



Educator's Rights Regarding Student Discipline and Threat Assessment

March 2024



This document will provide you with concrete and progressive steps to deal with student discipline that outlines the rights provided to you by the California Education Code* and SAUSD Threat Assessment Protocol.

Obscene	•Extremely or deeply offensive according to contemporary community standards of morality or decency. <i>Miller v. California (1973)</i>
Habitual	•Regularly or repeatedly doing, practicing or acting in some manner
Profanity	•Language that provokes violent resentment or grossly offensive
Disrupt	•To cause a substantial interruption or interference in classwork or involves invasion of the rights of others
Willful	•Referring to acts which are intentional, conscious and directed toward achieving a purpose
Defiance	•The act or an instance of defying a directive or instruction
Threaten	•The intent to cause serious harm to another person



While teachers have a general duty to maintain control over their classrooms, school districts have the legal responsibility to establish and enforce the discipline policy that circumscribes teachers' supervisory efforts. This means that the principal is responsible for general school administration, including enforcement of the school district's discipline policy. Teachers have the right to suspend students from their classroom should they find a student in violation of any offense listed under ED CODE 48900.



*This document is provided as a resource guide and does not constitute legal advice.

Issues	Ed. Code Section(s)	Immediate Response/Action	Procedural Steps
Student swears at you	<p>§48900(i) – Student may be suspended for habitual profanity or vulgarity.</p> <p>§48908 – All pupils shall comply with the regulations, pursue the required course of study, and submit to the authority of the teachers of the school.</p>	<ol style="list-style-type: none"> 1. Assign relevant work to other students. 2. Conference with the offending student. 3. Tell the student the Ed. Code sections and that you will be recording the incident. 4. Record the incident. 5. May consider in-school suspension. 	<ol style="list-style-type: none"> 1. After the initial incident, record the date(s) of any subsequent incident(s). 2. After a subsequent incident(s), complete the Student Suspension by the Teacher form and include the dates of all incidents of profanity. Write: "Suspend student for 1-2 days." Save a copy. 3. As soon as possible, schedule a conference with the parent/guardian. 4. Record notes from the conference on the Student Suspension by Teacher form. 5. The student must be allowed to return to class, even if there was no conference.
Willful Defiance	<p>§48900(k) – Students in grades K-12 may be suspended in-school for willful defiance. Grades 6-12 are on a temporary trial period from July 1, 2024 through July 1, 2029 and may not be suspended outside of school.</p> <p>§48908 – All pupils shall comply with the regulations, pursue the required course of study, and submit to the authority of the teachers of the school.</p>	<ol style="list-style-type: none"> 1. Assign relevant work to other students. 2. Send the student to the administration office for in-school suspension. 3. Student cannot be returned to classroom that same day or placed in another teacher's class. 	<ol style="list-style-type: none"> 1. As soon as possible, schedule a conference with the parent/guardian. 2. Record notes from the conference. 3. The student must be allowed to return to class, even if there was no conference.
Student threatens you	<p>§48900(a)(1) – Student may be suspended for threatening to cause physical injury to another.</p> <p>§48908 – All pupils shall comply with the regulations, pursue the required course of study, and submit to the authority of the teachers of the school.</p>	<ol style="list-style-type: none"> 1. Assign relevant work to other students. 2. Complete the Student Suspension by the Teacher form and Write: "[Student name] threatened me by [write/describe student threat]." 3. Send the student to the administration office or call for a security escort. 	<ol style="list-style-type: none"> 1. Threatening a teacher is a crime. 2. Student should be sent to the administration office for a corrective measure, which may include counseling, prosocial skills development, threat assessment, suspension for up to 5 days, police involvement and/or expulsion.
Student throws something at you or uses physical force	<p>§48900(a)(1) – Student may be suspended for threatening to cause physical injury to another.</p> <p>§48908(a)(2) Willfully used force of violence upon the person of another; except in self-defense.</p> <p>§48908 - All pupils shall comply with the regulations, pursue the required course of study, and submit to the authority of the teachers of the school.</p>	<ol style="list-style-type: none"> 1. Assign relevant work to other students. 2. Complete the Student Suspension by the Teacher form and Write: "[Student name][write/describe incident]." 3. Send the student to the administration office or call for a security escort. 	<ol style="list-style-type: none"> 1. Throwing something at a teacher and/or using physical force is a crime. 2. Student should be sent to the administration office for a corrective measure, which may include counseling, prosocial skills development, threat assessment, suspension for up to 5 days, police involvement and/or expulsion.
Parent disrupts classroom and/or harasses you	<p>§32210 & 44811 – Any parent, guardian or other person whose conduct materially disrupts or willfully disturbs classwork or extracurricular activities is guilty of a misdemeanor.</p>	<p>If you are unable to resolve the problem directly with the parent, call an administrator, school police or campus security and have the parent removed from your presence.</p>	<ol style="list-style-type: none"> 1. Report the incident in writing and any future incidents to your administrator. 2. The District has an obligation to provide a harassment-free environment. 3. You may consider obtaining a restraining order, independent of the District, depending on the severity of the issue.

SUSPENDING A STUDENT FROM CLASS

Using the District Approved Student Suspension by Teacher Form

SANTA ANA UNIFIED SCHOOL DISTRICT
Santa Ana, California

STUDENT SUSPENSION BY TEACHER

Date _____
Student # _____

Name of Student _____ Date of Birth _____ Grade _____ Cycle _____

The above named student has been suspended from my class for today
 for today and the following school day

for violations of the Sections of Board Policy 5131 checked below as authorized by Education Code Section 48900.

<input type="checkbox"/> a. Caused, attempted to cause, or threatened to cause physical injury to another person.	<input type="checkbox"/> f. Caused or attempted to cause damage to school property or private property.
<input type="checkbox"/> 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.	<input type="checkbox"/> g. Stolen or attempted to steal school property or private property.
<input type="checkbox"/> 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.	<input type="checkbox"/> 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.
<input type="checkbox"/> d. Unlawfully offered or 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 then either sold, delivered, or otherwise furnished to any person another liquid, substance, or material as a controlled substance, alcoholic beverage, or intoxicant.	<input type="checkbox"/> i. Committed an obscene act or engaged in habitual profanity or vulgarity.
<input type="checkbox"/> e. Committed or attempted to commit robbery or extortion.	<input type="checkbox"/> j. Had unlawful possession of, unlawfully offered, arranged or negotiated to sell any drug paraphernalia, as defined in Section 11014.5 of the Health and Safety Code.
	<input type="checkbox"/> 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.
	<input type="checkbox"/> l. Knowingly received stolen school property or private property.

CAUSE OF SUSPENSION (Briefly state evidence supporting the suspension)

Name of Teacher (Please Print) _____ Subject _____ Period _____ Teacher Signature _____

PARENT CONFERENCE DATE _____ TIME _____

PRESENT _____

SUMMARY OF CONFERENCE

Teacher Signature

DISTRIBUTION: White - School Principal/Principal's Designee (After conference — to be placed in student file); Canary - Originator; Pink - Student/Parent; Goldenrod - School Principal/Principal's Designee (At time of suspension)
Whse. Sit. No. 525 (Rev. 2/88)

This form should be available at your school site. If it is not, you can download it from the SAEA website.
KEEP A COPY FOR YOUR OWN RECORDS



**Instructions
are on the
back of the
form**

PROCEDURES FOR STUDENT SUSPENSION FROM CLASS BY TEACHER

1. Fill out the District approved Student Suspension by Teacher form and immediately report the suspension by sending copies of the form to the principal or principal's designee. Complete all items above the dotted line.
2. Send the student to the principal or principal's designee for appropriate action.
3. As soon as possible, contact the parent/guardian and schedule a conference. Invite a counselor, and/or the principal or principal's designee to attend if desired.
4. The student must be allowed to return to class after the suspension even if a conference is not held.
5. After the conference, complete the summary section and submit the original copy of the form to the principal or principal's designee. Keep a copy for yourself.

Type of Behavior	<p>Examples of MAJOR Offenses</p> <ul style="list-style-type: none"> • §48900 (a)(1) Attempting to or causing physical injury to another. • §48900.3 and §48900(q) Attempting or participating in hate violence or hazing. • §48900(r) Engaging in bullying, including cyber-bullying. • §48900(n) Attempting to or causing sexual assault or battery. • §48900.2 Engaging in sexual harassment. • §48900(b) Having, selling or brandishing any dangerous object. • §48900(m) Having an imitation, but realistic firearm. • §48900(e) Attempting or committing robbery or extortion. 	<p>Examples of MINOR Offenses</p> <ul style="list-style-type: none"> • §48900(i) Engaging in habitual profanity or vulgarity. • §48900(k) Disrupting school activities. • §48900(k) Defying the authority of school officials.
Documentation	<p>Email or hand deliver an Incident & Unusual Occurrence Report with all pertinent information relating to the act(s), including:</p> <ul style="list-style-type: none"> ✓ Which of the above offenses occurred ✓ Date of incident ✓ Time of incident ✓ Names of individual(s) involved in the incident ✓ Any motive or other relevant background information <p>Submit this information to your administrator, in writing, preferably by email. Make sure to save a copy. Call for campus security.</p> <p>When these incidents happen, it is better to allow the administration to discipline students rather than a class suspension because the administration has more disciplinary discretion, including a 5-day suspension, involving School Police/Santa Ana Police, and/or expulsion.</p>	<ul style="list-style-type: none"> • Educators must consistently enforce and document EVERY STEP of our own classroom discipline plan. • You must document EVERY violation and intervention. Providing a record of each infraction and remediation bolsters your credibility with the parents and the administrator's ability to take further action on your behalf. Accurate record keeping of every intervention strengthens SAEA's ability to support you, should that be necessary. • Consider creating an email draft for each disruptive student that includes your classroom management plan and the date the student reached that step. Additionally, consider emailing it to the student and/or parents. <u>Always cc the email to yourself for a record of what step you are on.</u> • Once the student reaches the step where you can send him/her to the administration office, you can email your administrator with the following language: <ul style="list-style-type: none"> ○ <i>[Student's name] has violated CA Ed. Code [sec. # from above] by [copy short description from above]. Per CA Ed. Code §48910, I suspend the student from my class for one or two days. I will contact the parents/guardian for a conference. Please see below for a record of this student's discipline history.</i>
If the student returns without a corrective measure	<p>Article 1, sec.28(f)(1) of the California constitution grants us the right to a campus that is safe and secure. Notify SAEA immediately if the student returns to your classroom without a corrective measure.</p>	<p>If student returns without a suspension per CA Ed. Code §48910, but there has been a violation, notify SAEA immediately by forwarding the email you sent to the administration, including the above italicized language.</p>



Protocol for Threat Assessment and Support



Warning signs or direct threat observed by or reported to school personnel

*ACTIVE threats ON Campus should be immediately reported to Santa Ana School Police
(714.558.5535 or 911)*

Active Threat (Imminent Danger)

Possession of firearm, detailed threats of violence and/or cyberbullying/threats

1. Contact Santa Ana School Police (SASP) (714.558.5535 or 911)
2. Contact Supervisor
3. School Administration must assess and implement necessary safety procedures
4. Prepare appropriate discipline measures and re-entry procedures in consultation with Support Services/School (714.433.3481)

Investigation Threat (Threat implying infliction of harm)

1. Reference Threat Management Assessment (TMAT) Packet
2. School Administration begins necessary investigation and completes initial screening of Step 1 of assessment form
3. Consult with Regional Senior School Social Worker or Mental Health Coordinator to complete Step 2 Threat Inquiry Interview for Moderate to High Level Threats

Determine Level of Risk:

- **Low:** Determine need for additional support and potential discipline
- **Moderate:** Establish plan to monitor and prevent further escalation of threat
- **High:** ****Notify of the URGENCY of Threat****
 - Call Santa Ana School Police (SASP) 714.558.5535 or 911
 - Call SSD 714.433.3481

Re-Entry Process

1. **Contact Support Services (714.433.3481)** to assess need for safety transfer or complete discipline transfer
2. Re-entry meeting should include school administration, psychologist, school counselor or school social worker
3. Complete re-entry checklist
4. School Administration must be in attendance

Low Level Threat

A threat that poses a minimal risk to the victim and public safety

Example: Student Jose Perez sends another student an email message saying, "You are a dead man."

Moderate/Moderate High Threat

A threat that could be carried out, although it may not appear entirely realistic

Example: Thomas, a ninth grade student, makes a video for one of his classes. The video shows student actors shooting at other students on the school grounds, using long barreled guns that appear real. Throughout the video the actor-students are heard yelling at other students, laughing and making off-color remarks, while aiming their weapons at others. Thomas' teacher learns of the video when she takes away a cell phone of a student using it in class and sees the video playing.

High Level Threat

A threat that appears to pose an imminent danger to the safety of others

Example: A high school principal receives an anonymous phone call at 7:30am stating that there is a pipe bomb scheduled to go off in the gym at noon. Caller states that the bomb is in the locker of one of the seniors and that he put it in a locker near his so he could see it from where he is sitting and be aware if someone checks on it.

Some considerations used to determine whether there might be movement toward violent action:

- Behavior that brought attention
- Communication about ideas and intentions
- Evidence of attack-related behaviors and planning
- Mental condition
- Recent losses
- Consistency between communication and behaviors
- Concern by others about the student's potential for harm

WHEN IN DOUBT, CONTACT:

School Police	714.558.5535
Risk Management	714.558.5856
Santa Ana PD	714.245.8665 (Non-Emergency)
Santa Ana PD	911 (Emergency)



Santa Ana Educators' Association
714.542.6758
www.santaanaeducators.org