances on school grounds or elsewhere under the authority of school personnel) (E.C. 48900 c, 48915 (a-3), (c-3); H. & S. C. 11350, 11353, 11354, 11357, 11359, 11361, 11377, 11378, 11380; P.C. 647 e)

Offered, arranged or negotiated to sell any controlled substance, alcoholic beverage, or intoxicant of any kind, and then sold, delivered or otherwise furnished to any person another liquid, substance, or material in lieu of the substance. (E.C. 48900 d; H. & S. C. 11382)

DRUG PARAPHERNALIA (possession of, offered, arranged, or negotiated to sell drug paraphernalia) (E.C. 48900 j)

ELECTRONIC SIGNALING DEVICES (use of any electronic signaling device is prohibited during the official school day, except for health reasons when prescribed by a licensed physician and approved by school administration) (E.C. 48901.5)

TOBACCO (use or possession of tobacco or any products containing tobacco or nicotine products on school grounds or elsewhere while under the authority of the school) (E.C. 48900 h; 48901)

WEAPONS OR THREAT THEREOF (possession, sale or furnishing of any firearm (gun), knife, explosive, or other dangerous object of no reasonable use to the pupil at school, or at a school activity off school grounds) (C.C. 1714.1, 1714.3; E.C. 48900 b, 48915 (a-2), (c-1), (c-2); P.C. 245. 626.9, 626.10, 653 k, 12020, 12021.2, 12301)
Possession of an imitation firearm (gun). (E.C. 48900 m)

SEARCH AND SEIZURE (personal or private property on school grounds, adjacent to the school, or while under the authority of school personnel, is subject to search and seizure by school officials) (E.C. 493331; H.& S.C. 11364.7, 11471)

LASER POINTERS OR LASER DEVICES (possession, sale or the furnishing of any device that conducts a laser beam such as a laser pointer is strictly prohibited.) (E.C. 48900B)

VIOLATIONS RELATING TO PROPERTY

BOMB THREATS (false report that a bomb or other explosive has been placed in school buildings or on school grounds) (L.C. 3367; P.C. 148.1)

DEFACING OR DAMAGING SCHOOL PROPERTY (VANDALISM) (acts which endanger life of students, employees or visitors or result in damage to school buildings, school property including electronic files and databases or possessions of students, staff members or visitors; parent or guardian is responsible for damages) (C.A.C. 305, C.C. 1714.1; E.C. 19910, 48900 f, 48904; G.C. 6201, 53069.5, 53069.6; P.C. 451, 452, 594, 594.5, 602 j)

FIRES, EXPLOSIVES OR THREAT THEREOF (fires or explosives which threaten or cause serious damage to human life or property on campus or at school sponsored events; parent or guardian is responsible for damages) (E.C. 48900 (a)(1), b, 48904, 48915 (a-2); H & S.C. 12304-12306; P.C. 451, 452)

DEFINITION OF TERMS

PROBATION: Placing a student on a trial basis because of prior conditions; must meet specified conditions for a given period of time.

TRANSFER TO ANOTHER CLASS / SCHOOL: A student may be transferred to another class in the same school. A student may be transferred to another school; this decision follows a hearing at the school, or district office.

DETENTION: Keeping a student in custody for a defined period of time in special rooms under staff supervision.

PARTICIPATION DENIAL: Preventing the student from participating in school activities.

SUSPENSION: Temporary denial of class and/or school attendance for causes of action committed on school property, school buses, at school functions, or elsewhere. Usually students are referred by teachers to the appropriate administrator for disciplinary actions if the students are unresponsive to normal classroom and/or school expectations of behavior.

EXPULSION: Action by the Board of Trustees to deny the right of school attendance with a time limit. (E.C. 48915-48918)

EXEMPTION: Action to eliminate the requirement of compulsory school attendance; not related to misconduct. (E.C. 48220, 48221, 48410)

EXCLUSION: Action by the Board of Trustees to discontinue attendance for either a definite or indefinite period of time. (E.C. 46010.5, 48211, 48212)

EXTRA-CURRICULAR ACTIVITIES

Participation and/or attendance at extra-curricular activities is considered a part of the educational program for students. Participants carry extra responsibilities as representatives of their schools. Student conduct rules also apply to extra-curricular activities. Penalties in most cases will require some loss of participation privileges. Disciplinary action procedures outlined in the adopted code will be followed by the member schools in order that each case might be evaluated individually as prescribed by the Board. A summary of the Athletic and Activity Control Code with a more detailed explanation of the rules and regulations is included in this document. A complete draft is available at your school site.

STUDENT EXPRESSION

Students have the right to exercise free expression; however, student expression, assemblage and/or publication distribution shall not materially disrupt class work, involve substantial disorder, or invade the rights of others. The Board of Trustees has adopted regulations establishing the time, place and manner for these activities as related to class schedules and physical campus arrangements in each school.

ENFORCEMENT

The certificated staff of the schools and the district shall enforce all school regulations as prescribed by law and Board regulations. The administration of each school shall enforce the Board adopted regulations to maintain proper conditions for the safety, health and physical well-being of all persons on campus and elsewhere while engaged in school-sponsored activities.

Suspension of students will be ordered by the principal after the appropriate notice and hearing have been given students. Expulsions may be ordered by the Board of Trustees when charges are substantiated after a proper hearing.

Should the student be expelled by the Board of Trustees of the Kern High School District, the action may be appealed by the student or parent to the County Board of Education.

The Kern High School District police force provides armed, POST-certified police officers at all comprehensive school sites. Also on campus are anywhere from two to five adult security team members. As such, only the Bakersfield Police Department and Kern County Sheriff's Office constitute larger police agencies in Kern County.

RIGHTS AND RESPONSIBILITIES

In our form of government the judicial system interprets the law and its applications and orders compliance with its interpretations. Judicial decisions have constantly supported the authority of the State and of school officials to prescribe and control conduct in the schools. This has been extended from control of students while on the school grounds to also maintaining order at other events, such as athletic contests. In recent years, however, the courts have recognized the student's legitimate right to a public education which is protected by the Due Process Clause of the Constitution of the United States. This right cannot be taken away for misconduct without adherence to the minimum procedures required by that clause.

The U.S. Supreme Court has made clear that students cannot collide with the rights of others without expecting a penalty. "But conduct by the student, in class or out of it, which for any reason - whether it stems from time, place, or type of behavior - materially disrupts class work or involves substantial disorder or invasion of the rights of others is, of course, not immunized by the constitutional guarantee of freedom of speech."

The role of the parent continues to be of primary importance in the education and control of the student. Parents are encouraged to help their youngsters by stressing the importance of a sound education and by forming a cooperative partnership with the schools to help guide and influence the education of the youngsters.

B. & P.C.	- Business and Professions Code	G.C.	- Government Code
C.A.C.	- Calif. Administrative Code, Title 5	H. & S.C.	- Health and Safety Code
C.C.	- Civil Code	L.C.	- Labor Code
E.C.	- Education Code	P.C.	- Penal Code
		V.C.	- Vehicle Code

REFERENCE ABBREVIATIONS

THE COMPLETE DISCIPLINE CODE IS AVAILABLE FOR YOUR INSPECTION AT EACH HIGH SCHOOL.

The Discipline Code was adopted by the Board of Trustees of the Kern High School District on January 8, 1976.

Revised May 1985; June 1993; July 1995; May 1997; May 1998; May 2003; July 2003