



ADMINISTRATIVE PROCEDURE

SAN DIEGO UNIFIED SCHOOL DISTRICT

NO: 6270

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CATEGORY: **Student, Discipline**

EFFECTIVE: **1-29-62**

SUBJECT: **Discipline and Supervision, General**

REVISED: **12-17-99**

A. PURPOSE AND SCOPE

1. To outline general legal requirements and administrative procedures governing student discipline.
2. **Related Procedures:**

Release of student information	6525
Suspension	6290
School-initiated placement/School-Initiated Placement Council	4605
Conduct of student spectators	6230
Loitering/trespassing/sit-ins	EP 08
Student free speech	6210
Prohibition of corporal punishment	6285
3. Specific procedures on such matters as leaving school grounds, vandalism, physical assault, and drugs and narcotics are referenced in the *Alphabetical Index to Administrative Procedures*.

B. LEGAL AND POLICY BASIS

1. **Reference:** Board policy: F-6000, G-1000, G-1001, G-2000, G-3000, H-5100, H-5150, H-6000, H-6050, H-6500, H-6800, H-6900, H-6950, H-7800, H-8800, I-1900, I-4400; Education Code Sections 35181, 35183, 35291, 44806-44808, 44811, 44812, 48900-48921, 49000, 49072; California Code of Regulations, Title 5, Sections 300, 302, 352, 353, 5530.
2. "All pupils shall comply with regulations, pursue the required course of study, and submit to the authority of the teachers of the schools" (Education Code Section 48908).
3. **Neatness of Dress and Personal Cleanliness.** A pupil who goes to school without proper attention having been given to personal cleanliness or neatness of dress may be sent home to be properly prepared for school, or shall be required to prepare himself for the schoolroom before entering (California Code of Regulations, Title 5, Section 302).
4. **Dress Code.** The board has adopted a policy that allows schools to adopt reasonable dress codes that require students to wear a schoolwide uniform or prohibit students from wearing gang-related apparel (Education Code Section 35183).

C. GENERAL

1. **Originating Office.** Suggestions or questions concerning this procedure should be directed to the Placement, Enrollment, and Appeal Office, Legal Services.
2. **Responsibility to Educate.** In spite of any disciplinary problems with individual students, the district and its staff have the continuing legal obligation to educate students while they are in school.
3. **Code of Conduct.** Students, working through their student government organizations, should share in the responsibility for assisting in the establishment of standards of good behavior. The role of Associated Student Body presidents regarding student responsibilities, performances, and rights is covered in Procedure 6215.

4. **Teacher's Role**

- a. **Teachers shall be responsible** for classroom discipline which will ensure a proper learning environment for all students. This responsibility and authority extends to all students, including those not under immediate control of another teacher.
- b. **Education Code Section 44807** provides:

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

- c. **While students may be held accountable** for their conduct away from school when such conduct is inimical to the good order and discipline of the school, Education Code Section 44808 states:

No school district, city or county board of education, county superintendent of schools, or any officer or employee of such

district or board shall be responsible or in any way liable for the conduct or safety of any pupil of the public schools at any time when such pupil is not on school property, unless such district, board, or person has undertaken to provide transportation for such pupil to and from the school premises, has undertaken a school-sponsored activity off the premises of such school, has otherwise specifically assumed such responsibility or liability or has failed to exercise reasonable care under the circumstances. In the event of such a specific undertaking, the district, board, or person shall be liable or responsible for the conduct or safety of any pupil only while such pupil is or should be under the immediate and direct supervision of an employee of such district or board.

Note: The district carries general liability insurance covering an employee while acting within the scope of his/her employment, including transportation of students. When an employee uses his/her own car, district liability is limited as follows:

- (1) District coverage takes effect only after the employee's insurance company, as prime carrier, has paid (Procedure 7180).
 - (2) There is no district coverage for medical payments for occupants of an employee's automobile or for physical damage to him/her. (See Procedure 4585 regarding field trips and transportation to school events.)
- d. **Legal services.** In the event that civil proceedings are brought against a teacher, arising from conduct committed within the course and scope of his/her employment, the district will, upon request, provide legal counsel, provided that dismissal action is not being taken against the teacher with respect to conduct that gives rise to the civil action, or that the teacher did not act willfully, wantonly, or intentionally.
- e. **Detention and isolation of students**
- (1) Teachers are specifically authorized to keep students after school to make up work and to meet other school obligations. In such cases, courtesy should be extended by attempting to contact parents to let them know students will be late in arriving home.
 - (2) Students may be detained in school for disciplinary or other reasons for periods of up to one hour after the close of the maximum school day. No

student shall be required to remain in school during intermission at noon or during any recess. All students shall be required to leave the schoolroom at recess, unless it would be detrimental to health (California Code of Regulations, Title 5, Sections 352 and 353).

- (3) If a student disturbs class and wastes class time, he/she may be isolated in a place removed from other students. Adequate safeguards for the isolated student's health, safety, and proper supervision must be provided.

5. **Principal's Role**

- a. **General responsibility.** It is the principal's responsibility to maintain good discipline in the school in accordance with Education Code, California Administrative Code, and districtwide regulations and procedures promulgated by the superintendent for measurement of citizenship and development of good discipline. A principal may delegate to the vice principal or to any teacher those duties necessary for maintenance of good student conduct.
- b. **Supervision of students.** Students are to be under direct supervision of a staff member at all times while in school, or while attending a school-directed activity.
- c. **School codes of student behavior.** A school may develop codes of behavior, including codes on haircuts and dress, adopted by the authorized student government organization. It is suggested that such codes have the support of parents through the PTA and similar groups.
- d. **Gang-related apparel.** Each school shall establish a school dress and behavior code which will bar the wearing of gang-related apparel. Parents of students who wear gang-related dress will be advised that the wearing of such apparel by their children places them at risk of unintended harm.
- e. **School uniforms.** A school may develop a dress code which includes the wearing of a school uniform. A school dress code policy that requires pupils to wear a uniform shall not be implemented with less than six months' notice to parents of students currently enrolled. The school shall make available resources to assist economically disadvantaged pupils who cannot afford a uniform. The school dress code and uniform policy shall include a provision that no pupil shall be penalized academically or otherwise discriminated against, nor denied attendance to school, if the pupil's parents choose not to have the pupil comply with the school uniform policy. The school dress code and/or uniform policy

shall not preclude pupils who participate in a nationally recognized youth organization from wearing organization uniforms on days that the organization has a scheduled meeting. Parents shall be required to specifically designate in writing that their child *will not* wear a uniform, and should refer to their child's school site for specific procedures and regulations.

- f. **Moral supervision.** Principals and teachers shall exercise careful supervision over moral conditions in schools. Gambling, immorality, profanity, and use or possession of tobacco, intoxicating liquor, narcotics, or other hallucinogenic or dangerous drugs or substances on school grounds or elsewhere on the part of students shall not be tolerated (Education Code Sections 48900 *et seq.*).

6. **Parent's Role**

- a. **Parents are expected to cooperate** with school authorities in maintaining and encouraging proper standards of behavior for children. As provided in the Education Code, parents shall be held responsible, financially and otherwise, for willful misconduct of their children (Education Code Section 48904).
- b. **A parent, guardian, or other person** who upbraids, insults, or abuses any teacher in the presence of other school personnel, or in the presence or hearing of a student, is guilty of a misdemeanor (Education Code Sections 44811 and 44812; see *Emergency Procedures Manual*).
- c. **Parental complaints** should be referred to the Administrative Support Systems Program Manager, Office of the Superintendent. All appeals of suspensions should be directed to the Placement, Enrollment, and Appeal Program Manager (Procedure 6290).

7. **Parent or Guardian Views on Actions Involving Student Discipline.** Parents or guardians of a student who has been expelled, suspended, or otherwise disciplined may include a written statement of their views on the matter in the student's official records (Education Code Section 49072).

8. **Classified personnel** shall assist with control of students when and where specifically assigned by the superintendent and/or the principal.

9. **Central Office Staff.** Statutes detail responsibilities of students, teachers, and principals on matters of student discipline. Central office staff shall assist and support teachers and principals in the proper exercise of those statutory responsibilities, including:

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- a. **Review**, as requested, of all incidents of serious misconduct of students which may involve suspensions, expulsions, exemptions, or coordination with law enforcement agencies.
 - b. **Liaison** with youth-serving agencies of the city and county.
 - c. **Assistance to schools** in overcoming problems, thus reducing the need for disciplinary action.
- D. IMPLEMENTATION** (See Section C.)
- E. FORMS AND AUXILIARY REFERENCES**
- F. REPORTS AND RECORDS**
1. Principals must notify the Legal Services Office via the Placement, Enrollment, and Appeal Office of any disciplinary case which may require attention of central staff.

G. APPROVED BY



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For the Superintendent of Public Education