



CAPISTRANO UNIFIED SCHOOL DISTRICT

**HIGH SCHOOL DISCIPLINARY
POLICIES AND PROCEDURES**

2023-2024

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

CAPISTRANO UNIFIED SCHOOL DISTRICT

33122 Valle Road

San Juan Capistrano, CA 92675

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Uniform Complaint Procedures

Please utilize the current Uniform Complaint process according to Capistrano Unified School District's [Board Policy 1312.3](#) 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 Laura Lyon

Nondiscrimination Program, Activity, and Club Statement:

The Board of Trustees desires to provide a safe school environment that allows all students equal access and opportunities in the District's academic and other educational support programs, services, and activities. The Board prohibits, at any District school or school activity, unlawful 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.

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: Laura Lyon, Assistant Superintendent, Human Resource Services, 33122 Valle Road, San Juan Capistrano, CA 92675, 949-234-9373, lllyon@capousd.org ; Title IX Coordinator: Laura Lyon, Assistant Superintendent, Human Resource Services, 33122 Valle Road, San Juan Capistrano, CA 92675, 949-234-9373, lllyon@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.

CAPISTRANO UNIFIED SCHOOL DISTRICT
High School Disciplinary Policies and Procedures
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CAPISTRANO UNIFIED SCHOOL DISTRICT
High School Disciplinary Policies and Procedures

Capistrano Unified School District's (CUSD) goal is to support each student in becoming a positive and responsible citizen. We know that students 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. Student discipline matters are handled on a case by case basis. 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. Discipline may be paired with restorative actions, counseling, parent resources, and parent meetings to improve school culture and build a positive school climate.

Teachers are directed to address issues that occur within the classroom and/or their supervision by utilizing Positive Behavioral Intervention and Supports ("PBIS"). Minor offenses will be handled within the classroom.

LEVELS OF DISCIPLINARY INTERVENTIONS

The level of disciplinary consequence is determined by the specific infraction:

- Level 1 – Warning and re-teaching of expectations. Teacher communicates with parent/student.
- Level 2 – Teacher communicates with parent/student. Teacher may assign a consequence.
- Level 3 – Teacher communicates with parent/student with a possible in-person teacher/parent/student conference. Possible office referral. Detention/demerits may be assigned by an authorized staff member. Parent notification. Possible Behavior Contract. Possible counselor referral
- Level 4 – Possible office referral. Saturday school/demerits may be assigned by an authorized staff member. Possible counselor referral. Possible Behavior Contract and/or step advancement. Parent notification.
- Level 5 – Office referral by teacher. Behavior Contract established (if not already in place) and/or step advancement. Possible counselor referral. Parent contact. Possible Student Success Team ("SST") process initiated.
- Level 6 – Suspension (1-5 days) and parent conference with administration. Behavior Contract step advancement. Suggested SST initiated, if not already completed. Referral to counselor.
- Level 7 – Involuntary school transfer (parent appeal per Board Policy 5152); referral to counselor.
- Level 8 – Recommend expulsion/involuntary school transfer (parent may appeal) Referral to counselor.

Note: Any student who is suspended from school may not be on campus or attend school-related activities while on suspension. Students under suspension or expulsion may not enter any CUSD campus, facility, or school related events. Students violating this may be considered trespassing per Penal Code 626 and law

enforcement may be contacted. Additional consequences may be assigned.

Any student who is involuntarily transferred to an alternative educational site may not attend comprehensive high school activities, or be on the campus of the school from which they were removed via the involuntary transfer absent specific written approval from the current site administrator.

OTHER MEANS OF CORRECTION

Existing law provides that a pupil shall not be suspended from school, or recommended for expulsion, unless the superintendent of the school district, principal of the school in which the pupil is enrolled, or principal designee, has determined that the pupil has committed a specified act violating Education Code § 48900 or § 48915.

Existing law requires the imposition of suspension only when other means of correction fail to bring about proper conduct. However, the law authorizes the suspension of a pupil, including an individual with exceptional needs, upon a first offense in limited situations if the principal's designee, principal, or superintendent of schools determines that specific offenses were committed or that the pupil's presence causes a danger to persons or property or threatens to disrupt the instructional process.

ALTERNATIVE TO SUSPENSION (ATS) PROGRAM

The CUSD ATS program is an off-site District-operated classroom for students who are suspended for Education Code § 48900 violations. At ATS, students are under the supervision of credentialed teachers and counselors who will present a curriculum that offers a proactive, therapeutic approach to instilling the skills, habits and behaviors necessary to be successful in school and life.

Students who successfully complete the program will not reflect a suspension from school on their attendance record unless the student is pending expulsion.

ACADEMIC INTEGRITY

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 integrity, and shatters the trust necessary for productive relationships.

Teachers are often required to indicate violations of academic integrity on college applications and recommendation forms. Teachers may also refuse to write letters of recommendation for students who violate this policy.

Academic and citizenship penalties (which may include suspension) may occur. All parties involved are subject to the same consequences. Administrators log all reported incidents of academic dishonesty in the student's discipline file.

Acts of academic dishonesty are defined below:

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

This is defined as intentionally giving or using assistance relating to an exam, test, quiz, project, or 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 unauthorized notes,

unauthorized apps or websites including Artificial Intelligence (AI), programmed information on electronic devices, calculators when not permitted, or possession of materials that may be used for cheating. Additionally, having visible access to a cellular phone or any other electronic devices during a quiz or test may 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.

Alteration of Materials

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

ARRIVAL TO / DEPARTURE FROM SCHOOL

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 unless specific permission is granted by administration.
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.
4. The school is not responsible for any damage, theft, or personal injury.
5. Must not be parked/block any ingress or egress areas of the campus.
6. Must be parked in designated area(s).
7. Any of these items left in undesignated areas may be moved and/or subject to confiscation and parent pick-up.
8. School is not responsible for property damage resulting in the necessity to move items that are posing a safety concern and/or not parked in designated areas.

*Use of Class 3 eBikes (Per CA AB 1096), requires the operator to be a minimum of 16 years old.

Skateboarding is not allowed on the high school campus at any time. Motorized skateboards are not allowed on campus at any time. Skateboarding is a reasonable form of transportation for many students; however, the high school may have no facilities to store skateboards. Furthermore, skateboarding on campus represents a dangerous risk of injury and damage to property. The high school is not responsible for any damage or loss of skateboards, or personal injury from skateboarding.

ASSEMBLY/ACTIVITY MISCONDUCT

Assemblies, pep rallies, and activities are produced by the Associated Student Body to increase school spirit, provide positive motivation, and increase awareness of issues facing students today. During these events, many students are congregated in one area; therefore, each student is expected to be on his/her best behavior and to follow all school rules. Students are expected to participate positively at the assembly, rally, or activity and not behave in any manner that would detract from the purposes of the event (e.g., heckling, talking, laser pens, throwing objects). Attendance at assemblies and rallies occurring during a class-period is mandatory unless otherwise specifically stated. Class roll is taken by the classroom teacher before and after the assembly/rallies. Any student not in the assembly/rally or not reporting back to class is considered truant.

ATTENDANCE/TRUANCY

CUSD students are encouraged to attend all classes on a regular basis. Regular attendance assists students in having a more successful school year. Parents are encouraged to monitor their students' attendance via the Aeries Parent Portal and contact the attendance office regarding any discrepancies.

A parent or legal guardian may excuse a student for absences. This must be done within 72 hours of the absence or the student will be considered truant. Contact information for reporting absences is located on the school webpage.

Tardy

Students who arrive to class late create a disruption. This occurs without regard to the reason for the later arrival. Any student who arrives to class after the bell, but less than 30 minutes late, will be considered tardy. If a student is more than 30 minutes late, they are expected to check in with the Attendance Office for a tardy slip/hall pass before proceeding to class. In the event that a tardy results from a meeting/interaction with a staff member, that tardy may be excused, depending on the circumstance. Tardies will be subject to disciplinary consequences.

As permitted by the Education Code, all rules pertaining to unexcused absences apply to a tardy of 30 minutes or more.

Excused Absences

To excuse an absence, the parent/guardian must either contact the 24-hour attendance phone line or email the school attendance clerk with the following information:

- Student's name and grade,
- Caller's name,
- Absence date, and
- A valid excusable reason for the absence.

Per California Education Code § 48205, parents may excuse their child for the following reason:

- Illness
- Medical Appointment
- Court Appointment
- Religious Event
- College Visits (with administrative pre-approval)
- Bereavement

Truants/Unexcused Absences

Students who are on campus but miss their assigned class without permission from school staff are considered truant. Also, those who leave campus without a special excuse pass from the office, miss school for reasons other than those listed as excused absences above, or have an absence that remains unexcused after 72 hours will be recorded as truant.

Unexcused absences include all absences not identified under excused absences. Examples of unexcused absences may include, but are not limited to:

- Vacations (without an independent study contract);
- Staying home to visit with friends or family;
- Non-school related athletics or activities; and
- Personal reasons.

A total of 3 days of unexcused absences or truancies or 9 period absences can trigger the School Attendance Review Board (SARB) process. Parents will be sent a letter notifying them that their child is habitually unexcused/truant.

Additional unexcused absences/truancies will prompt a mandatory meeting with the District Attorney's office and potential prosecution due to violations of mandatory attendance laws.

Excessive Illnesses

When a student has had 14 full day absences during the school year for illness, any further absence for illness shall be verified by a physician (Board Policy 5112).

Leaving School Early for the Day

Any student who needs to leave school before the end of their instructional day must check out through the attendance office. Site staff will require permission from a parent/guardian before the student can leave campus. Permission may be provided via phone, email or note. The student will be provided with a *Special Excuse* pass and should have this in or her possession before leaving campus. Without this pass, the student may be considered truant. Once a student has been issued their pass or "called out," the student must leave campus at the designated time.

BUS REFERRAL

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 from safely completing his or her job duties. 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. The same rules for behavior, and the same consequences, that are in place at the school site apply to the school bus.

BULLYING/CYBERBULLYING

CUSD maintains an educational environment in which bullying and cyberbullying in any form are not tolerated. All forms of bullying and cyberbullying by CUSD students are prohibited. Anyone who engages in bullying and cyberbullying 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 cyberbullying 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.

Definition of Bullying:

Bullying is 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 or staff member 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.

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 to campus are prohibited (e.g., Uber Eats, Postmates, DoorDash, etc.) and are subject to confiscation until the end of the school day and/or disciplinary consequences.

DANCES

Students with unserved disciplinary consequences (e.g. detentions, Saturday Schools, demerits) may be restricted from attending dances and/or other extra-curricular activities regardless of whether they are on a Behavior Contract or not.

All students and guests may be required to take a breathalyzer test and be searched before entering the dance.

The school dress code applies to dances. Students dressed inappropriately may not enter the dance. Parents will be called and may bring appropriate clothes or students may go home with parent permission.

Students who dance inappropriately will receive a “time-out” and documented warning. On the second offense, the student will be sent home and may be restricted from future school dances.

DEFIANCE OF AUTHORITY

Students are expected to respect the valid authority of supervisors, teachers, administrators, or other school staff, following their directives without delay. A student may appeal or challenge a teacher's decision later by speaking with the administrator, but the student is expected to first follow the directive of the staff member. It is considered a defiance of authority if a student willfully disrupts any school activity or willfully misleads or misrepresents the truth.

Defiance/Disrespect of Teacher/Classroom Disruption

Students are expected to respect and follow teacher directives without delay. Students are expected to participate in classrooms without disrupting the educational environment or creating a disturbance that may affect the teacher or other students.

Detention Defiance

Students who fail to serve assigned detentions/demerits or any other disciplinary consequence may receive additional consequences and/or interventions due to their defiance of authority.

Saturday School Defiance

Students who fail to serve assigned Saturday School detentions/demerits may receive additional consequences and/or interventions.

DISCRIMINATION

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.

DISRUPTIVE ACTIVITY

Horseplay

All students are responsible for their behavior and shall be respectful towards other students, staff, school facilities and equipment. Horseplay is not permitted. Any damage incurred resulting from horseplay will be considered vandalism and subject to restitution.

Laser Pointer

Laser pointers are dangerous and are not allowed at school. With permission, the laser pointer may be provided by the teacher for use in class activities, (e.g. presentations), but must be safely stored and not used outside this limited circumstance.

Serious Disruption of the Learning Environment

Students are expected to participate in school without disrupting the educational environment or creating a disturbance for themselves or others.

DISTANCE/ONLINE LEARNING

All District rules and policies apply during online learning.

DRESS CODE

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 and accessories, including backpacks, must not display profanity (including a foreign or slang word or term or a phonetic spelling or mirror image of a word or term regardless of the source), obscene or sexual content, racial slurs, hate language, profanity, violence (including depictions of weapons, explosives, death, or graphic injuries), or drug, alcohol, or tobacco-related content.
- Clothing or accessories considered unsafe, dangerous, or a health hazard.
- Any clothing that significantly and/or 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.

DRIVING/PARKING VIOLATIONS

For the safety of all, anyone using the parking facilities and roadways on campus must abide by the rules and regulations stated on the Permit Application. Parents and students are expected to abide by all traffic rules and follow directions of school personnel, as safety is our top priority.

Reckless driving or other serious driving violations will be decided by the student's administrator and may include suspension and/or loss of parking permit at first offense. In some circumstances, law enforcement may be called and may elect to issue additional consequences.

DRUG, ALCOHOL AND CONTROLLED SUBSTANCES

Use, possession or under the influence of an illegal/controlled substance, alcohol, intoxicant, or possession of paraphernalia

District schools are free of alcohol and other drugs. Use of these substances adversely affects a student's ability to achieve academic success, is physically and emotionally harmful, and has 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 nicotine/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, and “look-alikes.”

Drug dealing, negotiating for sale, or distribution, of prescription medication, or a controlled substance

The sale of drugs results in a mandatory recommendation for expulsion. This rule also applies to but is not limited to any form of alcohol, drugs, including prescription drugs. (Education Code § 48915.)

E-BIKES

For the safety of all, anyone using an eBike, must only park in designated areas. When arriving at, or on any part of the school campus, all traffic signs, site procedures, and protocols for community safety should be followed. All are expected to abide by all traffic rules and follow directions of school personnel, as safety is our top priority.

Reckless driving, failure to follow the direction of school personnel, or other serious driving violations will be decided by the student’s administrator and may result in consequences. In some circumstances, law enforcement may be called and may elect to issue additional consequences.

Students may use eBikes as they come to or leave school, under the following conditions:

1. Walk your eBike at all times on campus unless specific permission is granted by administration.
2. With your own lock, secure your eBike locked in the designated lock up area.
3. Secured helmets are mandatory when riding your eBike.
4. The school is not responsible for any damage, theft, or personal injury.
5. Must not be parked/block any ingress or egress areas of the campus.
6. Must be parked in designated area(s).
7. Any of these items left in undesignated areas may be moved and/or subject to confiscation and parent pick-up.
8. School is not responsible for property damage resulting in the necessity to move items that are posing a safety concern and/or not parked in designated areas.

*Use of Class 3 eBikes (Per CA AB 1096), requires the operator to be a minimum of 16 years old.

ELECTRONIC DEVICES

Electronic devices include, but are not limited to cell phones, calculators, wearable technology, tablets, computers, e-readers, and cameras. While students may bring personal 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 the 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 may be considered a violation of the school academic integrity policy. The school policy (included in this handbook under Academic Integrity Policy) and class syllabus provide for more detailed information.

Students who take and/or distribute inappropriate photographs or videos of students, teachers or staff on school grounds or at school activities or events are subject to disciplinary consequences.

CUSD CHROMEBOOKS

CUSD has provided Chromebook devices to all students in grades PK through 12 as part of the 1 to 1 Chromebook program. Students in grades 2 through 12 will be responsible for bringing their Chromebook to school and home, like a textbook. Chromebooks for students in TK, K, and 1 will remain in classroom carts. Students are expected to use the device for school purposes only.

It is the responsibility of the student to maintain a charged Chromebook and its accessories (power cord) in good working order, and they will not willfully dismantle or damage the device. This includes but is not limited to the removal of keys, cracked screens, or damaged plastics.

Students will also refrain from accessing any website, such as a proxy site, that willfully bypasses the district filtering.

Loss or damage to a district Chromebook or Chromebook accessories will be the financial responsibility of the student and parent/guardian.

Intentional damage of Chromebooks and/or accessories may result in disciplinary consequences.

EXTORTION

Any attempt to seize personal property, information, images (photo or video) or money from another person by threat or force.

FALSE FIRE ALARM

Fire alarms are intended to protect the safety of everyone on campus. It is imperative that the alarms are pulled exclusively for fire evacuation or disaster situations. Tampering, destroying or disrupting the fire protection system on campus is considered a violation of this policy. Any damage incurred will be considered vandalism and subject to restitution. Law enforcement may be notified.

FIGHTING/ASSAULT/HARASSMENT/THREAT

Any act that causes, attempts to cause, or threatens to cause physical injury towards another student is unacceptable. Emotional and physical well-being is a basic right of every individual on campus and all students and staff are expected to respect this basic right. Any aggressive physical contact with students is not acceptable. Even if not the aggressor, students who engage in aggressive physical contact will be considered mutual combatants and will receive disciplinary consequences. 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. Any student instigating altercations is subject to disciplinary action. Law enforcement may be notified following physical interactions on campus or threats.

Fighting in a Group

Students must not participate, plan, or engage in any type of fighting when more than two people are involved. Students are especially expected to stay out of fights that are in progress.

FIREWORKS OR POSSESSION OF OTHER EXPLOSIVES

Explosives

Explosives are extremely dangerous and must not be on campus at any time. Any student in violation of

this rule may be recommended for expulsion and reported to law enforcement.

Fireworks

Fireworks are extremely dangerous and must not be on campus at any time. Any student in violation of this rule may be recommended for expulsion and reported to law enforcement.

Incendiary Devices

Possession of a lighter, matches, or other such incendiary devices is prohibited.

FLAGS

Per Government Code 431, the U.S. Flag and the California flag are displayed at the entrance of each school. A flag is available to each class for the completion of a daily patriotic exercise, as required by Education Code § 52720. However, other than the U.S. Flag and the California flag, no flags are to be flown or displayed on campus absent the written permission of the Superintendent's designee. All flags displayed on campus must have an instructional purpose (e.g., flying of the French flag in French class).

FRAUDULENT TELEPHONE CALLS/WRITTEN MATERIAL

As described in this Handbook, parents can call the school and excuse their son or daughter from an absence. Any attempt to falsify the authority of a parent to excuse a student's absence is fraud. Any written document where a student falsifies the authorizing signature is fraud. In addition, any attempt to produce fraudulent documents including but not limited to school identification (ID) cards or parking permits may result in suspension from school. These consequences apply not only to the person committing the fraudulent act, but also to the student(s) whom the fraudulent act benefits. Only parents or legal guardians may request a "Special Excuse" slip for their student to leave campus.

GANG RELATED ACTIVITY

Students must refrain from any activity associated with gangs or gang-related behavior. Examples include, but are not limited to "flying colors," throwing hand signs, depicting gang-related graffiti, or drawing gang-related symbols in books, notebooks, or backpacks, repeated incidents of wearing gang-related clothing/"dressing down," or any other behavior that glorifies gang affiliation. This behavior may result in discipline.

HAZING

"Hazing" means a method of initiation or pre-initiation into a pupil organization or body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective pupil. "Hazing" **does** include athletic events or school-sanctioned events. Engaging in or attempting to engage in hazing is prohibited.

HARASSMENT/SEXUAL HARASSMENT

Harassment

Harassment or intimidation may occur when actions are taken against another person, which makes that individual feel uncomfortable, threatened or fearful.

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, possession of pornographic photos/pictures, including photos/pictures on cell phones or electronic devices. (Further information and explanations are defined in CUSD's Board Policy 5183).

IDENTIFICATION CARD

Students are expected to carry their school ID with them on campus during school hours and at all school events and activities. When asked by a staff member, students must present their ID card immediately. If a student loses their ID card, the student must see the Activities Clerk for a replacement card (a fee may apply). Students are expected to keep their card in acceptable condition and not alter their card in any way.

LITTERING /THROWING FOOD

All students are responsible for the cleanliness of the campus. A student is considered to have littered if the student leaves an area where trash has been left, whether or not it is their trash. Throwing food (or any objects) is never acceptable and is dangerous. It is expected that students walk to a trashcan and drop trash into the can. This includes biodegradable items. Any intentional throwing of food, which defaces school property, will be considered an act of vandalism and subject to restitution. Depending on the incident, law enforcement may be notified.

LYING TO A STAFF MEMBER/WITHHOLDING INFORMATION

All students are expected to tell the truth when asked a question. The act of deliberately withholding information to deter an investigation is considered lying and may be subject to disciplinary actions.

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 doctors' orders via the Medication Authorization Form (completed by the parent and health care provider). Students in possession of medication without authorization may be subject to disciplinary actions.

OUT OF BOUNDS /OFF CAMPUS WITHOUT A PASS

All CUSD high schools are closed campuses for all students. Once a student arrives on campus, they are to remain on campus. During school hours (including tutorial, break, and lunch), a student is out of bounds if the student travels into restricted areas. Students are not allowed at the football stadium or athletic fields unless accompanied by a teacher. Students are not permitted to be in parking lots at any time unless arriving at or leaving campus. If permitted by the student's schedule, the student may receive an off-campus sticker to be placed on their school ID card. This sticker will verify to the campus supervisors that the student may leave upon completion of their last class period of the day. Students must present an ID with a sticker to leave campus.

OUT OF CLASS WITHOUT A PASS/HALL PASS ABUSE/OUT OF TUTORIAL

Any student out of class must have a valid hall pass and a valid reason to be out of class. Student aides must not be out of class without a specific purpose and pass. Any student talking with friends, loitering, or in an area determined to be out of the route of his/her specific purpose is considered to be abusing the hall pass. Vending machines may not be used during class time.

Only the current school-wide pass and/or hall pass signed by the teacher/staff with the current date and

time and student's name will be accepted as a valid hall pass. Teachers will permit only one student to be out of a class at any one time, and the student must visibly carry the current school-wide hall pass from the teacher. If more than one student needs to be out of class at the same time, the extra students must carry a handwritten, and dated, hall pass issued by the teacher.

PHYSICAL ASSAULT AGAINST A STAFF MEMBER

Students are expected to treat staff with utmost respect and submit to their authority immediately.

If a problem arises, students are encouraged to speak to their assigned Assistant Principal, the school counselor, and/or seek conflict mediation. Students are prohibited from engaging physically with staff members. Any student in violation of this rule may be subject to consequences and reported to law enforcement.

PROFANITY/VULGARITY

Students are expected to use appropriate language and refrain from gestures that are obscene or vulgar while at school or during school events and activities.

Profanity Directed Towards a Staff Member

Students are expected to use appropriate language and refrain from gestures that are obscene and/or vulgar while addressing all school staff members or they may be subject to disciplinary action.

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. Depending on the incident, acts of racism may result in disciplinary action at or about level 3. In some instances, such acts may result in possible law enforcement notification.

Examples of racism include but are not limited to:

- racial slurs and derogatory language
- name calling related to race or ethnicity
- verbal/nonverbal or written hate language
- displaying racist symbols
- Derogatory social media posts related to race or ethnicity
- racially insensitive/inflammatory material
- physical violence on the basis of race or other listed category hate violence

TECHNOLOGY VIOLATION

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

TERRORIST THREATS

Any statement (verbal, written, electronic or otherwise) which willfully threatens a crime that could result in death, great bodily injury to another person, or destruction of school property (in excess of \$1,000), with the specific intent that the statement is to be taken as a threat (even if there is no intent to actually

carry out the act) constitutes a terrorist threat. Any student in violation of this rule may be subject to consequences and reported to law enforcement.

THEFT

Possession of stolen property, the attempt to steal, or the act of stealing school or personal property may result in a possible District expulsion and involvement of law enforcement. Students engaging in stealing, or holding stolen property for other students, will be subject to discipline.

TOBACCO: PRODUCTS, PARAPHERNALIA, VAPING DEVICES

Tobacco use or possession (including sales) of tobacco products, tobacco paraphernalia, nicotine delivery device, electronic vaporizing device

According to District Policy, State Law, and Education Code, no student may possess or use tobacco, nicotine, and/or an electronic vaporizing device on school grounds or activities or events at any time. Any student in violation of this rule may be subject to consequences and reported to law enforcement.

TRESPASSING

Students may not enter other school campuses during school hours without permission.

Students under suspension or expulsion may not enter any CUSD campus, facility, or school related events. Students violating this may be considered trespassing per Penal Code 626 and law enforcement may be contacted. Additional consequences may be assigned.

UNSAFE CROSSING

For safety reasons, all students and parents/guardians are asked to follow the established drop-off and pick-up procedure. Students crossing the street illegally put themselves and others in danger. Students must cross the street at designated crossing areas established by staff personnel.

VANDALISM

Vandalism or Defacing School 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. Law enforcement may be contacted.

Vandalism Tools

Students must not bring or have in possession any item that would aid in the vandalism of school property. These items include, but are not limited to, permanent markers, paint, etching tools, burglary tools.

WEAPONS/DANGEROUS OBJECTS

Weapons: possession of firearms, knives, and/or other dangerous objects, including replicas

Possession of firearms, knives, and/or other dangerous objects or look-alike items are never allowed on campus. Law enforcement may be contacted and students may be subject to disciplinary actions. Any student in violation of this rule may be subject to consequences and reported to law enforcement.

WITNESS INTIMIDATION/THREAT/HARASSMENT

Students will not harass, threaten, or intimidate a pupil who is a complainant or witness in a school discipline action for the purpose of either preventing that pupil from being a witness or retaliating against that pupil for being a witness, or both. Such intimidation/threat/harassment can occur in person, via a surrogate and/or cyberspace.

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 school’s 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 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)).

- 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 steal 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 9-12, 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.1.(A) Causing serious injury to another person, except in self-defense.
- a.1.(B) Possession of a knife, or other dangerous object of no reasonable use to the pupil.
- a.1.(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.1.(D) Robbery or extortion.
- a.1.(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.