

**Policy 5144: Discipline**

Status: ADOPTED

Original Adopted Date: 04/01/2014 | Last Revised Date: 03/01/2024 | Last Reviewed Date: 03/01/2024

CSBA NOTE: The following policy is optional. State law specifies behaviors for which a student may be suspended and/or recommended for expulsion; see BP/AR 5144.1 - Suspension and Expulsion/Due Process. State law also authorizes the use of age-appropriate alternatives to suspension, including those listed in Education Code 48900.5 and 48900.6.

Since a district's ability to meet its goals is impacted by its student discipline policies and practices, the Governing Board must be careful to enact rules that are effective in providing interventions and supports as well as maintaining safety and order on campus.

The U.S. Department of Justice's Civil Rights Division (DOJ) and the U.S. Department of Education's Office for Civil Rights (OCR), in their joint January 2014 Dear Colleague Letter, "Nondiscriminatory Administration of School Discipline" (which has been under review by DOJ and OCR since July 30, 2021), states that studies have suggested a correlation between exclusionary discipline policies and practices (such as suspension and expulsion) and an array of serious educational, economic, and social problems, including school avoidance, diminished educational engagement, decreased academic achievement, increased behavior problems, and increased likelihood of dropping out, substance abuse, and involvement with the juvenile justice system. Consequently, they recommend that districts adopt alternative disciplinary measures that provide students with appropriate interventions and supports as a means for preventing and addressing student misbehavior. OCR's publication, "Resource on Confronting Racial Discrimination in Student Discipline," provides additional resources and findings.

The Governing Board is committed to providing a safe, supportive, and positive school environment which is conducive to student learning and achievement and desires to prepare students for responsible citizenship by fostering self-discipline and personal responsibility. The Board believes that high expectations for student behavior, use of effective school and classroom management strategies, provision of appropriate intervention and support, and parent/guardian involvement can minimize the need for disciplinary measures that exclude students from instruction as a means for correcting student misbehavior.

The Superintendent or designee shall develop effective, age-appropriate strategies for maintaining a positive school climate and responding appropriately to student misbehavior at district schools. The strategies shall focus on providing students with needed supports; communicating clear, appropriate, and consistent expectations and consequences for student conduct; and ensuring equity and continuous improvement in the implementation of district discipline policies and practices.

In addition, the Superintendent or designee's strategies for responding to student misconduct shall reflect the Board's preference for the use of positive interventions and alternative disciplinary measures over exclusionary discipline measures.

Disciplinary measures that may result in loss of instructional time or cause students to be disengaged from school, such as detention, suspension, and expulsion, shall be imposed only when required or permitted by law or when other means of correction have been documented to have failed. (Education Code 48900.5)

School personnel and volunteers shall not allow any disciplinary action taken against a student to result in the denial or delay of a school meal. (Education Code 49557.5)

CSBA NOTE: Pursuant to Education Code 49056, as added by SB 291 (Ch. 863, Statutes of 2023), beginning with the 2024-2025 school year, a student may not be denied recess unless the student's participation poses an immediate threat to the physical safety of the student or to the physical safety of one or more of the student's peers. Education Code 44807.5, which authorized the Board to permit the use of recess restriction for disciplinary purposes, was repealed by SB 291.

A student shall not be denied recess unless the student's participation poses an immediate threat to the physical safety of the student or to the physical safety of one or more of the student's peers. If, due to such immediate threat, a student is denied recess, staff shall make all reasonable efforts to resolve the threat and minimize the student's exclusion from recess, to the greatest extent practicable. (Education Code 49056)

CSBA NOTE: Pursuant to Education Code 49005.2, use of seclusion and behavioral restraint as a means of discipline is prohibited. Education Code 49005.4 provides that seclusion or behavioral restraint may only be used to control behavior that poses a clear and present danger of serious physical harm to a student or others that cannot

be immediately prevented by a less restrictive response. See AR 5131.41 - Use of Seclusion and Restraint.

Seclusion and behavioral restraint are prohibited as a means of discipline and shall not be used to correct student behavior except as permitted pursuant to Education Code 49005.4 and in accordance with district regulations. (Education Code 49005.2)

CSBA NOTE: The following optional paragraph may be revised to reflect district practice. According to Public Counsel's model policy issued as part of the Fix School Discipline Project, a discipline matrix that lists violations and consequences could be a useful guide to school site administrators with regard to when suspension or expulsion referrals should be utilized.

The Superintendent or designee shall create a model discipline matrix that lists violations and the consequences for each as allowed by law.

CSBA NOTE: Education Code 35291.5 authorizes, but does not require, school sites to adopt rules and procedures for student discipline. Pursuant to Education Code 32282, any adopted site-level discipline rules must be included in the comprehensive safety plan; see BP/AR 0450 - Comprehensive Safety Plan. The following paragraph is optional.

The principal or designee at each school may develop disciplinary rules to meet the school's particular needs consistent with law, Board policy, and administrative regulations. The Board, at an open meeting, may review the approved school discipline rules for consistency with Board policy and state law. Site-level disciplinary rules shall be included in the district's comprehensive safety plan. (Education Code 32282, 35291.5)

At all times, the safety of students and staff, providing interventions and supports to students, as well as the maintenance of an orderly school environment, shall be priorities in determining appropriate discipline. When misconduct occurs, staff shall attempt to identify the causes of the student's behavior and implement appropriate support and/or discipline. When choosing between different disciplinary strategies, staff shall consider the effect of each option on the student's health, well-being, and opportunity to learn.

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

The Superintendent or designee shall provide professional development as necessary to assist staff in developing the skills needed to effectively and equitably implement the disciplinary strategies adopted for district schools, including, but not limited to, knowledge of school and classroom management skills and their consistent application, effective accountability and positive intervention techniques, and the tools to form strong, cooperative relationships with parents/guardians.

CSBA NOTE: Pursuant to Education Code 52060, the district must annually adopt a local control and accountability plan that includes a description of district goals for improving school climate, as provided in the following paragraph.

District goals for improving school climate, based on suspension and expulsion rates, surveys of students, staff, and parents/guardians regarding their sense of school safety and connectedness to the school community, and other local measures, shall be included in the district's local control and accountability plan, as required by law.

At the beginning of each school year, the Superintendent or designee may report to the Board regarding disciplinary strategies used in district schools in the immediately preceding school year and their effect on student learning.

**Policy Reference Disclaimer:** These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

#### State References

5 CCR 307

#### Description

[Participation in school activities until departure of bus](#)

5 CCR 353

[Detention after school](#)

Civ. Code 1714.1

[Liability of parent or guardian for act of willful misconduct by a minor](#)

Ed. Code 32280-32289.5

[School safety plans](#)

Ed. Code 35146

[Closed sessions](#)

Ed. Code 35291-35291.5

[Rules](#)

Ed. Code 35291.5

[School-adopted discipline rules](#)

Ed. Code 37223	<a href="#">Weekend classes</a>
Ed. Code 48900-48926	<a href="#">Suspension and expulsion</a>
Ed. Code 48980-48985	<a href="#">Parent/Guardian notifications</a>
Ed. Code 49005-49006.4	<a href="#">Seclusion and restraint</a>
Ed. Code 49055	<a href="#">Restorative justice practices</a>
Ed. Code 49056	<a href="#">Recess restriction</a>
Ed. Code 49330-49335	<a href="#">Injurious objects</a>
Ed. Code 49414.4	<a href="#">Opioid misuse; alternative to referral to law enforcement</a>
Ed. Code 49550-49564.5	<a href="#">Meals for needy students</a>
Ed. Code 52060-52077	<a href="#">Local control and accountability plan</a>

### Federal References

20 USC 1400-1482  
 29 USC 794  
 42 USC 1751-1769j  
 42 USC 1773

### Description

[Individuals with Disabilities Education Act Rehabilitation Act of 1973; Section 504](#)  
[School Lunch Program](#)  
[School Breakfast Program](#)

### Management Resources References

California Dept of Education Program Advisories  
 CSBA Publication  
 CSBA Publication  
 CSBA Publication  
 CSBA Publication  
 CSBA Publication  
 Fix School Discipline Project  
 U.S. DOE, Office for Civil Rights Publication  
 U.S. DOE, Office for Civil Rights Publication  
 U.S. DOE, Office for Civil Rights Publication  
 Website  
 Website  
 Website  
 Website  
 Website

### Description

[Classroom Management: A California Resource Guide for Teachers and Administrators of Elementary and Secondary Schools, 2000](#)  
[The Case for Reducing Out-of-School Suspensions and Expulsions, Fact Sheet, April 2014](#)  
[Recent Legislation on Discipline: AB 240, Fact Sheet, March 2015](#)  
[Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011](#)  
[Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014](#)  
[Maximizing Opportunities for Physical Activity During the School Day, Fact Sheet, November 2009](#)  
[Sample alternative discipline policy](#)  
[Resource on Confronting Racial Discrimination in Student Discipline](#)  
[Supporting Students with Disabilities and Avoiding the Discriminatory Use of Student Discipline under Section 504 of the Rehabilitation Act of 1973](#)  
[Dear Colleague Letter on the Nondiscriminatory Administration of School Discipline, January 2014](#)  
[CSBA District and County Office of Education Legal Services](#)  
[Public Counsel](#)  
[U.S. Department of Education, Office for Civil Rights](#)  
[California Department of Education](#)  
[CSBA](#)

### Cross References

0450  
 0450  
 0460

### Description

[Comprehensive Safety Plan](#)  
[Comprehensive Safety Plan](#)  
[Local Control And Accountability Plan](#)

0460	<a href="#">Local Control And Accountability Plan</a>
1114	<a href="#">District-Sponsored Social Media</a>
1114	<a href="#">District-Sponsored Social Media</a>
1312.3	<a href="#">Uniform Complaint Procedures</a>
1312.3	<a href="#">Uniform Complaint Procedures</a>
1312.3-E(1)	<a href="#">Uniform Complaint Procedures</a>
1312.3-E(2)	<a href="#">Uniform Complaint Procedures</a>
1313	<a href="#">Civility</a>
3512	<a href="#">Equipment</a>
3512-E(1)	<a href="#">Equipment</a>
3513.3	<a href="#">Tobacco-Free Schools</a>
3513.3	<a href="#">Tobacco-Free Schools</a>
3513.4	<a href="#">Drug And Alcohol Free Schools</a>
3515	<a href="#">Campus Security</a>
3515	<a href="#">Campus Security</a>
3515.21	<a href="#">Unmanned Aircraft Systems (Drones)</a>
3515.3	<a href="#">District Police/Security Department</a>
3515.3	<a href="#">District Police/Security Department</a>
3515.31	<a href="#">School Resource Officers</a>
3515.4	<a href="#">Recovery For Property Loss Or Damage</a>
3515.4	<a href="#">Recovery For Property Loss Or Damage</a>
3543	<a href="#">Transportation Safety And Emergencies</a>
4131	<a href="#">Staff Development</a>
4158	<a href="#">Employee Security</a>
4158	<a href="#">Employee Security</a>
4258	<a href="#">Employee Security</a>
4258	<a href="#">Employee Security</a>
4358	<a href="#">Employee Security</a>
4358	<a href="#">Employee Security</a>
5000	<a href="#">Concepts And Roles</a>
5020	<a href="#">Parent Rights And Responsibilities</a>
5020	<a href="#">Parent Rights And Responsibilities</a>
5030	<a href="#">Student Wellness</a>
5112.1	<a href="#">Exemptions From Attendance</a>
5112.1	<a href="#">Exemptions From Attendance</a>
5112.5	<a href="#">Open/Closed Campus</a>
5113.1	<a href="#">Chronic Absence And Truancy</a>
5113.1	<a href="#">Chronic Absence And Truancy</a>
5116.2	<a href="#">Involuntary Student Transfers</a>
5125	<a href="#">Student Records</a>
5125	<a href="#">Student Records</a>

5127	<a href="#">Graduation Ceremonies And Activities</a>
5131	<a href="#">Conduct</a>
5131.1	<a href="#">Bus Conduct</a>
5131.1	<a href="#">Bus Conduct</a>
5131.2	<a href="#">Bullying</a>
5131.2	<a href="#">Bullying</a>
5131.4	<a href="#">Student Disturbances</a>
5131.4	<a href="#">Student Disturbances</a>
5131.41	<a href="#">Use Of Seclusion And Restraint</a>
5131.5	<a href="#">Vandalism And Graffiti</a>
5131.6	<a href="#">Alcohol And Other Drugs</a>
5131.6	<a href="#">Alcohol And Other Drugs</a>
5131.62	<a href="#">Tobacco</a>
5131.62	<a href="#">Tobacco</a>
5131.63	<a href="#">Steroids</a>
5131.63	<a href="#">Steroids</a>
5131.7	<a href="#">Weapons And Dangerous Instruments</a>
5131.7	<a href="#">Weapons And Dangerous Instruments</a>
5131.9	<a href="#">Academic Honesty</a>
5132	<a href="#">Dress And Grooming</a>
5132	<a href="#">Dress And Grooming</a>
5137	<a href="#">Positive School Climate</a>
5138	<a href="#">Conflict Resolution/Peer Mediation</a>
5141.4	<a href="#">Child Abuse Prevention And Reporting</a>
5141.4	<a href="#">Child Abuse Prevention And Reporting</a>
5142	<a href="#">Safety</a>
5142	<a href="#">Safety</a>
5144.1	<a href="#">Suspension And Expulsion/Due Process</a>
5144.1	<a href="#">Suspension And Expulsion/Due Process</a>
5144.2	<a href="#">Suspension And Expulsion/Due Process (Students With Disabilities)</a>
5144.4	<a href="#">Required Parental Attendance</a>
5144.4	<a href="#">Required Parental Attendance</a>
5145.2	<a href="#">Freedom Of Speech/Expression</a>
5145.2	<a href="#">Freedom Of Speech/Expression</a>
5145.3	<a href="#">Nondiscrimination/Harassment</a>
5145.3	<a href="#">Nondiscrimination/Harassment</a>
5145.6	<a href="#">Parent/Guardian Notifications</a>
5145.6-E(1)	<a href="#">Parent/Guardian Notifications</a>
5145.7	<a href="#">Sexual Harassment</a>
5145.7	<a href="#">Sexual Harassment</a>
5145.71	<a href="#">Title IX Sexual Harassment Complaint Procedures</a>

5145.71-E(1)	<a href="#">Title IX Sexual Harassment Complaint Procedures</a>
5145.9	<a href="#">Hate-Motivated Behavior</a>
5148.2	<a href="#">Before/After School Programs</a>
5148.2	<a href="#">Before/After School Programs</a>
6145	<a href="#">Extracurricular And Cocurricular Activities</a>
6145	<a href="#">Extracurricular And Cocurricular Activities</a>
6145.2	<a href="#">Athletic Competition</a>
6145.2	<a href="#">Athletic Competition</a>
6145.8	<a href="#">Assemblies And Special Events</a>
6153	<a href="#">School-Sponsored Trips</a>
6153	<a href="#">School-Sponsored Trips</a>
6159.4	<a href="#">Behavioral Interventions For Special Education Students</a>
6162.54	<a href="#">Test Integrity/Test Preparation</a>
6163.4	<a href="#">Student Use Of Technology</a>
6163.4-E(1)	<a href="#">Student Use Of Technology</a>
6164.2	<a href="#">Guidance/Counseling Services</a>
6164.5	<a href="#">Student Success Teams</a>
6164.5	<a href="#">Student Success Teams</a>
6184	<a href="#">Continuation Education</a>
6184	<a href="#">Continuation Education</a>
6185	<a href="#">Community Day School</a>
6185	<a href="#">Community Day School</a>
9321	<a href="#">Closed Session</a>
9321-E(1)	<a href="#">Closed Session</a>
9321-E(2)	<a href="#">Closed Session</a>

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