

# HOME STREET MIDDLE SCHOOL

## Discipline Policy

### **Guidelines**

A student is responsible for his/her own behavior. Disciplinary action taken by school officials is **merely a consequence of the action already taken by the student** and each case will be judged on its own merits. Students should be aware of all consequences whenever making decisions. Contact with law enforcement will be included when appropriate. Continued or serious violations may result in expulsion/involuntary alternative.

### **Student Behavior Guidelines**

HSMS is a reflection of the attitudes, values and behavior of each student. The school is best represented by students whose behavior reflects self-respect and respect for others, and personal and school property. The following are types of behavior that are not acceptable and each will be dealt with by specific disciplinary action. Behaviors listed are suspendable/expellable per California Ed. Code 48900:

### **Inappropriate Behavior (California Ed. Code Section 48900)**

A pupil may not be suspended from school or recommended for expulsion, unless the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has committed an act as defined pursuant to any of subdivisions (a) to (v), inclusive:

- (a) (1) Caused, attempted to cause, or threatened to cause physical injury to another person.  
(2) Willfully used force or violence upon the person of another, except in self-defense.
- (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 pupil had obtained written permission to possess the item from a certificated school employee, which is concurred in by the principal or the designee of the principal.
- (c) Unlawfully possessed, used, sold, or otherwise furnished, or been under the influence of, any controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind.
- (d) Unlawfully offered, arranged, or negotiated to sell any controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind, and either sold, delivered, or otherwise furnished to any person another liquid, substance, or material and represented the liquid, substance, or material as a controlled substance, alcoholic beverage, or intoxicant.
- (e) Committed or attempted to commit robbery or extortion.
- (f) Caused or attempted to cause damage to school property or private property.
- (g) Stolen or attempted to steal school property or private property.
- (h) Possessed or used tobacco, or any products containing tobacco or nicotine products, including, but not limited to, cigarettes, cigars, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel. However, this section does not prohibit use or possession by a pupil of his or her own prescription products.
- (i) Committed an obscene act or engaged in habitual profanity or vulgarity.
- (j) Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Section 11014.5 of the Health and Safety Code.
- (k) Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, school officials, or other school personnel engaged in the performance of their duties.
- (l) Knowingly received stolen school property or private property.
- (m) Possessed an imitation firearm. As used in this section, "imitation firearm" means a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm.
- (n) Committed or attempted to commit a sexual assault as defined in Section 261, 266c, 286, 288, 288a, or 289 of the Penal Code or committed a sexual battery as defined in Section 243.4 of the Penal Code.
- (o) Harassed, threatened, or intimidated a pupil who is a complaining witness or a witness in a school disciplinary proceeding for the purpose of either preventing that pupil from being a witness or retaliating against that pupil for being a witness, or both.
- (p) Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.
- (q) A pupil may not be suspended or expelled for any of the acts enumerated in this section, unless that act is related to school activity or school attendance occurring within a school under the jurisdiction of the superintendent or principal or occurring within any other school district. A pupil may be suspended or expelled for acts that are

enumerated in this section and related to school activity or attendance that occur at any time, including, but not limited to, any of the following:

- (1) While on school grounds.
  - (2) While going to or coming from school.
  - (3) During the lunch period whether on or off the campus.
  - (4) During, or while going to or coming from, a school sponsored activity.
- (r) A pupil who aids or abets, as defined in Section 31 of the Penal Code, the infliction or attempted infliction of physical injury to another person may suffer suspension, but not expulsion, pursuant to this section, except that a pupil who has been adjudged by a juvenile court to have committed, as an aider and abettor, a crime of physical violence in which the victim suffered great bodily injury or serious bodily injury shall be subject to discipline pursuant to subdivision (a).
- (s) As used in this section, "school property" includes, but is not limited to, electronic files and databases.
- (t) A superintendent or principal may use his or her discretion to provide alternatives to suspension or expulsion, including, but not limited to, counseling and an anger management program, for a pupil subject to discipline under this section.
- (u) It is the intent of the Legislature that alternatives to suspension or expulsion be imposed against any pupil who is truant, tardy, or otherwise absent from school activities.
- (v) Engaged in, or attempted to engage in, hazing as defined in Section 32050.
- Extracurricular activities:** Students involved in extracurricular activities representing the school, both on and off the campus, must behave in an exemplary manner. Infractions of school rules may result in the temporary or permanent loss of the right to participate in such activities.

## Discipline Actions/Consequences

*This chart is intended as a general guide.*

*Specific circumstances and administrative judgment may warrant additional consequences.*

A student may be disciplined for acts noted related to school activity or attendance which occurs at any time, including but not limited to any of the following:

1. While on school grounds.
2. While going to or coming from school.
3. During the lunch period, whether on or off of campus
4. During, or while going to or coming from, a school sponsored activity.

INFRACTION	1 <sup>st</sup> CONSEQUENCE	2 <sup>nd</sup> CONSEQUENCE
<b>BATTERY (ONE WAY ATTACK)</b> Causing physical injury to another person	1-3 day suspension with possible expulsion, possible police involvement	3-5 day suspension with possible expulsion, police involvement
<b>FIGHTING (Mutual)</b> Attempting to cause physical injury to another	1 -3 day suspension, possible police involvement	3-5 day suspension with possible expulsion, possible police involvement
<b>THREATS</b> to harm or injure another	Saturday School, suspension	3-5 day suspension with possible expulsion, possible police involvement
<b>WEAPONS</b> or possession of any dangerous objects including knives of any type or size and replica guns	3-5 day suspension with possible expulsion, police involvement	5 day suspension with mandatory expulsion hearing, police involvement
<b>EXPLOSIVES</b> , explosive devices	3-5 day suspension with possible expulsion, police involvement	5 day suspension with mandatory expulsion hearing, police involvement
<b>ALCOHOL/DRUGS</b> <b>DRUG PARAPHERNALIA</b>	<b>See Drug / Alcohol Policy</b>	

<b>ROBBERY or EXTORTION</b>	1-5 day suspension with possible expulsion, possible police involvement	5 day suspension with possible expulsion, police involvement
<b>VANDALISM or GRAFITTY</b> (buildings, desks, etc)	1-5 day suspension with possible expulsion, student/parent liability for restitution, police involvement	3-5 day suspension with possible expulsion, student/parent liability for restitution, police involvement
<b>THEFT</b> (personal or school property) Or receipt of stolen property	1-5 day suspension with possible expulsion, student/parent liability for restitution, police involvement	3-5 day suspension with possible expulsion, parent liability for restitution, police involvement
<b>SMOKING</b> or possession of tobacco on campus	1-5 day suspension, citation by police department	3-5 day suspension, citation by police department
<b>VULGARITY</b> or obscene acts	1-3 day suspension with possible expulsion	3-5 day suspension with possible expulsion, possible police involvement
<b>PROFANITY</b> to a staff member, or another adult acting in an official capacity	3-5 day suspension	5 day suspension, with possible expulsion
<b>PROFANITY</b>	Warning, detention, Saturday School	Saturday School, 1-5 day suspension
<b>DISRUPTION</b> of class or school activities	Detention, Saturday School, 1- 5 day suspension with possible expulsion	3-5 day suspension with possible expulsion
<b>POSSESSION/LIGHTING MATCHES/LIGHTERS</b>	1-5 day suspension, possible police involvement	3- 5 day suspension with possible expulsion, police involvement
<b>DEFIANCE OF AUTHORITY</b> , includes lying/refusing to provide information	Detention, Saturday School, 1-5 day suspension	Saturday School, 3-5 day suspension with possible expulsion
<b>DEFIANCE or DISRUPTION</b> during In-School Suspension or Detention	Additional days(s) of Saturday School or Detention	3-5 days suspension
<b>HATE CRIMES or RACIAL SLURS</b>	1-5 day suspension with possible expulsion, possible police involvement	3-5 day suspension with possible expulsion, police involvement
<b>SEXUAL HARASSMENT</b>	1-3 day suspension, counseling, possible police involvement	3-5 day suspension with possible expulsion, counseling, police involvement
<b>HARASSMENT (BULLYING)</b> Repeated negative acts, either physical or verbal and in some cases written against another person	Conference, 1-5 day suspension, counseling, possible police involvement	3-5 day suspension with possible expulsion, counseling, police involvement
<b>CHEATING/PLAGARISM</b>	Zero grade, parent contact by teacher, incident reported to administration. Class rules may have more serious consequences	Zero grade, Saturday School, parent contact, possible "F" for class term
<b>COMPUTER MISUSE</b>	Warning, confiscation of files, loss of network use, 1-3 day suspension	Confiscation of files, long term loss of network use, 3-5 day suspension

**The following items will be confiscated and subject to the noted consequences:**

<b>LASER PEN, RUBBER BANDS, OR SIMILAR DEVICES</b>	Confiscation, student warned about further instances	Confiscation, parent pick up from the office, detention, Saturday School
<b>MP3 PLAYERS, IPOD, ETC.</b> used or visible between 8:00 and 3:15	Confiscation, student warned about further instances	Confiscation, parent pick up from the office, detention, Saturday School
<b>SKATEBOARDS, SCOOTERS,</b>	Confiscation, parent required to	Confiscation and parent pick up,

<b>ETC.</b> <b>(Students can secure these items in the bike rack area)</b>	contact HSMS before return, possible detention	detention, Saturday School
<b>CHAINS</b> , including chain attached to a wallet	Confiscation, parent required to contact HSMS before return, possible detention	Confiscation, detention or Saturday School
<b>INNAPROPRIATE OR OFFENSIVE GRAFITI ON NOTEBOOKS, ETC</b> <b>NEGATIVE GROUP AFFILIATIONS</b> (OVP, 13, Latino/White Pride, etc.)	Confiscation of binder, etc. – will not be returned, parent notified, Saturday School, 1-3 day suspension, possible police involvement	Confiscation of binder, etc. – will not be returned, parent notified, Saturday School, 3-5 day suspension, police involvement

<b>TRUANCY</b>	Saturday School	Saturday School, SARB
<b>FORGERY OF NOTE</b>	Saturday School, 1 day suspension	3 day suspension
<b>OFF CAMPUS W/O PERMISSION</b>	Truancy, Saturday School	Truancy, 1-5 day suspension
<b>OUT OF CLASS W/O PERMISSION</b>	Truancy	Truancy, Saturday School
<b>TARDIES</b>	See Attendance Policy	See Attendance Policy

