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DRESS CODE AND DISCIPLINE POLICIES

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Are there alternative programs to suspension/expulsion?		
Where can I find the dress code for my child's school?	Contact your child's school.	See school directory (http://go.fresnou.org/schools)
I have questions about the school dress code, whom can I contact?		

DRESS AND APPEARANCE

A.R. 5132; B.P. 5132

The Governing Board believes that appropriate dress and appearance contribute to a productive learning environment. The Board expects students to give proper attention to personal cleanliness and to wear clothes that are suitable for the school activities in which they participate. Students' clothing must not present a health or safety hazard or interfere with the educational process. In adopting this Dress and Appearance policy, it is the Board's intention to comply with Education Code 221.5.

Administrative Regulation 5132: Educationally Appropriate Dress and Appearance

The responsibility for the dress and appearance of a student rests primarily with the student and their parents or guardians. In the interest of maintaining an appropriate learning environment, the district believes in the following basic principles:

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- All students are encouraged to dress in a manner that is appropriate, comfortable and conducive to an active academic school day.
- Students should be able to wear clothing without fear of or actual unnecessary discipline or body shaming.
- The student dress code should serve to support all students to develop a body-positive self-image.
- The district standard dress and appearance policy is gender neutral and applies to all students equally regardless of gender on school campuses and at school-sponsored functions and will be enforced consistently and fairly by all members of the school staff
- Clothing and hair styles are a matter of personal choice (except for schools with uniforms). The school shall be concerned only when these impact the health and safety of students and staff.

Examples of inappropriate clothing include:

- clothing where the buttocks or torso is exposed, i.e., tube tops, half shirts, halters
- clothing that is see-through. (clothing must be opaque)
- clothing or accessories which show profanity, obscene words or pictures, sexually suggestive statements, or incites to violence
- clothing representing gang-related activities
- clothing where the entire thigh is exposed, such as micro minis or short shorts.
- bathing suits or cut-offs
- the wearing and carrying of tobacco promotional items, or items promoting controlled substances (drugs) and/or alcohol,
- clothing where undergarments are exposed
- clothing that has text that is libelous, bullying, constitutes harassment or discrimination
- footwear must be worn at school and all functions
- no backless footwear for elementary students

Additionally, site leadership may establish a site-specific dress code addendum in the following circumstances:

- Times when students are engaged in extracurricular or other special school activities and where the standard dress and appearance policy would not be appropriate for the activity.
- Times when students are engaged in specific courses where modification is needed to ensure the safety of the students engaged in the class. Examples include lab sciences, CTE classes or other classes that contain potential hazards.
- Schools may set their own site-specific addendum relating to hats, caps and other head coverings. There shall be no restriction on student head coverings worn for bona fide religious purpose.
- Each school site, in accordance with the District Dress Code Review Process may develop additional guidelines stricter than the district's minimum standard dress and appearance policy; however, these site-specific dress code addendums may not contradict the district's dress and appearance policy outlined in this AR. Schools are responsible for following the identified district policies on notification of students and parents for their site-specific addendums.

SUN PROTECTIVE CLOTHING

Each school site shall allow for outdoor use during the school day, articles of sun-protective clothing, including, but not limited to, hats, provided that sun-protective clothing does not otherwise violate this regulation. Each school site may set a policy related to the type of sun protective clothing, including, but not limited to, hats, that students will be allowed to use outdoors, if that policy is stricter than this regulation. Specific clothing and hats determined by the school district or school site to be gang-related or inappropriate apparel may be prohibited by the school site's dress code policy.

CONSEQUENCES OF DRESS AND APPEARANCE CODE VIOLATIONS

Site Leadership can determine consequences for dress and appearance code violations provided these consequences are applied consistently and equitably.

Except under exigent circumstances, suspension or expulsion will not be used as a consequence for the violation of a dress code.

Site Staff shall provide students opportunity to remedy the violation. Opportunities to remediate may include, but are not limited to, parental contact or offer of exchange of clothing. Any discipline that shall arise out of dress code violations shall have minimal loss of instructional time as its goal.

If a parent/guardian or student disagrees with the site administrator's decision on a standard violation, the parent/guardian or student shall attempt to resolve the problem by requesting a personal conference with the site administrator. If the problem cannot be resolved informally to the parent/guardian or student's satisfaction, the site administrator's decision may be appealed to the Superintendent's designee, whose decision shall be final.

Dangerous or Disruptive Violations: Dress or appearance violations that cause actual disruption of the educational environment, result in actual violation of law or other school rules, including hate-crime laws, or cause actual injury may result, at the discretion of the district Administration, in more serious disciplinary action, up to and including expulsion without regard to the policy set forth above for standard violations. The process for appeal of these dangerous or disruptive violations shall be consistent with standard district disciplinary procedures.

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Physical Education Grades: No grade of a student participating in a physical education class shall be adversely affected due to the fact that the student does not wear standardized physical education apparel where the failure to wear such apparel arises from circumstances beyond the student's control. (Education Code 49066) (cf. 5121 - Grades/Evaluation of Student Achievement)

EXCEPTION TO REGULATIONS

Generally, these neutral dress rules will be applied to all students without regard to personal circumstances. However, religious beliefs, medical requirements or other reasons may be grounds for an exception to a specific portion of the district Standard Dress & Appearance policy with specific advance approval from the district. A petition for an exemption from enforcement of a specified portion of district Standard Dress & Appearance policy may be submitted to the principal. Under no circumstances will the principal allow an exception for dress that displays gang symbols, uses profanity, displays products or slogans that promote tobacco, alcohol, drugs or sex, materially interferes with school work, materially disrupts the school environment, substantially disrupts the school environment or which creates a risk of safety.

GANG-RELATED APPAREL

Gang-related apparel is not acceptable. If individual schools that have a dress code prohibiting gang-related apparel at school or school activities, the principal, staff and parents/guardians participating in the development of the school safety plan shall define "gang-related apparel" and shall limit this definition to apparel that reasonably could be determined to threaten the health and safety of the school environment if it were worn or displayed on a school campus. (Education Code 32282)

Principals will collaborate with Law Enforcement Agencies to update changes in gang-related apparel at the beginning of each semester or as often as needed. Because gang-related symbols are constantly changing, definitions of gang related apparel shall be reviewed at least once each semester and updated whenever related information is received.

UNIFORMS

E.C. 35183

In schools where a school-wide uniform is required, the principal, staff, and parents/guardians of the individual school shall jointly select the specific uniform, and uniform combinations to be worn. (Education Code 35183)

The principal or designee shall give parents/guardians at least six months' notice before a school uniform policy is implemented. (Education Code 35183)

Parents/guardians shall be informed of their right to have their child exempted from a school uniform policy. A student exempted from participation in a school uniform policy by his/her parents/guardians must comply with this regulation and any supplemental site-specific dress code adopted at the site level.

The Superintendent or designee shall establish criteria for determining student eligibility for financial assistance when purchasing uniforms.

The Superintendent or designee shall establish a method for recycling or exchanging uniforms as students outgrow them.

Students who participate in a nationally recognized youth organization shall be allowed to wear organization uniforms on days when the organization has a scheduled meeting. (Education Code 35183)

Fresno Unified School District does not harass, intimidate, or discriminate on the basis of race, color, ethnicity, national origin, immigration status, ancestry, age, creed, religion, political affiliation, gender, gender identity or expression or genetic information, mental or physical disability, sex, sexual orientation, parental or marital status, military veteran status, or any other basis protected by law or regulation, in its educational program(s) or employment.

Regulation FRESNO UNIFIED SCHOOL DISTRICT approved: July 8, 1993 Fresno, California revised: September 10, 1997 reviewed:

May 18, 2001 revised: July 16, 2003 revised: July 9, 2019 Policy Section: 5000

STUDENT DISCIPLINE

EXPECTED STUDENT BEHAVIOR

Rules and regulations are established to maintain an atmosphere conducive to learning. Students who fail to comply with these rules and regulations will be counseled, reprimanded, suspended, or expelled, and/or arrested as the laws are applied.

The Governing Board of any school district shall prescribe rules not inconsistent with law or with the rules prescribed by the State Board of Education for the government and discipline of the schools under its jurisdiction. E.C. 35291

Participation/Attendance at extracurricular activities is considered a part of the educational program. Participants or spectators carry responsibilities as representatives of the schools/communities. All rules of student conduct apply also to extracurricular activities.

Any Governing Board may enforce the provisions of Section 35291 by suspending or, if necessary, expelling a student in any Elementary or Secondary school who refuses or neglects to obey any rules prescribed pursuant to that section. E.C. 35291, 48980; A.R. 5144, 5144.1

DISCIPLINE

B.P. 5144; A.R. 5144

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 correcting 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 correcting 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 a 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)

Conflict resolution strategies shall be considered as part of each school's comprehensive safety plan and incorporated into other district discipline procedures as appropriate. B.P. 5138.2 Staff shall enforce disciplinary rules fairly, consistently and in accordance with the district's nondiscrimination policies. B.P. 5144, 5144.1

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)

CONFERENCING

Students will be counseled regarding appropriate school behavior.

DETENTION

A.R. 5144

Students may be detained for disciplinary or other reasons up to one

(1) hour after the close of the maximum school day. 5 California Code of Regulations section 353.

SUSPENSION BY TEACHER

B.P./A.R. 5144.1

A teacher may suspend a student, from class for the remainder of the day and the following day, for any of the acts specified in 48900 or for disruption or willful defiance at any grade level. E.C. 48910

When suspending a student from class, the teacher shall immediately report this action to the principal or designee and send the student to the principal or designee for appropriate action. If that action requires the continuing presence of the student at school, the student shall be appropriately supervised during the class periods from which the student has been suspended. (Education Code 48910)

As soon as possible after the teacher decides to suspend the student, the teacher shall ask the student's parent/guardian to attend a parent-teacher conference regarding the suspension. A counselor or psychologist may attend the conference if it is practicable, and a school administrator shall attend if requested by the parent/guardian or teacher. (Education Code 48910)

A student suspended from class shall not be returned to class during the period of the suspension without the approval of the teacher of the class and the principal or designee. (Education Code 48910)

A student suspended from class shall not be placed in another regular class during the period of suspension. However, a student assigned to more than one class per day may continue to attend other regular classes except those held at the same time as the class from which the student was suspended. (Education Code 48910)

A teacher may also refer a student, for any of the acts specified above in Education Code 48900, to the principal or designee for consideration of a suspension from school. (Education Code 48910))

The teacher of any class from which a student is suspended may require the student to complete any assignments and tests missed during the removal. (Education Code 48913)

ON-CAMPUS SUSPENSION

A.R. 5144.1

The Board recognizes that students who are suspended from school frequently have no supervision or guidance during the school hours when they are off campus and may fall behind in the course work. The Board believes that in many cases, it would be better to manage the student's behavior by keeping the student at school and providing them with supervision that is separated from the regular classroom.

To ensure the proper supervision and ongoing learning of students, for any of the offenses enumerated in Education Code Section 48900 and 48900.2, but who pose no imminent danger or threat to anyone at school and for whom an expulsion action has not been initiated, the Superintendent or designee shall establish a supervised suspension program which meets the requirements of law.

Except where a supervised suspension is permitted by law for a student's first offense, supervised suspension shall be imposed only when other means of correction have failed to bring about proper conduct. (Education Code 48900.5)

A student for whom an expulsion action has not been initiated and who poses no imminent danger or threat to the school, students, or staff may be assigned to on-campus suspension in a separate classroom, building, or site for the entire period of suspension. The following conditions shall apply: (E.C. 48911.1)

1. The on-campus suspension classroom shall be staffed in accordance with law
2. The student shall have access to appropriate counseling services
3. The on-campus suspension classroom shall promote completion of schoolwork and tests missed by the student during the suspension
4. The student shall be responsible for contacting the student's teacher(s) to receive assignments to be completed in the supervised suspension classroom. The teacher(s) shall provide all assignments and tests that the student will miss while suspended. If no such work is assigned, the person supervising the suspension classroom shall assign classwork.

At the time a student is assigned to an on-campus suspension classroom, the principal or designee shall notify the student's parent/guardian, or if the student is a foster youth, the foster youth's educational rights holder, attorney, and county social worker, or if the student is an Indian child, the tribal social worker and, if applicable, county social worker, in person, by email, or by telephone. When the assignment is for longer than one class period, this notification may be made in writing. (E.C. 48911.1)

SUSPENSION

B.P. 5144.1; A.R. 5144.1

Suspension means the removal of a student from ongoing instruction for adjustment purposes. Suspended students shall be denied the privilege of participation in all extracurricular activities during the period of suspension or expulsion. A student's parents/guardians shall be notified as soon as possible when there is an escalating pattern of misbehavior that could lead to on-campus or off-campus suspension.

Suspension Procedure requires:

1. An informal conference with the student;
2. All requests for student suspension are to be processed by the principal or designee.

3. At the time of the suspension, a school employee shall make a reasonable effort to contact the parent/guardian, or if the student is a foster youth, the foster youth's educational rights holder, attorney, and county social worker, or if the student is an Indian child, the tribal social worker and, if applicable, county social worker, in person, by email, or by telephone. Whenever a student is suspended, the parent/guardian or, if applicable, the foster youth's educational rights holder, attorney, and the county social worker, or the Indian child's tribal social worker and, if applicable, the county social worker, shall be notified in writing of the suspension. (Ed. Code 48911) This notice shall state the specific offense committed by the student. (E.C. 48900.8) In addition, the notice may state the date and time when a student may return to school.
4. That parents/guardians respond to the school's request for a conference without delay, as per state law;
5. That parents/guardians be informed that suspension may be reviewed by the Superintendent or designee; and
6. That suspended student must remain under parent/guardian supervision and is not to be on or around any school campus or attend school activities for the duration of the suspension.

Students may be suspended or expelled for the following reasons under E.C. 48900:

E.C. 48900 (a)

(1) Caused, attempted to cause, or threatened to cause physical injury to another person, or (2) willfully used force or violence upon the person of another, except in self-defense.

E.C. 48900 (b)

Possessed, sold, or otherwise furnished any firearm, knife, explosive, or other dangerous object unless, in the case of possession of any object of this type, the student had obtained written permission to possess the item from a certificated school employee, which is concurred in by the Principal or designee.

E.C. 48900 (c)

Unlawfully possessed, used, sold, or otherwise furnished, or been under the influence of any controlled substance, an alcoholic beverage, or an intoxicant of any kind.

E.C. 48900 (d)

Unlawfully offered, arranged, or negotiated to sell any controlled substance, an alcoholic beverage, or an intoxicant of any kind, and then either sold, delivered, or otherwise furnished to any person another liquid substance, or material and represented it as a controlled substance, alcoholic beverage, or intoxicant.

E.C. 48900 (e)

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Committed or attempted to commit robbery or extortion.

E.C. 48900 (f)

Caused or attempted to cause damage to school property or private property.

E.C. 48900 (g)

Stole or attempted to steal school property or private property.

E.C. 48900 (h)

Possessed and/or used tobacco products.

E.C. 48900 (i)

Committed an obscene act or engaged in habitual profanity or vulgarity.

E.C. 48900 (j)

Unlawfully possessed, or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia.

E.C. 48900 (l)

Knowingly received stolen school property or private property.

E.C. 48900 (m)

Possessed an imitation firearm.

E.C. 48900 (n)

Committed or attempted to commit specified acts of sexual assault or committed sexual battery.

E.C. 48900 (o)

Harassed, threatened, or intimidated a student who is a complaining witness.

E.C. 48900 (p)

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Unlawfully offered, arranged, negotiated to sell, or sold the prescription drug Soma.

E.C. 48900 (q)

Engaged in, or attempted to engage in, hazing.

E.C. 48900 (r)

Engaged in an act of bullying, including, but not limited to, bullying committed by means of an electronic act.

E.C. 48900 (t)

Aided or abetted the infliction or attempted infliction of physical injury to another person. May be subject to a suspension but not expulsion.

E.C. 48900.2

(Grades 4-12)

Committed sexual harassment, as defined by E.C. 212.5.

E.C. 48900.3

(Grades 4-12)

Caused, attempted to cause, threatened to cause, or participated in an act of hate violence, as defined in subdivision (e) of E.C. 233.

E.C. 48900.4

(Grades 4-12)

Intentionally engaged in harassment, threats, or intimidation directed against school district personnel or pupils, that is sufficiently severe or pervasive so as to have the actual and reasonably-expected effect of materially disrupting classwork, creating substantial disorder, and invading rights of either school personnel or pupils by creating an intimidating or hostile educational environment.

E.C. 48900.7

(Grades K-12)

Made terrorist threats against school officials or school property, or both.

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However, students who voluntarily disclose their use of a controlled substance, alcohol, an intoxicant of any kind, or tobacco in order to seek help through services or supports may not be suspended solely for that disclosure. (Education Code 48900)

A student may not be suspended or expelled for disruption or willful defiance. (Education Code 48900)

Students shall not be suspended or expelled for truancy, tardiness, or absenteeism from assigned school activities.

ALTERNATIVE TO SUSPENSION (ATS)

To correct the behavior of any student who is subject to discipline, the Superintendent or designee shall, to the extent allowed by law, first use other means of correction. (Education Code 48900.5)

Other means of correction may include but are not limited to conferences which restore the relationships between staff, students and parents/guardians; youth court, mediation, use of study, guidance, or other intervention related teams; enrollment in a program teaching positive social behavior or anger management; and participation in a restorative justice program. Staff shall use preventative measures and positive conflict resolution techniques whenever possible.

School-based conflict resolution programs are designed to help students learn constructive ways of handling conflict. These programs can reduce violence, restore relationships and promote communication, personal responsibility and problem-solving skills among students. Conflict resolution programs shall not supplant the authority of staff to take appropriate action as necessary to prevent violence, ensure student safety, maintain order in the school, and institute disciplinary measures.

Additional Education Codes Regarding Suspension:

E.C. 48911

Rules and Procedures regarding suspension.

E.C. 48912

Suspensions handled in closed meetings to protect student privacy.

E.C. 48915.1; A.R. 5119

Enrollment of a student expelled from another District. A hearing will be held to determine if the student will be enrolled based on the act that caused the expulsion, and if the student poses a continuing danger.

E.C. 48916; A.R. 5144.1

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Explanation of the readmission process after an expulsion, including the use of a rehabilitation plan.

E.C. 49332; A.R. 5144.1

School personnel may retain possession of any injurious object taken from a student until the risk of its use has dissipated.

SEARCH AND SEIZURE

B.P. 5145.12

Under Board Policy, metal detectors may be used randomly to promote safety and deter the presence of weapons. Specially-trained, non-aggressive dogs may be used to sniff out and alert staff to the presence of contraband such as drugs, alcohol, firearms, and explosives. Dogs may not sniff any person, but may sniff around lockers, desks, bags, items, or vehicles on school property.

EXPULSION

B.P./A.R. 5144.1

Except when otherwise permitted by law, a student may be suspended or expelled only when their behavior is related to a school activity or school attendance occurring within any district school or another school district, regardless of when it occurs, including, but not limited to, the following: (Education Code 48900(s))

1. While on school grounds
2. While going to or coming from school
3. During the lunch period, whether on or off the school campus (cf. 5112.5 - Open/Closed Campus)
4. During, going to, or coming from a school-sponsored activity

Off campus behavior may result in discipline when it disrupts district programs and activities or as otherwise prohibited by law, Board policy, or administrative regulation.

Expulsion Timeline

An expulsion hearing shall be held within thirty (30) school days of date the Principal or designee determines that the student committed the violation. A written notice of the hearing shall be forwarded to the student at least ten (10) calendar days prior to the date of the hearing. If parent/guardian wants to have the hearing take place before this time, the parent/guardian may sign a ten (10)-day notice waiver. To postpone the expulsion panel hearing, the request must be

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made in writing five (5) days prior to the expulsion hearing and sent to:

Department of Prevention and Intervention

Discipline Office

2011 Fresno Street

Fresno CA 93721

The Board shall make a decision about the student's expulsion within forty (40) school days after the student's removal from school for the incident for which the recommendation for expulsion is made.

Extension of the Suspension

E.C. 48911; A.R. 5144.1

In a case where expulsion from any school or suspension for the balance of the semester from continuation school is being processed by the Governing Board, the Superintendent or designee may, in writing, extend the suspension until the Governing Board has rendered a decision in the action. However, an extension may be granted only if both of the following conditions are met:

1. Prior to the decision regarding the extension, the pupil and their parent/guardian are provided an opportunity to meet with the Superintendent or designee regarding the extension.
2. The Superintendent or designee has determined, that the student presents a danger to persons or property or threat of disrupting the instructional process.

E.C. 48911

Timeline

- Determination of Conduct in Violation of E.C. 48900, 48900.2-4, 48900.7 and/or 48915. Suspension: Not more than five (5) school days. E.C. 48911
- Recommendation Expulsion/Extension of Suspension E.C. 48915: Within the five (5) school days of suspension/extension pending decision on expulsion. E.C. 48911 (g)
- Notice of Hearing: At least ten (10) calendar days prior to hearing. E.C. 48918 (c)
- Student Request for Open Hearing: Within five (5) calendar days preceding hearing. E.C. 48918 (c)

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- District Extension of Hearing Date: Up to five (5) school days "for good cause". E.C. 48918 (a)

- Student Postponement: Entitled to not more than thirty (30)

calendar days--additional days at Board's discretion.

E.C. 48918 (a)

Student Due Process

The Board shall provide for the fair and equitable treatment of students facing suspension and/or expulsion by affording them their due process rights under the law. The Superintendent or designee shall comply with procedures for notices, hearings, and appeals as specified in administrative regulation and law. (Education Codes 48911, 48915, 48915.5, 48918)

Expulsion Hearing

A.R. 5144.1

- To be conducted within thirty (30) school days of determination of student violation. E.C. 48918 (a) (1)
- Administrative Panel Determination: Within three (3) school days or thirty-three (33) days without postponements. E.C. 48918 (e)
- Decision of Governing Board: Within ten (10) school days or forty (40) days without student requested hearing postponement.

E.C. 48918 (a)(2)

- Appeal to County Board: Within thirty (30) calendar days following School Board's decision. E.C. 48919
- Appellate Hearing: Within twenty (20) school days following filing of formal request. E.C. 48919
- Decision of the County Board: Within three (3) school days of hearing absent student request for postponement. E.C. 48919

WHAT HAPPENS AT A HEARING?

When the Superintendent or designee receives a request for an Expulsion Panel Hearing, an Administrative Panel meets to hear why the recommendation has been made. The Administrative Panel consists of three (3) or more certificated persons who are impartial; none of whom shall be members of the Board or employed at the student's school. The school will have an administrator there to present the case. The hearing, which is recorded, may be transcribed at the parent's/guardian's expense if the Board's decision is appealed.

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At the hearing, the Panel will hear facts/evidence about the incident from testimony provided by the school and any/all witnesses. The panel will also receive information about the student related to their academic performance, attendance, and discipline. Parent/guardian will have a chance to tell the Administrative Panel if the information from the school is not accurate. Parent/guardian may also inform the Administrative Panel of any concerns they have before the Administrative Panel makes a recommendation.

The Board of Education will receive the Panel's recommendation and is the only body that can make a decision on the recommendation. Parent/guardian may appeal the Board's decision within thirty (30) days to Fresno County Board of Education.

HEARING PROCEDURE

- The Chairperson will explain the expulsion procedure to the parent/guardian and the student.
- The Chairperson will ask everyone in the room to identify themselves so the recording will reflect it.
- Charges shall be stated by the representative of the school district.
- The student, parent/guardian, or the representative may present any written materials felt to be pertinent to the case.
- A brief recess will then be held in order that everyone may read and review those materials presented.
- The parent/ guardian, the student, and the student's representative will be sworn in.
- Presentation of witnesses and evidence will be made by the representative of the school district.
- The student, parent/guardian, and/or the representative presents the student's case.
- Summation and recommendations, if any, are to be made by the representative of the school district.
- Concluding remarks, if any, are to be made by the student, parent/guardian, and/or Student's representative.
- There will be closure of the hearing and withdrawal of all participants from the hearing room except for the Administrative Panel members.
- The Panel then will deliberate, in closed session, in order to reach a decision as to the finding of fact and the Panel's recommendations.

PARENT OPTIONS AND RESPONSIBILITIES

- If the student has moved to another school district, the law requires that the new district be notified of the expulsion or any pending expulsion (E.C. 48915.1,

- A student may apply to another school district and must inform its staff of the expulsion order or any pending expulsion.
- A student may apply for admission to a private school.

Appeal May Be Filed With the County Board of Education

The student and parent/guardian have the right to file an appeal of expulsion to the Fresno County Board of Education within thirty (30) calendar days of the decision to expel the student. If thirty (30) days have passed since the date of the expulsion, the Fresno County Board of Education does not have jurisdiction to hear the appeal. On some occasions, a district may suspend an expulsion allowing a student to return to school under certain conditions. However, the thirty (30)-day time limitation applies even though the student may be attending school.

Student Placement

There are two (2) types of expulsions:

1. Straight; and
2. Suspended.

If a student is placed on straight expulsion, they may not attend any Fresno Unified school during the expulsion term set by the Board of Education.

A suspended expulsion with conditions allows the student to remain in a district school during the expulsion term. However, if the student violates the conditions set forth by the Board of Education, the student will be placed on a straight expulsion for the remainder of their expulsion term.

The responsibility for transportation to any school site resultant from these disciplinary actions remains with the parent/guardian.

Community Schools

Fresno County Community Schools are run by the Fresno County Superintendent's Office to provide an academic program to students who are expelled, on probation or on parole. The County programs serve students grades 7-12. After the Board action, referrals to Community Schools are made through the Fresno Unified Department of Prevention and Intervention. Questions should be directed to the Discipline Office at 457-3348. (B.P. 6181)

Right to an Attorney (Parent's/Guardian's Expense)

Fresno Unified intends to conduct a hearing in a manner which does not require attorneys. This information is to help the applicant understand the hearing process. While attorneys are not required, it is the right of the student and the parent/guardian and the right of the Fresno Unified School District to have an attorney or advocate present.

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NOTIFICATION REGARDING EXPULSION

The Fresno Unified School District Board of Education has established policies and standards of behavior which promote learning and protect the safety and well-being of students. When these policies are violated, it may be necessary to suspend or expel a student. Board Policy 5144.1 aligns with California Education Code in the approach to serious offenses.

The following offenses will warrant a mandatory referral for expulsion:

1. Possessing loaded or unloaded firearms
2. Selling or otherwise furnishing a firearm
3. Brandishing a knife at another person
4. Unlawfully selling a controlled substance
5. Sexual assault (including attempt) or sexual battery
6. Possessing an explosive

The offenses listed above will not be tolerated in the school buildings, school grounds, and buses, going to or coming from lunch or school or at any school-sponsored activity.

For all other violations, the principal shall have the discretion to recommend expulsion of a student. If expulsion is recommended, the Board shall order the student expelled only if it makes a finding of either or both of the following:

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

Students who violate the applicable Penal Codes referenced by this policy will be referred to the appropriate law enforcement authorities.

This policy is publicized and each student and parent/guardian will be asked to sign a copy of the Notification Regarding Expulsion. Parents/Guardians are also requested to acknowledge the receipt of the Notification Regarding Expulsion (formerly referred to as the Zero Tolerance Letter of Notification) by their signature on the Illness and Accident Procedure Card. If the letter and/or card are not returned to the school, the policy still applies to all students.

HATE-MOTIVATED BEHAVIOR

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B.P.5145.9

The Governing Board is committed to providing a respectful, inclusive, and safe learning environment that protects students from discrimination, harassment, intimidation, bullying, or any other type of behavior that is motivated by hate. Hate-motivated behavior is any behavior intended to cause emotional suffering, physical injury, or property damage through intimidation, harassment, bigoted slurs or epithets, force or threat of force, or vandalism motivated in part or in whole by bias or hostility toward the victim's real or perceived race, color, ancestry, nationality, national origin, immigration status, ethnic group identification, ethnicity, age, religion, marital status, pregnancy, parental status, physical or mental disability, medical condition, sex, sexual orientation, gender, gender identity, gender expression, or genetic information, or any other characteristic identified in Education Code 200 or 220, Government Code 11135, or Penal Code 422.55.

The Superintendent or designee shall design strategies to promote harmonious relationships among students, prevent incidents of hate-motivated behavior to the extent possible, and address such incidents if they occur. The Superintendent or designee shall collaborate with regional programs and community organizations to promote safe environments for youth where diversity is celebrated and hate-motivated behavior is not tolerated. Such collaborative efforts shall focus on ensuring an efficient use of district and community resources, developing effective prevention strategies and response plans, providing assistance to students affected by hate-motivated behavior, and/or educating students who have perpetrated hate-motivated acts.

The district shall provide students with age-appropriate instruction that includes the development of social-emotional learning, promotes an understanding, awareness, appreciation, and respect for human rights, human relations, diversity, and acceptance in a multicultural society, explains the harm and dangers of explicit and implicit biases, discourages discriminatory attitudes and practices and provides strategies to manage conflicts constructively.

Complaint Process

A student or parent/guardian who believes the student is a victim of hate-motivated behavior is encouraged to report the incident to the principal or designee, a teacher, district compliance officer, or other staff member. Any complaint of hate-motivated behavior shall be investigated and, if determined to be discriminatory, shall be resolved in accordance with law and the district's uniform complaint procedures specified in AR 1312.3 - Uniform Complaint Procedures or other applicable procedure.

If, during the investigation, it is determined that a complaint is about nondiscriminatory behavior, the principal or designee shall inform the complainant and shall take all necessary actions to resolve the complaint. Any staff member who is notified that hate-motivated behavior has occurred, observes such behavior, or otherwise becomes aware of an incident shall immediately contact the principal, or the compliance officer responsible for coordinating the district's response to complaints and complying with state and federal civil rights laws. As appropriate, they shall also contact law enforcement.

As necessary, the district shall provide counseling, guidance, and support to students who are victims of hate-motivated behavior and to students who exhibit such behavior.

The Superintendent or designee shall ensure that the rules prohibiting hate-motivated behavior and procedures for reporting a hate-motivated incident are provided to students, staff, and Parents/guardians. This policy shall be posted in a prominent location on the district's web site in a manner that is readily and easily accessible to parents/guardians and students. (Education Code 234.6)

The Superintendent or designee shall provide staff with training that:

1. Promotes an understanding of diversity, equity, and inclusion
2. Discourages the development of discriminatory attitudes and practices
3. Includes social-emotional learning and nondiscriminatory instructional and counseling methods
4. Supports the prevention, recognition, and response to hate-motivated behavior
5. Raises the awareness and sensitivity of staff to potentially prejudicial and discriminatory behavior
6. Includes effective enforcement of rules for appropriate student conduct

Employees who engage in hate-motivated behavior shall be subject to disciplinary action, up to and including dismissal.

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