



CAPISTRANO UNIFIED SCHOOL DISTRICT

MIDDLE SCHOOL DISCIPLINARY POLICIES AND PROCEDURES

2021-2022

KIRSTEN VITAL BRULTE, SUPERINTENDENT

**33122 VALLE ROAD
SAN JUAN CAPISTRANO, CA 92675
949-234-9200**

CAPISTRANO UNIFIED SCHOOL DISTRICT
33122 Valle Road
San Juan Capistrano, CA 92675

BOARD OF TRUSTEES

Martha McNicholas, President
Krista Castellanos, Vice President
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Kirsten M. Vital Brulte
Superintendent

Mike Beekman
Executive Director
Safety and Student Services

Uniform Complaint Procedures

Please utilize the current Uniform Complaint process according to Capistrano Unified School District's [Board Policy 1312.3](#) and accompanying [Administrative Regulation](#) for all discrimination complaints, including Title IX concerns. The District is in the process of revising these in accordance with the 2020 changes.

How to File a Complaint:

1. Utilize the Uniform Complaint Procedures: [English](#) | [Spanish](#)
2. Complete the Uniform Complaint Form: [English](#) | [Spanish](#)
3. Send or deliver to the office of Rich Montgomery

Non-Discrimination Statement

The Capistrano Unified School District prohibits discrimination, intimidation, harassment (including sexual harassment) or bullying based on a person's actual or perceived ancestry, color, disability, gender, gender identity, gender expression, immigration status, nationality, race or ethnicity, religion, sex, sexual orientation, or association with a person or a group with one or more of these actual or perceived characteristics. For questions or complaints, contact Equity Compliance Officer: Rich Montgomery, Assistant Superintendent, Human Resource Services, 33122 Valle Road, San Juan Capistrano, CA 92675, 949-234-9373, rjmontgomery@capousd.org ; Title IX Coordinator: Rich Montgomery, Assistant Superintendent, Human Resource Services, 33122 Valle Road, San Juan Capistrano, CA 92675, 949-234-9373, rjmontgomery@capousd.org and Section 504 Coordinator: Refugio "Cuco" Gracian, Executive Director, Cultural Proficiency, Equity, Access, SEL, 33122 Valle Road, San Juan Capistrano, CA 92675, 949-234-9250, ccgracian@capousd.org.

The Capistrano Unified School District (CUSD) is committed to providing a safe and orderly setting in which students enjoy a positive academic and social environment. Students who comply with basic discipline guidelines and work diligently on academics will reap a variety of rewards.

CUSD's goal is to support each student in becoming a positive and responsible citizen. We know that students will work toward this goal by respecting the rights of others, respecting personal and school property, and by practicing socially acceptable behavior. The following rules and regulations are in effect on or near school grounds, off campus during school hours, at school-sponsored functions, during distance learning in the event of a campus closure, and while on the way to or from school or school-related activities. Administrators may find it necessary to add or subtract from the disciplinary policies described in this handbook to ensure progressive discipline and overall consistency and fairness. Unless otherwise noted, the discipline consequences apply for the entire current school year.

With your student, please review the CUSD Middle School Policies regarding:

- I. Student Intervention Plan
- II. Attendance/Tardy
- III. Student Dress/Grooming Standard
- IV. Student Conduct
- V. Academic Integrity
- VI. Vaping, Tobacco, Drugs, Alcohol, & all Controlled Substances
- VII. Serious Suspendable/Expellable Offenses

I. STUDENT INTERVENTION PLAN

CUSD Middle Schools utilize the Positive Behavioral Intervention and Supports (PBIS) approach. *"PBIS is a systemic approach to proactive, school-wide behavior based on a Response to Intervention (RtI) model. PBIS applies evidence-based programs, practices and strategies for all students to increase academic performance, improve safety, decrease problem behavior, and establish a positive school culture. Schools implementing PBIS build on existing strengths, complementing and organizing current programming and strategies."*

Our goal is to help each student become a positive and responsible citizen. We know that the majority of students will work toward this goal by respecting the rights of others, respecting personal and school property, and by practicing acceptable behavior. The following rules and regulations are in effect on or near school grounds, off campus during school hours, at school-related sponsored functions, bus stops, and while on the way to or from school or school activities. Unless otherwise noted, the discipline consequences apply for the entire current school year.

Interventions are intended to review the major infractions and usual consequences; however, CUSD recognizes that some actions not listed below may cause a disruption to the instructional process and/or environment. In those cases, the school administration reserves the right to take disciplinary action at their discretion.

All administrative decisions regarding student behavior and resulting consequence(s) are administered within strict adherence to California State Education Code and CUSD Board Policy.

CUSD follows a system that includes positive interventions and progressive discipline where the severity of the consequence depends on the severity of the behavior and/or the pattern of behaviors a student exhibits. All interventions are at the discretion of the school administration and take into account individual student needs and the circumstances of each incident.

Suspension shall be imposed only when other means of correction fail to bring about proper conduct. However, suspension on the first offense is authorized for 48900 (a) through (e) offenses and/or when the pupil's presence causes a danger to persons (EC §48900.5). Discretion may be used to provide alternatives to suspension or expulsion that are age appropriate and designed to address the specific misbehavior (EC §48900(v)).

Note: Any student who is suspended from school may not be on campus or attend school-related activities while on suspension. Any student who is involuntarily transferred to an alternative educational site may not attend comprehensive middle school activities, or be on the campus of the school from which they were suspended.

Interventions:

Positive Reinforcements:	Incentives both verbal and tangible for students achieving and exceeding school-wide expectations.
Classroom Behavior Supports:	Interventions in accordance with the classroom discipline plan.
Counseling:	Meeting with the school-site counselor, referral to community resources, conflict mediation, reflective assignment, restorative circles, etc.
Parent Conference:	Meeting with parents, teachers, students and other appropriate personnel wherein the team discusses student challenges and possible interventions.
Student Success Team:	Meeting with parents, teachers, students and other appropriate personnel to create a plan for intervention strategies and supports for student success both behaviorally and academically.
Referral:	The referral is reviewed with the student by an administrator. The administrator determines the appropriate intervention based on the student's progressive discipline status.
Detention:	Consequence given for inappropriate behavior. Detentions may take place before/after school and/or during lunch.
Class Suspension:	Students will be removed from a particular class for the period indicated and supervised on campus.
Behavior Contract:	If a student's behavior pattern continues, administration will place student on a Behavior Contract appropriate to address the student's behavior.

- Parent Escort: A parent or guardian will attend all or part of the school day as determined appropriate by the administrator.
- Suspension: Student is excluded from school and school activities for the duration of the suspension. Suspension, including supervised suspension as described in Section 48911.1, shall be imposed only when other means of correction fail to bring about proper conduct. A school district will document the other means of correction used and place that documentation in the pupil's record, which may be accessed pursuant to Section 49069. However, a pupil, including an individual with exceptional needs as defined in Section 56026, may be suspended for any of the reasons enumerated in Section 48900 upon a first offense, if the principal or superintendent of schools determines that the pupil violated subdivision (a), (b), (c), (d), or (e) of Section 48900 or that the pupil's presence causes a danger to persons.
- Alternative to Suspension: A District operated classroom for students who are suspended for California Education Code §48900 violations. Students are under supervision of credentialed teachers and counselors.
- Involuntary Transfer: Revoke School of Choice and/or Inter-District Transfer.
- Expulsion: A recommendation that the student is removed from that site or the District.

Other means of correction include, but are not limited to, the following:

- A conference between school personnel, the student's parent or guardian, and the student.
- Referrals to the school counselor, psychologist, social worker, child welfare and attendance personnel, or other school support service personnel for case management and counseling.
- Student success teams, guidance teams, resource panel teams, or other intervention-related teams that assess the behavior, and develop and implement individualized plans to address the behavior in partnership with the pupil and his or her parents.
- Referral for a comprehensive psychosocial or psychoeducational assessment, including for purposes of creating an individualized education program, or a plan adopted pursuant to Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794(a)).
- Enrollment in a program for teaching prosocial behavior or anger management.
- Participation in a restorative justice program.
- A positive behavior support approach with tiered interventions that occur during the school day on campus
- After-school programs that address specific behavioral issues or expose pupils to positive activities and behaviors, including, but not limited to, those operated in collaboration with local parent and community groups.
- Any of the alternatives described in Section 48900.6.

Please Note:

- School site personnel are considered mandated reporters and will report suspected cases of abuse to Child Protective Services (CPS) or law enforcement for a welfare check.

- The school practices a policy of progressive discipline where consequences increase as a result of repeated patterns of behavior or with increasing severity of behavior.
- The school official executing the discipline policies and procedures exercises the right to adapt his/her decision to meet the fair and appropriate consequence that fits each individual situation.
- The school initiates Behavior Contracts when a pattern of disruptive behavior has been established. Upon violating the Behavior Contract, a student may lose privileges such as school activities (i.e., dances, field trips, etc) or be recommended for expulsion.
- School officials may search individual students, their property, and/or school issued lockers when there is a reasonable suspicion that the search will uncover evidence that the student is violating the law or the rules of the District or the school (Board Policy 5154(a)).
- During investigations, students will be questioned and may be requested to write a “Statement of Facts.” If these statements are used in an expulsion case, parents may utilize an Anonymous Witness Statement form in accordance with California Education Code Section 48918. If law enforcement is involved in an investigation, the school will attempt to contact parent of the student being interviewed.
- Law enforcement officers have the right to interview students on school premises in accordance with Welfare and Institutions Code 625.6. Administration shall accommodate the questioning in a way that causes the least possible disruption to the school process and gives the student appropriate privacy (Board Policy 5153 (a)). Except in cases of child abuse or neglect, the principal or designee shall notify the student’s parent/guardian as soon as practicable after the law enforcement officer interviews a student on school premises.
- CUSD is not responsible for damaged, lost, or stolen items that a student has brought from home.
- Administration and staff will investigate incidents involving these items at their discretion.
- Parents may be asked to personally retrieve confiscated items.

II. ATTENDANCE/TARDY

Attendance:

As parents, you have the responsibility to make school a **#1** priority for your child. **An average absence rate of more than one day per month is considered excessive.** By making sure your child is in school every day, you ensure his or her opportunity to learn. Research indicates that when parents actively participate in their child's education, the quality of learning improves. Such participation also improves student test scores and creates an atmosphere that enhances student success.

Regular attendance at school is critical to the success of all students.

Please call or email the school to report your child’s absence and provide the following information:

- **The date(s) of the absence**
- **The person calling**
- **Your child’s full name**
- **The reason for the absence**

If you do not call in or email regarding your child’s absence, your child must have a note with your signature indicating the above information for the day(s) he/she was absent from school. If you do not contact the office by 11:00 a.m. on the day of the absence, an automated calling and/or e-mail system will contact you regarding your child’s absence.

Excessive Illnesses:

When a student has had 14 days of absences in the school year for illness or equivalent of period absences, any further absence for illness shall be verified by a physician with appropriate documentation. Parents will receive a warning letter after 10 days of illness.

Excused Absences:

Excused absences may include: illness, medical or dental appointments, death or serious illness in immediate family, religious holidays, quarantine, or immunization exclusion. If your child will be out of school for five consecutive school days or more, you can request an Independent Study Contract with 10 days advance notice to the attendance clerk.

Truants/Unexcused Absences:

Students who are on campus but miss their assigned class without permission from school staff are considered truant. **If a student is more than 30 minutes late, the student is truant.** Also, those students who leave campus, stay home without permission from a parent/guardian, or have an absence that remains unexcused after 72 hours, will be recorded as truant. When a student has had 14 absences in the school year for illness, any further absence for illness shall be verified by a physician with appropriate documentation. Failure to provide this documentation will result in a truancy.

Unexcused absences include all absences or trancies:

Unexcused absences may include but are not limited to: traffic, vacations, shopping, staying home to visit with friends or family, transportation breakdown, working, missing the bus, negligence, truancy, too tired, etc. A total of three days of unexcused absences or trancies or 18 period absences can trigger the **School Attendance Review Board (SARB)** process and may receive disciplinary actions at school for truancy. Parents will be sent a letter notifying them that their child is habitually absent/ truant. Additional unexcused absences/trancies will prompt a mandatory meeting with the District Attorney's office and potential prosecution.

Tardy-Late to School:

Any student who arrives late to school must check in to the attendance office to get a pass to enter class. Students who arrive to class late create a disruption, regardless of the reason, and will be marked tardy. California State law will excuse tardies for illness and medical appointments; unfortunately, we are unable to excuse tardies for traffic, rain, car difficulties, or any other circumstance not listed under "Excused."

Tardy-Late to Class:

A student is tardy when he/she is not in a seat in class when the first bell rings to begin class. The only way to excuse a tardy is for a student to have a note (with the student's name, date, and time) signed by a staff member. Since classroom tardies disrupt the educational environment and affect the classroom teacher directly, parents cannot excuse classroom tardies. *An absence is recorded if a student is more than 30 minutes late to class.

Dismissal for Medical, Dental, or Personal Appointments:

If your child must leave during the school day, you may send a note with him/her indicating the time and nature of the early dismissal. Your child **will bring the note to the office before school** and receive a "Special Excuse" slip. He/she will show this slip to the classroom teacher at the beginning of the appropriate class period. The teacher will send him/her to the attendance office at the designated time. A parent or guardian must come into the office to sign the student out before he/she may leave campus and may be asked for a photo ID. Your child may not leave campus in the custody

of anyone other than a parent or guardian or person authorized on the emergency card. This is for your child's protection.

Illness at School:

If your child becomes ill at school, he/she is to request permission from his or her teacher to report to the office. If the child is too ill to continue his/her day at school, the health office will call the parent or guardian to pick up the child. **UNDER NO CIRCUMSTANCES** is a child to call his/her parents/guardians to pick him/her up and leave the premises without the school personnel being notified.

Independent Study Contract (ISC):

Students who will be away from school for five or more days, other than illness, may be able to receive class work and remain up-to-date. To **request** an ISC, please notify the office **AT LEAST TEN SCHOOL DAYS PRIOR TO THE FIRST DAY OF ABSENCE** so that the *Request can be reviewed, and if approved, class assignments may be organized.

***NOTES:**

ISC may be denied for absences during the 5 days at the beginning/end of the grading period, during CAASPP testing, during finals as well due to low grades and/or poor attendance.

For students who have an IEP or a Section 504 plan, an ISC may result in a change of FAPE offer; please discuss any change of FAPE offers within the confines of an IEP team meeting or Section 504 team meeting.

The ISC process helps students to keep up with school work, but there is no substitute for teacher instruction and class interaction. **Please schedule vacations appropriately.**

Independent Physical Education (IPE):

Students who compete in an individual sport to an exceptional degree of competition, may request District approval for IPE.

- The student must be a nationally ranked athlete, or equivalent, performing or competing at a nationally recognized level (see Sports Qualifications).
- Team sport participation does not qualify for IPE.
- Students who meet the criteria for IPE will be scheduled into Online Independent Physical Education; IPE applications must be submitted during the application window.

For additional information and to apply for IPE, review the IPE Link located on the CUSD website.

III. STUDENT DRESS AND GROOMING STANDARDS

Dress Code Philosophy:

Appropriate dress and grooming contribute to a productive learning environment. The Board expects students to give proper attention to personal cleanliness and to wear clothes suitable for the school activities in which students participate. Student dress choices should respect the District's intent to sustain a community that is inclusive of a diverse range of identities. The primary responsibility for a student's attire resides with the student and the student's parent(s) or guardian(s). The District is responsible for ensuring that student attire does not interfere with the health or safety of any student, that student attire does not contribute to a hostile or intimidating atmosphere for any student, and

that dress code enforcement does not reinforce or increase marginalization, shaming, or oppression of any group based on race, sex, gender identity, gender expression, sexual orientation, ethnicity, immigration status, disability, or religion.

1. Basic Principle: Certain body parts must be covered for all students at all times.

Clothes must be worn in a way such that genitals, buttocks, breasts, and stomach are fully covered with opaque fabric. All items listed in the “must wear” and “may wear” categories below must meet this basic principle.

2. Students Must Wear*, while following the basic principle of Section 1 above:

- A **Shirt** (with a minimum of a 1 inch wide strap and fabric in the front, back, and on the sides immediately under the armpits), **and**
- **Pants/jeans or the equivalent** (for example, sweatpants, opaque leggings, or shorts), **or**
- **A dress or skirt, and**
- **Shoes** (as appropriate for the environment and activity).

**Courses that include attire as part of the curriculum (for example, professionalism, public speaking, and job readiness) may include assignment-specific dress, but should not focus on covering bodies in a particular way or promoting culturally-specific attire. Activity-specific attire requirements are permitted for extracurricular activities and physical education.*

3. Students May Wear, as long as these items do not violate Section 1 above:

- Sun-protective clothing, such as hats and hoods, or wear body or hair protection as necessary as long as the face is not obstructed; these items are allowed to be worn outdoors during the school day. The student’s face must be visible to staff, and headwear must not interfere with the line of sight of any student or staff.
- Athletic attire, as necessary for athletic activities.

4. Students Cannot Wear:

- Clothing or accessories displaying profanity, pornography, and violent language or images.
- Clothing or accessories considered unsafe, dangerous or a health hazard.
- Images or language depicting drugs or alcohol (or any illegal item or activity).
- Hate speech, images, or language that creates a hostile or intimidating environment based on any protected class or consistently marginalized groups.
- Any clothing that significantly and intentionally reveals visible undergarments.
- Swimsuits (except as required in class or athletic practice).
- Any item that obscures the face (except as a religious observance or medical/safety necessity).
- Strapless tops or halter tops.

The California legislature has determined that gang apparel is hazardous to the health and safety of the school environment and therefore, the wearing of such apparel may be restricted.

5. Dress Code Enforcement:

The Board desires to provide an orderly and caring learning environment in which students work diligently on their studies, share responsibility for maintaining a positive school climate, and take pride in their school and their achievements. District staff, per Board Policy 5140 *Positive School Climate*, shall encourage positive student conduct. Staff and students shall encourage attitudes and behaviors that promote mutual respect and harmonious relations. To ensure effective and equitable enforcement of this dress code, school staff shall be properly trained to enforce the dress code consistently using the requirements below. School administration and staff shall not have discretion

to vary the requirements in ways that lead to discriminatory enforcement. Sites will follow progressive discipline as outlined in the discipline handbook.

- Student dress code enforcement should not result in unnecessary barriers to school attendance.
- Inconsistent and/or inequitable discipline should be minimized whenever possible.
- Students will be removed from spaces, hallways, or classrooms as a result of a dress code violation as outlined in Sections 1 and 4 above. Students in violation of Section 1 and/or 4 will be provided three options to dress more appropriately during the school day:
 - Students will be asked to turn their garment inside out (if feasible) or put on their own alternative clothing, if already available at school, to be dressed more to code for the remainder of the day.
 - Students will be provided with temporary school clothing to be dressed more to code for the remainder of the day.
 - If necessary, parents may be called during the school day to bring alternative clothing for the student to wear for the remainder of the day.
- No student should be singled out for dress code enforcement because of racial identity, gender identity or expression, sexual orientation, ethnicity, body size/type, cultural or religious identity.
- Students should not be required to display their body in front of others (students, parents, or staff) in school including but not limited to the below actions:
 - Kneeling or bending over to check attire fit
 - Measuring straps or skirt length
 - Asking students to account for their attire in the classroom or in hallways in front of others
 - Calling out students in spaces, in hallways, or in classrooms about perceived dress code violations in front of others or,
 - Accusing students of “distracting” others students with their clothing.

Consequences:

- 1st Offense - Warning and change into replacement clothes. Parent notified.
- 2nd Offense - Detention and change into replacement clothes. Parent/student enters into a contract.
- 3rd Offense - Detention and change into replacement clothes. Parent conference.
- 4th Offense - Detention. Check in with the administration daily.

These dress code guidelines shall apply to regular school days and summer school days, as well as any athletic events, performances, and graduation ceremonies.

Students who feel they have been subject to discriminatory enforcement of the dress code should contact a site administrator.

IV. STUDENT CONDUCT

General Student Conduct Expectations

As consistent with the CUSD PBIS model, during the first week of school, all students review the expected behaviors acceptable in a school environment. Additionally, all students attend a discipline assembly. All students will be held accountable for infractions including, but are limited to: Academic Dishonesty/Plagiarism; Assembly Misconduct; Inappropriate Bus Behavior; Unauthorized Cell Phone Use; Classroom Disruption; Disrespect of Teacher; Defiance of Authority;

Detention/Intervention Defiance; Dress Code Violation; Drug or Alcohol Use/Possession; Drug Selling/Furnishing; Unauthorized Use of Electronic Devices; Extortion; False Fire Alarm; Fighting/Assault; Encouraging a Fight; Fighting in a Group; Fireworks/Incendiary Devices/Matches/Cigarette Lighters etc.; Food Out of Bounds; Fraudulent Written Material; Gang Related Activity; General Misconduct; Gum; Harassment/Bullying/Intimidation/Provoking; Imitation Tobacco, Drugs, Alcohol, or Imitating Tobacco, Drug, or Alcohol Use; Littering/Throwing Food/Spitting; Obstruction of Investigation; Out of Bounds; Out of Class Without a Pass/Hall Pass Abuse; Play Fighting/Horse Playing; Profanity/Vulgarity/Obscene Acts; Profanity Toward Staff; Public Displays of Affection; Racism in Any Form Including “Jokes” and Symbols; School Disruption, Laser Pointers; Sexual Harassment: Including ‘Pantsing,’ Derogatory Comments, Pictures, Photos, Gestures and any other Inappropriate Actions of a Sexual Nature; Riding Skateboards/Scooters/Similar Devices on Campus; Selling or Soliciting on Campus; Tardies; Technology Violation; Terrorist Threats; Theft (including the possession of stolen property); Threat/Assault Against Staff/Students; Vaping/Tobacco/E-Cigarettes/Any Materials Related to; Truancy; Vandalizing Tools; Weapons - Including Toys, Imitations or anything that could be used or was used in the fashion of a weapon with or without intent of injuring self or others.

Sports equipment and toys will be confiscated and returned at the end of the school day to a parent. The school is not responsible for lost, damaged or stolen items that a student has brought from home.

ARRIVAL TO / DEPARTURE FROM SCHOOL

When arriving to campus by car all traffic signs, site procedures, and protocols for community safety should be followed.

If school site policy allows, students may use bicycles (including eBikes), scooters or skateboards to come to or leave school, under the following conditions:

1. Walk your bicycle, scooter, or skateboard at all times on campus.
2. With your own lock secure your bicycle, scooter, or skateboard locked in the designated lock up area.
3. Secured helmets are mandatory when riding your bicycle, scooter, or skateboard. If a student arrives at school without a helmet, the parent/guardian will be contacted for further action.
4. The school is not responsible for any damage, theft, or personal injury.

Use of hoverboards, Class 3 eBikes (Per CA AB1096), and any other motorized vehicle are prohibited on campus by students.

CLOSED CAMPUS

All CUSD campuses are closed to non-students. Visitors are required to check-in at the main office upon arrival to campus. Students may not leave campus without written permission from the Attendance Office or appropriate off-campus sticker on their ID card. Food deliveries are prohibited (e.g. Uber Eats, Postmates, DoorDash, etc).

EXPECTED SCHOOL BUS BEHAVIOR

The District provides bus services as part of its commitment to transport students to and from school. It is critical that each student behaves in a manner that is in accordance with all school rules, is safe, and does not hinder the bus driver. Students are expected to respect the authority of the bus driver as a school official. This standard of acceptable behavior begins when the student arrives at the bus stop.

PROFANITY/VULGARITY/OBSCENE ACTS

Committing an obscene act or engaging in habitual profanity or vulgarity. This may include words, deeds, actions, possession of photos, pictures, drawings, videos, recordings, and/or any other materials.

ELECTRONIC DEVICE

Electronic devices include, but are not limited to cell phones, calculators, wearable technology, tablets, computers, e-readers, pagers, and cameras. Students will use electronic devices in accordance with the acceptable use policy.

Note:

If a student uses electronic device to cheat on any test/assignment, students will be disciplined per “academic integrity.”

If a student uses electronic device to take, video, view, distribute and/or any other like behavior with regard to inappropriate material, student will be disciplined per “student conduct.”

If a student uses an electronic device to bully/harass/intimidate/or any like behavior, student will be disciplined per bullying and other applicable policy.

STUDENT CONDUCT WITH POSSIBLE SEVERE CONSEQUENCES (Suspension/Recommendation for Expulsion)

DISCRIMINATION

Every student and employee in the Capistrano Unified School District is entitled to a safe school environment free from discrimination, harassment, intimidation, and bullying. The District prohibits discrimination, harassment, intimidation, and bullying in all district activities, programs, and employment against any person based on actual or perceived gender, gender identity, gender expression, or genetic information, sex, sexual orientation, race, ethnicity, color, ancestry, nationality, national origin, ethnic group identification, age, religion, marital or parental status, pregnancy, physical or mental disability, immigration status, or association with any person or group with an actual or perceived protected characteristic, any other protected characteristics.

Bullying/Cyberbullying

Bully-Free Environment: CUSD maintains an educational environment in which bullying and cyber-bullying in any form are not tolerated. All forms of bullying and cyber-bullying by CUSD students are prohibited. Anyone who engages in bullying and cyber-bullying in violation of Board Policy will be subject to appropriate discipline. Students who have been bullied or cyberbullied should promptly report incidents to any staff member. Complaints of bullying and cyber bullying will be investigated promptly and corrective action will be taken when a complaint is verified. Board Policy 5141 prohibits reprisals and retaliation following the submission of a complaint.

CUSD schools proactively construct and maintain a social atmosphere which addresses all forms of bullying including cyber-bullying through:

- Creating a positive school culture via a school-wide implementation of Positive

Behavioral Intervention and Supports (PBIS)

- A beginning-of-the-year school-wide assembly which defines bullying and its consequences
- Ongoing, school-wide student and staff educational opportunities

Definition of Bullying– Board Policy 5141(d):

Bullying shall mean unwelcome, pervasive, and/or severe verbal, written, or physical conduct, through any means (including social media, texting, etc.) directed at a student or staff member by a student that has the effect of any or all of the following:

- Placing a reasonable pupil or pupils in fear of harm to that pupil's or those pupils' person or property.
- Causing a reasonable pupil to experience a substantially detrimental effect on the pupil's physical or mental health.
- Causing a reasonable pupil to experience substantial interference with the pupil's academic performance.
- Causing a reasonable pupil to experience substantial interference with the pupil's ability to participate in or benefit from the services, activities, or privileges provided by a school.

SEXUAL HARASSMENT

Students and staff have a right to feel safe and free from any unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature. Prohibited sexual harassment includes, but is not limited to, unwelcome advances, unwanted requests for sexual favors or other unwanted verbal, visual or physical conduct of a sexual nature made against another person of the same or opposite gender, in the educational setting. Students will not have possession of pornographic photos/pictures, including photos/pictures on cell phones or electronic devices. (CUSD Board Policy 5183). Reference AR and BP 5183 for definitions of sexual harassment.

What to do if you feel you are being bullied/harassed:

- Talk to your parents or other trusted adults. They can help stop the bullying
- Talk to your teacher, school counselor, or principal. Telling is not tattling, it is asking for help
- Don't fight back. Don't try to bully those who bully you
- Try not to show anger or fear. Students who bully like to see that they can upset you. Calmly tell the student to stop...or say nothing and then walk away
- Limit the interaction
- Limit your message to five (5) words or less. Example: "Leave me alone." "Try and avoid situations in which bullying is likely to happen"

How to report bullying/harassment as a victim or a witness?

Students can report any incidents of bullying or harassment which may include:

- Say Something (Number is posted on school website)
- Incident Report Form in the office
- Online Bully Form or "Bully Box"
- Speak to or email a staff member
- Referral from staff member or bystander who witnessed event

Assistant Principal and/or Counselor will investigate the incident.

- Ensure all parties are familiar with Board Policy 5131.2 as it relates to bullying
- Follow up with concerned party and discuss results of investigation

Consequences for bullying/harassment may include, but are not limited to:

- Incident report is completed
- Situation logged in the discipline file and filed both at school and at the District office
- Counseling
- Conflict Mediation
- Behavior Contract
- Detention, Suspension, Involuntary Transfer, Expulsion
- Notify School Resource Officer

PHYSICAL ALTERCATIONS

Students are expected to exhaust every resource to achieve a peaceful resolution to a conflict including but not limited to walking away, conflict resolution, or involving a staff member.

Promoting/Encouraging/Planning/Video-Posting

Students will not partake in the planning, encouraging, “cheering on”, arriving at a predetermined place, videoing, posting on social media and/or any other means of acting in the manner of an irresponsible bystander.

Engaging in a Physical Altercation

Any attempt, threat, arriving at a place predetermined to be the place where a fight may occur, and/or direct or indirect involvement of an act of physical aggression is not tolerated.

Even if not the aggressor, students who engage in physical contact will be considered “mutual combatants” and will receive disciplinary consequences. Any participation considered to be significantly aggressive or egregious or involved a weapon or threat of a weapon could be considered for recommendation for expulsion per Ed Code 48915.

Fighting as a Group:

Students must not participate, promote, plan, or engage in any type of fighting. Students may not use the factor of a group as an act of intimidation. When more than two people are involved, it will be considered a group fight. Students are expected to stay out of fights that are in progress.

RACISM

The District prohibits racism against any person on the actual or perceived basis of race, color, ethnicity, national origin, nationality, immigration status, and ancestry. Every student and employee in the Capistrano Unified School District is entitled to a safe school environment free from racism, discrimination, harassment, intimidation, and bullying.

Examples of racism include but are not limited to:

- racial slurs and derogatory language
- name calling
- verbal/nonverbal or written hate language
- displaying racist symbols
- cyber postings
- racially insensitive/inflammatory material
- physical violence on the basis of race or other listed category hate violence

THEFT/VANDALISM

Theft

The intentional taking of property that does not belong to the student. The student does not have the intent to return the property.

Vandalism

Maliciously defacing, destroying or damaging school property or personal property by any means. Students are expected to participate in keeping the campus clean and free from any type of graffiti. Any student involved in the defacing of school or personal property, directly or indirectly, is considered to be vandalizing. Any damage incurred will be considered vandalism and subject to restitution.

Vandalism Tools

Students must not bring or have in possession any item that would aid in the vandalism of school property. These items include large, but are not limited to, permanent felt tip markers, paint, etching tools, burglary tools. “Sharpies” are not allowed on campus.

V. ACADEMIC INTEGRITY

Ethics is defined as moral principles or practice. CUSD students, teachers, administrators and parents are encouraged to base relationships on a fundamental notion of trust. With trust comes the ability to establish productive staff-student-parent relationships. Therefore, academic dishonesty (hereinafter “cheating”), in any form (including students working together in pairs or groups unless specifically directed to do so by the teacher), will not be tolerated. Cheating undermines the academic process, destroys students’ integrity, and shatters the trust necessary for productive relationships. Teachers are often required to indicate violations of Academic Integrity on applications and recommendation forms. This Academic Integrity Policy applies to both Distance Learning and In-Person learning programs.

Cheating on Test, Quiz, Project, Homework, Classwork, or Major Assignment:

This is defined as intentional giving or using assistance relating to an exam, test, quiz, project, or major assignment without the expressed permission of the teacher, including working in pairs or groups, or misuse of any form of technology. These acts include, but are not limited to, the use of crib sheets, programmed information on electronic devices, calculators when not permitted, or possession of material that may be used for cheating.

Cheating may include, but is not limited to, the following:

- Copying another student’s homework
- Copying another student’s answers on a test
- Using an unauthorized prompt sheet
- Using unauthorized technology (phone, watch or other device) during a test or quiz
- Making homework available to another student so they may copy the answers
- Plagiarizing another author’s work
- Cutting and pasting passages from the Internet into an assignment without notation for the Author
- Cutting and pasting portions from another students work
- Forged notes (student signing his or her parents’ name)

Consequences for breaking the Ethics Policy are cumulative for all classes.

Alteration of Materials:

Any unauthorized taking, altering, or distributing of student or teacher materials.

Electronic Devices:

While students may bring electronic devices on campus, these devices must be turned off during class time unless approved by the teacher (including tutorial). Misuse of electronic devices may result in confiscation of the devices. The school is not responsible for damage to or loss of electronic devices.

Having visible access to a cellular phone or any other electronic device during a quiz or test will be considered a violation of the school academic integrity policy.

Fabrication/ Plagiarism:

This includes any falsification or invention of data, citation, or other authority in an academic exercise or the intentional use of another’s words, ideas, or work as one’s own. Plagiarism includes the misuse of published material and unpublished work of others, including but not limited, to projects, lab or, internet information.

Technology:

All students will follow all rules, regulations, and guidelines in the Student Acceptable Use of Technology, Administrative Regulation 6.7, which can be found on the district webpage.

VI. VAPING, TOBACCO, DRUGS, ALCOHOL, & ALL CONTROLLED SUBSTANCES

District schools are free of alcohol and/or other drugs. Use of these substances adversely affect a student’s ability to achieve academic success, is physically and emotionally harmful, and may cause serious medical and legal consequences. Every effort will be made to reduce the chances that students will begin or continue the use of alcohol, tobacco, and other drugs. Use of alcohol, or tobacco, like any other controlled substance, is illegal for minors.

Rules governing controlled substances may include, but are not limited to, any form of alcohol, drugs, inhalants, salvia, edibles, vaporizers/vaping devices, and “look-a-likes.” To protect and enhance indoor air quality and contribute to the health and well-being of all students, employees, and visitors, the Capistrano Unified School District shall be entirely smoke free and vape free.

Smoking and vaping are prohibited in all areas of campus within the Capistrano Unified School District without exception. This includes common areas, athletic areas, auditoriums, classrooms, conference and meeting rooms, elevators, hallways, cafeterias, stairs, restrooms, and all other enclosed facilities.

Common Language:

Smoking refers to the use of traditional tobacco products.

Vaping refers to the use or possession of electronic nicotine or marijuana delivery systems and/or electronic smoking devices. These are commonly called e- cigarettes, e-pipes, e-hookahs, e-cigars, and all other vaping devices. The content of the “juice” may also determine the consequences associated with vaping; however, any use of a vape device will incur a consequence.

Medications (Over-The-Counter and Prescription): All medications, over-the-counter (OTC) and prescription, must be processed through the School Health Office. OTC and prescription drugs may

only be administered per doctor's' orders via the Medication Authorization Form (completed by the parent and health care provider). Students in possession of medication without authorization will be subject to disciplinary actions.

Alcohol/Drugs/all other Controlled Substances: listed in Chapter 2 (Section 11053) of Division 10 of the Health and Safety Code.

Drug, Alcohol, Over the Counter Medications and/or other Controlled Substances:

Students are prohibited from possession or being under the influence of a(n) prescription/illegal/controlled substance, alcohol, intoxicant, and/or being in the possession of any such paraphernalia/containers /devices/ substances.

Drug dealing, negotiating for sale, distribution, or furnishing of prescription medication, or a controlled substance: According to Education Code §48915, sales of drugs is a mandatory recommendation for expulsion. This rule also applies to, but is not limited to, any form of alcohol and drugs, including prescription drugs.

VII. SERIOUS SUSPENDABLE/EXPELLABLE OFFENSES
PER ED. CODE 48900

Mandatory Administrative Action:

The Board of Trustees and the Superintendent of the CUSD have adopted a position that maintains that our schools will not tolerate weapons, drugs, or behavior that threatens the safety of another person. The offenses listed below require mandatory action by the school administration. Ed. Code 48900 (a)-(q) & 48900.2.3.4.7 offenses could result in recommendation for expulsion with a secondary finding.

- Cause/attempt to cause or threaten to cause physical injury.
- Willfully used force or violence on another person, except in self-defense.
- Possessed, sold or otherwise furnished any firearm, knife, explosive or other dangerous object.
- Possessed, used, sold, furnished or been under the influence of any controlled substance, alcohol or intoxicant.
- Offered, arranged, or negotiated to sell a controlled substance, alcohol or intoxicant.
- Attempted or committed robbery or extortion.

The mandatory action for a first time offense of any of the below is: immediate five-day suspension, notification of law enforcement, and recommendation for District expulsion. While a District expulsion hearing is pending, a student's suspension will be extended.

- Possession of firearm, when the principal or superintendent and the Board confirm the pupil was in knowing possession of the firearm, and an employee of the District verified such possession; or
- Brandishing a knife at another person; or
- Selling or furnishing a controlled substance; or
- Committing or attempting to commit a sexual assault or committing sexual battery; or
- Possessing an explosive

HOW TO APPEAL DISCIPLINARY INTERVENTIONS

Suspensions and other site interventions

Level 1 -

- Upon receiving a suspension/consequence from the assistant principal the first step in the appeal process is to address the matter with the site principal (Level 1).
- If you are dissatisfied with the Level 1 resolution by the principal you may file a formal complaint.

Level 2 –

- The schools family facilitator will contact you, review the complaint, investigate, and advise you of the resolution in a Level 2 response letter.
- If you are unsatisfied with the family facilitator's resolution, you may appeal to the Level 3 facilitator. The request must be in writing within 10 days of receiving the Level 2 response.

Level 3 –

- The Level 3 facilitator will contact you, review the complaint, investigate, and advise you of the resolution in a Level 3 response letter.
- This is the final decision of the District with the exception of a suspension appeal.
- If your appeal is regarding a suspension and you disagree with the Level 3 facilitator, you may request to take your complaint to Level 4, review by the Board of Trustees. The request must be in writing within 10 days of receiving the Level 3 response.

Level 4 (Suspension appeals only) –

- As part of the review process, the Board of Trustees may determine to invite necessary parties to appeal before the Board regarding the complaint. The decision of the Board of Trustees shall be final.

EDUCATION CODE SECTION 48900

Suspension shall be imposed only when other means of correction fall to bring about proper conduct. However, suspension on the first offense is authorized for 48900 (a) through (e) offenses and/or when the pupil's presence causes a danger to persons. (EC §48900.5) Discretion maybe used to provide alternatives to suspension or expulsion that are age appropriate and **designed to address the specific misbehavior** (EC §48900 (v)).

- a.1. Caused, attempted to cause, or threatened to cause physical injury.
- a.2. Willfully used force or violence on another person, except in self-defense.
- b. Possessed, sold or otherwise furnished any firearm, knife, explosive, or other dangerous object.
- c. Possessed, used, sold, furnished, or been under the influence of any controlled substance, alcohol, or intoxicant
- d. Offered, arranged, or negotiated to sell a controlled substance, alcohol or intoxicant and then provided a replica substance.
- e. Attempted or committed robbery or extortion.



- f. Attempted or caused damage to school or private property.
- g. Attempted to steal or stole school or private property.
- h. Possessed, or used a tobacco product or products containing tobacco or nicotine
- i. Committed an obscene act or engaged in habitual profanity or vulgarity.
- j. Possessed, offered, arranged, or negotiated to sell drug paraphernalia.
- k. Disrupted school activities or defied school personnel. (Grades 4-12, suspension only)
 - l. Knowingly received stolen school or private property.
- m. Possessed an imitation firearm.
- n. Attempted or committed sexual assault or committed a sexual battery.
- o. Harassed, threatened, or intimidated a student complainant or witness in a school disciplinary matter.
- p. Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.
- q. Engaged in, or attempted to engage in, hazing.
- r. Engaged in an act of bullying, including cyberbullying and *cyber sexual bullying*.
- t. Aided or abetted in the attempted or infliction of physical injury to another. Expel only when connected to (a)
 - .2 Committed sexual harassment. (Grades 4-12)
 - .3 Attempted, threatened, caused, or participated in hate violence. (Grades 4-12)
 - .4 Harassment, threats or intimidation creating an intimidating or hostile educational environment.(Grades 4-12)
 - .7 Made terroristic threats against school officials or property.

- s. Act must be related to a school activity or school attendance occurring within a school under the jurisdiction of a district, including but not limited to: 1) while on school grounds; 2) while going to or coming from school; 3) during the lunch period on or off campus; or 4) during or while going to or from a school sponsored activity.
- u. School property includes electronic files and databases.
- w. Alternatives to suspension/expulsion should be applied to students who are truant, tardy or absent from school.

EDUCATION CODE SECTION 48915 -Expulsion

•• Report all offenses in §48900 for jurisdiction consideration••

Principal or Superintendent shall recommend expulsion for offenses which **occur at school or at a school activity off school grounds**, unless it should not be under the circumstances or an alternative means of correction would address the conduct:

- a.l.(A) Causing serious injury to another person, except in self-defense.
- a.l.(B) Possession of a knife, or other dangerous object of no reasonable use to the pupil.
- a.l.(C) Unlawful possession of any controlled substance except for the first offense for the possession of not more than one avoirdupois (by weight) ounce of marijuana, other than concentrated cannabis.
- a.l.(D) Robbery or extortion.
- a.I.(E) Assault or battery on any school employee.

For expulsion under §48915 (a) or §48900 (a) through (r) or §48900.2, .3, or .7, there must be a finding of either of the following(§48915(b) or (e)):

- 1. That other means of correction are not feasible or have repeatedly failed to bring about the proper conduct.
- 2. That due to the nature of the violation, the presence of the pupil causes a continuing danger to the physical safety of the pupil or others.



The following offenses require suspension and recommendation for expulsion:

- c.1. Sale, possession or furnishing a firearm. (Exception for imitation firearm)
- c.2. Brandishing a knife at another person. (See also EC§ 48915 (g))
- c.3. Selling a controlled substance.
- c.4. Attempted or committed sexual assault or committed sexual battery.
- c.5. Possession of an explosive.