

**REGULATION 5144: DISCIPLINE**

**Comparison Matrix**

Section: Students

**SUMMARY OF UPDATE**

**Summary of Update:** The regulation updated to clarify that "junior high" and "high school students" are interpreted to mean students in grades 7-12, which affects the list of representatives for the development of site-level disciplinary rules, and that supervised suspension is one of the means of discipline that may be used when other means of correction have failed to bring about proper conduct. Additionally, regulation updated to reflect **NEW LAW (SB 10, 2023)** which expresses the legislative intent that districts use alternatives to a referral of a student to a law enforcement agency in response to an incident involving the student's misuse of an opioid to the extent that the alternative is not in conflict with any other law requiring a referral, and that a multi-tiered system of supports may be utilized, **NEW LAW (AB 1165, 2023)** which encourages districts to have a student who has been suspended, or for whom other means of correction have been implemented, for an incident of racist bullying, harassment, or intimidation, and the victim, to engage in a restorative justice practice suitable to address the needs of both of the students, engage the perpetrator in a culturally sensitive program, and to regularly check on the victim to ensure that the victim is not in danger of suffering from any long-lasting mental health issues, and **NEW LAW (SB 291, 2023)** which, beginning with the 2024-25 school year, prohibits a school staff member from denying a student's recess unless the student's participation poses an immediate threat to the physical safety of the student or one or more of the student's peers.

CURRENT VERSION			REVISED VERSION	CSBA MODIFICATIONS and/or NOTES	
PARA	Section	Sub-Section	January 12, 2021		March 2024
			<b><u>Site-Level Rules</u></b>	<b>No change</b>	
1			Site-level rules shall be consistent with state law and Board policies and administrative regulations. In developing site-level disciplinary rules, the principal or designee shall solicit the participation, views, and advice of one representative selected by each of the following groups:	<b>No change</b>	CSBA NOTE: The following section is optional. Pursuant to Education Code 35291.5, schools are authorized, but not required, to adopt site-level student discipline rules and procedures. Schools that choose to adopt student discipline rules, or that are directed by the Governing Board to do so, must solicit input from groups specified in Items #1-5 below. Such site-level rules must be consistent with law, Board policy, and district regulations. If the school develops student discipline rules, Education Code 32282 requires that they be included in the comprehensive safety plan; see BP/AR 0450 -

					<p>Comprehensive Safety Plan.</p> <p>In addition, pursuant to Education Code 52060, the district is required to adopt a local control and accountability plan (LCAP) that includes a description of the specific actions that it intends to take to achieve its annual goals in specified priority areas, including student engagement and school climate. In the development of the LCAP, the district is required to involve and/or consult with parents/guardians, employees, employee organizations, and students in accordance with law. See BP/AR 0460 - Local Control and Accountability Plan.</p>
	1		Parents/guardians	No change	
	2		Teachers	No change	
	3		School administrators	No change	
	4		School security personnel, if any	No change	
	5		For junior high and high schools, students enrolled in the school	5. Students in grades seven through twelve	CSBA NOTE: Education Code 35291.5 references students in junior high and high school, which has been interpreted to mean students in grades 7-12. Item #5 below may be deleted by elementary districts.
2			Annually, site-level discipline rules shall be reviewed and, if necessary, updated to align with any changes in state law, district discipline policies and regulations, and/or goals for school safety and climate as specified in the district's local control and accountability plan. A copy of the rules shall be filed with the Superintendent or designee for inclusion in the comprehensive safety plan.	No change	CSBA NOTE: The following optional paragraph may be revised to reflect district practice. Education Code 35291.5 authorizes, but does not require, each school site to adopt school rules every four years. However, it is recommended that the timelines for the review of school rules be aligned with those for the review and updating of the comprehensive safety plan, since the school rules must, by law, be included in the plan. Pursuant to Education Code 32286, the comprehensive safety plan must be reviewed

					and updated every year by March 1; see BP/AR 0450 - Comprehensive Safety Plan.
3		School rules shall be communicated to students clearly and in an age-appropriate manner.	No change		
4		It shall be the duty of each employee of the school to enforce the school rules on student discipline.	No change		
		<b><u>Disciplinary Strategies</u></b>	No change		
1		To the extent possible, staff shall use disciplinary strategies that keep students in school and participating in the instructional program. Except when students' presence causes a danger to themselves or others or they commit a single act of a grave nature or an offense for which suspension or expulsion is required by law, suspension or expulsion shall be used only when other means of correction have failed to bring about proper conduct. Disciplinary strategies may include, but are not limited to:	To the extent possible, staff shall use disciplinary strategies that keep students in school and participating in the instructional program. Except when students' presence causes a danger to themselves or others or they commit a single act of a grave nature or an offense for which suspension or expulsion is required by law, suspension, supervised suspension, or expulsion shall be used only when other means of correction have failed to bring about proper conduct. Disciplinary strategies may include, but are not limited to:		CSBA NOTE: Education Code 48900.5 lists means of correction of student behavior that a district may use as an alternative to suspension. The district should select those strategies that are appropriate for its student population. The following strategies may be modified or expanded to reflect district practice.
	1	Discussion or conference between school staff and the student and parents/guardians	Discussion or conference between school staff, the student, and the student's parents/guardians		
	2	Referral of the student to the school counselor or other school support service personnel for case management and counseling	No change		
	3	Convening of a study team, guidance team, resource panel, 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 parents/guardians	Convening of a study team, guidance team, resource panel, 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 the student's parents/guardians		
	4	When applicable, referral for a comprehensive psychosocial or psychoeducational	No change		

		assessment, including for purposes of creating an individualized education program (IEP) or a Section 504 plan		
	5	Enrollment in a program for teaching prosocial behavior or anger management	No change	
	6	Participation in a restorative justice program	No change	CSBA NOTE: Pursuant to Education Code 49414.4, as added by SB 10 (Ch. 856, Statutes of 2023), as part of a restorative justice framework, the district may use alternatives to a referral to a law enforcement agency in response to an incident involving a student's misuse of an opioid, to the extent the alternatives are not in conflict with any other law requiring that referral. Items #6-9 below reflect these alternative approaches.
	7	A positive behavior support approach with tiered interventions that occur during the school day on campus	No change	
	8	Participation in a social and emotional learning program that teaches students the ability to understand and manage emotions, develop caring and concern for others, make responsible decisions, establish positive relationships, and handle challenging situations capably	No change	
	9	Participation in a program that is sensitive to the traumas experienced by students, focuses on students' behavioral health needs, and addresses those needs in a proactive manner	No change	CSBA NOTE: The Public Counsel's Fix School Discipline Project recognizes that exposure to chronic violence and other family or community traumas, such as serious accidents and life-threatening illnesses involving loved ones, and to conditions such as homelessness, may affect students' ability to learn and function well in school, and urges schools to adopt policies that recognize those factors and provide appropriate support to students.
	10	After-school programs that address specific behavioral issues or expose students to	No change	

		positive activities and behaviors, including, but not limited to, those operated in collaboration with local parent and community groups		
11		Recess restriction as provided in the section below entitled "Recess Restriction"	Delete	
12		Detention after school hours as provided in the section below entitled "Detention After School"	No change	
13		Community service as provided in the section below entitled "Community Service"	No change	
14		In accordance with Board policy and administrative regulation, restriction or disqualification from participation in extracurricular activities	No change	
15		Reassignment to an alternative educational environment	No change	
16		Suspension and expulsion in accordance with law, Board policy, and administrative regulation	No change	
2		When, by law or district policy, other means of correction are required to be implemented before a student could be suspended or expelled, any other means of correction implemented shall be documented and retained in the student's records.	No change	CSBA NOTE: Pursuant to Education Code 48900.5, when a student's misbehavior may result in a referral for suspension or expulsion after other means of correction have failed, the district may document and place in the student's record any other means of correction used to address the behavior. The following optional paragraph may be revised to reflect district practice.
			When a student has been suspended, or other means of correction have been implemented against the student, for an incident of racist bullying, harassment, or intimidation, the principal or designee shall engage both the victim and perpetrator in a restorative justice practice suitable to the needs of the students.	<b>New paragraph added</b> CSBA NOTE: The following paragraph may be revised to reflect district practice. Pursuant to Education Code 48900.5, as amended by AB 1165 (Ch. 22, Statutes of 2023), the district is encouraged to have a student who has been suspended, or for whom other means of

			The principal or designee may also require the perpetrator to engage in a culturally sensitive program that promotes racial justice and equity and combats racism and ignorance and shall regularly check on the victim to ensure that the victim is not in danger of suffering from any long-lasting mental health issues.	correction have been implemented pursuant to Education Code 48900.5 for an incident of racist bullying, harassment, or intimidation, as well as the victim, to engage in a restorative justice practice suitable to address the needs of both the victim and the perpetrator, in addition to the other measures specified in the following paragraph.
			Staff shall enforce disciplinary rules fairly, consistently, and in accordance with the district's nondiscrimination policies.	<b>New paragraph added</b> CSBA NOTE: On July 19, 2022, The United States Department of Education's Office for Civil Rights and Office of Special Education and Rehabilitative Services issued new guidance, "Supporting Students with Disabilities and Avoiding the Discriminatory Use of Student Discipline under Section 504 of the Rehabilitation Act of 1973," to help schools support students with disabilities and avoid discriminatory discipline practices.
			When disciplining a student who has been identified for special education and related services, the procedures specified in Administrative Regulation 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities) shall be applied. If a student has not been identified as a student with a disability and the district suspects the behavior that resulted in discipline may be based in an unidentified disability, the district shall conduct an evaluation to determine if the student has a disability which requires an IEP or 504 plan.	<b>New paragraph added</b>
			<b><u>Recess Restriction</u></b>	<b>Delete</b>
1			Teachers may restrict a student's recess time only when they believe that this action is the most effective way to bring about improved behavior. When recess restriction involves the	<b>Delete</b>

		withholding of physical activity from a student, teachers shall try other disciplinary measures 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.	Delete	
	2	The student shall remain under a certificated employee's supervision during the period of restriction.	Delete	
	3	The student's teacher shall inform the principal of any recess restrictions imposed.	Delete	
		<b><u>Detention After School</u></b>	No change	
	1	Students may be detained for disciplinary reasons for up to one hour after the close of the maximum school day, or until the departure of the school bus to which they have been assigned if applicable.	No change	
	2	The student shall not be detained unless the principal or designee notifies the parent/guardian.	No change	CSBA NOTE: The following paragraph should be modified to reflect district practice.
	3	Students shall remain under the supervision of a certificated employee during the period of detention.	No change	
	4	Students may be offered the choice of serving their detention on Saturday rather than after school.	No change	CSBA NOTE: The following optional paragraph is offered for districts that use Saturday classes for purposes of detention. Education Code 37223 authorizes the use of Saturday classes; however, except in the case of truants, attendance at such classes must be at the election of the student, or parent/guardian when the student is a minor.
		<b>Community Service</b>	No change	

1		As part of or instead of disciplinary action, the Board, Superintendent, principal, or principal's designee may require a student to perform community service during non-school 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, community or campus betterment, and teacher, peer, or youth assistance programs.	No change	
2		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 the student may be required to perform community service for the resulting suspension.	No change	CSBA NOTE: Education Code 48900.6 provides that the community service option is not available for those students who have been suspended, pending expulsion, for acts qualifying for either "mandatory recommendation for expulsion" or "mandatory expulsion" pursuant to Education Code 48915. See BP 5144.1 - Suspension and Expulsion/Due Process.
		<b><u>Notice to Parents/Guardians and Students</u></b>	No change	
1		At the beginning of the school year, the Superintendent or designee shall notify parents/guardians, in writing, about the availability of district rules related to discipline.	No change	
2		The Superintendent or designee shall also provide written notice of disciplinary rules to transfer students at the time of their enrollment in the district.	The Superintendent or designee shall also provide written notice of disciplinary rules to parents/guardians of transfer students at the time of their enrollment in the district.	

Created: 3/26/24