

# **Board Policy**

## **BP- 5144 - Students**

### **Discipline—**

~~The Board of Education desires to prepare students for responsible citizenship by fostering self-discipline and personal responsibility. The Board believes that high expectations for student behavior, effective classroom management, and parent involvement can minimize the need for discipline. Staff shall use preventative measures and positive conflict resolution techniques whenever possible. In addition, discipline shall be used in a manner that corrects student behavior without intentionally creating an adverse effect on student learning or health.~~

~~(cf. 5020—Parent Rights and Responsibilities)~~

~~(cf. 5137—Positive School Climate)~~

~~(cf. 5138—Conflict Resolution/Peer Mediation)~~

~~(cf. 5145.3—Nondiscrimination/Harassment)~~

~~(cf. 5145.9—Hate Motivated Behavior)~~

~~(cf. 6020—Parent Involvement)~~

~~Board policies and administrative regulations shall outline acceptable student conduct and provide the basis for sound disciplinary practices. Each school shall develop disciplinary rules to meet the school's particular needs.~~

~~(cf. 5131—Conduct)~~

~~(cf. 5131.1—Bus Conduct)~~

~~At all times, the safety of students and staff and the maintenance of an orderly school environment shall be priorities in determining appropriate discipline. When misconduct occurs, staff shall attempt to identify the causes of the student's behavior and implement appropriate discipline. Persistently disruptive students may be assigned to alternative programs or removed from school in accordance with law, Board policy, and administrative regulation.~~

~~(cf. 0450—Comprehensive Safety Plan)~~

~~(cf. 3515—Campus Security)~~

~~(cf. 3515.3—District Police/Security Department)~~

The Governing Board desires to prepare students to be contributing members of our community who are ready to succeed in college and career. The Board expects each school to create a safe and positive school culture in which all students feel included, supported, and respected. The Board desires that its disciplinary policies further its mission of serving the whole child. The Board desires that this policy is used to help eliminate inequality in the use of punitive consequences and provide each child with excellent teachers who are equipped to promote academic and social emotional growth in all students.

The Board desires the use of a positive approach to student behavior and the use of restorative practices to minimize the need for punitive consequences and maximize instructional time for every student. The Board recognizes the importance of developing the social and emotional health of all youth and adults in our organization.

The Board desires the adoption of a Multi Tiered System of Support (MTSS) wherein schools provide a tiered system of academic and behavioral supports to enable all students to equitably access the core curriculum. Each school is responsible for adopting strategies, programs, and interventions within this framework to facilitate a consistent approach for positive, pro-social behavior management in order to reduce student loss of instructional time due to disciplinary consequences.

The Board recognizes that an opportunity/access gap for significant portions of its student population exists, namely amongst African American, Latino, English Language Learner students, and students with disabilities. The Board desires to identify and address the causes of disproportionate treatment in discipline to reduce and eliminate the racial disparities in the use of punitive school discipline and any other disparities that may exist for other under-served populations. Schools shall enforce disciplinary rules fairly, consistently, and without discrimination.

The Board recognizes the importance of all schools using classroom management strategies that keep students in school and in the classroom. Missing too much school for any reason has a direct impact on academic achievement—both short-term and long-term. Removal of students from the classroom environment for misbehavior should be avoided.

The Board does not support a zero tolerance approach to discipline except where mandated by law. Schools may not adopt zero tolerance policies or practices that conflict with District discipline policies.

Except where suspension for a first offense is permitted by Education Code 48900.5, as further described in AR 5144.1, an administrator or administrator's designee may only impose in-school and out-of-school suspension when other means of correction fail to bring about proper conduct or the student's presence causes a danger to persons. (Education Code 48900.5) The other means of correction that have been attempted must be documented and evaluated for effectiveness prior to referring the student for a disciplinary sanction that results in the student's removal from an assigned classroom or the school site.

Other means of correction include, but are not limited to, conferences with students and their

parents/guardians; use of coordination of services teams or other intervention-related teams; enrollment in a program teaching social/emotional behavior or anger management; participation in a restorative practices programs or restorative circles; and positive behavior support approaches. (Education Code 48900.5)

~~(cf. 4158/4258/4358 – Employee Security)~~

~~(cf. 5136 – Gangs)~~

~~(cf. 5144.1 – Suspension and Expulsion/Due Process)~~

~~(cf. 5144.2 – Suspension and Expulsion/Due Process (Students with Disabilities))~~

~~(cf. 6159.4 – Behavioral Interventions for Special Education Students)~~

~~(cf. 6164.5 – Student Success Teams)~~

~~(cf. 6184 – Continuation Education)~~

~~(cf. 6185 – Community Day School)~~

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

~~(cf. 0410 – Nondiscrimination in District Programs and Activities)~~

~~(cf. 5145.3 – Nondiscrimination/Harassment)~~

The Superintendent or designee shall provide professional development as necessary to assist staff in developing consistent classroom management skills, implementing effective disciplinary techniques, eliminating unconscious bias, and establishing cooperative relationships with parents/guardians.

With the participation of community stakeholders, each school may develop behavior expectations and disciplinary consequences to meet the school's particular needs as described in AR 5144. The rules shall be consistent with law, Board policy, district regulations, and school-level discipline data.

The Superintendent or designee shall provide professional development where appropriate to assist staff in developing classroom management skills and implementing effective disciplinary techniques.

To ensure that discipline is appropriate and equitable, schools and the District shall collect and review discipline data that is disaggregated by school, race, gender, status as an English Language Learner, status as a student with a disability, and type of infraction on a monthly basis. The District will perform a centralized review of school-level and District-wide discipline data to measure

progress toward the goal of eliminating disproportionate rates of suspension and referral for African-American students and determine whether the site strategies require adjustment to meet the goal. Site administrators, on an ongoing basis, shall meet with the site's teaching staff to review the school site's discipline data and discuss strategies for teaching, encouraging, and reinforcing positive student behavior that do not require engagement with the discipline system and loss of instructional time.

## **Corporal Punishment**

Corporal punishment shall not be used as a disciplinary measure against any student. Corporal punishment includes the willful infliction of, or willfully causing the infliction of, physical pain on a student. (Education Code 49001)

For purposes of this policy, corporal punishment does not include an employee's use of force that is reasonable and necessary to protect the employee, students, staff, or other persons or to prevent damage to property or to obtain possession of weapons or other dangerous objects within the control of the student. (Education Code 49001)

Effective July 1, 2014

### Legal Reference:

#### EDUCATION CODE

32280-~~32288~~32289 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 Notification of parent/guardian

49005-49006.4 Seclusion and restraint

49330-49335 Injurious objects

49550-49564.5 Meals for needy students

52060-52077 Local control and accountability plan

#### CIVIL CODE

1714.1 Parental liability for child's misconduct

#### CODE OF REGULATIONS, TITLE 5

307 Participation in school activities until departure of bus

353 Detention after school

#### UNITED STATES CODE, TITLE 20

1400-1482 Individuals with Disabilities Education Act

#### UNITED STATES CODE, TITLE 29

794 Section 504 of the Rehabilitation Act of 1973

#### UNITED STATES CODE, TITLE 42

1751-1769j School Lunch Program

1773 School Breakfast Program

### Management Resources:

#### CSBA PUBLICATIONS

Recent Legislation on Discipline: AB 240, Fact Sheet, March 2015

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

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

**CALIFORNIA DEPARTMENT OF EDUCATION** CALIFORNIA DEPARTMENT OF  
EDUCATION PROGRAM ADVISORIES

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

## **STATE BOARD OF EDUCATION POLICIES**

### **01-02 School Safety, Discipline, and Attendance, March 2001**

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS

*Dear Colleague Letter on the Nondiscriminatory Administration of School Discipline, January 2014*

#### WEB SITES

CSBA: <http://www.csba.org>

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

Public Counsel: <http://www.fixschooldiscipline.org>

U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/about/offices/list/ocr>

~~(cf. 0450—Comprehensive Safety Plan)~~

~~(cf. 3515—Campus Security)~~

~~(cf. 3515.3—District Police/Security Department)~~

~~(cf. 3515.4—Recovery for Property Loss or Damage)~~

~~(cf. 4158/4258/4358—Employee Security)~~

~~(cf. 5136—Gangs)~~

~~(cf. 5144.1—Suspension and Expulsion/Due Process)~~

~~(cf. 5144.2—Suspension and Expulsion/Due Process (Students with Disabilities))~~

~~(cf. 6164.5—Student Success Teams)~~

~~(cf. 6159.4—Behavioral Interventions for Special Education Students)~~

~~(cf. 6182—Opportunity School/Class/Program)~~

~~(cf. 6184—Continuation Education)~~

~~(cf. 6185—Community Day School)~~

~~(cf. 0410—Nondiscrimination in District Programs and Activities)~~

~~(cf. 5145.3—Nondiscrimination/Harassment)~~

~~(cf. 4131—4131—Staff Development)~~

~~(cf. (cf. 4231—4231—Staff Development)~~

~~(cf. (cf. 4331—4331—Staff Development)~~

#### Legal Reference:

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1714.1 Parental liability for child's misconduct

##### EDUCATION CODE

~~32280—32288 School safety plans~~

~~35146—35146 Closed sessions~~

~~35291 Rules~~

~~35291.5—35291.7—35291 Rules~~

~~35291.5-35291.7 School-adopted discipline rules~~  
~~37223-35294-35294.9 School safety plans~~  
~~37223 Weekend classes~~  
~~44807.5-44807.5 Restriction from recess~~

~~48900-48926 Suspension and expulsion~~

~~48980-48985 Notification of parent/guardian~~

~~49000-49001-48630-48644.5 Opportunity schools~~  
~~48900-48926 Suspension and expulsion~~  
~~48980-48985 Notification of parents or guardians~~  
~~49000-49001 Prohibition of corporal punishment~~

~~49330-49335 Injurious objects~~

## ~~CIVIL CODE~~

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## ~~CODE OF REGULATIONS, TITLE 5~~

~~307-307 Participation in school activities until departure of bus~~  
~~353-353 Detention after school~~

~~Management Resources:~~

## ~~CSBA PUBLICATIONS~~

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

~~CALIFORNIA DEPARTMENT OF EDUCATION~~~~Protecting Our Schools: Governing Board~~  
~~Strategies to Combat School Violence, 1999~~

## ~~CDE PROGRAM ADVISORIES~~

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

## ~~STATE BOARD OF EDUCATION POLICIES~~

~~01-02 School Safety, Discipline, and Attendance, March 2001~~

~~1010.89 Physical Exercise as Corporal Punishment, CIL: 89/9-3~~

~~1223.88 Corporal Punishment, CIL: 88/9-5~~

## ~~WEB SITES~~

~~California Department of Education: <http://www.cde.ca.gov>~~

U.S. Department of Education: <http://www.ed.gov>

Policy ALAMEDA UNIFIED SCHOOL DISTRICT

adopted: August 23, 2011 Alameda, California

CDE: <http://www.cde.ca.gov>

USDOE: <http://www.ed.gov>

BP 5144  
**Students**

**Discipline**

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Policy ALAMEDA UNIFIED SCHOOL DISTRICT

adopted: August 23, 2011 Alameda, California

revised: April 23, 2019