
CLOVIS UNIFIED SCHOOL DISTRICT

STUDENTS

Rights and Responsibilities

STUDENT DISCIPLINE – ZERO TOLERANCE

PURPOSE: To provide a safe school environment for students and staff.

The Board noting legislative findings and safe school assessments finds and declares all of the following:

1. The violent activity by gangs is a serious and growing problem in the State of California, the County of Fresno, and the District.
2. There is an increasing percentage of school age students involved in gang activity.
3. There is evidence gang involvement among youth begins at an early age.
4. There is evidence drug activity is increasing among youth involved in gang activity and youth not involved in gang activity.
5. A safe school environment is free of intimidating, hostile, or offensive behaviors and of gang type activity.

The Board declares the schools of the District to have a Zero Tolerance Policy on sexual assault and sexual battery, battery, possession of a firearm, possession of a knife, possession of a dangerous object, possession of explosive devices, sale of controlled substances, possession of controlled substances, vandalism, repeated mutual combat, robbery or extortion, participation in gang motivated intimidation, hate motivated behavior constituting a statutory violation, assault on or threats to school staff, and terroristic threats.

In all discipline matters, the Board intends that all students will be afforded statutory due process rights pertaining to suspension, expulsion, involuntary transfer, and other discipline.

A. Mandatory Recommendation for Expulsion

Any student who engages in one or more of the following shall be immediately suspended by the principal or designee and recommended that the student be considered for expulsion from the District and/or for involuntary transfer:

1. Commits or attempts to commit a sexual assault or commits a sexual battery.
2. Found in possession of, sells, or furnishes a firearm.
3. Brandishes a knife at another person.

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4. Found in possession of an explosive.
5. Unlawfully sells a controlled substance. (Education Code section 48915(c))

B. Mandatory Recommendation for Expulsion, Absent Particular Circumstances/Alternative Means

Any student who engages in one or more of the following shall be immediately suspended by the principal or designee and recommended for consideration for expulsion from the District and/or for involuntary transfer, unless the principal's designee determines that expulsion should not be recommended under the circumstances or that an alternative means of correction would address the conduct:

1. Causes serious physical injury to another person, except in self-defense.
2. Possesses any knife or other dangerous object of no reasonable use to the pupil.
3. Possesses any controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, except as otherwise provided.
4. Commits robbery or extortion.
5. Commits assault or battery, as defined, upon any school employee. (Education Code section 48915(a))

C. Discretionary Recommendation for Expulsion

Any student who engages in one or more of the following, or other offenses listed in Education Code section 48900, et seq., may be immediately suspended by the principal or designee and may be recommended for consideration for expulsion from the District and/or for involuntary transfer:

1. Commits a battery.
2. Found in possession of a dangerous object.
3. Found under the influence of a controlled substance and/or alcohol and/or any other form of intoxicant.
4. Commits an act of vandalism with property damage
5. Participates repeatedly in mutual combat.
6. Participates in robbery or extortion.

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7. Participates in gang motivated intimidation.
8. Participates in hate motivated behavior constituting a statutory violation.
9. Makes a terroristic threat.

Violations of this Zero Tolerance Policy will be recorded for each student on their mandatory interim record, as provided by law, including information on suspensions and expulsions. Such records could be removed upon graduation or by petition.

The Superintendent is directed to adopt an administrative regulation to implement the requirements of this policy. Such regulation will include procedures to publicize this policy and to ensure that all students shall have a signed copy of this policy in their mandatory interim record upon enrollment and at the beginning of each new school year.

Adopted: 06/08/1994

Reviewed: 10/10/2007

Amended: 07/06/1994, 09/26/2001, 09/28/2005, 07/08/2009, 11/16/2011, 01/15/2014,
11/18/2020 (BP 2110 renumbered as BP 5144.10)

EDUCATION CODE

233 Hate Violence Prevention Act

35160-35160.1 Authority of governing boards

48900, et seq. Suspension or Expulsion

HEALTH AND SAFETY CODE

11014.5 Drug paraphernalia

11053-11058 California Uniform Controlled Substances Act

Doc# 43401-11 (11/2020, None)