



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

- 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 & E 6163.4

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

The Board of Education believes possession or use of drugs or alcohol on a school campus is 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.

The Board of Education strongly encourages any student who is using alcohol or drugs to inform his/her parent/guardian or any faculty or staff member such as a teacher, counselor or administrator. Students who self-refer and disclose past use of alcohol or drugs in order to seek assistance or intervention shall not be disciplined for such past 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.

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.

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, but not be limited to, parent conferences, Student Study Team, referrals to school-based or community-based programs.

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 30 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.

Legal Reference:

EDUCATION CODE

35160.5 *District policy rules and regulations; requirements; matters subject to regulation*

44049 *Known or suspected alcohol or controlled substance abuse by student*

51262 *Use of anabolic steroids; legislative finding and declaration*

CALIFORNIA CONSTITUTION

Article 9, Section 5 Common school system

CODE OF REGULATIONS, TITLE 5

350 *Fees not permitted*

COURT DECISIONS

Brown v. Shasta Union High School District, No. C061972, 2010 WL 3442147 (Cal. App. 3d Sept. 2, 2010)

Board of Education of Independent School District No. 92 of Pottawatomie County v. Earls, (2002) 122 S.Ct. 2559

Vernonia School District v. Acton, (1995) 115 S.Ct. 2385

Hartzell v. Connell, (1984) 35 Cal. 3d 899

Management Resources:

OFFICE OF NATIONAL DRUG CONTROL POLICY PUBLICATIONS

What You Need To Know About Drug Testing in Schools, August 2002

WEB SITES

California Department of Education: <http://www.cde.ca.gov>

National Institute on Drug Abuse: <http://www.nida.nih.gov>

Office of National Drug Control Policy: <http://www.whitehousedrugpolicy.gov>

U.S. Department of Education: <http://www.ed.gov>

Policy

adopted: August 19, 2009

revised: June 2, 2011; January 19, 2012; September 6, 2018

SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT

Santa Monica, California

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 a significant risk factor for any student and is considered to be a threat to the educational process.

For violations of Board policy, Education Code, or law, the student, under guidelines indicated below, shall be subject to developmentally appropriate interventions and discipline. Interventions and discipline, include, but are not limited to, drug prevention education, counseling, parent meetings, loss of privileges, community service, suspension 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 use/abuse such as research-based drug prevention education, counseling intervention and discipline.

All secondary schools should include substance use/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.

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.

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. The student shall be suspended for one (1) day.
- b. After the suspension, the Principal or designee shall hold a return from suspension meeting with the student and parent/guardian to identify potentially on-going issues and develop an Action Plan designed to determine what, if any, developmentally appropriate interventions are necessary.
- 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~~ one (1) day suspension; the permit may be revoked and the student directed to enroll in his/her neighborhood school.

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 three (3) days.
- b. While the student is suspended, the student and his/her parent/guardian shall meet with a counselor trained in identifying drug or alcohol dependency, and/or co-

occurring mental health issues. The counselor shall be a person identified by the Principal or designee. The counselor shall provide the parent/guardian with recommendations for developmentally appropriate interventions that the parent/guardian shall provide to the Principal or designee at the return from suspension meeting.

- c. After the suspension, the Principal or designee shall hold a return from suspension meeting with the student and parent/guardian to review the recommendations from the counselor and develop an Action Plan based on these recommendations. The Principal or designee's determination of the Action Plan is final.
- d. 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 three (3)-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. The student shall be suspended for three (3) days.
- b. While the student is suspended, the student and his/her parent/guardian shall meet with a counselor trained in identifying drug or alcohol dependency, and/or co-occurring mental health issues. The counselor shall be a person identified by the Principal or designee. The counselor shall provide the parent/guardian with recommendations for developmentally appropriate interventions that the parent/guardian shall provide to the Principal or designee at the return from suspension meeting.
- c. While the student is suspended, he/she shall complete an online education program that addresses the effects of alcohol, tobacco and drug use and how usage affects a person's life. The student shall complete the program before resuming attendance in his/her classes. Appropriate accommodations may be made for a student with an Individualized Education Plan (IEP) or Section 504 Accommodation Plan.
- d. After the suspension, the Principal or designee shall hold a return from suspension meeting with the student and parent/guardian to review the recommendations from the counselor and develop an Action Plan based on these recommendations. The Principal or designee's determination of the Action Plan is final.
- e. The student shall complete five (5) hours of school or community service. The community service must be preapproved by the Principal or designee.
- f. To be eligible to participate in the culmination/promotion ceremony, a student on an Action Plan shall provide documentation showing that he/she has satisfactorily complied with all requirements of the Plan.

If a student has been on an Action Plan for a period of time not long enough to have complied with all requirements of the Plan, 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. If the student does not complete and provide documentation for all of

the above measures, he/she will not be allowed to participate in the ceremony and will remain on the Action Plan until all requirements are completed.

- g. 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 three (3)-day suspension; the permit shall be revoked and the student directed to enroll in his/her neighborhood school.

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 (5) days.
- b. After the suspension, the Principal or designee shall hold a return from suspension meeting with the student and parent/guardian to review the Action Plan in place, or prepare a new Action Plan, as appropriate. The Action Plan may include an involuntary transfer to another school or program, as determined by the Principal or designee. The Principal or designee's determination of the Action Plan is final.
- c. The principal shall recommend that the student be expelled from the district, unless the Principal or designee determines that expulsion should not be recommended under the circumstances. During the period when the student is awaiting the expulsion hearing, make-up work or an alternate school placement shall be provided.
- d. The student shall complete ten (10) hours of school or community service. The community service must be preapproved by the Principal or designee.
- e. Section 3(f) regarding promotion/culmination applies for a student who commits a second offense.
- f. 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 (5)-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. The student shall be suspended for three (3) days.
- b. While the student is suspended, the student and his/her parent/guardian shall meet with a counselor trained in identifying drug or alcohol dependency, and/or co-occurring mental health issues. The counselor shall be a person identified by the Principal or designee. The counselor shall provide the parent/guardian with recommendations for developmentally appropriate interventions that the parent/guardian shall provide to the Principal or designee at the return from suspension meeting.
- c. While the student is suspended, he/she shall complete an online education program that addresses the effects of alcohol, tobacco and drug use and how

usage affects a person's life. The student shall complete the program before resuming attendance in his/her classes. Appropriate accommodations may be made for a student with an Individualized Education Plan (IEP) or Section 504 Accommodation Plan.

- d. After the suspension, the Principal or designee shall hold a return from suspension meeting with the student and parent/guardian to review the recommendations from the counselor and develop an Action Plan based on these recommendations. The Principal or designee's determination of the Action Plan is final.
- e. The student shall complete ten (10) hours of community service. The community service must be preapproved by the Principal or designee.
- f. To be eligible to participate in the graduation ceremony, a student on an Action Plan shall provide documentation showing that he/she has satisfactorily complied with all requirements of the Plan.

If a student has been on an Action Plan for a period of time not long enough to have complied with all requirements of the Plan, 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 graduation ceremony. If the student does not complete and provide documentation for all of the above measures, he/she will not be allowed to participate in the ceremony.

- g. 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 three (3)-day suspension; the permit shall be revoked and the student directed to enroll in his/her neighborhood school.

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 (5) days.
- b. After the suspension, the Principal or designee shall hold a return from suspension meeting with the student and parent/guardian to review the Action Plan in place, or prepare a new Action Plan, as appropriate. The Action Plan may include an involuntary transfer to another school or program, as determined by the Principal or designee. The Principal or designee's determination of the Action Plan is final.
- c. The Principal shall recommend that the student be expelled from the district, unless the Principal determines that expulsion should not be recommended under the circumstances. During the period when the student is awaiting the expulsion hearing, make-up work or an alternate school placement shall be provided.
- d. The student shall complete 15 hours of school or community service. The community service must be preapproved by the Principal or designee.
- e. Section 5(f) regarding graduation applies for a student who commits a second offense.

- f. 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 (5)-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 a controlled substance, alcohol, or intoxicant to others, the following steps shall be taken:

1. The student shall be suspended for five (5) 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 shall 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 cars, 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 may consult with the school nurse.

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 30 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.

Regulation
approved: January 19, 2012
revised: September 6, 2018

SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT
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. All students using these resources shall receive instruction in their proper and appropriate use.

Teachers, administrators, and/or library media specialists are expected to review the technological resources and online sites that will be used in the classroom or assigned to students in order to ensure that they are appropriate for the intended purpose and the age of the students.

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.

District technology includes, but is not limited to, computers, the district's computer network including servers and wireless computer networking technology (Wi-Fi), the Internet, email, USB drives, wireless access points (routers), tablet computers, smartphones and smart devices, telephones, cellular telephones, personal digital assistants, pagers, MP3 players, wearable technology, any wireless communication device including emergency radios, and/or future technological innovations, whether accessed on or off site or through district-owned or personally owned equipment or devices.

Before a student is authorized to use the district's technology, 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 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 district reserves the right to monitor student use of technology within the jurisdiction of the district without advance notice or consent. Students shall be informed that their use of district technology, including, but not limited to, computer files, email, text messages, instant messaging, and other electronic communications, is not private and may be accessed by the district for the purpose of ensuring proper use. Students have no reasonable expectation of privacy in use of the district technology. Students' personally owned devices shall not be searched except in cases where there is a reasonable suspicion, based on specific and objective facts, that the search will uncover evidence of a violation of law, district policy, or school rules.

The Superintendent or designee may gather and maintain information pertaining directly to school safety or student safety from the social media activity of any district student in accordance with Education Code 49073.6 and BP/AR 5125 - Student Records.

Whenever a student is found to have violated Board policy 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 equipment and other technological resources, as appropriate. Inappropriate use also may result in disciplinary action and/or legal action in accordance with law and Board policy,

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 district's technology and to help ensure that the district adapts to changing technologies and circumstances.

Internet Safety

The Superintendent or designee shall ensure that all district computers with Internet access have a technology protection measure that protects against 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; 47 CFR 54.520)

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.

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)

The district's Acceptable Use Agreement shall establish expectations for appropriate student conduct when using the Internet or other forms of electronic communication, including, but not limited to, prohibitions against:

1. Accessing, posting, submitting, publishing, or displaying 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
2. Intentionally uploading, downloading, or creating computer viruses and/or maliciously attempting to harm or destroy district equipment or materials or manipulate the data of any other user, including so-called "hacking"
3. Distributing personal identification information, including the name, address, telephone number, Social Security number, or other personally identifiable information, of another student, staff member, or other person with the intent to threaten, intimidate, harass, or ridicule that person

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 one's own 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.

Legal Reference:

EDUCATION CODE

49073.6 Student records; social media

51006 Computer education and resources

51007 Programs to strengthen technological skills

60044 Prohibited instructional materials

PENAL CODE

313 Harmful matter

502 Computer crimes, remedies

632 Eavesdropping on or recording confidential communications

653.2 Electronic communication devices, threats to safety

UNITED STATES CODE, TITLE 15

6501-6506 Children's Online Privacy Protection Act

UNITED STATES CODE, TITLE 20

6751-6777 Enhancing Education Through Technology Act, Title II, Part D, especially:

6777 Internet safety

UNITED STATES CODE, TITLE 47

254 Universal service discounts (E-rate)

CODE OF FEDERAL REGULATIONS, TITLE 16

312.1-312.12 Children's Online Privacy Protection Act

CODE OF FEDERAL REGULATIONS, TITLE 47

54.520 Internet safety policy and technology protection measures, E-rate discounts

COURT DECISIONS

New Jersey v. T.L.O., (1985) 469 U.S. 325

Management Resources:

CSBA PUBLICATIONS

Cyberbullying: Policy Considerations for Boards, Policy Brief, July 2007

FEDERAL TRADE COMMISSION PUBLICATIONS

How to Protect Kids' Privacy Online: A Guide for Teachers, December 2000

WEB SITES

CSBA: <http://www.csba.org>

American Library Association: <http://www.ala.org>

California Coalition for Children's Internet Safety: <http://www.cybersafety.ca.gov>

Center for Safe and Responsible Internet Use: <http://csriu.org>

Federal Communications Commission: <http://www.fcc.gov>

Federal Trade Commission, Children's Online Privacy Protection: <http://www.ftc.gov/privacy/privacyinitiatives/childrens.html>

U.S. Department of Education: <http://www.ed.gov>

Policy SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT

adopted: August 19, 2009 Santa Monica, California

Revised: October 5, 2017

Student Use of Technology

SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT TELECOMMUNICATIONS ACCEPTABLE USE POLICY

The Santa Monica-Malibu Unified School District authorizes students to use technology owned or otherwise provided by the district as necessary for instructional purposes. The use of district technology is a privilege permitted at the district's discretion and is subject to the conditions and restrictions set forth in applicable Board policies, administrative regulations, and this Acceptable Use Agreement. The district reserves the right to suspend access at any time, without notice, for any reason.

The district expects all students to use technology responsibly in order to avoid potential problems and liability. The district may place reasonable restrictions on the sites, material, and/or information that students may access through the system.

Each student who is authorized to use district technology and his/her parent/guardian shall sign this Acceptable Use Agreement as an indication that they have read and understand the agreement.

Definitions

District technology includes, but is not limited to, computers, the district's computer network including servers and wireless computer networking technology (Wi-Fi), the Internet, email, USB drives, wireless access points (routers), tablet computers, smartphones and smart devices, telephones, cellular telephones, personal digital assistants, pagers, MP3 players, wearable technology, any wireless communication device including emergency radios, and/or future technological innovations, whether accessed on or off site or through district-owned or personally owned equipment or devices.

Student Obligations and Responsibilities

Students are expected to use district technology safely, responsibly, and for educational purposes only. The student in whose name district technology is issued is responsible for its proper use at all times. Students shall not share their assigned online services account information, passwords, or other information used for identification and authorization purposes, and shall use the system only under the account to which they have been assigned.

Students are prohibited from using district technology for improper purposes, including, but not limited to, use of district technology to:

1. Access, post, display, or otherwise use material that is discriminatory, libelous, defamatory, obscene, sexually explicit, or disruptive
2. Bully, harass, intimidate, or threaten other students, staff, or other individuals ("cyberbullying")
3. Disclose, use, or disseminate personal identification information (such as name, address, telephone number, Social Security number, or other personal information) of another student, staff member, or other person with the intent to threaten, intimidate, harass, or ridicule that person
4. Infringe on copyright, license, trademark, patent, or other intellectual property rights
5. Intentionally disrupt or harm district technology or other district operations (such as destroying district equipment, placing a virus on district computers, adding or removing a computer program without permission from a teacher or other district personnel, changing settings on shared computers)
6. Install unauthorized software
7. "Hack" into the system to manipulate data of the district or other users

- Engage in or promote any practice that is unethical or violates any law or Board policy, administrative regulation, or district practice

Privacy

Since the use of district technology is intended for educational purposes, students shall not have any expectation of privacy in any use of district technology.

The district reserves the right to monitor and record all use of district technology, including, but not limited to, access to the Internet or social media, communications sent or received from district technology, or other uses. Such monitoring/recording may occur at any time without prior notice for any legal purposes including, but not limited to, record retention and distribution and/or investigation of improper, illegal, or prohibited activity. Students should be aware that, in most instances, their use of district technology (such as web searches and emails) cannot be erased or deleted.

All passwords created for or used on any district technology are the sole property of the district. The creation or use of a password by a student on district technology does not create a reasonable expectation of privacy.

Personally Owned Devices

If a student uses a personally owned device to access district technology, he/she shall abide by all applicable Board policies, administrative regulations, and this Acceptable Use Agreement. Any such use of a personally owned device may subject the contents of the device and any communications sent or received on the device to disclosure pursuant to a lawful subpoena or public records request.

Reporting

If a student becomes aware of any security problem (such as any compromise of the confidentiality of any login or account information) or misuse of district technology, he/she shall immediately report such information to the teacher or other district personnel.

Consequences for Violation

Violations of the law, Board policy, or this agreement may result in revocation of a student's access to district technology and/or discipline, up to and including suspension or expulsion. In addition, violations of the law, Board policy, or this agreement may be reported to law enforcement agencies as appropriate.

Student Acknowledgment

I have received, read, understand, and agree to abide by this Acceptable Use Agreement and other applicable laws and district policies and regulations governing the use of district technology. I understand that there is no expectation of privacy when using district technology. I further understand that any violation may result in loss of user privileges, disciplinary action, and/or appropriate legal action.

Name: _____ Grade: _____
(Please print)

School: _____

Signature: _____ Date: _____

Parent or Legal Guardian Acknowledgment

If the student is under 18 years of age, a parent/guardian must also read and sign the agreement.

As the parent/guardian of the above-named student, I have read, understand, and agree that my child shall comply with the terms of the Acceptable Use Agreement. By signing this Agreement, I give permission for my child to use district technology and/or to access the school's computer network and the Internet. I understand that, despite the district's best efforts, it is impossible for the school to restrict access to all offensive and controversial materials. I agree to release from liability, indemnify, and hold harmless the school, district, and district personnel against all claims, damages, and costs that may result from my child's use of district technology or the failure of any technology protection measures used by the district. Further, I accept full responsibility for supervision of my child's use of his/her access account if and when such access is not in the school setting.

Name: _____ Date: _____
(Please print)

Signature: _____

Exhibit SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT
approved: July 30, 2000 Santa Monica, California
revised: October 5, 2017

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

- 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 & 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