

OAKLAND UNIFIED SCHOOL DISTRICT

Administrative Regulation

AR 5144

Students

Discipline

The District and staff are committed to establishing positive learning environments that ensure that all students have access to a quality education. The District recognizes that a key aspect of maintaining a healthy and safe environment is establishing order and maintaining discipline in our schools. This goal can only be achieved through the cooperative efforts of our school personnel, students, parents, guardians, and our community.

The District believes that developing strong relationships with families is the first step in establishing safe and healthy schools. The District and staff desire to work collaboratively with families to establish positive relationships that aid in the development and achievement of all students. School staff members are encouraged to contact parents early in the school year to proactively establish positive school-home communication and throughout the school year to share student successes and challenges, and develop plans to help students have access to a quality education.

The District is committed to eliminating disparity in school discipline with respect to its underserved populations by reducing the number of referrals, suspensions, and expulsions. The staff will engage in restorative practices that enhance school culture and improve discipline systems to address equity.

Site-Level Rules

In developing site-level disciplinary rules, the school shall solicit the participation, views, and advice of one representative selected by each of the following groups: (Education Code 35291.5)

1. Parents/guardians
2. Teachers
3. School administrators
4. For junior high and high schools, students enrolled in the school

The rules shall be consistent with law, Governing Board policy, and district regulations. The development of the rules shall be informed by school-level discipline data as described in BP 5144.

The school shall also solicit participants' views on whether site-level and District-level discipline

rules are being equitably and fairly applied. The confidentiality of student records shall be maintained at all times.

Alternative Means of Correction

Each school is responsible for incorporating a Response to Intervention (RTI) framework into its Community Schools Strategic Site Plan (CSSSP) to reduce referrals and suspensions through pro-active intervention, positive behavioral support, restorative practices, and other non-punitive approaches to discipline. RTI is a prevention system focused on maximizing student achievement, reducing behavior problems, and avoiding loss of instructional time through the use of tiered interventions.

Referral of students from the classroom environment for misbehavior should be avoided. The District expects that alternatives to suspension and progressive discipline approaches shall be utilized prior to referring a student out of the classroom. The District expects that alternatives aligned with the school's RTI framework and District policies will be undertaken within the classroom except where suspension for a first offense is permitted by Education Code 48900.5, as further described in AR 5144.1, or where it can be documented that the behavior violation imposes a clear danger to persons. Classroom-based strategies include, but are not limited to:

1. Explicit re-teaching of behavioral expectations;
2. Separating students;
3. Writing an apology letter;
4. Assignment of additional tasks;
5. Phone call to parent;
6. Keeping students after class;
7. Restorative conference with student(s) or class;
8. Creation of a positive behavior contract;
9. Conference with student;
10. Conference with parent and the student.

Parents should be notified if there is an escalating pattern of misbehavior that could lead to classroom or school removal. Students who exhibit a pattern of misbehavior should be provided more intensive support and interventions. Appropriate school-based strategies include, but are not limited to:

1. A conference between school staff and the student and his/her parents/guardians.
2. Referral to a school counselor or other school support service personnel for case management and counseling.
3. Referral for drug or alcohol counseling.
4. Convening of a Student Study Team (SST), Coordination of Services Team (COST), or other intervention-related team to assess the behavior and develop and implement an individual plan to address the behavior in partnership with the student and his/her parents/guardians.

5. When applicable, referral for a comprehensive psychosocial or psychoeducational assessment, including for purposes of creating an individualized education program or a Section 504 plan.
6. Enrollment in a program for teaching social/emotional behavior or anger management.
7. Participation in a restorative justice program or conversation/circle.
8. A positive behavior support approach with tiered interventions that occur during the school day on campus.
9. After-school programs that address specific behavioral issues or expose students to positive activities and behaviors, including, but not limited to, those operated in collaboration with local parent and community groups.
10. Detention after school hours as provided in the section below entitled “Detention After School.”
11. Community service as provided in the section below entitled “Community Service.”
12. In accordance with Board policy and administrative regulation, restriction or disqualification from participation in extracurricular activities.

Recess Restriction

A teacher may restrict a student's recess time only when he/she believes that this action is the most effective way to bring about improved behavior. When recess restriction may involve the withholding of physical activity from a student, the teacher shall try other interventions before imposing the restriction. Recess restriction shall be subject to the following conditions:

1. The student shall be given adequate time to use the restroom and get a drink or eat lunch, as appropriate.
2. The student shall remain under the supervision of an appropriate employee during the period of restriction.
3. Teachers shall inform the principal of any recess restrictions they impose.

(cf. 5030 - Student Wellness)

(cf. 6142.7 - Physical Education and Activity)

Detention After School

Students may be detained for disciplinary reasons up to one hour after the close of the maximum school day. (5 CCR 353)

If a student will miss his/her school bus on account of being detained after school, or if the student is not transported by school bus, the principal or designee shall notify parents/guardians of the detention at least one day in advance so that alternative transportation arrangements may be made. The student shall not be detained unless the principal or designee notifies the parent/guardian.

In cases where the school bus departs more than one hour after the end of the school day, students may be detained until the bus departs. (5 CCR 307, 353)

Students shall remain under the supervision of a certificated employee during the period of detention.

Students may be offered the choice of serving their detention on Saturday rather than after school.

(cf. 6176 - Weekend/Saturday Classes)

Community Service

As part of or instead of disciplinary action, the Board, Superintendent, principal, or principal's designee may, at his/her discretion, require a student to perform community service during nonschool hours on school grounds, or, with written permission of the student's parent/guardian, off school grounds. Such service may include, but is not limited to, community or school outdoor beautification, campus betterment, and teacher, peer, or youth assistance programs. (Education Code 48900.6)

This community service option is not available for a student who has been suspended, pending expulsion, pursuant to Education Code 48915. However, if the recommended expulsion is not implemented or the expulsion itself is suspended, then a student may be required to perform community service for the resulting suspension. (Education Code 48900.6)

Referrals

The Board desires the adoption of the RTI framework to facilitate a consistent approach for positive, pro-social behavior management (BP 5144). The District expects teachers to attempt RTI interventions prior to making a referral out of the classroom except where suspension for a first offense is permitted or mandated by law as described in AR 5144.1 pp. 8-9.

When a referral out of the classroom is made, site administrator or designee must ensure that site staff completed the following:

1. Teacher completed universal referral form (starting in the 2014-2015 school year);
2. Site administrator or designee reviewed universal referral form and, if warranted, assigned appropriate consequences;
3. Site administrator or teacher contacted the student's parents/guardians and notified them of any consequences;
4. Site administrator or designee investigated the reasons for the student's conduct;
5. Site administrator or designee recorded the classroom interventions and referral in the District's database. (Education Code 48900.5)

Notice to Parents/Guardians and Students

At the beginning of the school year, the Superintendent or designee shall notify parents/guardians in the Parent Guide about the availability of district rules related to discipline. (Education Code 35291, 48980)

(cf. 5145.6 - Parental Notifications)

The Superintendent or designee shall also provide written notice of the rules related to discipline to transfer students at the time of their enrollment in the district.

Effective July 1, 2014

8/25/04; 4/23/14