

Grounds for suspension or expulsion; legislative intent

(Ed. C. § 48900)

A pupil may not be suspended from school or recommended for expulsion unless the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has committed an act as defined pursuant to one or more of subdivisions (a) to (s), inclusive:

- (a) (1) Caused, attempted to cause, or threatened to cause physical injury to another person; or
 - (2) Willfully used force or violence, except in self-defense.
 - (b) Possessed, sold, or furnished any firearm, knife, explosive, or other dangerous object, unless the pupil had obtained written permission to possess the item from a certificated school employee.
 - (c) Unlawfully possessed, used, sold, or furnished, or been under the influence of, any controlled substance/alcoholic beverage/ intoxicant of any kind.
 - (d) Unlawfully offered, arranged, or negotiated to sell any controlled substance, an alcoholic beverage, or an intoxicant of any kind, and then furnished another substance and represented it as a controlled substance.
 - (e) Committed or attempted to commit robbery or extortion.
 - (f) Caused or attempted to cause damage to school property or private property.
 - (g) Stolen or attempted to steal school property or private property.
 - (h) Possessed or used tobacco, or any products containing tobacco or nicotine products, including, but not limited to, cigarettes, cigars, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel.
 - (i) Committed an obscene act or engaged in habitual profanity or vulgarity.
 - (j) Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia.
 - (k) Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, school officials, or other school personnel engaged in the performance of their duties.
 - (l) Knowingly received stolen school property or private property.
 - (m) Possessed an imitation firearm.
 - (n) Committed or attempted to commit a sexual assault or a sexual battery.
 - (o) Harassed, threatened, or intimidated a pupil who is a complaining witness or witness in a school disciplinary proceeding.
 - (p) Offered/arranged to sell/negotiated to sell prescription drug Soma
 - (q) Engaged in/attempted to engage in hazing.
 - (r) Engaged in an act of bullying; bullying means any severe or pervasive physical or verbal act including communications made in writing or by means of an electronic act 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.
- "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.

- (s) A pupil may not be suspended or expelled for any of the acts enumerated unless that act is related to school activity or school attendance occurring within a school under the jurisdiction of the superintendent or principal or occurring within any other school district. A pupil may be suspended or expelled for acts that are enumerated in this section and related to school activity or attendance that occur at any time, including, but not limited to, any of 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 campus.
 - (4) During, or while going to or coming from, a school sponsored activity.
- (t) Aides or abets the infliction/attempted infliction of physical injury to another person.
- (w) It is the intent of the Legislature that alternatives to suspensions or expulsion be imposed against any pupil who is truant/tardy/absent from school.

48900.2 Additional grounds for suspension or expulsion; sexual harassment.

48900.3 Hate violence.

48900.4 Additional grounds for suspension or expulsion; harassment, threats, or intimidation.

48900.7 Additional grounds for suspension or expulsion; terroristic threats against school officials, school property, or both.

Additional considerations for special education students and students identified as “handicapped” under Section 504 of the Rehabilitation Act of 1973:

A student with exceptional needs may be suspended for up to, but not more than, ten (10) consecutive school days if he or she poses an immediate threat to the safety of himself or herself or others. In the case of a truly dangerous child, a suspension may exceed ten consecutive school days, or the pupil’s placement may be changed, or both, if either of the following occurs (Ed. C. § 48911(h)):

- a. The pupil’s parent or guardian agrees;
- b. A court so orders.

Expulsion: Pupils with previously identified exceptional needs

(Ed. C. § 48915.5)

Conditions for Expulsion: In a matter involving a pupil with previously identified exceptional needs who is currently enrolled in a special education program, the Board of Education may order a pupil expelled pursuant to Ed. Code 48915(b) and (d) only if all of the following conditions are met:

- a. an individualized education program team meeting is held and conducted pursuant to Article 3 (commencing with Section 56340) of Chapter 2 of the Part 30 of the Education Code;
- b. the team determines that the misconduct was not caused by, or was not a direct manifestation of, the pupil’s identified disability;
- c. the team determines that the pupil had been appropriately placed at the time the misconduct occurred.

Disturbance of School (Ed. C. §32210)

Any person who willfully disturbs any public school or any public school meeting is guilty of a misdemeanor, and shall be punished by a fine of not more than five hundred dollars (\$500).

PROVISIONS FOR A SAFE CLASSROOM

Petaluma City Schools
200 Douglas Street
Petaluma, CA 94952
778-4604

Whom to Call for Assistance or More Info

Dave Rose.....778-4605
Assistant Superintendent, Student Services
(District Office)
Sandra Larsen762-2184
PFT President (McNear Elementary School)

July 2018

TEACHERS' RIGHTS AND RESPONSIBILITIES
REGARDING STUDENT BEHAVIOR

Notification to teacher of pupils whose actions are grounds for suspension or expulsion; liability for disclosure of information; offense; punishment.

(Ed. C. § 49079)

- a. A school district shall inform the teacher of each pupil who has engaged in, or is reasonably suspected to have engaged in, any of the acts described in any of the subdivisions (except subdivision (h)) of Section 48900 or in Section 48900.2, 48900.3, 48900.4 or 48900.7 (see page 4-5 of this guide) that the pupil engaged in, or is reasonably suspected to have engaged in, those acts. The district shall provide the information to the teacher based upon any records that the district maintains in its ordinary course of business, or receives from a law enforcement agency, regarding a pupil described in this section.
- b. A school district, or school district officer or employee, is not civilly or criminally liable for providing information under this section unless it is proven that the information was false and that the district or district officer or employee knew that the information was false, or was made with a reckless disregard for the truth or falsity of the information provided.
- c. An officer or employee of a school district who knowingly fails to provide information about a pupil who has engaged in, or who is reasonably suspected to have engaged in, the acts referred to in subdivision (a), is guilty of a misdemeanor, which is punishable by confinement in the county jail for a period not to exceed six months, or by a fine not to exceed one thousand dollars (\$1,000), or both.
- d. For each school year after 1996-97, the information provided shall be from the previous three school years.
- e. Any information received by a teacher pursuant to this section shall be received in confidence for the limited purpose for which it was provided and shall not be further disseminated by the teacher.

Duty concerning conduct of pupils (Ed. C. § 44807)

Every teacher in the public schools shall hold pupils to a strict account for their conduct on the way to and from school, on the playgrounds, or during recess. A teacher, vice principal, principal, or any other certificated employee of a school district, shall not be subject to criminal prosecution or criminal penalties for the exercise, during the performance of his duties, of the same degree of physical control over a pupil that a parent would be legally privileged to exercise but which in no event shall exceed the amount of physical control reasonably necessary to maintain order, protect property, or protect the health and safety of pupils, or to maintain proper and appropriate conditions conducive to learning. The provisions of this section are in addition to and do not supersede the provisions of Section 49000 (on the prohibition of corporal punishment).

Willful interference with classroom conduct (Ed. C. § 44810)

Every minor over 16 years of age or adult, who is not a pupil of the school, including but not limited to any such minor or adult who is the parent or guardian of a pupil of the school who comes upon any school ground or into any schoolhouse and there willfully interferes with the discipline, good order, lawful conduct, or administration of any school class or activity of the school, with the intent to disrupt, obstruct, or to inflict damage to property or bodily injury upon any person, is guilty of a misdemeanor, and is punishable upon the first conviction by a fine of not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000), or by imprisonment in the county jail for not more than one year, or both.

Disruption of classwork or extracurricular activities; punishment; exemptions (Ed. C. § 44811)

Any parent, guardian, or other person whose conduct in a place where a school employee is required to be in the course of his or her duties materially disrupts classwork or extracurricular activities or involves substantial disorder is guilty of a misdemeanor punishable on the first conviction by a fine not less than \$500 and not more than \$1,000, by imprisonment in the county jail for a period of not more than one year, or both. This section does not apply to any otherwise lawful employee concerted activity, including, but not limited to, picketing and the distribution of handbills.

Suspension by teacher; reports; conferences; referrals (Ed. C. § 48910)

- a. A teacher may suspend any pupil from the teacher's class, for any of the acts enumerated in Section 48900, for the day of the suspension and the day following. The teacher shall immediately report the suspension to the principal of the school and send the pupil to the principal or the principal's 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 defined in policies and related regulations adopted by the governing board of the school district. As soon as possible, the teacher shall ask the parent or guardian of the pupil to attend a parent-teacher conference regarding the suspension. Whenever practicable, a school counselor or a school psychologist shall attend the conference. A school administrator shall attend the conference if the teacher or the parent or guardian so requests. The pupil shall not be returned to the class from which he or she was suspended, during the period of the suspension, without the concurrence of the teacher of the class and the principal.
- b. A pupil suspended from a class shall not be placed in another regular class during the period of suspension. However, if the pupil is assigned to more than one class per day this subdivision shall apply only to other regular classes scheduled at the same time as the class from which the pupil was suspended.
- c. A teacher may also refer a pupil, for any of the acts enumerated in Section 48900, to the principal or the principal's designee for consideration of a suspension from the school.

Threats to Teacher or School (Ed. C. §48900.7)

- a. In addition to the reasons specified in Sections 48900, 48900.2, 48900.3, and 48900.4, a pupil may be suspended from school or recommended for expulsion if the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has made terroristic threats against school officials or school property, or both.

(NOTE: See the full Ed. Code description for the specifics and restrictions of this provision.)

Grounds for suspension or expulsion; legislative intent

(Ed. C. § 48900)

A pupil may not be suspended from school or recommended for expulsion unless the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has committed an act as defined pursuant to one or more of subdivisions (a) to (s), inclusive:

- (a) (1) Caused, attempted to cause, or threatened to cause physical injury to another person; or
 - (2) Willfully used force or violence, except in self-defense.
 - (b) Possessed, sold, or furnished any firearm, knife, explosive, or other dangerous object, unless the pupil had obtained written permission to possess the item from a certificated school employee.
 - (c) Unlawfully possessed, used, sold, or furnished, or been under the influence of, any controlled substance/alcoholic beverage/ intoxicant of any kind.
 - (d) Unlawfully offered, arranged, or negotiated to sell any controlled substance, an alcoholic beverage, or an intoxicant of any kind, and then furnished another substance and represented it as a controlled substance.
 - (e) Committed or attempted to commit robbery or extortion.
 - (f) Caused or attempted to cause damage to school property or private property.
 - (g) Stolen or attempted to steal school property or private property.
 - (h) Possessed or used tobacco, or any products containing tobacco or nicotine products, including, but not limited to, cigarettes, cigars, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel.
 - (i) Committed an obscene act or engaged in habitual profanity or vulgarity.
 - (j) Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia.
 - (k) Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, school officials, or other school personnel engaged in the performance of their duties.
 - (l) Knowingly received stolen school property or private property.
 - (m) Possessed an imitation firearm.
 - (n) Committed or attempted to commit a sexual assault or a sexual battery.
 - (o) Harassed, threatened, or intimidated a pupil who is a complaining witness or witness in a school disciplinary proceeding.
 - (p) Offered/arranged to sell/negotiated to sell prescription drug Soma
 - (q) Engaged in/attempted to engage in hazing.
 - (r) Engaged in an act of bullying; bullying means any severe or pervasive physical or verbal act including communications made in writing or by means of an electronic act 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.
- "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.

- (s) A pupil may not be suspended or expelled for any of the acts enumerated unless that act is related to school activity or school attendance occurring within a school under the jurisdiction of the superintendent or principal or occurring within any other school district. A pupil may be suspended or expelled for acts that are enumerated in this section and related to school activity or attendance that occur at any time, including, but not limited to, any of 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 campus.
 - (4) During, or while going to or coming from, a school sponsored activity.
- (t) Aides or abets the infliction/attempted infliction of physical injury to another person.
- (w) It is the intent of the Legislature that alternatives to suspensions or expulsion be imposed against any pupil who is truant/tardy/absent from school.

48900.2 Additional grounds for suspension or expulsion; sexual harassment.

48900.3 Hate violence.

48900.4 Additional grounds for suspension or expulsion; harassment, threats, or intimidation.

48900.7 Additional grounds for suspension or expulsion; terroristic threats against school officials, school property, or both.

Additional considerations for special education students and students identified as “handicapped” under Section 504 of the Rehabilitation Act of 1973:

A student with exceptional needs may be suspended for up to, but not more than, ten (10) consecutive school days if he or she poses an immediate threat to the safety of himself or herself or others. In the case of a truly dangerous child, a suspension may exceed ten consecutive school days, or the pupil’s placement may be changed, or both, if either of the following occurs (Ed. C. § 48911(h)):

- a. The pupil’s parent or guardian agrees;
- b. A court so orders.

Expulsion: Pupils with previously identified exceptional needs

(Ed. C. § 48915.5)

Conditions for Expulsion: In a matter involving a pupil with previously identified exceptional needs who is currently enrolled in a special education program, the Board of Education may order a pupil expelled pursuant to Ed. Code 48915(b) and (d) only if all of the following conditions are met:

- a. an individualized education program team meeting is held and conducted pursuant to Article 3 (commencing with Section 56340) of Chapter 2 of the Part 30 of the Education Code;
- b. the team determines that the misconduct was not caused by, or was not a direct manifestation of, the pupil’s identified disability;
- c. the team determines that the pupil had been appropriately placed at the time the misconduct occurred.

Disturbance of School (Ed. C. §32210)

Any person who willfully disturbs any public school or any public school meeting is guilty of a misdemeanor, and shall be punished by a fine of not more than five hundred dollars (\$500).

PROVISIONS FOR A SAFE CLASSROOM

Petaluma City Schools
200 Douglas Street
Petaluma, CA 94952
778-4604

Whom to Call for Assistance or More Info

Dave Rose.....778-4605
Assistant Superintendent, Student Services
(District Office)
Sandra Larsen762-2184
PFT President (McNear Elementary School)

July 2018

TEACHERS' RIGHTS AND RESPONSIBILITIES
REGARDING STUDENT BEHAVIOR

Notification to teacher of pupils whose actions are grounds for suspension or expulsion; liability for disclosure of information; offense; punishment.

(Ed. C. § 49079)

- a. A school district shall inform the teacher of each pupil who has engaged in, or is reasonably suspected to have engaged in, any of the acts described in any of the subdivisions (except subdivision (h)) of Section 48900 or in Section 48900.2, 48900.3, 48900.4 or 48900.7 (see page 4-5 of this guide) that the pupil engaged in, or is reasonably suspected to have engaged in, those acts. The district shall provide the information to the teacher based upon any records that the district maintains in its ordinary course of business, or receives from a law enforcement agency, regarding a pupil described in this section.
- b. A school district, or school district officer or employee, is not civilly or criminally liable for providing information under this section unless it is proven that the information was false and that the district or district officer or employee knew that the information was false, or was made with a reckless disregard for the truth or falsity of the information provided.
- c. An officer or employee of a school district who knowingly fails to provide information about a pupil who has engaged in, or who is reasonably suspected to have engaged in, the acts referred to in subdivision (a), is guilty of a misdemeanor, which is punishable by confinement in the county jail for a period not to exceed six months, or by a fine not to exceed one thousand dollars (\$1,000), or both.
- d. For each school year after 1996-97, the information provided shall be from the previous three school years.
- e. Any information received by a teacher pursuant to this section shall be received in confidence for the limited purpose for which it was provided and shall not be further disseminated by the teacher.

Duty concerning conduct of pupils (Ed. C. § 44807)

Every teacher in the public schools shall hold pupils to a strict account for their conduct on the way to and from school, on the playgrounds, or during recess. A teacher, vice principal, principal, or any other certificated employee of a school district, shall not be subject to criminal prosecution or criminal penalties for the exercise, during the performance of his duties, of the same degree of physical control over a pupil that a parent would be legally privileged to exercise but which in no event shall exceed the amount of physical control reasonably necessary to maintain order, protect property, or protect the health and safety of pupils, or to maintain proper and appropriate conditions conducive to learning. The provisions of this section are in addition to and do not supersede the provisions of Section 49000 (on the prohibition of corporal punishment).

Willful interference with classroom conduct (Ed. C. § 44810)

Every minor over 16 years of age or adult, who is not a pupil of the school, including but not limited to any such minor or adult who is the parent or guardian of a pupil of the school who comes upon any school ground or into any schoolhouse and there willfully interferes with the discipline, good order, lawful conduct, or administration of any school class or activity of the school, with the intent to disrupt, obstruct, or to inflict damage to property or bodily injury upon any person, is guilty of a misdemeanor, and is punishable upon the first conviction by a fine of not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000), or by imprisonment in the county jail for not more than one year, or both.

Disruption of classwork or extracurricular activities; punishment; exemptions (Ed. C. § 44811)

Any parent, guardian, or other person whose conduct in a place where a school employee is required to be in the course of his or her duties materially disrupts classwork or extracurricular activities or involves substantial disorder is guilty of a misdemeanor punishable on the first conviction by a fine not less than \$500 and not more than \$1,000, by imprisonment in the county jail for a period of not more than one year, or both. This section does not apply to any otherwise lawful employee concerted activity, including, but not limited to, picketing and the distribution of handbills.

Suspension by teacher; reports; conferences; referrals (Ed. C. § 48910)

- a. A teacher may suspend any pupil from the teacher's class, for any of the acts enumerated in Section 48900, for the day of the suspension and the day following. The teacher shall immediately report the suspension to the principal of the school and send the pupil to the principal or the principal's 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 defined in policies and related regulations adopted by the governing board of the school district. As soon as possible, the teacher shall ask the parent or guardian of the pupil to attend a parent-teacher conference regarding the suspension. Whenever practicable, a school counselor or a school psychologist shall attend the conference. A school administrator shall attend the conference if the teacher or the parent or guardian so requests. The pupil shall not be returned to the class from which he or she was suspended, during the period of the suspension, without the concurrence of the teacher of the class and the principal.
- b. A pupil suspended from a class shall not be placed in another regular class during the period of suspension. However, if the pupil is assigned to more than one class per day this subdivision shall apply only to other regular classes scheduled at the same time as the class from which the pupil was suspended.
- c. A teacher may also refer a pupil, for any of the acts enumerated in Section 48900, to the principal or the principal's designee for consideration of a suspension from the school.

Threats to Teacher or School (Ed. C. §48900.7)

- a. In addition to the reasons specified in Sections 48900, 48900.2, 48900.3, and 48900.4, a pupil may be suspended from school or recommended for expulsion if the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has made terroristic threats against school officials or school property, or both.

(NOTE: See the full Ed. Code description for the specifics and restrictions of this provision.)

Grounds for suspension or expulsion; legislative intent

(Ed. C. § 48900)

A pupil may not be suspended from school or recommended for expulsion unless the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has committed an act as defined pursuant to one or more of subdivisions (a) to (s), inclusive:

- (a) (1) Caused, attempted to cause, or threatened to cause physical injury to another person; or
 - (2) Willfully used force or violence, except in self-defense.
 - (b) Possessed, sold, or furnished any firearm, knife, explosive, or other dangerous object, unless the pupil had obtained written permission to possess the item from a certificated school employee.
 - (c) Unlawfully possessed, used, sold, or furnished, or been under the influence of, any controlled substance/alcoholic beverage/ intoxicant of any kind.
 - (d) Unlawfully offered, arranged, or negotiated to sell any controlled substance, an alcoholic beverage, or an intoxicant of any kind, and then furnished another substance and represented it as a controlled substance.
 - (e) Committed or attempted to commit robbery or extortion.
 - (f) Caused or attempted to cause damage to school property or private property.
 - (g) Stolen or attempted to steal school property or private property.
 - (h) Possessed or used tobacco, or any products containing tobacco or nicotine products, including, but not limited to, cigarettes, cigars, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel.
 - (i) Committed an obscene act or engaged in habitual profanity or vulgarity.
 - (j) Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia.
 - (k) Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, school officials, or other school personnel engaged in the performance of their duties.
 - (l) Knowingly received stolen school property or private property.
 - (m) Possessed an imitation firearm.
 - (n) Committed or attempted to commit a sexual assault or a sexual battery.
 - (o) Harassed, threatened, or intimidated a pupil who is a complaining witness or witness in a school disciplinary proceeding.
 - (p) Offered/arranged to sell/negotiated to sell prescription drug Soma
 - (q) Engaged in/attempted to engage in hazing.
 - (r) Engaged in an act of bullying; bullying means any severe or pervasive physical or verbal act including communications made in writing or by means of an electronic act 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.
- "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.

- (s) A pupil may not be suspended or expelled for any of the acts enumerated unless that act is related to school activity or school attendance occurring within a school under the jurisdiction of the superintendent or principal or occurring within any other school district. A pupil may be suspended or expelled for acts that are enumerated in this section and related to school activity or attendance that occur at any time, including, but not limited to, any of 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 campus.
 - (4) During, or while going to or coming from, a school sponsored activity.
- (t) Aides or abets the infliction/attempted infliction of physical injury to another person.
- (w) It is the intent of the Legislature that alternatives to suspensions or expulsion be imposed against any pupil who is truant/tardy/absent from school.

48900.2 Additional grounds for suspension or expulsion; sexual harassment.

48900.3 Hate violence.

48900.4 Additional grounds for suspension or expulsion; harassment, threats, or intimidation.

48900.7 Additional grounds for suspension or expulsion; terroristic threats against school officials, school property, or both.

Additional considerations for special education students and students identified as “handicapped” under Section 504 of the Rehabilitation Act of 1973:

A student with exceptional needs may be suspended for up to, but not more than, ten (10) consecutive school days if he or she poses an immediate threat to the safety of himself or herself or others. In the case of a truly dangerous child, a suspension may exceed ten consecutive school days, or the pupil’s placement may be changed, or both, if either of the following occurs (Ed. C. § 48911(h)):

- a. The pupil’s parent or guardian agrees;
- b. A court so orders.

Expulsion: Pupils with previously identified exceptional needs

(Ed. C. § 48915.5)

Conditions for Expulsion: In a matter involving a pupil with previously identified exceptional needs who is currently enrolled in a special education program, the Board of Education may order a pupil expelled pursuant to Ed. Code 48915(b) and (d) only if all of the following conditions are met:

- a. an individualized education program team meeting is held and conducted pursuant to Article 3 (commencing with Section 56340) of Chapter 2 of the Part 30 of the Education Code;
- b. the team determines that the misconduct was not caused by, or was not a direct manifestation of, the pupil’s identified disability;
- c. the team determines that the pupil had been appropriately placed at the time the misconduct occurred.

Disturbance of School (Ed. C. §32210)

Any person who willfully disturbs any public school or any public school meeting is guilty of a misdemeanor, and shall be punished by a fine of not more than five hundred dollars (\$500).

PROVISIONS FOR A SAFE CLASSROOM

Petaluma City Schools
200 Douglas Street
Petaluma, CA 94952
778-4604

Whom to Call for Assistance or More Info

Dave Rose.....778-4605
Assistant Superintendent, Student Services
(District Office)

Sandra Larsen762-2184
PFT President (McNear Elementary School)

July 2018

TEACHERS' RIGHTS AND RESPONSIBILITIES
REGARDING STUDENT BEHAVIOR

Notification to teacher of pupils whose actions are grounds for suspension or expulsion; liability for disclosure of information; offense; punishment.

(Ed. C. § 49079)

- a. A school district shall inform the teacher of each pupil who has engaged in, or is reasonably suspected to have engaged in, any of the acts described in any of the subdivisions (except subdivision (h)) of Section 48900 or in Section 48900.2, 48900.3, 48900.4 or 48900.7 (see page 4-5 of this guide) that the pupil engaged in, or is reasonably suspected to have engaged in, those acts. The district shall provide the information to the teacher based upon any records that the district maintains in its ordinary course of business, or receives from a law enforcement agency, regarding a pupil described in this section.
- b. A school district, or school district officer or employee, is not civilly or criminally liable for providing information under this section unless it is proven that the information was false and that the district or district officer or employee knew that the information was false, or was made with a reckless disregard for the truth or falsity of the information provided.
- c. An officer or employee of a school district who knowingly fails to provide information about a pupil who has engaged in, or who is reasonably suspected to have engaged in, the acts referred to in subdivision (a), is guilty of a misdemeanor, which is punishable by confinement in the county jail for a period not to exceed six months, or by a fine not to exceed one thousand dollars (\$1,000), or both.
- d. For each school year after 1996-97, the information provided shall be from the previous three school years.
- e. Any information received by a teacher pursuant to this section shall be received in confidence for the limited purpose for which it was provided and shall not be further disseminated by the teacher.

Duty concerning conduct of pupils (Ed. C. § 44807)

Every teacher in the public schools shall hold pupils to a strict account for their conduct on the way to and from school, on the playgrounds, or during recess. A teacher, vice principal, principal, or any other certificated employee of a school district, shall not be subject to criminal prosecution or criminal penalties for the exercise, during the performance of his duties, of the same degree of physical control over a pupil that a parent would be legally privileged to exercise but which in no event shall exceed the amount of physical control reasonably necessary to maintain order, protect property, or protect the health and safety of pupils, or to maintain proper and appropriate conditions conducive to learning. The provisions of this section are in addition to and do not supersede the provisions of Section 49000 (on the prohibition of corporal punishment).

Willful interference with classroom conduct (Ed. C. § 44810)

Every minor over 16 years of age or adult, who is not a pupil of the school, including but not limited to any such minor or adult who is the parent or guardian of a pupil of the school who comes upon any school ground or into any schoolhouse and there willfully interferes with the discipline, good order, lawful conduct, or administration of any school class or activity of the school, with the intent to disrupt, obstruct, or to inflict damage to property or bodily injury upon any person, is guilty of a misdemeanor, and is punishable upon the first conviction by a fine of not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000), or by imprisonment in the county jail for not more than one year, or both.

Disruption of classwork or extracurricular activities; punishment; exemptions (Ed. C. § 44811)

Any parent, guardian, or other person whose conduct in a place where a school employee is required to be in the course of his or her duties materially disrupts classwork or extracurricular activities or involves substantial disorder is guilty of a misdemeanor punishable on the first conviction by a fine not less than \$500 and not more than \$1,000, by imprisonment in the county jail for a period of not more than one year, or both. This section does not apply to any otherwise lawful employee concerted activity, including, but not limited to, picketing and the distribution of handbills.

Suspension by teacher; reports; conferences; referrals (Ed. C. § 48910)

- a. A teacher may suspend any pupil from the teacher's class, for any of the acts enumerated in Section 48900, for the day of the suspension and the day following. The teacher shall immediately report the suspension to the principal of the school and send the pupil to the principal or the principal's 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 defined in policies and related regulations adopted by the governing board of the school district. As soon as possible, the teacher shall ask the parent or guardian of the pupil to attend a parent-teacher conference regarding the suspension. Whenever practicable, a school counselor or a school psychologist shall attend the conference. A school administrator shall attend the conference if the teacher or the parent or guardian so requests. The pupil shall not be returned to the class from which he or she was suspended, during the period of the suspension, without the concurrence of the teacher of the class and the principal.
- b. A pupil suspended from a class shall not be placed in another regular class during the period of suspension. However, if the pupil is assigned to more than one class per day this subdivision shall apply only to other regular classes scheduled at the same time as the class from which the pupil was suspended.
- c. A teacher may also refer a pupil, for any of the acts enumerated in Section 48900, to the principal or the principal's designee for consideration of a suspension from the school.

Threats to Teacher or School (Ed. C. §48900.7)

- a. In addition to the reasons specified in Sections 48900, 48900.2, 48900.3, and 48900.4, a pupil may be suspended from school or recommended for expulsion if the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has made terroristic threats against school officials or school property, or both.

(NOTE: See the full Ed. Code description for the specifics and restrictions of this provision.)

Grounds for suspension or expulsion; legislative intent

(Ed. C. § 48900)

A pupil may not be suspended from school or recommended for expulsion unless the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has committed an act as defined pursuant to one or more of subdivisions (a) to (s), inclusive:

- (a) (1) Caused, attempted to cause, or threatened to cause physical injury to another person; or
 - (2) Willfully used force or violence, except in self-defense.
 - (b) Possessed, sold, or furnished any firearm, knife, explosive, or other dangerous object, unless the pupil had obtained written permission to possess the item from a certificated school employee.
 - (c) Unlawfully possessed, used, sold, or furnished, or been under the influence of, any controlled substance/alcoholic beverage/ intoxicant of any kind.
 - (d) Unlawfully offered, arranged, or negotiated to sell any controlled substance, an alcoholic beverage, or an intoxicant of any kind, and then furnished another substance and represented it as a controlled substance.
 - (e) Committed or attempted to commit robbery or extortion.
 - (f) Caused or attempted to cause damage to school property or private property.
 - (g) Stolen or attempted to steal school property or private property.
 - (h) Possessed or used tobacco, or any products containing tobacco or nicotine products, including, but not limited to, cigarettes, cigars, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel.
 - (i) Committed an obscene act or engaged in habitual profanity or vulgarity.
 - (j) Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia.
 - (k) Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, school officials, or other school personnel engaged in the performance of their duties.
 - (l) Knowingly received stolen school property or private property.
 - (m) Possessed an imitation firearm.
 - (n) Committed or attempted to commit a sexual assault or a sexual battery.
 - (o) Harassed, threatened, or intimidated a pupil who is a complaining witness or witness in a school disciplinary proceeding.
 - (p) Offered/arranged to sell/negotiated to sell prescription drug Soma
 - (q) Engaged in/attempted to engage in hazing.
 - (r) Engaged in an act of bullying; bullying means any severe or pervasive physical or verbal act including communications made in writing or by means of an electronic act 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.
- "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.

- (s) A pupil may not be suspended or expelled for any of the acts enumerated unless that act is related to school activity or school attendance occurring within a school under the jurisdiction of the superintendent or principal or occurring within any other school district. A pupil may be suspended or expelled for acts that are enumerated in this section and related to school activity or attendance that occur at any time, including, but not limited to, any of 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 campus.
 - (4) During, or while going to or coming from, a school sponsored activity.
- (t) Aides or abets the infliction/attempted infliction of physical injury to another person.
- (w) It is the intent of the Legislature that alternatives to suspensions or expulsion be imposed against any pupil who is truant/tardy/absent from school.

48900.2 Additional grounds for suspension or expulsion; sexual harassment.

48900.3 Hate violence.

48900.4 Additional grounds for suspension or expulsion; harassment, threats, or intimidation.

48900.7 Additional grounds for suspension or expulsion; terroristic threats against school officials, school property, or both.

Additional considerations for special education students and students identified as “handicapped” under Section 504 of the Rehabilitation Act of 1973:

A student with exceptional needs may be suspended for up to, but not more than, ten (10) consecutive school days if he or she poses an immediate threat to the safety of himself or herself or others. In the case of a truly dangerous child, a suspension may exceed ten consecutive school days, or the pupil’s placement may be changed, or both, if either of the following occurs (Ed. C. § 48911(h)):

- a. The pupil’s parent or guardian agrees;
- b. A court so orders.

Expulsion: Pupils with previously identified exceptional needs

(Ed. C. § 48915.5)

Conditions for Expulsion: In a matter involving a pupil with previously identified exceptional needs who is currently enrolled in a special education program, the Board of Education may order a pupil expelled pursuant to Ed. Code 48915(b) and (d) only if all of the following conditions are met:

- a. an individualized education program team meeting is held and conducted pursuant to Article 3 (commencing with Section 56340) of Chapter 2 of the Part 30 of the Education Code;
- b. the team determines that the misconduct was not caused by, or was not a direct manifestation of, the pupil’s identified disability;
- c. the team determines that the pupil had been appropriately placed at the time the misconduct occurred.

Disturbance of School (Ed. C. §32210)

Any person who willfully disturbs any public school or any public school meeting is guilty of a misdemeanor, and shall be punished by a fine of not more than five hundred dollars (\$500).

PROVISIONS FOR A SAFE CLASSROOM

Petaluma City Schools
200 Douglas Street
Petaluma, CA 94952
778-4604

Whom to Call for Assistance or More Info

Dave Rose.....778-4605
Assistant Superintendent, Student Services
(District Office)
Sandra Larsen762-2184
PFT President (McNear Elementary School)

July 2018

TEACHERS' RIGHTS AND RESPONSIBILITIES
REGARDING STUDENT BEHAVIOR

Notification to teacher of pupils whose actions are grounds for suspension or expulsion; liability for disclosure of information; offense; punishment.

(Ed. C. § 49079)

- a. A school district shall inform the teacher of each pupil who has engaged in, or is reasonably suspected to have engaged in, any of the acts described in any of the subdivisions (except subdivision (h)) of Section 48900 or in Section 48900.2, 48900.3, 48900.4 or 48900.7 (see page 4-5 of this guide) that the pupil engaged in, or is reasonably suspected to have engaged in, those acts. The district shall provide the information to the teacher based upon any records that the district maintains in its ordinary course of business, or receives from a law enforcement agency, regarding a pupil described in this section.
- b. A school district, or school district officer or employee, is not civilly or criminally liable for providing information under this section unless it is proven that the information was false and that the district or district officer or employee knew that the information was false, or was made with a reckless disregard for the truth or falsity of the information provided.
- c. An officer or employee of a school district who knowingly fails to provide information about a pupil who has engaged in, or who is reasonably suspected to have engaged in, the acts referred to in subdivision (a), is guilty of a misdemeanor, which is punishable by confinement in the county jail for a period not to exceed six months, or by a fine not to exceed one thousand dollars (\$1,000), or both.
- d. For each school year after 1996-97, the information provided shall be from the previous three school years.
- e. Any information received by a teacher pursuant to this section shall be received in confidence for the limited purpose for which it was provided and shall not be further disseminated by the teacher.

Duty concerning conduct of pupils (Ed. C. § 44807)

Every teacher in the public schools shall hold pupils to a strict account for their conduct on the way to and from school, on the playgrounds, or during recess. A teacher, vice principal, principal, or any other certificated employee of a school district, shall not be subject to criminal prosecution or criminal penalties for the exercise, during the performance of his duties, of the same degree of physical control over a pupil that a parent would be legally privileged to exercise but which in no event shall exceed the amount of physical control reasonably necessary to maintain order, protect property, or protect the health and safety of pupils, or to maintain proper and appropriate conditions conducive to learning. The provisions of this section are in addition to and do not supersede the provisions of Section 49000 (on the prohibition of corporal punishment).

Willful interference with classroom conduct (Ed. C. § 44810)

Every minor over 16 years of age or adult, who is not a pupil of the school, including but not limited to any such minor or adult who is the parent or guardian of a pupil of the school who comes upon any school ground or into any schoolhouse and there willfully interferes with the discipline, good order, lawful conduct, or administration of any school class or activity of the school, with the intent to disrupt, obstruct, or to inflict damage to property or bodily injury upon any person, is guilty of a misdemeanor, and is punishable upon the first conviction by a fine of not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000), or by imprisonment in the county jail for not more than one year, or both.

Disruption of classwork or extracurricular activities; punishment; exemptions (Ed. C. § 44811)

Any parent, guardian, or other person whose conduct in a place where a school employee is required to be in the course of his or her duties materially disrupts classwork or extracurricular activities or involves substantial disorder is guilty of a misdemeanor punishable on the first conviction by a fine not less than \$500 and not more than \$1,000, by imprisonment in the county jail for a period of not more than one year, or both. This section does not apply to any otherwise lawful employee concerted activity, including, but not limited to, picketing and the distribution of handbills.

Suspension by teacher; reports; conferences; referrals (Ed. C. § 48910)

- a. A teacher may suspend any pupil from the teacher's class, for any of the acts enumerated in Section 48900, for the day of the suspension and the day following. The teacher shall immediately report the suspension to the principal of the school and send the pupil to the principal or the principal's 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 defined in policies and related regulations adopted by the governing board of the school district. As soon as possible, the teacher shall ask the parent or guardian of the pupil to attend a parent-teacher conference regarding the suspension. Whenever practicable, a school counselor or a school psychologist shall attend the conference. A school administrator shall attend the conference if the teacher or the parent or guardian so requests. The pupil shall not be returned to the class from which he or she was suspended, during the period of the suspension, without the concurrence of the teacher of the class and the principal.
- b. A pupil suspended from a class shall not be placed in another regular class during the period of suspension. However, if the pupil is assigned to more than one class per day this subdivision shall apply only to other regular classes scheduled at the same time as the class from which the pupil was suspended.
- c. A teacher may also refer a pupil, for any of the acts enumerated in Section 48900, to the principal or the principal's designee for consideration of a suspension from the school.

Threats to Teacher or School (Ed. C. §48900.7)

- a. In addition to the reasons specified in Sections 48900, 48900.2, 48900.3, and 48900.4, a pupil may be suspended from school or recommended for expulsion if the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has made terroristic threats against school officials or school property, or both.

(NOTE: See the full Ed. Code description for the specifics and restrictions of this provision.)

Grounds for suspension or expulsion; legislative intent

(Ed. C. § 48900)

A pupil may not be suspended from school or recommended for expulsion unless the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has committed an act as defined pursuant to one or more of subdivisions (a) to (s), inclusive:

- (a) (1) Caused, attempted to cause, or threatened to cause physical injury to another person; or
 - (2) Willfully used force or violence, except in self-defense.
 - (b) Possessed, sold, or furnished any firearm, knife, explosive, or other dangerous object, unless the pupil had obtained written permission to possess the item from a certificated school employee.
 - (c) Unlawfully possessed, used, sold, or furnished, or been under the influence of, any controlled substance/alcoholic beverage/ intoxicant of any kind.
 - (d) Unlawfully offered, arranged, or negotiated to sell any controlled substance, an alcoholic beverage, or an intoxicant of any kind, and then furnished another substance and represented it as a controlled substance.
 - (e) Committed or attempted to commit robbery or extortion.
 - (f) Caused or attempted to cause damage to school property or private property.
 - (g) Stolen or attempted to steal school property or private property.
 - (h) Possessed or used tobacco, or any products containing tobacco or nicotine products, including, but not limited to, cigarettes, cigars, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel.
 - (i) Committed an obscene act or engaged in habitual profanity or vulgarity.
 - (j) Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia.
 - (k) Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, school officials, or other school personnel engaged in the performance of their duties.
 - (l) Knowingly received stolen school property or private property.
 - (m) Possessed an imitation firearm.
 - (n) Committed or attempted to commit a sexual assault or a sexual battery.
 - (o) Harassed, threatened, or intimidated a pupil who is a complaining witness or witness in a school disciplinary proceeding.
 - (p) Offered/arranged to sell/negotiated to sell prescription drug Soma
 - (q) Engaged in/attempted to engage in hazing.
 - (r) Engaged in an act of bullying; bullying means any severe or pervasive physical or verbal act including communications made in writing or by means of an electronic act 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.
- "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.

- (s) A pupil may not be suspended or expelled for any of the acts enumerated unless that act is related to school activity or school attendance occurring within a school under the jurisdiction of the superintendent or principal or occurring within any other school district. A pupil may be suspended or expelled for acts that are enumerated in this section and related to school activity or attendance that occur at any time, including, but not limited to, any of 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 campus.
 - (4) During, or while going to or coming from, a school sponsored activity.
- (t) Aides or abets the infliction/attempted infliction of physical injury to another person.
- (w) It is the intent of the Legislature that alternatives to suspensions or expulsion be imposed against any pupil who is truant/tardy/absent from school.

48900.2 Additional grounds for suspension or expulsion; sexual harassment.

48900.3 Hate violence.

48900.4 Additional grounds for suspension or expulsion; harassment, threats, or intimidation.

48900.7 Additional grounds for suspension or expulsion; terroristic threats against school officials, school property, or both.

Additional considerations for special education students and students identified as “handicapped” under Section 504 of the Rehabilitation Act of 1973:

A student with exceptional needs may be suspended for up to, but not more than, ten (10) consecutive school days if he or she poses an immediate threat to the safety of himself or herself or others. In the case of a truly dangerous child, a suspension may exceed ten consecutive school days, or the pupil’s placement may be changed, or both, if either of the following occurs (Ed. C. § 48911(h)):

- a. The pupil’s parent or guardian agrees;
- b. A court so orders.

Expulsion: Pupils with previously identified exceptional needs

(Ed. C. § 48915.5)

Conditions for Expulsion: In a matter involving a pupil with previously identified exceptional needs who is currently enrolled in a special education program, the Board of Education may order a pupil expelled pursuant to Ed. Code 48915(b) and (d) only if all of the following conditions are met:

- a. an individualized education program team meeting is held and conducted pursuant to Article 3 (commencing with Section 56340) of Chapter 2 of the Part 30 of the Education Code;
- b. the team determines that the misconduct was not caused by, or was not a direct manifestation of, the pupil’s identified disability;
- c. the team determines that the pupil had been appropriately placed at the time the misconduct occurred.

Disturbance of School (Ed. C. §32210)

Any person who willfully disturbs any public school or any public school meeting is guilty of a misdemeanor, and shall be punished by a fine of not more than five hundred dollars (\$500).

PROVISIONS FOR A SAFE CLASSROOM

Petaluma City Schools
200 Douglas Street
Petaluma, CA 94952
778-4604

Whom to Call for Assistance or More Info

- Dave Rose.....778-4605
Assistant Superintendent, Student Services
(District Office)
- Sandra Larsen762-2184
PFT President (McNear Elementary School)

July 2018

TEACHERS' RIGHTS AND RESPONSIBILITIES
REGARDING STUDENT BEHAVIOR

Notification to teacher of pupils whose actions are grounds for suspension or expulsion; liability for disclosure of information; offense; punishment.

(Ed. C. § 49079)

- a. A school district shall inform the teacher of each pupil who has engaged in, or is reasonably suspected to have engaged in, any of the acts described in any of the subdivisions (except subdivision (h)) of Section 48900 or in Section 48900.2, 48900.3, 48900.4 or 48900.7 (see page 4-5 of this guide) that the pupil engaged in, or is reasonably suspected to have engaged in, those acts. The district shall provide the information to the teacher based upon any records that the district maintains in its ordinary course of business, or receives from a law enforcement agency, regarding a pupil described in this section.
- b. A school district, or school district officer or employee, is not civilly or criminally liable for providing information under this section unless it is proven that the information was false and that the district or district officer or employee knew that the information was false, or was made with a reckless disregard for the truth or falsity of the information provided.
- c. An officer or employee of a school district who knowingly fails to provide information about a pupil who has engaged in, or who is reasonably suspected to have engaged in, the acts referred to in subdivision (a), is guilty of a misdemeanor, which is punishable by confinement in the county jail for a period not to exceed six months, or by a fine not to exceed one thousand dollars (\$1,000), or both.
- d. For each school year after 1996-97, the information provided shall be from the previous three school years.
- e. Any information received by a teacher pursuant to this section shall be received in confidence for the limited purpose for which it was provided and shall not be further disseminated by the teacher.

Duty concerning conduct of pupils (Ed. C. § 44807)

Every teacher in the public schools shall hold pupils to a strict account for their conduct on the way to and from school, on the playgrounds, or during recess. A teacher, vice principal, principal, or any other certificated employee of a school district, shall not be subject to criminal prosecution or criminal penalties for the exercise, during the performance of his duties, of the same degree of physical control over a pupil that a parent would be legally privileged to exercise but which in no event shall exceed the amount of physical control reasonably necessary to maintain order, protect property, or protect the health and safety of pupils, or to maintain proper and appropriate conditions conducive to learning. The provisions of this section are in addition to and do not supersede the provisions of Section 49000 (on the prohibition of corporal punishment).

Willful interference with classroom conduct (Ed. C. § 44810)

Every minor over 16 years of age or adult, who is not a pupil of the school, including but not limited to any such minor or adult who is the parent or guardian of a pupil of the school who comes upon any school ground or into any schoolhouse and there willfully interferes with the discipline, good order, lawful conduct, or administration of any school class or activity of the school, with the intent to disrupt, obstruct, or to inflict damage to property or bodily injury upon any person, is guilty of a misdemeanor, and is punishable upon the first conviction by a fine of not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000), or by imprisonment in the county jail for not more than one year, or both.

Disruption of classwork or extracurricular activities; punishment; exemptions (Ed. C. § 44811)

Any parent, guardian, or other person whose conduct in a place where a school employee is required to be in the course of his or her duties materially disrupts classwork or extracurricular activities or involves substantial disorder is guilty of a misdemeanor punishable on the first conviction by a fine not less than \$500 and not more than \$1,000, by imprisonment in the county jail for a period of not more than one year, or both. This section does not apply to any otherwise lawful employee concerted activity, including, but not limited to, picketing and the distribution of handbills.

Suspension by teacher; reports; conferences; referrals (Ed. C. § 48910)

- a. A teacher may suspend any pupil from the teacher's class, for any of the acts enumerated in Section 48900, for the day of the suspension and the day following. The teacher shall immediately report the suspension to the principal of the school and send the pupil to the principal or the principal's 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 defined in policies and related regulations adopted by the governing board of the school district. As soon as possible, the teacher shall ask the parent or guardian of the pupil to attend a parent-teacher conference regarding the suspension. Whenever practicable, a school counselor or a school psychologist shall attend the conference. A school administrator shall attend the conference if the teacher or the parent or guardian so requests. The pupil shall not be returned to the class from which he or she was suspended, during the period of the suspension, without the concurrence of the teacher of the class and the principal.
- b. A pupil suspended from a class shall not be placed in another regular class during the period of suspension. However, if the pupil is assigned to more than one class per day this subdivision shall apply only to other regular classes scheduled at the same time as the class from which the pupil was suspended.
- c. A teacher may also refer a pupil, for any of the acts enumerated in Section 48900, to the principal or the principal's designee for consideration of a suspension from the school.

Threats to Teacher or School (Ed. C. §48900.7)

- a. In addition to the reasons specified in Sections 48900, 48900.2, 48900.3, and 48900.4, a pupil may be suspended from school or recommended for expulsion if the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has made terroristic threats against school officials or school property, or both.

(NOTE: See the full Ed. Code description for the specifics and restrictions of this provision.)

Grounds for suspension or expulsion; legislative intent

(Ed. C. § 48900)

A pupil may not be suspended from school or recommended for expulsion unless the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has committed an act as defined pursuant to one or more of subdivisions (a) to (s), inclusive:

- (a) (1) Caused, attempted to cause, or threatened to cause physical injury to another person; or
 - (2) Willfully used force or violence, except in self-defense.
 - (b) Possessed, sold, or furnished any firearm, knife, explosive, or other dangerous object, unless the pupil had obtained written permission to possess the item from a certificated school employee.
 - (c) Unlawfully possessed, used, sold, or furnished, or been under the influence of, any controlled substance/alcoholic beverage/ intoxicant of any kind.
 - (d) Unlawfully offered, arranged, or negotiated to sell any controlled substance, an alcoholic beverage, or an intoxicant of any kind, and then furnished another substance and represented it as a controlled substance.
 - (e) Committed or attempted to commit robbery or extortion.
 - (f) Caused or attempted to cause damage to school property or private property.
 - (g) Stolen or attempted to steal school property or private property.
 - (h) Possessed or used tobacco, or any products containing tobacco or nicotine products, including, but not limited to, cigarettes, cigars, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel.
 - (i) Committed an obscene act or engaged in habitual profanity or vulgarity.
 - (j) Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia.
 - (k) Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, school officials, or other school personnel engaged in the performance of their duties.
 - (l) Knowingly received stolen school property or private property.
 - (m) Possessed an imitation firearm.
 - (n) Committed or attempted to commit a sexual assault or a sexual battery.
 - (o) Harassed, threatened, or intimidated a pupil who is a complaining witness or witness in a school disciplinary proceeding.
 - (p) Offered/arranged to sell/negotiated to sell prescription drug Soma
 - (q) Engaged in/attempted to engage in hazing.
 - (r) Engaged in an act of bullying; bullying means any severe or pervasive physical or verbal act including communications made in writing or by means of an electronic act 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.
- "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.

- (s) A pupil may not be suspended or expelled for any of the acts enumerated unless that act is related to school activity or school attendance occurring within a school under the jurisdiction of the superintendent or principal or occurring within any other school district. A pupil may be suspended or expelled for acts that are enumerated in this section and related to school activity or attendance that occur at any time, including, but not limited to, any of 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 campus.
 - (4) During, or while going to or coming from, a school sponsored activity.
- (t) Aides or abets the infliction/attempted infliction of physical injury to another person.
- (w) It is the intent of the Legislature that alternatives to suspensions or expulsion be imposed against any pupil who is truant/tardy/absent from school.

48900.2 Additional grounds for suspension or expulsion; sexual harassment.

48900.3 Hate violence.

48900.4 Additional grounds for suspension or expulsion; harassment, threats, or intimidation.

48900.7 Additional grounds for suspension or expulsion; terroristic threats against school officials, school property, or both.

Additional considerations for special education students and students identified as “handicapped” under Section 504 of the Rehabilitation Act of 1973:

A student with exceptional needs may be suspended for up to, but not more than, ten (10) consecutive school days if he or she poses an immediate threat to the safety of himself or herself or others. In the case of a truly dangerous child, a suspension may exceed ten consecutive school days, or the pupil’s placement may be changed, or both, if either of the following occurs (Ed. C. § 48911(h)):

- a. The pupil’s parent or guardian agrees;
- b. A court so orders.

Expulsion: Pupils with previously identified exceptional needs

(Ed. C. § 48915.5)

Conditions for Expulsion: In a matter involving a pupil with previously identified exceptional needs who is currently enrolled in a special education program, the Board of Education may order a pupil expelled pursuant to Ed. Code 48915(b) and (d) only if all of the following conditions are met:

- a. an individualized education program team meeting is held and conducted pursuant to Article 3 (commencing with Section 56340) of Chapter 2 of the Part 30 of the Education Code;
- b. the team determines that the misconduct was not caused by, or was not a direct manifestation of, the pupil’s identified disability;
- c. the team determines that the pupil had been appropriately placed at the time the misconduct occurred.

Disturbance of School (Ed. C. §32210)

Any person who willfully disturbs any public school or any public school meeting is guilty of a misdemeanor, and shall be punished by a fine of not more than five hundred dollars (\$500).

PROVISIONS FOR A SAFE CLASSROOM

Petaluma City Schools
200 Douglas Street
Petaluma, CA 94952
778-4604

Whom to Call for Assistance or More Info

Dave Rose.....778-4605
Assistant Superintendent, Student Services
(District Office)
Sandra Larsen762-2184
PFT President (McNear Elementary School)

July 2018

TEACHERS' RIGHTS AND RESPONSIBILITIES
REGARDING STUDENT BEHAVIOR

Notification to teacher of pupils whose actions are grounds for suspension or expulsion; liability for disclosure of information; offense; punishment.

(Ed. C. § 49079)

- a. A school district shall inform the teacher of each pupil who has engaged in, or is reasonably suspected to have engaged in, any of the acts described in any of the subdivisions (except subdivision (h)) of Section 48900 or in Section 48900.2, 48900.3, 48900.4 or 48900.7 (see page 4-5 of this guide) that the pupil engaged in, or is reasonably suspected to have engaged in, those acts. The district shall provide the information to the teacher based upon any records that the district maintains in its ordinary course of business, or receives from a law enforcement agency, regarding a pupil described in this section.
- b. A school district, or school district officer or employee, is not civilly or criminally liable for providing information under this section unless it is proven that the information was false and that the district or district officer or employee knew that the information was false, or was made with a reckless disregard for the truth or falsity of the information provided.
- c. An officer or employee of a school district who knowingly fails to provide information about a pupil who has engaged in, or who is reasonably suspected to have engaged in, the acts referred to in subdivision (a), is guilty of a misdemeanor, which is punishable by confinement in the county jail for a period not to exceed six months, or by a fine not to exceed one thousand dollars (\$1,000), or both.
- d. For each school year after 1996-97, the information provided shall be from the previous three school years.
- e. Any information received by a teacher pursuant to this section shall be received in confidence for the limited purpose for which it was provided and shall not be further disseminated by the teacher.

Duty concerning conduct of pupils (Ed. C. § 44807)

Every teacher in the public schools shall hold pupils to a strict account for their conduct on the way to and from school, on the playgrounds, or during recess. A teacher, vice principal, principal, or any other certificated employee of a school district, shall not be subject to criminal prosecution or criminal penalties for the exercise, during the performance of his duties, of the same degree of physical control over a pupil that a parent would be legally privileged to exercise but which in no event shall exceed the amount of physical control reasonably necessary to maintain order, protect property, or protect the health and safety of pupils, or to maintain proper and appropriate conditions conducive to learning. The provisions of this section are in addition to and do not supersede the provisions of Section 49000 (on the prohibition of corporal punishment).

Willful interference with classroom conduct (Ed. C. § 44810)

Every minor over 16 years of age or adult, who is not a pupil of the school, including but not limited to any such minor or adult who is the parent or guardian of a pupil of the school who comes upon any school ground or into any schoolhouse and there willfully interferes with the discipline, good order, lawful conduct, or administration of any school class or activity of the school, with the intent to disrupt, obstruct, or to inflict damage to property or bodily injury upon any person, is guilty of a misdemeanor, and is punishable upon the first conviction by a fine of not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000), or by imprisonment in the county jail for not more than one year, or both.

Disruption of classwork or extracurricular activities; punishment; exemptions (Ed. C. § 44811)

Any parent, guardian, or other person whose conduct in a place where a school employee is required to be in the course of his or her duties materially disrupts classwork or extracurricular activities or involves substantial disorder is guilty of a misdemeanor punishable on the first conviction by a fine not less than \$500 and not more than \$1,000, by imprisonment in the county jail for a period of not more than one year, or both. This section does not apply to any otherwise lawful employee concerted activity, including, but not limited to, picketing and the distribution of handbills.

Suspension by teacher; reports; conferences; referrals (Ed. C. § 48910)

- a. A teacher may suspend any pupil from the teacher's class, for any of the acts enumerated in Section 48900, for the day of the suspension and the day following. The teacher shall immediately report the suspension to the principal of the school and send the pupil to the principal or the principal's 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 defined in policies and related regulations adopted by the governing board of the school district. As soon as possible, the teacher shall ask the parent or guardian of the pupil to attend a parent-teacher conference regarding the suspension. Whenever practicable, a school counselor or a school psychologist shall attend the conference. A school administrator shall attend the conference if the teacher or the parent or guardian so requests. The pupil shall not be returned to the class from which he or she was suspended, during the period of the suspension, without the concurrence of the teacher of the class and the principal.
- b. A pupil suspended from a class shall not be placed in another regular class during the period of suspension. However, if the pupil is assigned to more than one class per day this subdivision shall apply only to other regular classes scheduled at the same time as the class from which the pupil was suspended.
- c. A teacher may also refer a pupil, for any of the acts enumerated in Section 48900, to the principal or the principal's designee for consideration of a suspension from the school.

Threats to Teacher or School (Ed. C. §48900.7)

- a. In addition to the reasons specified in Sections 48900, 48900.2, 48900.3, and 48900.4, a pupil may be suspended from school or recommended for expulsion if the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has made terroristic threats against school officials or school property, or both.

(NOTE: See the full Ed. Code description for the specifics and restrictions of this provision.)

Grounds for suspension or expulsion; legislative intent

(Ed. C. § 48900)

A pupil may not be suspended from school or recommended for expulsion unless the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has committed an act as defined pursuant to one or more of subdivisions (a) to (s), inclusive:

- (a) (1) Caused, attempted to cause, or threatened to cause physical injury to another person; or
 - (2) Willfully used force or violence, except in self-defense.
 - (b) Possessed, sold, or furnished any firearm, knife, explosive, or other dangerous object, unless the pupil had obtained written permission to possess the item from a certificated school employee.
 - (c) Unlawfully possessed, used, sold, or furnished, or been under the influence of, any controlled substance/alcoholic beverage/ intoxicant of any kind.
 - (d) Unlawfully offered, arranged, or negotiated to sell any controlled substance, an alcoholic beverage, or an intoxicant of any kind, and then furnished another substance and represented it as a controlled substance.
 - (e) Committed or attempted to commit robbery or extortion.
 - (f) Caused or attempted to cause damage to school property or private property.
 - (g) Stolen or attempted to steal school property or private property.
 - (h) Possessed or used tobacco, or any products containing tobacco or nicotine products, including, but not limited to, cigarettes, cigars, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel.
 - (i) Committed an obscene act or engaged in habitual profanity or vulgarity.
 - (j) Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia.
 - (k) Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, school officials, or other school personnel engaged in the performance of their duties.
 - (l) Knowingly received stolen school property or private property.
 - (m) Possessed an imitation firearm.
 - (n) Committed or attempted to commit a sexual assault or a sexual battery.
 - (o) Harassed, threatened, or intimidated a pupil who is a complaining witness or witness in a school disciplinary proceeding.
 - (p) Offered/arranged to sell/negotiated to sell prescription drug Soma
 - (q) Engaged in/attempted to engage in hazing.
 - (r) Engaged in an act of bullying; bullying means any severe or pervasive physical or verbal act including communications made in writing or by means of an electronic act 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.
- "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.

- (s) A pupil may not be suspended or expelled for any of the acts enumerated unless that act is related to school activity or school attendance occurring within a school under the jurisdiction of the superintendent or principal or occurring within any other school district. A pupil may be suspended or expelled for acts that are enumerated in this section and related to school activity or attendance that occur at any time, including, but not limited to, any of 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 campus.
 - (4) During, or while going to or coming from, a school sponsored activity.
- (t) Aides or abets the infliction/attempted infliction of physical injury to another person.
- (w) It is the intent of the Legislature that alternatives to suspensions or expulsion be imposed against any pupil who is truant/tardy/absent from school.

48900.2 Additional grounds for suspension or expulsion; sexual harassment.

48900.3 Hate violence.

48900.4 Additional grounds for suspension or expulsion; harassment, threats, or intimidation.

48900.7 Additional grounds for suspension or expulsion; terroristic threats against school officials, school property, or both.

Additional considerations for special education students and students identified as “handicapped” under Section 504 of the Rehabilitation Act of 1973:

A student with exceptional needs may be suspended for up to, but not more than, ten (10) consecutive school days if he or she poses an immediate threat to the safety of himself or herself or others. In the case of a truly dangerous child, a suspension may exceed ten consecutive school days, or the pupil’s placement may be changed, or both, if either of the following occurs (Ed. C. § 48911(h)):

- a. The pupil’s parent or guardian agrees;
- b. A court so orders.

Expulsion: Pupils with previously identified exceptional needs

(Ed. C. § 48915.5)

Conditions for Expulsion: In a matter involving a pupil with previously identified exceptional needs who is currently enrolled in a special education program, the Board of Education may order a pupil expelled pursuant to Ed. Code 48915(b) and (d) only if all of the following conditions are met:

- a. an individualized education program team meeting is held and conducted pursuant to Article 3 (commencing with Section 56340) of Chapter 2 of the Part 30 of the Education Code;
- b. the team determines that the misconduct was not caused by, or was not a direct manifestation of, the pupil’s identified disability;
- c. the team determines that the pupil had been appropriately placed at the time the misconduct occurred.

Disturbance of School (Ed. C. §32210)

Any person who willfully disturbs any public school or any public school meeting is guilty of a misdemeanor, and shall be punished by a fine of not more than five hundred dollars (\$500).

PROVISIONS FOR A SAFE CLASSROOM

Petaluma City Schools

200 Douglas Street

Petaluma, CA 94952

778-4604

Whom to Call for Assistance or More Info

Dave Rose.....778-4605
Assistant Superintendent, Student Services
(District Office)

Sandra Larsen762-2184
PFT President (McNear Elementary School)

July 2018

TEACHERS' RIGHTS AND RESPONSIBILITIES
REGARDING STUDENT BEHAVIOR

Notification to teacher of pupils whose actions are grounds for suspension or expulsion; liability for disclosure of information; offense; punishment.

(Ed. C. § 49079)

- a. A school district shall inform the teacher of each pupil who has engaged in, or is reasonably suspected to have engaged in, any of the acts described in any of the subdivisions (except subdivision (h)) of Section 48900 or in Section 48900.2, 48900.3, 48900.4 or 48900.7 (see page 4-5 of this guide) that the pupil engaged in, or is reasonably suspected to have engaged in, those acts. The district shall provide the information to the teacher based upon any records that the district maintains in its ordinary course of business, or receives from a law enforcement agency, regarding a pupil described in this section.
- b. A school district, or school district officer or employee, is not civilly or criminally liable for providing information under this section unless it is proven that the information was false and that the district or district officer or employee knew that the information was false, or was made with a reckless disregard for the truth or falsity of the information provided.
- c. An officer or employee of a school district who knowingly fails to provide information about a pupil who has engaged in, or who is reasonably suspected to have engaged in, the acts referred to in subdivision (a), is guilty of a misdemeanor, which is punishable by confinement in the county jail for a period not to exceed six months, or by a fine not to exceed one thousand dollars (\$1,000), or both.
- d. For each school year after 1996-97, the information provided shall be from the previous three school years.
- e. Any information received by a teacher pursuant to this section shall be received in confidence for the limited purpose for which it was provided and shall not be further disseminated by the teacher.

Duty concerning conduct of pupils (Ed. C. § 44807)

Every teacher in the public schools shall hold pupils to a strict account for their conduct on the way to and from school, on the playgrounds, or during recess. A teacher, vice principal, principal, or any other certificated employee of a school district, shall not be subject to criminal prosecution or criminal penalties for the exercise, during the performance of his duties, of the same degree of physical control over a pupil that a parent would be legally privileged to exercise but which in no event shall exceed the amount of physical control reasonably necessary to maintain order, protect property, or protect the health and safety of pupils, or to maintain proper and appropriate conditions conducive to learning. The provisions of this section are in addition to and do not supersede the provisions of Section 49000 (on the prohibition of corporal punishment).

Willful interference with classroom conduct (Ed. C. § 44810)

Every minor over 16 years of age or adult, who is not a pupil of the school, including but not limited to any such minor or adult who is the parent or guardian of a pupil of the school who comes upon any school ground or into any schoolhouse and there willfully interferes with the discipline, good order, lawful conduct, or administration of any school class or activity of the school, with the intent to disrupt, obstruct, or to inflict damage to property or bodily injury upon any person, is guilty of a misdemeanor, and is punishable upon the first conviction by a fine of not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000), or by imprisonment in the county jail for not more than one year, or both.

Disruption of classwork or extracurricular activities; punishment; exemptions (Ed. C. § 44811)

Any parent, guardian, or other person whose conduct in a place where a school employee is required to be in the course of his or her duties materially disrupts classwork or extracurricular activities or involves substantial disorder is guilty of a misdemeanor punishable on the first conviction by a fine not less than \$500 and not more than \$1,000, by imprisonment in the county jail for a period of not more than one year, or both. This section does not apply to any otherwise lawful employee concerted activity, including, but not limited to, picketing and the distribution of handbills.

Suspension by teacher; reports; conferences; referrals (Ed. C. § 48910)

- a. A teacher may suspend any pupil from the teacher's class, for any of the acts enumerated in Section 48900, for the day of the suspension and the day following. The teacher shall immediately report the suspension to the principal of the school and send the pupil to the principal or the principal's 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 defined in policies and related regulations adopted by the governing board of the school district. As soon as possible, the teacher shall ask the parent or guardian of the pupil to attend a parent-teacher conference regarding the suspension. Whenever practicable, a school counselor or a school psychologist shall attend the conference. A school administrator shall attend the conference if the teacher or the parent or guardian so requests. The pupil shall not be returned to the class from which he or she was suspended, during the period of the suspension, without the concurrence of the teacher of the class and the principal.
- b. A pupil suspended from a class shall not be placed in another regular class during the period of suspension. However, if the pupil is assigned to more than one class per day this subdivision shall apply only to other regular classes scheduled at the same time as the class from which the pupil was suspended.
- c. A teacher may also refer a pupil, for any of the acts enumerated in Section 48900, to the principal or the principal's designee for consideration of a suspension from the school.

Threats to Teacher or School (Ed. C. §48900.7)

- a. In addition to the reasons specified in Sections 48900, 48900.2, 48900.3, and 48900.4, a pupil may be suspended from school or recommended for expulsion if the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has made terroristic threats against school officials or school property, or both.

(NOTE: See the full Ed. Code description for the specifics and restrictions of this provision.)

Grounds for suspension or expulsion; legislative intent

(Ed. C. § 48900)

A pupil may not be suspended from school or recommended for expulsion unless the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has committed an act as defined pursuant to one or more of subdivisions (a) to (s), inclusive:

- (a) (1) Caused, attempted to cause, or threatened to cause physical injury to another person; or
 - (2) Willfully used force or violence, except in self-defense.
 - (b) Possessed, sold, or furnished any firearm, knife, explosive, or other dangerous object, unless the pupil had obtained written permission to possess the item from a certificated school employee.
 - (c) Unlawfully possessed, used, sold, or furnished, or been under the influence of, any controlled substance/alcoholic beverage/ intoxicant of any kind.
 - (d) Unlawfully offered, arranged, or negotiated to sell any controlled substance, an alcoholic beverage, or an intoxicant of any kind, and then furnished another substance and represented it as a controlled substance.
 - (e) Committed or attempted to commit robbery or extortion.
 - (f) Caused or attempted to cause damage to school property or private property.
 - (g) Stolen or attempted to steal school property or private property.
 - (h) Possessed or used tobacco, or any products containing tobacco or nicotine products, including, but not limited to, cigarettes, cigars, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel.
 - (i) Committed an obscene act or engaged in habitual profanity or vulgarity.
 - (j) Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia.
 - (k) Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, school officials, or other school personnel engaged in the performance of their duties.
 - (l) Knowingly received stolen school property or private property.
 - (m) Possessed an imitation firearm.
 - (n) Committed or attempted to commit a sexual assault or a sexual battery.
 - (o) Harassed, threatened, or intimidated a pupil who is a complaining witness or witness in a school disciplinary proceeding.
 - (p) Offered/arranged to sell/negotiated to sell prescription drug Soma
 - (q) Engaged in/attempted to engage in hazing.
 - (r) Engaged in an act of bullying; bullying means any severe or pervasive physical or verbal act including communications made in writing or by means of an electronic act 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.
- "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.

- (s) A pupil may not be suspended or expelled for any of the acts enumerated unless that act is related to school activity or school attendance occurring within a school under the jurisdiction of the superintendent or principal or occurring within any other school district. A pupil may be suspended or expelled for acts that are enumerated in this section and related to school activity or attendance that occur at any time, including, but not limited to, any of 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 campus.
 - (4) During, or while going to or coming from, a school sponsored activity.
- (t) Aides or abets the infliction/attempted infliction of physical injury to another person.
- (w) It is the intent of the Legislature that alternatives to suspensions or expulsion be imposed against any pupil who is truant/tardy/absent from school.

48900.2 Additional grounds for suspension or expulsion; sexual harassment.

48900.3 Hate violence.

48900.4 Additional grounds for suspension or expulsion; harassment, threats, or intimidation.

48900.7 Additional grounds for suspension or expulsion; terroristic threats against school officials, school property, or both.

Additional considerations for special education students and students identified as “handicapped” under Section 504 of the Rehabilitation Act of 1973:

A student with exceptional needs may be suspended for up to, but not more than, ten (10) consecutive school days if he or she poses an immediate threat to the safety of himself or herself or others. In the case of a truly dangerous child, a suspension may exceed ten consecutive school days, or the pupil’s placement may be changed, or both, if either of the following occurs (Ed. C. § 48911(h)):

- a. The pupil’s parent or guardian agrees;
- b. A court so orders.

Expulsion: Pupils with previously identified exceptional needs

(Ed. C. § 48915.5)

Conditions for Expulsion: In a matter involving a pupil with previously identified exceptional needs who is currently enrolled in a special education program, the Board of Education may order a pupil expelled pursuant to Ed. Code 48915(b) and (d) only if all of the following conditions are met:

- a. an individualized education program team meeting is held and conducted pursuant to Article 3 (commencing with Section 56340) of Chapter 2 of the Part 30 of the Education Code;
- b. the team determines that the misconduct was not caused by, or was not a direct manifestation of, the pupil’s identified disability;
- c. the team determines that the pupil had been appropriately placed at the time the misconduct occurred.

Disturbance of School (Ed. C. §32210)

Any person who willfully disturbs any public school or any public school meeting is guilty of a misdemeanor, and shall be punished by a fine of not more than five hundred dollars (\$500).

PROVISIONS FOR A SAFE CLASSROOM

Petaluma City Schools

200 Douglas Street

Petaluma, CA 94952

778-4604

Whom to Call for Assistance or More Info

Dave Rose.....778-4605
Assistant Superintendent, Student Services
(District Office)

Sandra Larsen762-2184
PFT President (McNear Elementary School)

July 2018

TEACHERS' RIGHTS AND RESPONSIBILITIES
REGARDING STUDENT BEHAVIOR

Notification to teacher of pupils whose actions are grounds for suspension or expulsion; liability for disclosure of information; offense; punishment.

(Ed. C. § 49079)

- a. A school district shall inform the teacher of each pupil who has engaged in, or is reasonably suspected to have engaged in, any of the acts described in any of the subdivisions (except subdivision (h)) of Section 48900 or in Section 48900.2, 48900.3, 48900.4 or 48900.7 (see page 4-5 of this guide) that the pupil engaged in, or is reasonably suspected to have engaged in, those acts. The district shall provide the information to the teacher based upon any records that the district maintains in its ordinary course of business, or receives from a law enforcement agency, regarding a pupil described in this section.
- b. A school district, or school district officer or employee, is not civilly or criminally liable for providing information under this section unless it is proven that the information was false and that the district or district officer or employee knew that the information was false, or was made with a reckless disregard for the truth or falsity of the information provided.
- c. An officer or employee of a school district who knowingly fails to provide information about a pupil who has engaged in, or who is reasonably suspected to have engaged in, the acts referred to in subdivision (a), is guilty of a misdemeanor, which is punishable by confinement in the county jail for a period not to exceed six months, or by a fine not to exceed one thousand dollars (\$1,000), or both.
- d. For each school year after 1996-97, the information provided shall be from the previous three school years.
- e. Any information received by a teacher pursuant to this section shall be received in confidence for the limited purpose for which it was provided and shall not be further disseminated by the teacher.

Duty concerning conduct of pupils (Ed. C. § 44807)

Every teacher in the public schools shall hold pupils to a strict account for their conduct on the way to and from school, on the playgrounds, or during recess. A teacher, vice principal, principal, or any other certificated employee of a school district, shall not be subject to criminal prosecution or criminal penalties for the exercise, during the performance of his duties, of the same degree of physical control over a pupil that a parent would be legally privileged to exercise but which in no event shall exceed the amount of physical control reasonably necessary to maintain order, protect property, or protect the health and safety of pupils, or to maintain proper and appropriate conditions conducive to learning. The provisions of this section are in addition to and do not supersede the provisions of Section 49000 (on the prohibition of corporal punishment).

Willful interference with classroom conduct (Ed. C. § 44810)

Every minor over 16 years of age or adult, who is not a pupil of the school, including but not limited to any such minor or adult who is the parent or guardian of a pupil of the school who comes upon any school ground or into any schoolhouse and there willfully interferes with the discipline, good order, lawful conduct, or administration of any school class or activity of the school, with the intent to disrupt, obstruct, or to inflict damage to property or bodily injury upon any person, is guilty of a misdemeanor, and is punishable upon the first conviction by a fine of not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000), or by imprisonment in the county jail for not more than one year, or both.

Disruption of classwork or extracurricular activities; punishment; exemptions (Ed. C. § 44811)

Any parent, guardian, or other person whose conduct in a place where a school employee is required to be in the course of his or her duties materially disrupts classwork or extracurricular activities or involves substantial disorder is guilty of a misdemeanor punishable on the first conviction by a fine not less than \$500 and not more than \$1,000, by imprisonment in the county jail for a period of not more than one year, or both. This section does not apply to any otherwise lawful employee concerted activity, including, but not limited to, picketing and the distribution of handbills.

Suspension by teacher; reports; conferences; referrals (Ed. C. § 48910)

- a. A teacher may suspend any pupil from the teacher's class, for any of the acts enumerated in Section 48900, for the day of the suspension and the day following. The teacher shall immediately report the suspension to the principal of the school and send the pupil to the principal or the principal's 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 defined in policies and related regulations adopted by the governing board of the school district. As soon as possible, the teacher shall ask the parent or guardian of the pupil to attend a parent-teacher conference regarding the suspension. Whenever practicable, a school counselor or a school psychologist shall attend the conference. A school administrator shall attend the conference if the teacher or the parent or guardian so requests. The pupil shall not be returned to the class from which he or she was suspended, during the period of the suspension, without the concurrence of the teacher of the class and the principal.
- b. A pupil suspended from a class shall not be placed in another regular class during the period of suspension. However, if the pupil is assigned to more than one class per day this subdivision shall apply only to other regular classes scheduled at the same time as the class from which the pupil was suspended.
- c. A teacher may also refer a pupil, for any of the acts enumerated in Section 48900, to the principal or the principal's designee for consideration of a suspension from the school.

Threats to Teacher or School (Ed. C. §48900.7)

- a. In addition to the reasons specified in Sections 48900, 48900.2, 48900.3, and 48900.4, a pupil may be suspended from school or recommended for expulsion if the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has made terroristic threats against school officials or school property, or both.

(NOTE: See the full Ed. Code description for the specifics and restrictions of this provision.)

Grounds for suspension or expulsion; legislative intent

(Ed. C. § 48900)

A pupil may not be suspended from school or recommended for expulsion unless the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has committed an act as defined pursuant to one or more of subdivisions (a) to (s), inclusive:

- (a) (1) Caused, attempted to cause, or threatened to cause physical injury to another person; or
 - (2) Willfully used force or violence, except in self-defense.
 - (b) Possessed, sold, or furnished any firearm, knife, explosive, or other dangerous object, unless the pupil had obtained written permission to possess the item from a certificated school employee.
 - (c) Unlawfully possessed, used, sold, or furnished, or been under the influence of, any controlled substance/alcoholic beverage/ intoxicant of any kind.
 - (d) Unlawfully offered, arranged, or negotiated to sell any controlled substance, an alcoholic beverage, or an intoxicant of any kind, and then furnished another substance and represented it as a controlled substance.
 - (e) Committed or attempted to commit robbery or extortion.
 - (f) Caused or attempted to cause damage to school property or private property.
 - (g) Stolen or attempted to steal school property or private property.
 - (h) Possessed or used tobacco, or any products containing tobacco or nicotine products, including, but not limited to, cigarettes, cigars, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel.
 - (i) Committed an obscene act or engaged in habitual profanity or vulgarity.
 - (j) Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia.
 - (k) Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, school officials, or other school personnel engaged in the performance of their duties.
 - (l) Knowingly received stolen school property or private property.
 - (m) Possessed an imitation firearm.
 - (n) Committed or attempted to commit a sexual assault or a sexual battery.
 - (o) Harassed, threatened, or intimidated a pupil who is a complaining witness or witness in a school disciplinary proceeding.
 - (p) Offered/arranged to sell/negotiated to sell prescription drug Soma
 - (q) Engaged in/attempted to engage in hazing.
 - (r) Engaged in an act of bullying; bullying means any severe or pervasive physical or verbal act including communications made in writing or by means of an electronic act 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.
- "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.

- (s) A pupil may not be suspended or expelled for any of the acts enumerated unless that act is related to school activity or school attendance occurring within a school under the jurisdiction of the superintendent or principal or occurring within any other school district. A pupil may be suspended or expelled for acts that are enumerated in this section and related to school activity or attendance that occur at any time, including, but not limited to, any of 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 campus.
 - (4) During, or while going to or coming from, a school sponsored activity.
- (t) Aides or abets the infliction/attempted infliction of physical injury to another person.
- (w) It is the intent of the Legislature that alternatives to suspensions or expulsion be imposed against any pupil who is truant/tardy/absent from school.

48900.2 Additional grounds for suspension or expulsion; sexual harassment.

48900.3 Hate violence.

48900.4 Additional grounds for suspension or expulsion; harassment, threats, or intimidation.

48900.7 Additional grounds for suspension or expulsion; terroristic threats against school officials, school property, or both.

Additional considerations for special education students and students identified as “handicapped” under Section 504 of the Rehabilitation Act of 1973:

A student with exceptional needs may be suspended for up to, but not more than, ten (10) consecutive school days if he or she poses an immediate threat to the safety of himself or herself or others. In the case of a truly dangerous child, a suspension may exceed ten consecutive school days, or the pupil’s placement may be changed, or both, if either of the following occurs (Ed. C. § 48911(h)):

- a. The pupil’s parent or guardian agrees;
- b. A court so orders.

Expulsion: Pupils with previously identified exceptional needs

(Ed. C. § 48915.5)

Conditions for Expulsion: In a matter involving a pupil with previously identified exceptional needs who is currently enrolled in a special education program, the Board of Education may order a pupil expelled pursuant to Ed. Code 48915(b) and (d) only if all of the following conditions are met:

- a. an individualized education program team meeting is held and conducted pursuant to Article 3 (commencing with Section 56340) of Chapter 2 of the Part 30 of the Education Code;
- b. the team determines that the misconduct was not caused by, or was not a direct manifestation of, the pupil’s identified disability;
- c. the team determines that the pupil had been appropriately placed at the time the misconduct occurred.

Disturbance of School (Ed. C. §32210)

Any person who willfully disturbs any public school or any public school meeting is guilty of a misdemeanor, and shall be punished by a fine of not more than five hundred dollars (\$500).

PROVISIONS FOR A SAFE CLASSROOM

Petaluma City Schools

200 Douglas Street

Petaluma, CA 94952

778-4604

Whom to Call for Assistance or More Info

Dave Rose.....778-4605
Assistant Superintendent, Student Services
(District Office)

Sandra Larsen762-2184
PFT President (McNear Elementary School)

July 2018

TEACHERS' RIGHTS AND RESPONSIBILITIES
REGARDING STUDENT BEHAVIOR

Notification to teacher of pupils whose actions are grounds for suspension or expulsion; liability for disclosure of information; offense; punishment.

(Ed. C. § 49079)

- a. A school district shall inform the teacher of each pupil who has engaged in, or is reasonably suspected to have engaged in, any of the acts described in any of the subdivisions (except subdivision (h)) of Section 48900 or in Section 48900.2, 48900.3, 48900.4 or 48900.7 (see page 4-5 of this guide) that the pupil engaged in, or is reasonably suspected to have engaged in, those acts. The district shall provide the information to the teacher based upon any records that the district maintains in its ordinary course of business, or receives from a law enforcement agency, regarding a pupil described in this section.
- b. A school district, or school district officer or employee, is not civilly or criminally liable for providing information under this section unless it is proven that the information was false and that the district or district officer or employee knew that the information was false, or was made with a reckless disregard for the truth or falsity of the information provided.
- c. An officer or employee of a school district who knowingly fails to provide information about a pupil who has engaged in, or who is reasonably suspected to have engaged in, the acts referred to in subdivision (a), is guilty of a misdemeanor, which is punishable by confinement in the county jail for a period not to exceed six months, or by a fine not to exceed one thousand dollars (\$1,000), or both.
- d. For each school year after 1996-97, the information provided shall be from the previous three school years.
- e. Any information received by a teacher pursuant to this section shall be received in confidence for the limited purpose for which it was provided and shall not be further disseminated by the teacher.

Duty concerning conduct of pupils (Ed. C. § 44807)

Every teacher in the public schools shall hold pupils to a strict account for their conduct on the way to and from school, on the playgrounds, or during recess. A teacher, vice principal, principal, or any other certificated employee of a school district, shall not be subject to criminal prosecution or criminal penalties for the exercise, during the performance of his duties, of the same degree of physical control over a pupil that a parent would be legally privileged to exercise but which in no event shall exceed the amount of physical control reasonably necessary to maintain order, protect property, or protect the health and safety of pupils, or to maintain proper and appropriate conditions conducive to learning. The provisions of this section are in addition to and do not supersede the provisions of Section 49000 (on the prohibition of corporal punishment).

Willful interference with classroom conduct (Ed. C. § 44810)

Every minor over 16 years of age or adult, who is not a pupil of the school, including but not limited to any such minor or adult who is the parent or guardian of a pupil of the school who comes upon any school ground or into any schoolhouse and there willfully interferes with the discipline, good order, lawful conduct, or administration of any school class or activity of the school, with the intent to disrupt, obstruct, or to inflict damage to property or bodily injury upon any person, is guilty of a misdemeanor, and is punishable upon the first conviction by a fine of not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000), or by imprisonment in the county jail for not more than one year, or both.

Disruption of classwork or extracurricular activities; punishment; exemptions (Ed. C. § 44811)

Any parent, guardian, or other person whose conduct in a place where a school employee is required to be in the course of his or her duties materially disrupts classwork or extracurricular activities or involves substantial disorder is guilty of a misdemeanor punishable on the first conviction by a fine not less than \$500 and not more than \$1,000, by imprisonment in the county jail for a period of not more than one year, or both. This section does not apply to any otherwise lawful employee concerted activity, including, but not limited to, picketing and the distribution of handbills.

Suspension by teacher; reports; conferences; referrals (Ed. C. § 48910)

- a. A teacher may suspend any pupil from the teacher's class, for any of the acts enumerated in Section 48900, for the day of the suspension and the day following. The teacher shall immediately report the suspension to the principal of the school and send the pupil to the principal or the principal's 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 defined in policies and related regulations adopted by the governing board of the school district. As soon as possible, the teacher shall ask the parent or guardian of the pupil to attend a parent-teacher conference regarding the suspension. Whenever practicable, a school counselor or a school psychologist shall attend the conference. A school administrator shall attend the conference if the teacher or the parent or guardian so requests. The pupil shall not be returned to the class from which he or she was suspended, during the period of the suspension, without the concurrence of the teacher of the class and the principal.
- b. A pupil suspended from a class shall not be placed in another regular class during the period of suspension. However, if the pupil is assigned to more than one class per day this subdivision shall apply only to other regular classes scheduled at the same time as the class from which the pupil was suspended.
- c. A teacher may also refer a pupil, for any of the acts enumerated in Section 48900, to the principal or the principal's designee for consideration of a suspension from the school.

Threats to Teacher or School (Ed. C. §48900.7)

- a. In addition to the reasons specified in Sections 48900, 48900.2, 48900.3, and 48900.4, a pupil may be suspended from school or recommended for expulsion if the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has made terroristic threats against school officials or school property, or both.

(NOTE: See the full Ed. Code description for the specifics and restrictions of this provision.)

Grounds for suspension or expulsion; legislative intent

(Ed. C. § 48900)

A pupil may not be suspended from school or recommended for expulsion unless the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has committed an act as defined pursuant to one or more of subdivisions (a) to (s), inclusive:

- (a) (1) Caused, attempted to cause, or threatened to cause physical injury to another person; or
 - (2) Willfully used force or violence, except in self-defense.
 - (b) Possessed, sold, or furnished any firearm, knife, explosive, or other dangerous object, unless the pupil had obtained written permission to possess the item from a certificated school employee.
 - (c) Unlawfully possessed, used, sold, or furnished, or been under the influence of, any controlled substance/alcoholic beverage/ intoxicant of any kind.
 - (d) Unlawfully offered, arranged, or negotiated to sell any controlled substance, an alcoholic beverage, or an intoxicant of any kind, and then furnished another substance and represented it as a controlled substance.
 - (e) Committed or attempted to commit robbery or extortion.
 - (f) Caused or attempted to cause damage to school property or private property.
 - (g) Stolen or attempted to steal school property or private property.
 - (h) Possessed or used tobacco, or any products containing tobacco or nicotine products, including, but not limited to, cigarettes, cigars, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel.
 - (i) Committed an obscene act or engaged in habitual profanity or vulgarity.
 - (j) Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia.
 - (k) Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, school officials, or other school personnel engaged in the performance of their duties.
 - (l) Knowingly received stolen school property or private property.
 - (m) Possessed an imitation firearm.
 - (n) Committed or attempted to commit a sexual assault or a sexual battery.
 - (o) Harassed, threatened, or intimidated a pupil who is a complaining witness or witness in a school disciplinary proceeding.
 - (p) Offered/arranged to sell/negotiated to sell prescription drug Soma
 - (q) Engaged in/attempted to engage in hazing.
 - (r) Engaged in an act of bullying; bullying means any severe or pervasive physical or verbal act including communications made in writing or by means of an electronic act 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.
- "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.

- (s) A pupil may not be suspended or expelled for any of the acts enumerated unless that act is related to school activity or school attendance occurring within a school under the jurisdiction of the superintendent or principal or occurring within any other school district. A pupil may be suspended or expelled for acts that are enumerated in this section and related to school activity or attendance that occur at any time, including, but not limited to, any of 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 campus.
 - (4) During, or while going to or coming from, a school sponsored activity.
- (t) Aides or abets the infliction/attempted infliction of physical injury to another person.
- (w) It is the intent of the Legislature that alternatives to suspensions or expulsion be imposed against any pupil who is truant/tardy/absent from school.

48900.2 Additional grounds for suspension or expulsion; sexual harassment.

48900.3 Hate violence.

48900.4 Additional grounds for suspension or expulsion; harassment, threats, or intimidation.

48900.7 Additional grounds for suspension or expulsion; terroristic threats against school officials, school property, or both.

Additional considerations for special education students and students identified as “handicapped” under Section 504 of the Rehabilitation Act of 1973:

A student with exceptional needs may be suspended for up to, but not more than, ten (10) consecutive school days if he or she poses an immediate threat to the safety of himself or herself or others. In the case of a truly dangerous child, a suspension may exceed ten consecutive school days, or the pupil’s placement may be changed, or both, if either of the following occurs (Ed. C. § 48911(h)):

- a. The pupil’s parent or guardian agrees;
- b. A court so orders.

Expulsion: Pupils with previously identified exceptional needs

(Ed. C. § 48915.5)

Conditions for Expulsion: In a matter involving a pupil with previously identified exceptional needs who is currently enrolled in a special education program, the Board of Education may order a pupil expelled pursuant to Ed. Code 48915(b) and (d) only if all of the following conditions are met:

- a. an individualized education program team meeting is held and conducted pursuant to Article 3 (commencing with Section 56340) of Chapter 2 of the Part 30 of the Education Code;
- b. the team determines that the misconduct was not caused by, or was not a direct manifestation of, the pupil’s identified disability;
- c. the team determines that the pupil had been appropriately placed at the time the misconduct occurred.

Disturbance of School (Ed. C. §32210)

Any person who willfully disturbs any public school or any public school meeting is guilty of a misdemeanor, and shall be punished by a fine of not more than five hundred dollars (\$500).

PROVISIONS FOR A SAFE CLASSROOM

Petaluma City Schools
200 Douglas Street
Petaluma, CA 94952
778-4604

Whom to Call for Assistance or More Info

Dave Rose.....778-4605
Assistant Superintendent, Student Services
(District Office)
Sandra Larsen762-2184
PFT President (McNear Elementary School)

July 2018

TEACHERS' RIGHTS AND RESPONSIBILITIES
REGARDING STUDENT BEHAVIOR

Notification to teacher of pupils whose actions are grounds for suspension or expulsion; liability for disclosure of information; offense; punishment.

(Ed. C. § 49079)

- a. A school district shall inform the teacher of each pupil who has engaged in, or is reasonably suspected to have engaged in, any of the acts described in any of the subdivisions (except subdivision (h)) of Section 48900 or in Section 48900.2, 48900.3, 48900.4 or 48900.7 (see page 4-5 of this guide) that the pupil engaged in, or is reasonably suspected to have engaged in, those acts. The district shall provide the information to the teacher based upon any records that the district maintains in its ordinary course of business, or receives from a law enforcement agency, regarding a pupil described in this section.
- b. A school district, or school district officer or employee, is not civilly or criminally liable for providing information under this section unless it is proven that the information was false and that the district or district officer or employee knew that the information was false, or was made with a reckless disregard for the truth or falsity of the information provided.
- c. An officer or employee of a school district who knowingly fails to provide information about a pupil who has engaged in, or who is reasonably suspected to have engaged in, the acts referred to in subdivision (a), is guilty of a misdemeanor, which is punishable by confinement in the county jail for a period not to exceed six months, or by a fine not to exceed one thousand dollars (\$1,000), or both.
- d. For each school year after 1996-97, the information provided shall be from the previous three school years.
- e. Any information received by a teacher pursuant to this section shall be received in confidence for the limited purpose for which it was provided and shall not be further disseminated by the teacher.

Duty concerning conduct of pupils (Ed. C. § 44807)

Every teacher in the public schools shall hold pupils to a strict account for their conduct on the way to and from school, on the playgrounds, or during recess. A teacher, vice principal, principal, or any other certificated employee of a school district, shall not be subject to criminal prosecution or criminal penalties for the exercise, during the performance of his duties, of the same degree of physical control over a pupil that a parent would be legally privileged to exercise but which in no event shall exceed the amount of physical control reasonably necessary to maintain order, protect property, or protect the health and safety of pupils, or to maintain proper and appropriate conditions conducive to learning. The provisions of this section are in addition to and do not supersede the provisions of Section 49000 (on the prohibition of corporal punishment).

Willful interference with classroom conduct (Ed. C. § 44810)

Every minor over 16 years of age or adult, who is not a pupil of the school, including but not limited to any such minor or adult who is the parent or guardian of a pupil of the school who comes upon any school ground or into any schoolhouse and there willfully interferes with the discipline, good order, lawful conduct, or administration of any school class or activity of the school, with the intent to disrupt, obstruct, or to inflict damage to property or bodily injury upon any person, is guilty of a misdemeanor, and is punishable upon the first conviction by a fine of not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000), or by imprisonment in the county jail for not more than one year, or both.

Disruption of classwork or extracurricular activities; punishment; exemptions (Ed. C. § 44811)

Any parent, guardian, or other person whose conduct in a place where a school employee is required to be in the course of his or her duties materially disrupts classwork or extracurricular activities or involves substantial disorder is guilty of a misdemeanor punishable on the first conviction by a fine not less than \$500 and not more than \$1,000, by imprisonment in the county jail for a period of not more than one year, or both. This section does not apply to any otherwise lawful employee concerted activity, including, but not limited to, picketing and the distribution of handbills.

Suspension by teacher; reports; conferences; referrals (Ed. C. § 48910)

- a. A teacher may suspend any pupil from the teacher's class, for any of the acts enumerated in Section 48900, for the day of the suspension and the day following. The teacher shall immediately report the suspension to the principal of the school and send the pupil to the principal or the principal's 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 defined in policies and related regulations adopted by the governing board of the school district. As soon as possible, the teacher shall ask the parent or guardian of the pupil to attend a parent-teacher conference regarding the suspension. Whenever practicable, a school counselor or a school psychologist shall attend the conference. A school administrator shall attend the conference if the teacher or the parent or guardian so requests. The pupil shall not be returned to the class from which he or she was suspended, during the period of the suspension, without the concurrence of the teacher of the class and the principal.
- b. A pupil suspended from a class shall not be placed in another regular class during the period of suspension. However, if the pupil is assigned to more than one class per day this subdivision shall apply only to other regular classes scheduled at the same time as the class from which the pupil was suspended.
- c. A teacher may also refer a pupil, for any of the acts enumerated in Section 48900, to the principal or the principal's designee for consideration of a suspension from the school.

Threats to Teacher or School (Ed. C. §48900.7)

- a. In addition to the reasons specified in Sections 48900, 48900.2, 48900.3, and 48900.4, a pupil may be suspended from school or recommended for expulsion if the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has made terroristic threats against school officials or school property, or both.

(NOTE: See the full Ed. Code description for the specifics and restrictions of this provision.)

Grounds for suspension or expulsion; legislative intent

(Ed. C. § 48900)

A pupil may not be suspended from school or recommended for expulsion unless the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has committed an act as defined pursuant to one or more of subdivisions (a) to (s), inclusive:

- (a) (1) Caused, attempted to cause, or threatened to cause physical injury to another person; or
 - (2) Willfully used force or violence, except in self-defense.
 - (b) Possessed, sold, or furnished any firearm, knife, explosive, or other dangerous object, unless the pupil had obtained written permission to possess the item from a certificated school employee.
 - (c) Unlawfully possessed, used, sold, or furnished, or been under the influence of, any controlled substance/alcoholic beverage/ intoxicant of any kind.
 - (d) Unlawfully offered, arranged, or negotiated to sell any controlled substance, an alcoholic beverage, or an intoxicant of any kind, and then furnished another substance and represented it as a controlled substance.
 - (e) Committed or attempted to commit robbery or extortion.
 - (f) Caused or attempted to cause damage to school property or private property.
 - (g) Stolen or attempted to steal school property or private property.
 - (h) Possessed or used tobacco, or any products containing tobacco or nicotine products, including, but not limited to, cigarettes, cigars, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel.
 - (i) Committed an obscene act or engaged in habitual profanity or vulgarity.
 - (j) Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia.
 - (k) Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, school officials, or other school personnel engaged in the performance of their duties.
 - (l) Knowingly received stolen school property or private property.
 - (m) Possessed an imitation firearm.
 - (n) Committed or attempted to commit a sexual assault or a sexual battery.
 - (o) Harassed, threatened, or intimidated a pupil who is a complaining witness or witness in a school disciplinary proceeding.
 - (p) Offered/arranged to sell/negotiated to sell prescription drug Soma
 - (q) Engaged in/attempted to engage in hazing.
 - (r) Engaged in an act of bullying; bullying means any severe or pervasive physical or verbal act including communications made in writing or by means of an electronic act 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.
- "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.

- (s) A pupil may not be suspended or expelled for any of the acts enumerated unless that act is related to school activity or school attendance occurring within a school under the jurisdiction of the superintendent or principal or occurring within any other school district. A pupil may be suspended or expelled for acts that are enumerated in this section and related to school activity or attendance that occur at any time, including, but not limited to, any of 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 campus.
 - (4) During, or while going to or coming from, a school sponsored activity.
- (t) Aides or abets the infliction/attempted infliction of physical injury to another person.
- (w) It is the intent of the Legislature that alternatives to suspensions or expulsion be imposed against any pupil who is truant/tardy/absent from school.

48900.2 Additional grounds for suspension or expulsion; sexual harassment.

48900.3 Hate violence.

48900.4 Additional grounds for suspension or expulsion; harassment, threats, or intimidation.

48900.7 Additional grounds for suspension or expulsion; terroristic threats against school officials, school property, or both.

Additional considerations for special education students and students identified as “handicapped” under Section 504 of the Rehabilitation Act of 1973:

A student with exceptional needs may be suspended for up to, but not more than, ten (10) consecutive school days if he or she poses an immediate threat to the safety of himself or herself or others. In the case of a truly dangerous child, a suspension may exceed ten consecutive school days, or the pupil’s placement may be changed, or both, if either of the following occurs (Ed. C. § 48911(h)):

- a. The pupil’s parent or guardian agrees;
- b. A court so orders.

Expulsion: Pupils with previously identified exceptional needs

(Ed. C. § 48915.5)

Conditions for Expulsion: In a matter involving a pupil with previously identified exceptional needs who is currently enrolled in a special education program, the Board of Education may order a pupil expelled pursuant to Ed. Code 48915(b) and (d) only if all of the following conditions are met:

- a. an individualized education program team meeting is held and conducted pursuant to Article 3 (commencing with Section 56340) of Chapter 2 of the Part 30 of the Education Code;
- b. the team determines that the misconduct was not caused by, or was not a direct manifestation of, the pupil’s identified disability;
- c. the team determines that the pupil had been appropriately placed at the time the misconduct occurred.

Disturbance of School (Ed. C. §32210)

Any person who willfully disturbs any public school or any public school meeting is guilty of a misdemeanor, and shall be punished by a fine of not more than five hundred dollars (\$500).

PROVISIONS FOR A SAFE CLASSROOM

Petaluma City Schools

200 Douglas Street

Petaluma, CA 94952

778-4604

Whom to Call for Assistance or More Info

Dave Rose.....778-4605
Assistant Superintendent, Student Services
(District Office)

Sandra Larsen762-2184
PFT President (McNear Elementary School)

July 2018

TEACHERS' RIGHTS AND RESPONSIBILITIES
REGARDING STUDENT BEHAVIOR

Notification to teacher of pupils whose actions are grounds for suspension or expulsion; liability for disclosure of information; offense; punishment.

(Ed. C. § 49079)

- a. A school district shall inform the teacher of each pupil who has engaged in, or is reasonably suspected to have engaged in, any of the acts described in any of the subdivisions (except subdivision (h)) of Section 48900 or in Section 48900.2, 48900.3, 48900.4 or 48900.7 (see page 4-5 of this guide) that the pupil engaged in, or is reasonably suspected to have engaged in, those acts. The district shall provide the information to the teacher based upon any records that the district maintains in its ordinary course of business, or receives from a law enforcement agency, regarding a pupil described in this section.
- b. A school district, or school district officer or employee, is not civilly or criminally liable for providing information under this section unless it is proven that the information was false and that the district or district officer or employee knew that the information was false, or was made with a reckless disregard for the truth or falsity of the information provided.
- c. An officer or employee of a school district who knowingly fails to provide information about a pupil who has engaged in, or who is reasonably suspected to have engaged in, the acts referred to in subdivision (a), is guilty of a misdemeanor, which is punishable by confinement in the county jail for a period not to exceed six months, or by a fine not to exceed one thousand dollars (\$1,000), or both.
- d. For each school year after 1996-97, the information provided shall be from the previous three school years.
- e. Any information received by a teacher pursuant to this section shall be received in confidence for the limited purpose for which it was provided and shall not be further disseminated by the teacher.

Duty concerning conduct of pupils (Ed. C. § 44807)

Every teacher in the public schools shall hold pupils to a strict account for their conduct on the way to and from school, on the playgrounds, or during recess. A teacher, vice principal, principal, or any other certificated employee of a school district, shall not be subject to criminal prosecution or criminal penalties for the exercise, during the performance of his duties, of the same degree of physical control over a pupil that a parent would be legally privileged to exercise but which in no event shall exceed the amount of physical control reasonably necessary to maintain order, protect property, or protect the health and safety of pupils, or to maintain proper and appropriate conditions conducive to learning. The provisions of this section are in addition to and do not supersede the provisions of Section 49000 (on the prohibition of corporal punishment).

Willful interference with classroom conduct (Ed. C. § 44810)

Every minor over 16 years of age or adult, who is not a pupil of the school, including but not limited to any such minor or adult who is the parent or guardian of a pupil of the school who comes upon any school ground or into any schoolhouse and there willfully interferes with the discipline, good order, lawful conduct, or administration of any school class or activity of the school, with the intent to disrupt, obstruct, or to inflict damage to property or bodily injury upon any person, is guilty of a misdemeanor, and is punishable upon the first conviction by a fine of not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000), or by imprisonment in the county jail for not more than one year, or both.

Disruption of classwork or extracurricular activities; punishment; exemptions (Ed. C. § 44811)

Any parent, guardian, or other person whose conduct in a place where a school employee is required to be in the course of his or her duties materially disrupts classwork or extracurricular activities or involves substantial disorder is guilty of a misdemeanor punishable on the first conviction by a fine not less than \$500 and not more than \$1,000, by imprisonment in the county jail for a period of not more than one year, or both. This section does not apply to any otherwise lawful employee concerted activity, including, but not limited to, picketing and the distribution of handbills.

Suspension by teacher; reports; conferences; referrals (Ed. C. § 48910)

- a. A teacher may suspend any pupil from the teacher's class, for any of the acts enumerated in Section 48900, for the day of the suspension and the day following. The teacher shall immediately report the suspension to the principal of the school and send the pupil to the principal or the principal's 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 defined in policies and related regulations adopted by the governing board of the school district. As soon as possible, the teacher shall ask the parent or guardian of the pupil to attend a parent-teacher conference regarding the suspension. Whenever practicable, a school counselor or a school psychologist shall attend the conference. A school administrator shall attend the conference if the teacher or the parent or guardian so requests. The pupil shall not be returned to the class from which he or she was suspended, during the period of the suspension, without the concurrence of the teacher of the class and the principal.
- b. A pupil suspended from a class shall not be placed in another regular class during the period of suspension. However, if the pupil is assigned to more than one class per day this subdivision shall apply only to other regular classes scheduled at the same time as the class from which the pupil was suspended.
- c. A teacher may also refer a pupil, for any of the acts enumerated in Section 48900, to the principal or the principal's designee for consideration of a suspension from the school.

Threats to Teacher or School (Ed. C. §48900.7)

- a. In addition to the reasons specified in Sections 48900, 48900.2, 48900.3, and 48900.4, a pupil may be suspended from school or recommended for expulsion if the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has made terroristic threats against school officials or school property, or both.

(NOTE: See the full Ed. Code description for the specifics and restrictions of this provision.)

Grounds for suspension or expulsion; legislative intent

(Ed. C. § 48900)

A pupil may not be suspended from school or recommended for expulsion unless the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has committed an act as defined pursuant to one or more of subdivisions (a) to (s), inclusive:

- (a) (1) Caused, attempted to cause, or threatened to cause physical injury to another person; or
 - (2) Willfully used force or violence, except in self-defense.
 - (b) Possessed, sold, or furnished any firearm, knife, explosive, or other dangerous object, unless the pupil had obtained written permission to possess the item from a certificated school employee.
 - (c) Unlawfully possessed, used, sold, or furnished, or been under the influence of, any controlled substance/alcoholic beverage/ intoxicant of any kind.
 - (d) Unlawfully offered, arranged, or negotiated to sell any controlled substance, an alcoholic beverage, or an intoxicant of any kind, and then furnished another substance and represented it as a controlled substance.
 - (e) Committed or attempted to commit robbery or extortion.
 - (f) Caused or attempted to cause damage to school property or private property.
 - (g) Stolen or attempted to steal school property or private property.
 - (h) Possessed or used tobacco, or any products containing tobacco or nicotine products, including, but not limited to, cigarettes, cigars, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel.
 - (i) Committed an obscene act or engaged in habitual profanity or vulgarity.
 - (j) Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia.
 - (k) Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, school officials, or other school personnel engaged in the performance of their duties.
 - (l) Knowingly received stolen school property or private property.
 - (m) Possessed an imitation firearm.
 - (n) Committed or attempted to commit a sexual assault or a sexual battery.
 - (o) Harassed, threatened, or intimidated a pupil who is a complaining witness or witness in a school disciplinary proceeding.
 - (p) Offered/arranged to sell/negotiated to sell prescription drug Soma
 - (q) Engaged in/attempted to engage in hazing.
 - (r) Engaged in an act of bullying; bullying means any severe or pervasive physical or verbal act including communications made in writing or by means of an electronic act 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.
- "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.

- (s) A pupil may not be suspended or expelled for any of the acts enumerated unless that act is related to school activity or school attendance occurring within a school under the jurisdiction of the superintendent or principal or occurring within any other school district. A pupil may be suspended or expelled for acts that are enumerated in this section and related to school activity or attendance that occur at any time, including, but not limited to, any of 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 campus.
 - (4) During, or while going to or coming from, a school sponsored activity.
- (t) Aides or abets the infliction/attempted infliction of physical injury to another person.
- (w) It is the intent of the Legislature that alternatives to suspensions or expulsion be imposed against any pupil who is truant/tardy/absent from school.

48900.2 Additional grounds for suspension or expulsion; sexual harassment.

48900.3 Hate violence.

48900.4 Additional grounds for suspension or expulsion; harassment, threats, or intimidation.

48900.7 Additional grounds for suspension or expulsion; terroristic threats against school officials, school property, or both.

Additional considerations for special education students and students identified as “handicapped” under Section 504 of the Rehabilitation Act of 1973:

A student with exceptional needs may be suspended for up to, but not more than, ten (10) consecutive school days if he or she poses an immediate threat to the safety of himself or herself or others. In the case of a truly dangerous child, a suspension may exceed ten consecutive school days, or the pupil’s placement may be changed, or both, if either of the following occurs (Ed. C. § 48911(h)):

- a. The pupil’s parent or guardian agrees;
- b. A court so orders.

Expulsion: Pupils with previously identified exceptional needs

(Ed. C. § 48915.5)

Conditions for Expulsion: In a matter involving a pupil with previously identified exceptional needs who is currently enrolled in a special education program, the Board of Education may order a pupil expelled pursuant to Ed. Code 48915(b) and (d) only if all of the following conditions are met:

- a. an individualized education program team meeting is held and conducted pursuant to Article 3 (commencing with Section 56340) of Chapter 2 of the Part 30 of the Education Code;
- b. the team determines that the misconduct was not caused by, or was not a direct manifestation of, the pupil’s identified disability;
- c. the team determines that the pupil had been appropriately placed at the time the misconduct occurred.

Disturbance of School (Ed. C. §32210)

Any person who willfully disturbs any public school or any public school meeting is guilty of a misdemeanor, and shall be punished by a fine of not more than five hundred dollars (\$500).

PROVISIONS FOR A SAFE CLASSROOM

Petaluma City Schools

200 Douglas Street

Petaluma, CA 94952

778-4604

Whom to Call for Assistance or More Info

Dave Rose.....778-4605

Assistant Superintendent, Student Services
(District Office)

Sandra Larsen762-2184

PFT President (McNear Elementary School)

July 2018

TEACHERS' RIGHTS AND RESPONSIBILITIES
REGARDING STUDENT BEHAVIOR

Notification to teacher of pupils whose actions are grounds for suspension or expulsion; liability for disclosure of information; offense; punishment.

(Ed. C. § 49079)

- a. A school district shall inform the teacher of each pupil who has engaged in, or is reasonably suspected to have engaged in, any of the acts described in any of the subdivisions (except subdivision (h)) of Section 48900 or in Section 48900.2, 48900.3, 48900.4 or 48900.7 (see page 4-5 of this guide) that the pupil engaged in, or is reasonably suspected to have engaged in, those acts. The district shall provide the information to the teacher based upon any records that the district maintains in its ordinary course of business, or receives from a law enforcement agency, regarding a pupil described in this section.
- b. A school district, or school district officer or employee, is not civilly or criminally liable for providing information under this section unless it is proven that the information was false and that the district or district officer or employee knew that the information was false, or was made with a reckless disregard for the truth or falsity of the information provided.
- c. An officer or employee of a school district who knowingly fails to provide information about a pupil who has engaged in, or who is reasonably suspected to have engaged in, the acts referred to in subdivision (a), is guilty of a misdemeanor, which is punishable by confinement in the county jail for a period not to exceed six months, or by a fine not to exceed one thousand dollars (\$1,000), or both.
- d. For each school year after 1996-97, the information provided shall be from the previous three school years.
- e. Any information received by a teacher pursuant to this section shall be received in confidence for the limited purpose for which it was provided and shall not be further disseminated by the teacher.

Duty concerning conduct of pupils (Ed. C. § 44807)

Every teacher in the public schools shall hold pupils to a strict account for their conduct on the way to and from school, on the playgrounds, or during recess. A teacher, vice principal, principal, or any other certificated employee of a school district, shall not be subject to criminal prosecution or criminal penalties for the exercise, during the performance of his duties, of the same degree of physical control over a pupil that a parent would be legally privileged to exercise but which in no event shall exceed the amount of physical control reasonably necessary to maintain order, protect property, or protect the health and safety of pupils, or to maintain proper and appropriate conditions conducive to learning. The provisions of this section are in addition to and do not supersede the provisions of Section 49000 (on the prohibition of corporal punishment).

Willful interference with classroom conduct (Ed. C. § 44810)

Every minor over 16 years of age or adult, who is not a pupil of the school, including but not limited to any such minor or adult who is the parent or guardian of a pupil of the school who comes upon any school ground or into any schoolhouse and there willfully interferes with the discipline, good order, lawful conduct, or administration of any school class or activity of the school, with the intent to disrupt, obstruct, or to inflict damage to property or bodily injury upon any person, is guilty of a misdemeanor, and is punishable upon the first conviction by a fine of not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000), or by imprisonment in the county jail for not more than one year, or both.

Disruption of classwork or extracurricular activities; punishment; exemptions (Ed. C. § 44811)

Any parent, guardian, or other person whose conduct in a place where a school employee is required to be in the course of his or her duties materially disrupts classwork or extracurricular activities or involves substantial disorder is guilty of a misdemeanor punishable on the first conviction by a fine not less than \$500 and not more than \$1,000, by imprisonment in the county jail for a period of not more than one year, or both. This section does not apply to any otherwise lawful employee concerted activity, including, but not limited to, picketing and the distribution of handbills.

Suspension by teacher; reports; conferences; referrals (Ed. C. § 48910)

- a. A teacher may suspend any pupil from the teacher's class, for any of the acts enumerated in Section 48900, for the day of the suspension and the day following. The teacher shall immediately report the suspension to the principal of the school and send the pupil to the principal or the principal's 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 defined in policies and related regulations adopted by the governing board of the school district. As soon as possible, the teacher shall ask the parent or guardian of the pupil to attend a parent-teacher conference regarding the suspension. Whenever practicable, a school counselor or a school psychologist shall attend the conference. A school administrator shall attend the conference if the teacher or the parent or guardian so requests. The pupil shall not be returned to the class from which he or she was suspended, during the period of the suspension, without the concurrence of the teacher of the class and the principal.
- b. A pupil suspended from a class shall not be placed in another regular class during the period of suspension. However, if the pupil is assigned to more than one class per day this subdivision shall apply only to other regular classes scheduled at the same time as the class from which the pupil was suspended.
- c. A teacher may also refer a pupil, for any of the acts enumerated in Section 48900, to the principal or the principal's designee for consideration of a suspension from the school.

Threats to Teacher or School (Ed. C. §48900.7)

- a. In addition to the reasons specified in Sections 48900, 48900.2, 48900.3, and 48900.4, a pupil may be suspended from school or recommended for expulsion if the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has made terroristic threats against school officials or school property, or both.

(NOTE: See the full Ed. Code description for the specifics and restrictions of this provision.)

Grounds for suspension or expulsion; legislative intent

(Ed. C. § 48900)

A pupil may not be suspended from school or recommended for expulsion unless the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has committed an act as defined pursuant to one or more of subdivisions (a) to (s), inclusive:

- (a) (1) Caused, attempted to cause, or threatened to cause physical injury to another person; or
 - (2) Willfully used force or violence, except in self-defense.
 - (b) Possessed, sold, or furnished any firearm, knife, explosive, or other dangerous object, unless the pupil had obtained written permission to possess the item from a certificated school employee.
 - (c) Unlawfully possessed, used, sold, or furnished, or been under the influence of, any controlled substance/alcoholic beverage/ intoxicant of any kind.
 - (d) Unlawfully offered, arranged, or negotiated to sell any controlled substance, an alcoholic beverage, or an intoxicant of any kind, and then furnished another substance and represented it as a controlled substance.
 - (e) Committed or attempted to commit robbery or extortion.
 - (f) Caused or attempted to cause damage to school property or private property.
 - (g) Stolen or attempted to steal school property or private property.
 - (h) Possessed or used tobacco, or any products containing tobacco or nicotine products, including, but not limited to, cigarettes, cigars, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel.
 - (i) Committed an obscene act or engaged in habitual profanity or vulgarity.
 - (j) Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia.
 - (k) Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, school officials, or other school personnel engaged in the performance of their duties.
 - (l) Knowingly received stolen school property or private property.
 - (m) Possessed an imitation firearm.
 - (n) Committed or attempted to commit a sexual assault or a sexual battery.
 - (o) Harassed, threatened, or intimidated a pupil who is a complaining witness or witness in a school disciplinary proceeding.
 - (p) Offered/arranged to sell/negotiated to sell prescription drug Soma
 - (q) Engaged in/attempted to engage in hazing.
 - (r) Engaged in an act of bullying; bullying means any severe or pervasive physical or verbal act including communications made in writing or by means of an electronic act 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.
- "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.

- (s) A pupil may not be suspended or expelled for any of the acts enumerated unless that act is related to school activity or school attendance occurring within a school under the jurisdiction of the superintendent or principal or occurring within any other school district. A pupil may be suspended or expelled for acts that are enumerated in this section and related to school activity or attendance that occur at any time, including, but not limited to, any of 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 campus.
 - (4) During, or while going to or coming from, a school sponsored activity.
- (t) Aides or abets the infliction/attempted infliction of physical injury to another person.
- (w) It is the intent of the Legislature that alternatives to suspensions or expulsion be imposed against any pupil who is truant/tardy/absent from school.

48900.2 Additional grounds for suspension or expulsion; sexual harassment.

48900.3 Hate violence.

48900.4 Additional grounds for suspension or expulsion; harassment, threats, or intimidation.

48900.7 Additional grounds for suspension or expulsion; terroristic threats against school officials, school property, or both.

Additional considerations for special education students and students identified as “handicapped” under Section 504 of the Rehabilitation Act of 1973:

A student with exceptional needs may be suspended for up to, but not more than, ten (10) consecutive school days if he or she poses an immediate threat to the safety of himself or herself or others. In the case of a truly dangerous child, a suspension may exceed ten consecutive school days, or the pupil’s placement may be changed, or both, if either of the following occurs (Ed. C. § 48911(h)):

- a. The pupil’s parent or guardian agrees;
- b. A court so orders.

Expulsion: Pupils with previously identified exceptional needs

(Ed. C. § 48915.5)

Conditions for Expulsion: In a matter involving a pupil with previously identified exceptional needs who is currently enrolled in a special education program, the Board of Education may order a pupil expelled pursuant to Ed. Code 48915(b) and (d) only if all of the following conditions are met:

- a. an individualized education program team meeting is held and conducted pursuant to Article 3 (commencing with Section 56340) of Chapter 2 of the Part 30 of the Education Code;
- b. the team determines that the misconduct was not caused by, or was not a direct manifestation of, the pupil’s identified disability;
- c. the team determines that the pupil had been appropriately placed at the time the misconduct occurred.

Disturbance of School (Ed. C. §32210)

Any person who willfully disturbs any public school or any public school meeting is guilty of a misdemeanor, and shall be punished by a fine of not more than five hundred dollars (\$500).

PROVISIONS FOR A SAFE CLASSROOM

Petaluma City Schools

200 Douglas Street

Petaluma, CA 94952

778-4604

Whom to Call for Assistance or More Info

Dave Rose.....778-4605
Assistant Superintendent, Student Services
(District Office)

Sandra Larsen762-2184
PFT President (McNear Elementary School)

July 2018

TEACHERS' RIGHTS AND RESPONSIBILITIES
REGARDING STUDENT BEHAVIOR

Notification to teacher of pupils whose actions are grounds for suspension or expulsion; liability for disclosure of information; offense; punishment.

(Ed. C. § 49079)

- a. A school district shall inform the teacher of each pupil who has engaged in, or is reasonably suspected to have engaged in, any of the acts described in any of the subdivisions (except subdivision (h)) of Section 48900 or in Section 48900.2, 48900.3, 48900.4 or 48900.7 (see page 4-5 of this guide) that the pupil engaged in, or is reasonably suspected to have engaged in, those acts. The district shall provide the information to the teacher based upon any records that the district maintains in its ordinary course of business, or receives from a law enforcement agency, regarding a pupil described in this section.
- b. A school district, or school district officer or employee, is not civilly or criminally liable for providing information under this section unless it is proven that the information was false and that the district or district officer or employee knew that the information was false, or was made with a reckless disregard for the truth or falsity of the information provided.
- c. An officer or employee of a school district who knowingly fails to provide information about a pupil who has engaged in, or who is reasonably suspected to have engaged in, the acts referred to in subdivision (a), is guilty of a misdemeanor, which is punishable by confinement in the county jail for a period not to exceed six months, or by a fine not to exceed one thousand dollars (\$1,000), or both.
- d. For each school year after 1996-97, the information provided shall be from the previous three school years.
- e. Any information received by a teacher pursuant to this section shall be received in confidence for the limited purpose for which it was provided and shall not be further disseminated by the teacher.

Duty concerning conduct of pupils (Ed. C. § 44807)

Every teacher in the public schools shall hold pupils to a strict account for their conduct on the way to and from school, on the playgrounds, or during recess. A teacher, vice principal, principal, or any other certificated employee of a school district, shall not be subject to criminal prosecution or criminal penalties for the exercise, during the performance of his duties, of the same degree of physical control over a pupil that a parent would be legally privileged to exercise but which in no event shall exceed the amount of physical control reasonably necessary to maintain order, protect property, or protect the health and safety of pupils, or to maintain proper and appropriate conditions conducive to learning. The provisions of this section are in addition to and do not supersede the provisions of Section 49000 (on the prohibition of corporal punishment).

Willful interference with classroom conduct (Ed. C. § 44810)

Every minor over 16 years of age or adult, who is not a pupil of the school, including but not limited to any such minor or adult who is the parent or guardian of a pupil of the school who comes upon any school ground or into any schoolhouse and there willfully interferes with the discipline, good order, lawful conduct, or administration of any school class or activity of the school, with the intent to disrupt, obstruct, or to inflict damage to property or bodily injury upon any person, is guilty of a misdemeanor, and is punishable upon the first conviction by a fine of not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000), or by imprisonment in the county jail for not more than one year, or both.

Disruption of classwork or extracurricular activities; punishment; exemptions (Ed. C. § 44811)

Any parent, guardian, or other person whose conduct in a place where a school employee is required to be in the course of his or her duties materially disrupts classwork or extracurricular activities or involves substantial disorder is guilty of a misdemeanor punishable on the first conviction by a fine not less than \$500 and not more than \$1,000, by imprisonment in the county jail for a period of not more than one year, or both. This section does not apply to any otherwise lawful employee concerted activity, including, but not limited to, picketing and the distribution of handbills.

Suspension by teacher; reports; conferences; referrals (Ed. C. § 48910)

- a. A teacher may suspend any pupil from the teacher's class, for any of the acts enumerated in Section 48900, for the day of the suspension and the day following. The teacher shall immediately report the suspension to the principal of the school and send the pupil to the principal or the principal's 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 defined in policies and related regulations adopted by the governing board of the school district. As soon as possible, the teacher shall ask the parent or guardian of the pupil to attend a parent-teacher conference regarding the suspension. Whenever practicable, a school counselor or a school psychologist shall attend the conference. A school administrator shall attend the conference if the teacher or the parent or guardian so requests. The pupil shall not be returned to the class from which he or she was suspended, during the period of the suspension, without the concurrence of the teacher of the class and the principal.
- b. A pupil suspended from a class shall not be placed in another regular class during the period of suspension. However, if the pupil is assigned to more than one class per day this subdivision shall apply only to other regular classes scheduled at the same time as the class from which the pupil was suspended.
- c. A teacher may also refer a pupil, for any of the acts enumerated in Section 48900, to the principal or the principal's designee for consideration of a suspension from the school.

Threats to Teacher or School (Ed. C. §48900.7)

- a. In addition to the reasons specified in Sections 48900, 48900.2, 48900.3, and 48900.4, a pupil may be suspended from school or recommended for expulsion if the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has made terroristic threats against school officials or school property, or both.

(NOTE: See the full Ed. Code description for the specifics and restrictions of this provision.)

Grounds for suspension or expulsion; legislative intent

(Ed. C. § 48900)

A pupil may not be suspended from school or recommended for expulsion unless the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has committed an act as defined pursuant to one or more of subdivisions (a) to (s), inclusive:

- (a) (1) Caused, attempted to cause, or threatened to cause physical injury to another person; or
 - (2) Willfully used force or violence, except in self-defense.
 - (b) Possessed, sold, or furnished any firearm, knife, explosive, or other dangerous object, unless the pupil had obtained written permission to possess the item from a certificated school employee.
 - (c) Unlawfully possessed, used, sold, or furnished, or been under the influence of, any controlled substance/alcoholic beverage/ intoxicant of any kind.
 - (d) Unlawfully offered, arranged, or negotiated to sell any controlled substance, an alcoholic beverage, or an intoxicant of any kind, and then furnished another substance and represented it as a controlled substance.
 - (e) Committed or attempted to commit robbery or extortion.
 - (f) Caused or attempted to cause damage to school property or private property.
 - (g) Stolen or attempted to steal school property or private property.
 - (h) Possessed or used tobacco, or any products containing tobacco or nicotine products, including, but not limited to, cigarettes, cigars, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel.
 - (i) Committed an obscene act or engaged in habitual profanity or vulgarity.
 - (j) Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia.
 - (k) Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, school officials, or other school personnel engaged in the performance of their duties.
 - (l) Knowingly received stolen school property or private property.
 - (m) Possessed an imitation firearm.
 - (n) Committed or attempted to commit a sexual assault or a sexual battery.
 - (o) Harassed, threatened, or intimidated a pupil who is a complaining witness or witness in a school disciplinary proceeding.
 - (p) Offered/arranged to sell/negotiated to sell prescription drug Soma
 - (q) Engaged in/attempted to engage in hazing.
 - (r) Engaged in an act of bullying; bullying means any severe or pervasive physical or verbal act including communications made in writing or by means of an electronic act 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.
- "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.

- (s) A pupil may not be suspended or expelled for any of the acts enumerated unless that act is related to school activity or school attendance occurring within a school under the jurisdiction of the superintendent or principal or occurring within any other school district. A pupil may be suspended or expelled for acts that are enumerated in this section and related to school activity or attendance that occur at any time, including, but not limited to, any of 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 campus.
 - (4) During, or while going to or coming from, a school sponsored activity.
- (t) Aides or abets the infliction/attempted infliction of physical injury to another person.
- (w) It is the intent of the Legislature that alternatives to suspensions or expulsion be imposed against any pupil who is truant/tardy/absent from school.

48900.2 Additional grounds for suspension or expulsion; sexual harassment.

48900.3 Hate violence.

48900.4 Additional grounds for suspension or expulsion; harassment, threats, or intimidation.

48900.7 Additional grounds for suspension or expulsion; terroristic threats against school officials, school property, or both.

Additional considerations for special education students and students identified as “handicapped” under Section 504 of the Rehabilitation Act of 1973:

A student with exceptional needs may be suspended for up to, but not more than, ten (10) consecutive school days if he or she poses an immediate threat to the safety of himself or herself or others. In the case of a truly dangerous child, a suspension may exceed ten consecutive school days, or the pupil’s placement may be changed, or both, if either of the following occurs (Ed. C. § 48911(h)):

- a. The pupil’s parent or guardian agrees;
- b. A court so orders.

Expulsion: Pupils with previously identified exceptional needs

(Ed. C. § 48915.5)

Conditions for Expulsion: In a matter involving a pupil with previously identified exceptional needs who is currently enrolled in a special education program, the Board of Education may order a pupil expelled pursuant to Ed. Code 48915(b) and (d) only if all of the following conditions are met:

- a. an individualized education program team meeting is held and conducted pursuant to Article 3 (commencing with Section 56340) of Chapter 2 of the Part 30 of the Education Code;
- b. the team determines that the misconduct was not caused by, or was not a direct manifestation of, the pupil’s identified disability;
- c. the team determines that the pupil had been appropriately placed at the time the misconduct occurred.

Disturbance of School (Ed. C. §32210)

Any person who willfully disturbs any public school or any public school meeting is guilty of a misdemeanor, and shall be punished by a fine of not more than five hundred dollars (\$500).

PROVISIONS FOR A SAFE CLASSROOM

Petaluma City Schools
200 Douglas Street
Petaluma, CA 94952
778-4604

Whom to Call for Assistance or More Info

Dave Rose.....778-4605
Assistant Superintendent, Student Services
(District Office)
Sandra Larsen762-2184
PFT President (McNear Elementary School)

July 2018

TEACHERS' RIGHTS AND RESPONSIBILITIES
REGARDING STUDENT BEHAVIOR

Notification to teacher of pupils whose actions are grounds for suspension or expulsion; liability for disclosure of information; offense; punishment.

(Ed. C. § 49079)

- a. A school district shall inform the teacher of each pupil who has engaged in, or is reasonably suspected to have engaged in, any of the acts described in any of the subdivisions (except subdivision (h)) of Section 48900 or in Section 48900.2, 48900.3, 48900.4 or 48900.7 (see page 4-5 of this guide) that the pupil engaged in, or is reasonably suspected to have engaged in, those acts. The district shall provide the information to the teacher based upon any records that the district maintains in its ordinary course of business, or receives from a law enforcement agency, regarding a pupil described in this section.
- b. A school district, or school district officer or employee, is not civilly or criminally liable for providing information under this section unless it is proven that the information was false and that the district or district officer or employee knew that the information was false, or was made with a reckless disregard for the truth or falsity of the information provided.
- c. An officer or employee of a school district who knowingly fails to provide information about a pupil who has engaged in, or who is reasonably suspected to have engaged in, the acts referred to in subdivision (a), is guilty of a misdemeanor, which is punishable by confinement in the county jail for a period not to exceed six months, or by a fine not to exceed one thousand dollars (\$1,000), or both.
- d. For each school year after 1996-97, the information provided shall be from the previous three school years.
- e. Any information received by a teacher pursuant to this section shall be received in confidence for the limited purpose for which it was provided and shall not be further disseminated by the teacher.

Duty concerning conduct of pupils (Ed. C. § 44807)

Every teacher in the public schools shall hold pupils to a strict account for their conduct on the way to and from school, on the playgrounds, or during recess. A teacher, vice principal, principal, or any other certificated employee of a school district, shall not be subject to criminal prosecution or criminal penalties for the exercise, during the performance of his duties, of the same degree of physical control over a pupil that a parent would be legally privileged to exercise but which in no event shall exceed the amount of physical control reasonably necessary to maintain order, protect property, or protect the health and safety of pupils, or to maintain proper and appropriate conditions conducive to learning. The provisions of this section are in addition to and do not supersede the provisions of Section 49000 (on the prohibition of corporal punishment).

Willful interference with classroom conduct (Ed. C. § 44810)

Every minor over 16 years of age or adult, who is not a pupil of the school, including but not limited to any such minor or adult who is the parent or guardian of a pupil of the school who comes upon any school ground or into any schoolhouse and there willfully interferes with the discipline, good order, lawful conduct, or administration of any school class or activity of the school, with the intent to disrupt, obstruct, or to inflict damage to property or bodily injury upon any person, is guilty of a misdemeanor, and is punishable upon the first conviction by a fine of not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000), or by imprisonment in the county jail for not more than one year, or both.

Disruption of classwork or extracurricular activities; punishment; exemptions (Ed. C. § 44811)

Any parent, guardian, or other person whose conduct in a place where a school employee is required to be in the course of his or her duties materially disrupts classwork or extracurricular activities or involves substantial disorder is guilty of a misdemeanor punishable on the first conviction by a fine not less than \$500 and not more than \$1,000, by imprisonment in the county jail for a period of not more than one year, or both. This section does not apply to any otherwise lawful employee concerted activity, including, but not limited to, picketing and the distribution of handbills.

Suspension by teacher; reports; conferences; referrals (Ed. C. § 48910)

- a. A teacher may suspend any pupil from the teacher's class, for any of the acts enumerated in Section 48900, for the day of the suspension and the day following. The teacher shall immediately report the suspension to the principal of the school and send the pupil to the principal or the principal's 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 defined in policies and related regulations adopted by the governing board of the school district. As soon as possible, the teacher shall ask the parent or guardian of the pupil to attend a parent-teacher conference regarding the suspension. Whenever practicable, a school counselor or a school psychologist shall attend the conference. A school administrator shall attend the conference if the teacher or the parent or guardian so requests. The pupil shall not be returned to the class from which he or she was suspended, during the period of the suspension, without the concurrence of the teacher of the class and the principal.
- b. A pupil suspended from a class shall not be placed in another regular class during the period of suspension. However, if the pupil is assigned to more than one class per day this subdivision shall apply only to other regular classes scheduled at the same time as the class from which the pupil was suspended.
- c. A teacher may also refer a pupil, for any of the acts enumerated in Section 48900, to the principal or the principal's designee for consideration of a suspension from the school.

Threats to Teacher or School (Ed. C. §48900.7)

- a. In addition to the reasons specified in Sections 48900, 48900.2, 48900.3, and 48900.4, a pupil may be suspended from school or recommended for expulsion if the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has made terroristic threats against school officials or school property, or both.

(NOTE: See the full Ed. Code description for the specifics and restrictions of this provision.)