

# OAKLAND UNIFIED SCHOOL DISTRICT

## Board Policy

BP 5144

### Students

#### Discipline

The Governing Board desires to prepare students to be caring, competent, critical thinkers and fully-informed, engaged, contributing members of society who are ready to succeed in college and career. The Board expects each school to create a safe and positive school environment in which all students feel accepted, supported, and respected. The Board desires that its disciplinary policies further its mission of serving the whole child, eliminate inequality in the use of punitive consequences, and provide each child with excellent teachers who are equipped to promote academic and behavioral learning.

The Board desires the use of a positive approach to student behavior and the use of preventative and restorative practices to minimize the need for discipline and maximize instructional time for every student. The Board recognizes the importance of developing the social and emotional health of all youth and adults in our organization.

The Board desires the adoption of the Response to Intervention (RTI) framework wherein schools provide a tiered system of academic and behavioral supports to enable all students to equitably access the core curriculum. Each school is responsible for adopting strategies, programs, and interventions within an RTI framework to facilitate a consistent approach for positive, pro-social behavior management in order to reduce student loss of instructional time due to disciplinary sanctions.

The Board recognizes that an opportunity gap for significant portions of its student population exists, namely amongst African American, Latino, and English Language Learner students and students with disabilities. The Board desires to identify and address the causes of disproportionate treatment in discipline to reduce and eliminate the racial disparities in the use of punitive school discipline, and any other disparities that may exist for other under-served populations. Schools shall enforce disciplinary rules fairly, consistently, and without discrimination.

The Board recognizes the importance of using school and classroom management strategies that keep students in school and in the classroom. Missing too much school for any reason has a direct impact on academic achievement—both short-term and long-term. Removal of students from the classroom environment for misbehavior should be avoided.

The Board does not support a zero tolerance approach to discipline except where mandated by law. Schools may not adopt zero tolerance policies or practices that conflict with District

discipline policies.

Except where suspension for a first offense is permitted by Education Code 48900.5, as further described in AR 5144.1, an administrator or administrator's designee may only impose in-school and out-of-school suspension when other means of correction fail to bring about proper conduct or the student's presence causes a danger to persons. (Education Code 48900.5) The other means of correction that have been attempted must be documented and evaluated for effectiveness prior to referring the student for a disciplinary sanction that results in the student's removal from an assigned classroom or the school site.

Other means of correction include, but are not limited to, conferences with students and their parents/guardians; use of student study teams or other intervention-related teams; enrollment in a program teaching social/emotional behavior or anger management; participation in a restorative justice program or restorative circles; and positive behavior support approaches. (Education Code 48900.5)

The Superintendent or designee shall provide professional development as necessary to assist staff in developing consistent classroom management skills, implementing effective disciplinary techniques, eliminating unconscious bias, and establishing cooperative relationships with parents/guardians.

With the participation of community stakeholders, each school may develop disciplinary rules to meet the school's particular needs as described in AR 5144. The rules shall be consistent with law, Board policy, district regulations, and school-level discipline data.

The Superintendent or designee shall provide professional development where appropriate to assist staff in developing classroom management skills and implementing effective disciplinary techniques.

To ensure that discipline is appropriate and equitable, schools and the District shall collect and review discipline data that is disaggregated by school, race, gender, status as an English Language Learner, status as a student with a disability, and type of infraction on a monthly basis. The District will perform a centralized review of school-level and District-wide discipline data to measure progress toward the goal of eliminating disproportionate rates of suspension and referral for African-American students, and determine whether the site strategies require adjustment to meet the goal. Site administrators, on a quarterly basis, shall meet with the site's teaching staff to review the school site's discipline data and discuss strategies for teaching, encouraging and reinforcing positive student behavior that do not require engagement with the discipline system and loss of instructional time.

### **Corporal Punishment**

Corporal punishment shall not be used as a disciplinary measure against any student. Corporal punishment includes the willful infliction of, or willfully causing the infliction of, physical pain

on a student. (Education Code 49001)

For purposes of this policy, corporal punishment does not include an employee's use of force that is reasonable and necessary to protect the employee, students, staff or other persons or to prevent damage to property or to obtain possession of weapons or other dangerous objects within the control of the student. (Education Code 49001)

Effective July 1, 2014

(cf. 0450 - Comprehensive Safety Plan)  
(cf. 3515 - Campus Security)  
(cf. 3515.3 - District Police/Security Department)  
(cf. 3515.4 - Recovery for Property Loss or Damage)  
(cf. 4158/4258/4358 - Employee Security)  
(cf. 5136 - Gangs)  
(cf. 5144.1 - Suspension and Expulsion/Due Process)  
(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))  
(cf. 6164.5 - Student Success Teams)  
(cf. 6159.4 - Behavioral Interventions for Special Education Students)  
(cf. 6182 - Opportunity School/Class/Program)  
(cf. 6184 - Continuation Education)  
(cf. 6185 - Community Day School)  
(cf. 0410 - Nondiscrimination in District Programs and Activities)  
(cf. 5145.3 - Nondiscrimination/Harassment)  
(cf. 4131 - Staff Development)  
(cf. 4231 - Staff Development)  
(cf. 4331 - Staff Development)

Legal Reference:

CIVIL CODE

1714.1 Parental liability for child's misconduct

EDUCATION CODE

35146 Closed sessions

35291 Rules

35291.5-35291.7 School-adopted discipline rules

35294-35294.9 School safety plans

37223 Weekend classes

44807.5 Restriction from recess

48630-48644.5 Opportunity schools

48900-48926 Suspension and expulsion

48980-48985 Notification of parents or guardians

49000-49001 Prohibition of corporal punishment

49330-49335 Injurious objects

CODE OF REGULATIONS, TITLE 5

307 Participation in school activities until departure of bus  
353 Detention after school

Management Resources:

CSBA PUBLICATIONS

Protecting Our Schools: Governing Board Strategies to Combat School Violence, 1999

CDE PROGRAM ADVISORIES

1010.89 Physical Exercise as Corporal Punishment, CIL 89/9-3

1223.88 Corporal Punishment, CIL: 88/9-5

WEB SITES

CDE: <http://www.cde.ca.gov>

USDOE: <http://www.ed.gov>

7/14/04; 4/23/14