



SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT INFORMATION FOR STUDENTS AND PARENTS

2017 – 2018

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A complete catalog of Santa Monica-Malibu Unified School District Policies, including legal references, is available on the District's website at <http://www.smmusd.org/>.

Controlled Substance

Possession or use of drugs or alcohol on a school campus represents a significant risk factor for any student. The Board desires to keep district schools free of alcohol, intoxicants and other drugs and believes that every effort should be made to inform students of risk factors inherent in controlled substance use.

A student possessing, using or selling, being under the influence of, or otherwise furnishing to others a controlled substance, alcohol, intoxicant of any kind, or related paraphernalia at school, any school event, activity, field trip or on any school district property or adjacent public property shall be subject to disciplinary procedures including suspension or expulsion in accordance with law, Board policy and administrative regulations. The student shall also be placed on academic probation or a behavior contract and referred to a counseling program. The student may also be transferred to an alternative placement. High School students shall be restricted from cocurricular and extracurricular activities. The student may also be transferred to another school or an alternate educational setting.

School administrators shall use a variety of developmentally appropriate interventions and discipline to address substance abuse, such as drug prevention education, counseling, parent meetings, loss of privileges, community service, suspension and expulsion.

The Board desires to keep district schools free of controlled substances, alcohol, intoxicants of any kind, or, related paraphernalia, and believes that every effort should be made to inform students of the risks inherent in substance use.

Drug and alcohol education is a critical aspect of prevention. The school administrator and/or designee shall implement curriculum and supports to prevent, discourage and eliminate the use or possession of drugs, alcohol or tobacco and related paraphernalia at school, at any school event, activity, field trip or on any school district property or adjacent public property. These programs should be based on student needs and educationally sound and legally acceptable educational practices. Additionally, these programs should be developmentally and culturally appropriate instruction.

All secondary schools should include substance abuse support for students along with their drug prevention education program. The student support program should identify, assist and when appropriate, refer students with substance abuse problems to counseling and/or community resources.

The initial administrative response to drug offenses shall be to address the psychoeducational needs of the students. Interventions should include parent conferences, Student Study Team, referrals to school-based or community-based programs shall be considered.

The principal or designee shall notify law enforcement of any student violating this policy. This notification shall be made within one school day after suspension or expulsion (Education Code 48902).

Distribution Guidelines

1. The above policy and procedure shall be distributed to all students Grades 1-12 at the beginning of each school year and to transfer students at the time of enrollment.
2. Within the first 10 days of school each principal shall implement procedures to ensure that all students have acknowledged that they have received a copy of the above policy and indicated their obligation to share the contents of the policy with the parent/guardian.

3. Each principal will ensure that all elementary school students in the fourth and fifth grades and middle and high school students are explicitly informed of the provisions of the controlled substance policy through assemblies, presentations and/or direct instruction in appropriate classes.

adopted: August 19, 2009 Santa Monica, California

revised: June 2, 2011

revised: January 19, 2012

Controlled Substance

Possessing, using, selling, being under the influence of or otherwise furnishing to others a controlled substance, alcohol, intoxicant or related paraphernalia, at school, at any school event, activity, field trip or on any school district property or adjacent public property, is considered to be a threat to the educational process.

For the offenses indicated, the student, under guidelines indicated below, may be subject to academic probation or a behavior contract, an obligation to complete the district counseling requirement, community service, prohibition from participation in cocurricular and extracurricular school activities, suspension, transfer to another school, and expulsion.

The school administrator and/or designee shall implement curriculum and supports to prevent, discourage and eliminate the use or possession of controlled substances, drugs, or alcohol on campus and at school activities. School administrators shall use a variety of interventions to address substance abuse such as research-based drug prevention education, counseling intervention and discipline.

All secondary schools should include substance abuse support for students along with their drug education program. This student support program should identify, assist, and when appropriate, refer students with substance abuse problems to counseling and/or community resources.

Alcohol and Drug Prevention Instruction

The curriculum of all elementary and secondary schools shall include instruction on the effects upon the human body, as determined by science, of alcohol, narcotics, dangerous drugs and other dangerous substances as defined in Health and Safety Code 11032. Instruction shall be sequential in nature and suited to meet the needs of students at their respective grade level. (Education Code 51203, 51260)

In grades 1-6, instruction in drug education should be given in health courses required by Education Code 51210. (Education Code 51260)

In grades 7-12, instruction in drug education shall be conducted in health courses and in any other appropriate area of study required by Education Code 51220. (Education Code 51260)

Secondary school instruction shall also include a study of the effects of alcohol and other drugs upon prenatal development. (Education Code 51203)

Intervention

District staff shall intervene whenever students use a controlled substance, alcohol, intoxicant or related paraphernalia, at school, at any school activity or on any school district or adjacent property. Staff members who have reasonable suspicion that a student may be under the influence of alcohol or drugs shall immediately notify the principal or designee.

If the principal or designee observes or suspects that a student may be under the influence of alcohol or drugs, he/she shall notify the parent/guardian. (Education Code 44049)

School staff shall not disclose confidential information provided during counseling by a student 12 years of age or older. A school counselor may report such information to the principal or parent/guardian only when he/she believes that disclosure is necessary to avert a clear and present danger to the health, safety or welfare of the student or other persons living in the school community. The school counselor shall not disclose such information to the parent/guardian if he/she believes that the disclosure would result in a clear and present danger to the student's health, safety or welfare. (Education Code 44049, 49602)

Schools shall provide developmentally appropriate intervention and counseling support for any student in possession of or using a controlled substance, alcohol, intoxicant or related paraphernalia, at any school activity or on any school district or adjacent property.

The initial administrative response to drug offenses shall be to address the psychoeducational needs of the student. Discipline and interventions should be developmentally appropriate and include parent conferences, student counseling, and Student Study Team. Referrals to school-based or community-based programs shall also be considered.

Discipline and Intervention Procedures Governing Use, Possession, Being Under the Influence of a Controlled Substance Alcohol, Intoxicant or Related Paraphernalia at School (Grades 1-12)

Students possessing, using or selling a controlled substance, alcohol, intoxicant or related paraphernalia at school, at any school activity or on any school district or adjacent property shall be subject to disciplinary procedures including suspension or expulsion in accordance with law, Board policy and administrative regulations.

The principal or designee shall notify law enforcement of any student violating this policy. This notification shall be made within one school day after suspension or expulsion (Education Code 48902). Whenever students are to be questioned by a law enforcement officer, either as a suspect or a witness, staff shall comply with Administrative Regulations 5145.11 regarding the questioning and apprehension of students. This includes, but is not limited to, notifying the parent, completing the Police on Campus Reporting Form (Board Policy 5144.1), sending the completed form to the Student Services' office, and retaining one copy in an administrative file created specifically for these reports.

The rights and responsibilities section of the school district suspension form shall be observed by the school principal or designee. This includes the parent's right to have access to student records and the parent's or student's right to an appeal following the district's appeal procedures. When make-up work can be reasonably provided, the student may be allowed to complete assignments and tests missed during a suspension.

1. Elementary School - First Offense:

If the Superintendent or designee determines, in the presence of hard evidence, that the student possessed, used, or was under the influence of a controlled substance, alcohol, intoxicant or related paraphernalia, the following steps shall be taken.

a. A student in possession of a controlled substance, alcohol, intoxicant or related paraphernalia, shall be suspended for three days.

b. The student shall be placed on a behavior contract.

(1) Students shall complete 24 hours of a drug prevention education program or substance abuse counseling program offered by the district. If a parent/guardian would like his/her child to participate in an alternate program, the program must be preapproved by the administrator or designee. If a parent/guardian would like his/her child to attend private counseling or a private drug prevention education program, he/she must get the administrator or designee's preapproval. Private programs will not be funded by the district. Parent/guardian shall attend 12 hours of substance abuse counseling designed for parents.

(2) The student shall complete 15 hours of school or community service. If community service is determined the community agency must be preapproved by the school.

(3) To be eligible to participate in the end of the school year promotion ceremony, the student shall provide documentation showing that he/she has satisfactorily complied with all requirements of the behavior contract.

If a student has been on a behavior contract for a period of time not long enough to have complied with all requirements the behavior contract, then he/she shall provide documentation showing that he/she has made satisfactory progress towards compliance with all requirements of the behavior contract that could have been completed prior to the promotion ceremony.

(4) If the student does not complete and provide documentation for all of the above measures, he/she will remain on behavior contract with loss of privileges until all are completed.

2. Elementary School - Second or Subsequent Offense:

If the Superintendent or designee determines, in the presence of hard evidence, that for a second time the student possessed, used, or was under the influence of a controlled substance, alcohol, intoxicant or related paraphernalia the following steps shall be taken:

a. The student shall be suspended for five days.

b. The principal may recommend that the student be expelled from the district unless it is determined that expulsion is inappropriate under the particular circumstances of the case. During the period when the student is awaiting the expulsion hearing, make-up work or an alternate school placement will be provided.

c. If a student is attending school in the district on an interdistrict permit, the principal will meet with the parents at the end of the five day suspension, the permit shall be revoked and the student directed to enroll in his/her neighborhood school.

3. Middle School - First Offense:

If the Superintendent or designee determines, in the presence of hard evidence, that the student possessed, used, was under the influence of a controlled substance, alcohol, intoxicant or related paraphernalia, the following steps shall be taken.

a. A student in possession of a controlled substance, alcohol, intoxicant or related paraphernalia, shall be suspended for three days.

b. The student shall be placed on a behavior contract.

(1) The student shall complete 24 hours of a drug prevention education program or substance abuse counseling program offered by the district. If a parent/guardian would like his/her child to participate in an alternate program, the program must be preapproved by the administrator or designee. If a parent would like his/her child to attend private counseling or a private drug prevention education, he/she must get the administrator or designee's preapproval. Private programs will not be funded by the district. Parent/guardian shall attend 12 hours of substance abuse counseling designed for parents.

(2) The student shall complete 15 hours of school or community service. If community service is determined the community agency must be preapproved by the school.

(3) To be eligible to participate in the culmination/promotion ceremony, a student on a behavior contract shall provide documentation showing that he/she has satisfactorily complied with all requirements of the contract.

If a student has been on a behavior contract for a period of time not long enough to have complied with all requirements of the behavior contract, then he/she shall provide documentation showing that he/she has made satisfactory progress towards compliance with all requirements that could have been completed prior to the ceremony.

(4) If the student does not complete and provide documentation for all of the above measures, he/she will remain on the behavior contract with loss of privileges until all requirements are completed.

4. Middle School - Second or Subsequent Offense:

If the Superintendent or designee determines, in the presence of hard evidence, that for a second time the student possessed, used, or was under the influence of a controlled substance, alcohol, intoxicant or related paraphernalia, the following steps shall be taken:

a. The student shall be suspended for five days.

b. The principal may recommend that the student be expelled from the district unless it is determined that expulsion is inappropriate under the particular circumstances of the case. During the period when the student is awaiting the expulsion hearing, make-up work or an alternate school placement will be provided.

c. If a student is attending school in the district on an interdistrict permit, the principal will meet with the parents at the end of the five day suspension, the permit shall be revoked and the student directed to enroll in his/her neighborhood school.

5. High School - First Offense:

If the Superintendent or designee determines, in the presence of hard evidence, that the student possessed, used, or was under the influence of a controlled substance, alcohol, intoxicant or related paraphernalia, the following steps shall be taken.

a. A student in possession of a controlled substance, alcohol, intoxicant or related paraphernalia, shall be suspended for five days. (Enrollment at Saturday School cannot be used in lieu of suspension.)

b. The student shall be placed on academic probation for a period of four weeks. The terms of academic probation include participation in a drug prevention or substance abuse counseling program, community service and the loss of the privilege to participate in cocurricular activities, extracurricular school activities, and graduation and senior activities. Students in cocurricular activities shall be considered excused from their cocurricular activities for the duration of academic probation. Teachers may assign an alternate assignment in lieu of participation, but students shall not be penalized or lose academic credits for non-participation related to academic probation requirements.

(1) The student shall complete 24 hours of a drug prevention education program or substance abuse counseling in a program offered by the district. If a parent/guardian would like his/her child to participate in an alternate program, the program must be preapproved by the administrator or designee. If a parent/guardian would like his/her child to attend private counseling or a private drug prevention education, he/she must get the administrator or designee's preapproval. Private programs will not be funded by the district. Parent/guardian shall attend 12 hours of substance abuse counseling designed for parents.

(2) The student shall complete 40 hours of community service from a community agency preapproved by the school.

(3) At the end of the four week academic probation period, the student must submit documentation to demonstrate satisfactory effort to comply with the requirements of academic probation. Upon providing documentation demonstrating satisfactory effort to comply with the requirements of academic probation, the student may resume participation in cocurricular and extracurricular school activities. The student shall have an additional six weeks to complete the remaining academic probation requirements. If the student is unable to provide documentation of appropriate effort toward fulfillment of academic probation requirements, the student shall remain on academic probation with loss of privileges until the academic probation contract is complete.

To be eligible to participate in the graduation ceremony, the student on academic probation shall provide documentation showing that he/she has satisfactorily complied with all requirements of the probation contract.

If a student has been on academic probation for a period of time not long enough to have complied with all requirements of academic probation, then he/she shall provide documentation showing that he/she has made satisfactory progress towards compliance with all requirements of academic probation that could have been completed prior to the graduation ceremony.

(4) If the student fails to complete all of the above by the last day of the semester in which the probation was scheduled to end, student will be transferred to another school in the district for the entire next semester. At the end of that semester, the student will be returned to his/her home school if the student has completed the terms of probation requirements.

If a student has been on academic probation for a period of time not long enough to have complied with all requirements of academic probation by the last day of the semester, then he/she shall provide documentation showing that he/she has made satisfactory progress towards compliance with all requirements of academic probation that could have been complied with prior to the semester end.

6. High School - Second or Subsequent Offense:

If the Superintendent or designee determines, in the presence of hard evidence, that for a second time, the student possessed, used, or was under the influence of a controlled substance, alcohol, intoxicant or related paraphernalia, the following steps shall be taken:

- a. The student shall be suspended for five days. The rights and responsibilities section of the district suspension form shall be observed by the principal or designee. Parent will be notified of the allegation and evidence. This includes the parent's right to have access to student records and the parent's or student's right to appeal following the district's appeal procedures. When make-up work can be reasonably provided, the student may be allowed to complete all assignments and tests missed during the suspension.
- b. The principal may recommend that the student be expelled from the district unless it is determined that expulsion is inappropriate under the particular circumstances of the case. During the period when the student is awaiting the expulsion hearing, make-up work or an alternate school placement will be provided.
- c. If a student is attending school in the district on an interdistrict permit, the principal will meet with the parents at the end of the five day suspension, the permit shall be revoked and the student directed to enroll in his/her neighborhood school.

Discipline and Procedures for Governing Sales of a Controlled Substance Alcohol, or Intoxicant (Grades 1-12)

In cases where the principal or Superintendent determines, in the presence of hard evidence, that the student sold or provided a controlled substance, alcohol, or intoxicant to others, the following steps shall be taken:

1. The student shall be suspended for five days. (Enrollment at Saturday School cannot be used in lieu of suspension.)
2. The Santa Monica Police Department or the Los Angeles County Sheriff shall be notified.
3. The principal shall inform the Superintendent or designee of the incident and actions taken.
4. The Superintendent or designee shall recommend that the student be expelled from school, unless the principal finds, and so reports to the Superintendent or designee in writing, that expulsion is deemed inappropriate under the terms of a Special Education student's Manifestation Determination meeting. During the period when the student is awaiting the expulsion hearing, make-up work or an alternate school placement will be provided.

Definitions of Evidence

1. Hard Evidence:

- a. An admission by the student of possessing, using, selling, being under the influence of, or otherwise furnishing to others a controlled substance, alcohol, intoxicant or related paraphernalia
- b. Discovery of the controlled substance, alcohol, intoxicant or related paraphernalia in the student's person or in possessions such as lockers or backpacks under the student's control.
- c. Eyewitness testimony of any school personnel of the actual possession, sale, use or furnishing to others.
- d. Eyewitness testimony of two or more students of the actual possession, sale, use or furnishing to others.

2. Soft Evidence:

Soft evidence is more subjective; it involves all other forms of evidence and is usually based on observation of student behavior.

Soft Evidence Procedures

Soft evidence cases will usually involve situations in which the student is suspected of being under the influence of a controlled substance, alcoholic beverage or intoxicant of any kind. In such a case, the administrator shall consult with the school nurse and may require the completion of the Behavioral Observation Form shown in the Discipline Handbook to determine safety needs of the student.

Distribution Guidelines

1. The above policy and procedure shall be distributed to all students Grades 1-12 at the beginning of each school year and to transfer students at the time of enrollment.
2. Within the first 10 days of school each principal shall implement procedures to ensure that all students have acknowledged that they have received a copy of the above policy and indicated their obligation to share the contents of the policy with the parent/guardian.
3. Each principal will ensure that all fourth and fifth graders, middle and high school students are explicitly informed of the provisions of the controlled substance policy through assemblies, presentations and/or direct instruction in appropriate classes.

approved: January 19, 2012 Santa Monica, California

Weapons And Dangerous Instruments

The Board of Education desires students and staff to be free from the danger presented by firearms and other weapons and recognizes that they have the right to a safe and secure campus free from psychological and physical harm.

Possession of Weapons

The Board prohibits any person other than authorized law enforcement or security personnel from possessing weapons, imitation firearms, or dangerous instruments of any kind in school buildings, on school grounds or buses, at school-related or school-sponsored activities away from school, or while going to or coming from school.

Unless he/she has obtained prior written permission as specified below, any student who is determined to have brought a firearm to school or possessed a firearm at school, as verified by a school employee, shall be expelled for not less than one year, except that the Board may set an earlier date for readmission on a case-by-case basis, in accordance with Board policy and administrative regulation. (Education Code 48915; 20 USC 7151)

Students possessing or threatening others with any weapon, dangerous instrument, or imitation firearm are subject to suspension and/or expulsion in accordance with law, Board policy, and administrative regulations.

Under the power granted to the Board to maintain order and discipline in the schools and to protect the safety of students, staff, and the public, any school employee is authorized to confiscate a weapon, dangerous instrument, or imitation firearm from any person on school grounds.

The principal or designee shall notify law enforcement authorities when any student possesses a weapon without permission or commits any act of assault with a firearm or other weapon. (Education Code 48902; Penal Code 245, 626.9, 626.10; 20 USC 7151)

Possession of Pepper Spray

To prevent potential misuse that may harm students or staff, students are prohibited from carrying tear gas or tear gas weapons such as pepper spray on campus or at school activities.

Reporting of Dangerous Objects

The Board encourages students to promptly report the presence of weapons, injurious objects, or other suspicious activity to school authorities. The identity of a student who reports such activity shall remain confidential to the extent permitted by law.

The Superintendent or designee shall develop strategies designed to facilitate student reporting of the presence of injurious objects on school grounds, such as tip hotlines, electronic transmissions, or other methods that preserve the student's anonymity. Incident reports and records shall not identify the student who reported the possession. The strategy shall also provide a method of informing staff, students, and parents/guardians that students who report the presence of injurious objects on school campuses are to be protected and their identity shielded.

adopted: August 19, 2009 Santa Monica, California

Weapons And Dangerous Instruments

Weapons and dangerous instruments include, but are not limited to:

1. Firearms: pistols, revolvers, shotguns, rifles, "zip guns," "stun guns," tasers, and any other device capable of propelling a projectile by the force of an explosion or other form of combustion
2. Knives: any dirks, daggers or other weapons with a fixed, sharpened blade fitted primarily for stabbing, weapons with a blade fitted primarily for stabbing, weapons with a blade longer than 3-1/2 inches, folding knives with a blade that locks into place, and razors with an unguarded blade (Education Code 48915)
3. Explosive and/or incendiary devices: pipe bombs, time bombs, cap guns, containers of inflammable fluids, and other hazardous devices
4. Any instrument that expels a metallic projectile, such as a BB or a pellet, through the force of air pressure, carbon dioxide pressure or spring action, or any spot marker gun (Penal Code 626.10)
5. Any other dangerous device, instrument or weapon, especially those defined in Penal Code 12020, including a blackjack, slingshot, billy, nunchaku, sandclub, sandbag, metal knuckles, or any metal plate with three or more radiating points with one or more sharp edges designed for use as a weapon
6. Any imitation firearm, defined as 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 (Education Code 48900)

If an employee knows that a student possesses any of the above devices, he/she shall use his/her own judgment as to the dangerousness of the situation and, based upon this analysis, shall do one of the following:

1. Confiscate the object and deliver it to the principal immediately
2. Immediately notify the principal, who shall take appropriate action
3. Immediately notify the local law enforcement agency and the principal

When informing the principal about the possession or seizure of a weapon or dangerous device, the employee shall report the name(s) of persons involved, witnesses, location, and the circumstances of any seizure.

The principal shall report any possession of a weapon or dangerous instrument, including imitation firearm, to the student's parents/guardians by telephone or in person, and shall follow this notification with a letter.

approved: August 19, 2009 Santa Monica, California

Hate-Motivated Behavior

The Board of Education affirms the right of every student to be protected from hate-motivated behavior. It is the intent of the Board to promote harmonious relationships that enable students to gain a true understanding of the civil rights and social responsibilities of people in our society. Behavior or statements that degrade an individual on the basis of his/her race, ethnicity, culture, heritage, immigration status, sexual orientation, gender, gender identity, gender expression, disability, physical/mental attributes, religious beliefs or practices, or based on association with a person or group with one or more of these actual or perceived characteristics shall not be tolerated.

Definition of Hate-Motivated Behavior

Hate-motivated behavior is an act, or attempted act, motivated by hostility toward a victim's actual or perceived race, ethnicity, culture, heritage, age, political affiliations immigration status, sexual orientation, gender, gender identity, gender expression, disability, physical/mental attributes, or religious beliefs or practices, or based on association with a person or group with one or more these actual or perceived characteristics.

Hate-motivated incidents include those actions that are motivated by bias, but may or may not meet the necessary elements required to prove a crime. This may include such behavior as non-threatening name-calling, using racial slurs or disseminating racist leaflets. Some hate-motivated behavior including, but not limited to, assault, threats, destruction of property, graffiti, and vandalism may also constitute a crime punishable by law.

Any student who feels that he/she is a victim of hate-motivated behavior or who has witnessed hate motivated behavior shall report to the school principal or designee immediately. Reports may be either oral or written. The school shall assist the student in the writing of the complaint if necessary. Such complaints shall be investigated pursuant to the investigation procedure detailed in AR 5145.9. If the student believes that the situation has not been remedied by the principal or designee, he/she may file a complaint in accordance with District complaint procedures.

Staff who receive notice of hate-motivated behavior or personally observe such behavior shall immediately notify the principal, Superintendent or designee, and law enforcement, as appropriate. Students demonstrating hate-motivated behavior shall be subject to discipline in accordance with applicable law, Board policy and administrative regulation. A District employee who knowingly allows an act or acts of hate motivated behavior to occur and/or fails to report such acts, shall be considered to have violated district policy and will be subject to appropriate discipline.

In addition, the District shall provide counseling and appropriate anti-bias training and diversity education for students exhibiting hate-motivated behavior. The district shall also provide counseling, guidance and support, as necessary, to those students who are the victims of hate-motivated behavior.

The Superintendent or designee shall ensure that staff receives appropriate training to recognize hate-motivated behavior and along with tools/methods for handling such behavior in appropriate ways.

The district shall provide age-appropriate instruction to help promote understanding of and respect for human rights, diversity and tolerance in a multicultural society and to provide strategies to manage conflicts constructively.

Each school will adopt safe-school guidelines to be followed by every student at school or at school-sponsored or school-related activities.

At the beginning of each school year, students and staff shall receive a copy of the district's policy on hate-motivated behavior. Additionally, principals or designees shall provide appropriate instruction on the district's policy including examples of hate-motivated behaviors.

The district shall develop and implement strategies designed to raise the awareness and sensitivity of teachers, administrators, and school employees to potentially prejudicial and discriminatory behavior and to encourage the participation of these groups in appropriate programs.

Each teacher shall create and foster an environment that encourages pupils to realize their full potential and that is free from discriminatory attitudes, practices, events, or activities, in order to prevent acts of hate-motivated behavior.

adopted: August 19, 2009 Santa Monica, California

revised: August 28, 2014

Hate-Motivated Behavior

The Board of Education is committed to maintaining an educational environment that is free from harassment and discrimination of any kind.

Definition of Hate Motivated Behavior

Hate motivated behavior is an act, or attempted act, motivated by hostility toward a victim's actual or perceived race, ethnicity, culture, heritage, age, political affiliations, immigration status, sexual orientation, gender, gender identity, gender expression, disability, physical/mental attributes, or religious beliefs or practices, or based on association with a person or group with one or more these actual or perceived characteristics.

Hate-motivated incidents include those actions that are motivated by bias, but may or may not meet the necessary elements required to prove a crime.

Types of conduct that are already prohibited in the District and that may also constitute hate motivated behavior include, but are not limited to:

1. Graffiti containing offensive language;
2. Threatening or intimidating conduct;
3. Jokes, teasing, rumors or name calling;
4. Slurs, negative stereotyping, and other hostile acts;
5. Graphic material containing comments or stereotypes which is posted or circulated and which is aimed at degrading the target;
6. A physical act of aggression or assault;
7. Threatening phone calls, hate mail, cyber or other electronic communication;
8. Vandalism or destruction of religious symbols or images; and
9. Other kinds of aggressive conduct such as theft or damage to property.

The determination that an act constitutes hate motivated behavior should be made when the behavior is judged by a reasonable person as the target to be sufficiently severe or pervasive to have a negative impact on the student's academic environment. It may be necessary, but is not required, to seek input from persons of the same protected group in making the determination whether an act constitutes hate motivated behavior.

Investigation of Complaints Regarding Hate Motivated Behavior by another Student

1. **Notice and Receipt of Complaint:** Any student, parent/guardian, or staff who believes a student has been subjected to hate motivated behavior or who has witnessed hate motivated behavior shall report to the school principal or designee immediately. Reports may be either oral or written. The school shall assist the student in the writing of the complaint if necessary. A District employee who knowingly allows an act or acts of hate motivated behavior to occur and/or fails to report such acts, shall be considered to have violated District policy and will be subject to appropriate discipline.
2. **Initiation of Investigation:** Principal or designee shall initiate an investigation of an allegation of hate motivated behavior within five school days of receiving notice of the incident, regardless of whether an oral or written complaint has been filed.

The investigation at the school site shall include interviewing:

- The student who is complaining
- The person accused of harassment
- Anyone who witnessed the conduct complained of
- Anyone mentioned as having related information

Factors to consider may include, but not limited to the following:

- Nature and scope of the incident
- Impact on the target
- Impact on members of the target's group
- Impact on student witnesses
- Age of the target
- Age of the perpetrator
- Context in which the incident occurred

Neither the complainant nor the target shall be required to meet with the alleged harasser or person suspected of hate motivated behavior.

If appropriate, the Principal or designee shall activate the school Threat Assessment Team to determine the level of threat posed to the target and need for safety supports.

The school shall notify the parents/guardians of the following: the target(s), the student/s who made the report and the alleged perpetrator(s) of the incident.

3. Reporting: As required, the Principal or designee shall file an Incident Report to be submitted to the Risk Manager.

The principal or designee shall give the Director of Student Services a written report of the complaint and investigation. If the school determines that hate motivated behavior has occurred, this report shall describe the actions taken to end the behavior and address the effects of the behavior on the target including, but not limited to, appropriate disciplinary action and prevent of retaliation or further incidents.

The appropriate law enforcement agency will be notified if there is evidence indicating that a hate-motivated crime has occurred. Behaviors described in Penal Code section 422.6 require reporting to law enforcement.

Disciplinary Measures

Any student who engages in hate motivated behavior of anyone at school or at a school-sponsored or school-related activity is in violation of this policy and shall be subject to disciplinary action.

Students in grades 4-12 who engage in hate motivated behavior shall be subject to discipline including, but not limited to, behavior contract, counseling, community service, suspension, expulsion, transfer to another school, transfer to an alternative program, or denial of participation in extracurricular or co-curricular activities in accordance with Board Policy and Administrative Regulation.

The Superintendent or designee shall notify local law enforcement as appropriate.

Support for Students

The Superintendent or designee shall take appropriate actions to provide support for students who have been subjected to, have witnessed, or reported an act of hate motivated behavior.

1. The Principal or designee will make it clear to the affected student(s) and the parents/guardians that any form of retaliation or mistreatment of a student who complained will not be tolerated.

2. In instances where there are substantiated findings that a student has been subjected to hate motivated behavior by a District employee, volunteer, or a student, the District will offer, and upon the request of the parent/guardian, will assist the student in receiving counseling intervention support.
3. The Principal or designee shall also advise the target and the parent/guardian of any other resources and supports that may be available.

Information

The Superintendent or designee shall ensure that all staff receives training and all District students receive age-appropriate instruction and information regarding hate motivated behavior. Information and training shall provide the following:

1. Descriptions of acts and behavior which constitute hate motivated behavior;
2. Encouragement for those subject to, and witnesses to, hate motivated behavior to report incidents immediately, and assurance that they will be protected from retaliation.
3. Name(s) or title(s) of the person(s) to whom hate motivated behavior should be reported.
4. District support resources available to staff, students and parents.

Notifications

A copy of the District's hate motivated behavior policy and regulation shall:

1. Be summarized in the notifications that are sent to parents/guardians at the beginning of each school year (Education Code 48980; 5 CCR 4917)
2. Appear in any school or district publication that sets forth the school's or district's comprehensive rules, regulations, procedures, and standards of conduct (Education Code 231.5)
3. Be summarized in the student handbook

Record Keeping

All reports will be forwarded to the Director of Student Services for record keeping. Once a complaint has reached final disposition, records will be retained for five years.

Each quarter, the Superintendent or designee shall inform the public via an Information Item in the Board Agenda regarding the number of reported hate motivated behavior reports for the prior quarter, with total number of reported cases by site.

approved: August 28, 2014 Santa Monica, California

Bullying

The Governing Board recognizes the harmful effects of bullying on student learning and school attendance and desires to provide safe school environments that protect students from physical and emotional harm. District employees shall establish student safety as a high priority and shall not tolerate bullying of any student.

No student or group of students shall, through physical, written, verbal, or other means, harass, sexually harass, threaten, intimidate, cyberbully, cause bodily injury to, or commit hate violence against any other student or school personnel.

Cyberbullying includes the transmission of harassing communications, direct threats, or other harmful texts, sounds, or images on the Internet, social media, or other technologies using a telephone, computer, or any wireless communication device. Cyberbullying also includes breaking into another person's electronic account and assuming that person's identity in order to damage that person's reputation.

Strategies for bullying prevention and intervention shall be developed with involvement of key stakeholders in accordance with law, Board policy, and administrative regulation governing the development of comprehensive safety plans and shall be incorporated into such plans.

Bullying Prevention

To the extent possible, district and school strategies shall focus on prevention of bullying by establishing clear rules for student conduct and strategies to establish a positive, collaborative school climate. Students shall be informed, through student handbooks and other appropriate means, of district and school rules related to bullying, mechanisms available for reporting incidents or threats, and the consequences for perpetrators of bullying.

The district may provide students with instruction, in the classroom or other educational settings, that promotes effective communication and conflict resolution skills, social skills, character/values education, respect for cultural and individual differences, self-esteem development, assertiveness skills, and appropriate online behavior.

School staff shall receive related professional development, including information about early warning signs of harassing/intimidating behaviors and effective prevention and intervention strategies.

Based on an assessment of bullying incidents at school, the Superintendent or designee may increase supervision and security in areas where bullying most often occurs, such as classrooms, playgrounds, hallways, restrooms, cafeterias.

Intervention

Students are encouraged to notify school staff when they are being bullied or suspect that another student is being victimized. In addition, the Superintendent or designee shall develop means for students to report threats or incidents confidentially and anonymously.

School staff who witness bullying shall immediately intervene to stop the incident when it is safe to do so. (Education Code 234.1)

As appropriate, the Superintendent or designee shall notify the parents/guardians of victims and perpetrators. He/she also may involve school counselors, mental health counselors, and/or law enforcement.

Complaints and Investigation

Students may submit to a teacher or administrator a verbal or written complaint of conduct they consider to be bullying. Complaints of bullying shall be investigated and resolved in accordance with site-level grievance procedures specified in AR 5145.7 - Sexual Harassment.

When a student is reported to be engaging in bullying off campus, the Superintendent or designee shall investigate and document the activity and shall identify specific facts or circumstances that explain the impact or potential impact on school activity, school attendance, or the targeted student's educational performance.

When the circumstances involve cyberbullying, individuals with information about the activity shall be encouraged to save and print any electronic or digital messages sent to them that they feel constitute cyberbullying and to notify a teacher, the principal, or other employee so that the matter may be investigated.

If the student is using a social networking site or service that has terms of use that prohibit posting of harmful material, the Superintendent or designee also may file a complaint with the Internet site or service to have the material removed.

Discipline

Any student who engages in bullying on school premises, or off campus in a manner that causes or is likely to cause a substantial disruption of a school activity or school attendance, shall be subject to discipline, which may include suspension or expulsion, in accordance with district policies and regulations.

adopted: June 7, 2012 Santa Monica, California

Tobacco-Free Schools

The Board of Education recognizes the health hazards associated with smoking and the use of tobacco products, including the breathing of second-hand smoke, and desires to provide a healthy environment for students and staff.

The Board prohibits the use of tobacco products at any time in district-owned or leased buildings, on district property and in district vehicles. (Health and Safety Code 104420; Labor Code 6404.5; 20 USC 6083)

This prohibition applies to all employees, students and visitors at any instructional program, activity or athletic event.

Prohibited products include any product containing tobacco or nicotine, including, but not limited to, cigarettes, cigars, miniature cigars, smokeless tobacco, snuff, chew, clove cigarettes, betel, and nicotine delivery devices such as electronic cigarettes. Exceptions may be made for the use or possession of prescription nicotine products. (Education Code 48900,)

Smoking or use of any tobacco-related products and disposal of any tobacco-related waste are prohibited within 25 feet of any playground, except on a public sidewalk located within 25 feet of the playground. (Health and Safety Code 104495)

adopted: August 19, 2009 Santa Monica, California

revised: September 8, 2011

Student Use of Technology

The Board of Education intends that technological resources provided by the district be used in a safe, responsible, and proper manner in support of the instructional program and for the advancement of student learning.

The Superintendent or designee shall notify students and parents/guardians about authorized uses of district computers, user obligations and responsibilities, and consequences for unauthorized use and/or unlawful activities in accordance with district regulations and the district's Acceptable Use Agreement.

Before a student is authorized to use the district's technological resources, the student and his/her parent/guardian shall sign and return the Acceptable Use Agreement specifying user obligations and responsibilities. In that agreement, the student and his/her parent/guardian shall agree not to hold the district or any district staff responsible for the failure of any technology protection measures, violations of copyright restrictions, or user mistakes or negligence. They shall also agree to indemnify and hold harmless the district and district personnel for any damages or costs incurred.

The Superintendent or designee, with input from students and appropriate staff, shall regularly review and update this policy, the accompanying administrative regulation, and other relevant procedures to enhance the safety and security of students using the district's technological resources and to help ensure that the district adapts to changing technologies and circumstances.

Use of District Computers for Online Services/Internet Access

The Superintendent or designee shall ensure that all district computers with Internet access have a technology protection measure that blocks or filters Internet access to visual depictions that are obscene, child pornography, or harmful to minors and that the operation of such measures is enforced. (20 USC 6777, 47 USC 254)

To reinforce these measures, the Superintendent or designee shall implement rules and procedures designed to restrict students' access to harmful or inappropriate matter on the Internet and to ensure that students do not engage in unauthorized or unlawful online activities. Staff shall supervise students while they are using online services and may have teacher aides, student aides, and volunteers assist in this supervision.

The Superintendent or designee also shall establish regulations to address the safety and security of students and student information when using email, chat rooms, and other forms of direct electronic communication.

The Superintendent or designee shall provide age-appropriate instruction regarding safe and appropriate behavior on social networking sites, chat rooms, and other Internet services. Such instruction shall include, but not be limited to, the dangers of posting personal information online, misrepresentation by online predators, how to report inappropriate or

offensive content or threats, behaviors that constitute cyberbullying, and how to respond when subjected to cyberbullying.

Student use of district computers to access social networking sites is prohibited. To the extent possible, the Superintendent or designee shall block access to such sites on district computers with Internet access.

adopted: August 19, 2009 Santa Monica, California

Student Use of Technology

The principal or designee shall oversee the maintenance of each school's technological resources and may establish guidelines and limits on their use. All instructional staff shall receive a copy of this administrative regulation, the accompanying Board policy, and the district's Acceptable Use Agreement describing expectations for appropriate use of the system and shall also be provided with information about the role of staff in supervising student use of technological resources. All students using these resources shall receive instruction in their proper and appropriate use.

Teachers, administrators, and/or library media specialists shall prescreen technological resources and online sites that will be used for instructional purposes to ensure that they are appropriate for the intended purpose and the age of the students.

Online/Internet Services: User Obligations and Responsibilities

Students are authorized to use district equipment to access the Internet or other online services in accordance with Board Policy, the user obligations and responsibilities specified below, and the district's Acceptable Use Agreement.

1. The student in whose name an online services account is issued is responsible for its proper use at all times. Students shall keep personal account numbers and passwords private and shall only use the account to which they have been assigned.
2. Students shall use the district's system safely, responsibly, and primarily for educational purposes.
3. Students shall not access, post, submit, publish, or display harmful or inappropriate matter that is threatening, obscene, disruptive, or sexually explicit, or that could be construed as harassment or disparagement of others based on their race/ethnicity, national origin, sex, gender, sexual orientation, age, disability, religion, or political beliefs.

Harmful matter includes matter, taken as a whole, which to the average person, applying contemporary statewide standards, appeals to the prurient interest and is matter which depicts or describes, in a patently offensive way, sexual conduct and which lacks serious literary, artistic, political, or scientific value for minors. (Penal Code 313)

4. Unless otherwise instructed by school personnel, students shall not disclose, use, or disseminate personal identification information about themselves or others when using email, chat rooms, or other forms of direct electronic communication. Students also shall be cautioned not to disclose such information by other means to individuals contacted through the Internet without the permission of their parents/guardians.

Personal information includes the student's name, address, telephone number, Social Security number, or other personally identifiable information.

5. Students shall not use the system to encourage the use of drugs, alcohol, or tobacco, nor shall they promote unethical practices or any activity prohibited by law, Board policy, or administrative regulations.
6. Students shall not use the system to engage in commercial or other for-profit activities.
7. Students shall not use the system to threaten, intimidate, harass, or ridicule other students or staff.
8. Copyrighted material shall be posted online only in accordance with applicable copyright laws. Any materials utilized for research projects should be given proper credit as with any other printed source of information.

9. Students shall not intentionally upload, download, or create computer viruses and/or maliciously attempt to harm or destroy district equipment or materials or manipulate the data of any other user, including so-called "hacking."

10. Students shall not attempt to interfere with other users' ability to send or receive email, nor shall they attempt to read, delete, copy, modify, or use another individual's identity.

11. Students shall report any security problem or misuse of the services to the teacher or principal.

The district reserves the right to monitor use of the district's systems for improper use without advance notice or consent. Students shall be informed that computer files and electronic communications, including email, are not private and may be accessed by the district for the purpose of ensuring proper use.

Whenever a student is found to have violated Board policy, administrative regulation, or the district's Acceptable Use Agreement, the principal or designee may cancel or limit a student's user privileges or increase supervision of the student's use of the district's technological resources, as appropriate. Inappropriate use also may result in disciplinary action and/or legal action in accordance with law and Board policy.

approved: August 19, 2009 Santa Monica, California

Student Use of Technology

**SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT
TELECOMMUNICATIONS ACCEPTABLE USE POLICY**

Computers are used to support learning and to enhance instruction. Computer networks allow people to interact with many computers. The Internet, a network of networks, allows people to interact with hundreds of thousands of networks and computers. It is the Santa Monica-Malibu Unified School District's policy that all computers used through District networks be used in a responsible, efficient, ethical, and legal manner. Failure to adhere to the policy and guidelines below, could result in the revocation of access privileges and other disciplinary measures up to and including suspension or expulsion from school.

GUIDELINES:

APPROPRIATE, RESPECTFUL LANGUAGE

Remember that you are a representative of your school and district when you are on-line. Always use language that you know is appropriate and respectful in your messages. Never send, or encourage others to send messages that are not polite or contain abusive or profane language.

PRIVACY

Do not send any message that includes personal information such as home address or phone number for yourself or any other person. Report to your teacher any person who asks for personal information. Never share your password with anyone.

VANDALISM

Never move, delete, or trash any applications or files that are not yours. Do not damage or misuse the equipment.

LEGALITY

Do not use the Internet for illegal purposes or engage in any illegal activities through the use of the computer or networks. This includes sending or receiving copyrighted materials without permission.

Since access to the Internet provides connections to other computer systems located all over the world, users and parents of users who are students, must understand that neither the Santa Monica-Malibu Unified School District nor District staff members control the content of the information available on these other systems. Some of the information available is inaccurate, controversial, and may be offensive. The Santa Monica-Malibu Unified School District does not condone the use of such materials.

STUDENT AGREEMENT

I have read the SMMUSD Telecommunications Acceptable Use Policy and agree that by following the guidelines I will be allowed network access including the Internet. I understand that my network access is a privilege and may be revoked if I do not follow these guidelines.

Name (print) _____

Signature: _____ Date: _____

PARENT CONSENT

I have read the SMMUSD Telecommunications Acceptable Use Policy. I understand that network access and the Internet is a world-wide group of hundreds of thousands of computer networks. I know that the Santa Monica-Malibu Unified School District does not control the content of these Internet networks. When using the Internet, I realize that students may encounter material I might consider inaccurate, controversial or offensive. The Santa Monica-Malibu Unified School District has my permission to give Internet access to my child. I understand that my child may keep this access as long as the guidelines described in the Telecommunications Acceptable Use Policy are followed.

Name (print) _____

Signature: _____ Date: _____

SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT
INFORMATION FOR STUDENTS AND PARENTS
2017 – 2018

- Controlled Substance
BP 5131.61 & AR 5131.61
- Weapons and Dangerous Instruments
BP 5131.7 & AR 5131.7
- Hate-Motivated Behavior
BP 5145.9 & AR 5145.9
- Bullying
BP 5131.2
- Tobacco-Free Schools
BP 3513.3
- Student Use of Technology
BP 6163.4, AR 6163.4 & E 6163.4

I have received and read the Controlled Substance, Weapons and Dangerous Instruments, Hate-Motivated Behavior, Bullying, Tobacco-Free Schools and Student Use of Technology policies. I understand the content of these policies and (check one),

_____ I am a student and agree to review them with my parent or guardian.

_____ I am a parent or guardian and agree to review them with my child.

Complete where appropriate.

Student Name

Student Signature

Date

Parent Name

Parent Signature

Date

Teacher

Room Number