



Summerville Elementary School District

Comprehensive School Safety Plan

SB 719 & AB 115

Standardized Emergency Management (SEMS)

National Incident Management System (NIMS)

Compliance Document

2022

Summerville Elementary School District
18451 Carter Street
Tuolumne, CA 95379

Board Approved: February 8, 2022

This document is to be maintained for public inspection during business hours

Summerville Elementary School District Comprehensive School Safety Plan

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Comprehensive School Safety Plan

Summerville Elementary School Summerville Elementary School District

Section 1: General Information – School Safety
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Part 1: District Commitment to School Safety
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District Commitment to School Safety (page 1 of 1)

Summerville Elementary School District is committed to ensuring that students enrolled in this district, and all employees attend campuses that are safe and secure. The District believes that a beginning step toward safer schools is the development of a comprehensive plan for school safety by every school in the District. The District intends that parents, students, teachers, administrators, counselors, classified personnel, and community agencies develop safe school plans, including local law enforcement. The school site committee will review these safe school plans on an annual basis and proposed changes will be submitted to the Board for approval.

Comprehensive School Safety Plan

Summerville Elementary School Summerville Elementary School District
Section 1: General Information – School Safety
Part 2: Legislative Requirements – CSSP

The California Education Code (sections 32280-32288) outlines the requirements of all schools operating any kindergarten and any grades 1 to 12, inclusive, to write and develop a school safety plan relevant to the needs and resources of that particular school.

In 2004, the Legislature and Governor recast and renumbered the Comprehensive School Safety Plan provisions in SB 719 and AB 115. It is the intent of the Legislature in enacting the provisions to support California public schools as they develop their mandated comprehensive safety plans that are the result of a systematic planning process, that include strategies aimed at the prevention of, and education about, potential incidents involving crime and violence on school campuses.

The historical requirement of the Comprehensive School Safety Plan was presented in Senate Bill 187, which was approved by the Governor and chaptered in 1997. This legislation contained a sunset clause that stated that this legislation would remain in effect only until January 1, 2000. Senate Bill 334 was approved and chaptered in 1999 and perpetuated this legislation under the requirement of the initial legislation.

Comprehensive School Safety Plans are required under SB 719 & AB 115 and contains the following elements:

- Assessment of school crime committed on school campuses and at school-related functions
- Child abuse reporting procedures
- Disaster procedures
- Suspension and expulsion policies
- Procedures to notify teachers of dangerous pupils
- Discrimination and harassment policies
- School wide dress code policies
- Procedures for safe ingress and egress
- Policies enacted to maintain a safe and orderly environment
- Rules and procedures on school discipline
- Hate crime reporting procedures

The Comprehensive School Safety Plan will be reviewed and updated by March 1st every year. In July of every year, the school will report on the status of its school safety plan including a description of its key elements in the annual school accountability report card.

Comprehensive School Safety Plan

Summerville Elementary School Summerville Elementary School District
Section 1: General Information – School Safety
Part 3: Legislative Requirements – Standardized Emergency Management System (SEMS)

Summerville Elementary School District has incorporated protocols of California's Standardized Emergency Management System (SEMS). The California Code of Regulations, Title 19, Division 2, Chapter 1, Sections 2400-2450 outlines the requirements of all special districts. These regulations establish the Standardized Emergency Management System (SEMS) based upon the Incident Command System (ICS). SEMS is intended to standardize response to emergencies involving multiple jurisdictions or multiple agencies. SEMS is intended to be flexible and adaptable to the needs of all emergency responders in California.

SEMS requires emergency response agencies use basic principles and components of emergency management including;

- ICS,
- Multi-agency or inter-agency coordination,
- Operational area concept, and
- Established mutual aid systems.

State agencies must use SEMS. Local governments must use SEMS by December 1, 1996 in order to be eligible for state funding of response-related personnel costs pursuant to activities identified in California Code of Regulations, Title 19, §2920, §2925, and §2930.

Executive Order S-2-05 issued by the Governor of California directs the California Office of Emergency Services and Office of Homeland Security, in cooperation with the Standardized Emergency Management System Advisory Board, will develop a program to integrate the National Incident Management System, to the extent appropriate, into the state's emergency management system.

Comprehensive School Safety Plan

Summerville Elementary School Summerville Elementary School District

Section 1: General Information – School Safety
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Part 4: Legislative Requirements – National Incident Management System (NIMS)

In 2004, the Department of Homeland Security released the National Incident Management System (NIMS) as required by Homeland Security Presidential Directive (HSPD) -Management of Domestic Incidents and HSPD-8 Preparedness. While most emergency situations are handled locally, when there's a major incident help may be needed from other jurisdictions, the state and the federal government. NIMS was developed so responders from different jurisdictions and disciplines can work together better to respond to natural disasters and emergencies, including acts of terrorism. NIMS benefits include a unified approach to incident management; standard command and management structures; and emphasis on preparedness, mutual aid and resource management.

HSPD-5 established and designated the NIMS Integration Center (NIC) as the lead federal entity to coordinate NIMS compliance. Its primary function is to ensure that NIMS remains an accurate and effective management tool through refining and adapting compliance requirements to address ongoing preparedness needs.

To accomplish this, the Compliance and Technical Assistance Branch relies on input from Federal, State, local, tribal, multi-discipline and private sector stakeholders to assure continuity and accuracy of ongoing implementation efforts. In this collaborative role, the NIC has worked with these partners to refine and implement improvements to NIMS, including the development of performance measurement systems for State, territorial, tribal, and local governments, based on lessons learned and best practices from across the nation.

NIMS plans include;

- Use of standardized terminology,
- Standardized organizational structures (ICS),
- Interoperable communications,
- Consolidated action plans,
- Unified command structures, when applicable,
- Uniformed personnel qualifications standards,
- Uniformed planning, training, and exercises,
- Comprehensive resource management, and
- Designated incident facilities.

Comprehensive School Safety Plan

Summerville Elementary School Summerville Elementary School District

Section 1: General Information – School Safety
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Part 5: Maintaining a Safe and Orderly Environment
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It is a priority of the administration and staff in the Summerville Elementary School District that every student who attends our schools will be provided with an environment in which the students not only feel physically safe, but that there is also a positive school climate in all activities both in and out of the classroom.

Our administration and staff desire to provide an orderly, caring, and nondiscriminatory learning environment in which all students can feel comfortable and take pride in their school and their achievements.

Our administration encourages staff to teach students the meaning of equality, human dignity, and mutual respect, and to employ cooperative learning strategies that foster positive interactions in the classroom among students from diverse backgrounds.

Students shall have opportunities to voice their concerns about school policies and practices and to share responsibility for solving problems that affect their school. Staff shall encourage and reward success and achievement, participation in community projects, and positive student conduct.

Our school district promotes nonviolent resolution techniques in order to encourage attitudes and behaviors that foster harmonious relations. Staff shall receive training which implements and supports conflict resolution (California Education Code Sections 32228 – 3228.6, 35160, 35160.1, 44806).

Comprehensive School Safety Plan

Summerville Elementary School Summerville Elementary School District
Section 1: General Information – School Safety
Part 6: Responsibilities

Responsibilities

Superintendent

The Superintendent is responsible for the overall, district-wide implementation of all aspects of this program.

Principal

Principal is responsible for the implementation of the Comprehensive School Safety Plan at the site level. Under District policy, and by law, it is understood that the principal of a school is charged with the responsibility of students, professional staff and additional employees within his school. Therefore, it is the responsibility of the principal to designate a certificated person to assume a portion of that responsibility and to make decisions during a crisis in the absence of the principal.

- ❖ The principal shall develop a list of persons in charge of the school during his absence.

The designee shall have copies of the CSSP and be fully aware of the procedures contained within. Faculty and staff shall be informed as to who's in charge when the principal is away.

LIST PERSON IN CHARGE DURING THE PRINCIPALS ABSENCE:

❖ **Teacher in Charge**

- **The designee shall have copies of the CSSP and be fully aware of the procedures contained within. Faculty and staff shall be informed as to who's in charge when the principal is away.**

Managers

Managers of employees that work at multiple sites are responsible for ensuring that employees are in compliance with this program. Oversight of such employees is also the responsibility of the person responsible for the implementation of this program at the site level to which the employee is working.

Supervisors

Supervisors will notify their employees of any known safety hazards or emergencies.

Employees

Employees will notify their supervisor of any new safety hazards or emergencies. Employees will follow all reporting instructions as outlined in their CSSP.

Parents and Students

Parents and Students will follow all communication or reporting instructions as outlined in their CSSP.

Comprehensive School Safety Plan

Summerville Elementary School Summerville Elementary School District
Section 1: General Information – School Safety
Part 7: District Emergency Communications Procedures

District Emergency Communications Procedures

COMMUNICATIONS DURING EMERGENCIES

COMMUNICATIONS CENTER, School Office

- Will be opened in the event of an emergency.
- Site communicates with Superintendent.
- Refer all MEDIA contact to Emergency Operation Center
- SITE TELEPHONES are primary communication equipment.
- Refer to site emergency card or telephone tree to contact staff and families.
- Updated information will be recorded on the school's QuickMail system.

EMERGENCY OPERATIONS CENTER, School Office

- Will be directed by Emergency Services Coordinator.
- Will communicate directly with Communications Center/Communications Manager
- Will direct all emergency, facility and transportation response teams.

CALLING 9-1-1

1) When to call 9-1-1

- In a life threatening or life-and-death emergency.
- When you must have immediate help and cannot contact Site Administrator.

2) How to call 9-1-1

- On all lines in classrooms dial and in offices dial 9-911.

3) Provide information

- Phone number you are calling from.
- Specific address and **DIRECTIONS** to the victim or emergency.
- Description of emergency and victim's condition.
- Your name.
- The name and location of the staff member who will meet emergency crews.

4) **DO NOT HANG UP!** Stay on the line until told to hang up.

Comprehensive School Safety Plan

Summerville Elementary School Summerville Elementary School District

Section 1: General Information – School Safety
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Part 8: Specific Emergency Communication
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Specific Emergency Communication

Public address system / telephone calls to classrooms / two-way radios /telephone / phone ‘tree.’

Comprehensive School Safety Plan

Summerville Elementary School Summerville Elementary School District

Section 1: General Information – School Safety
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Part 9: CSSP Internal School Site Communication Procedures
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CSSP Internal School Site Communication Procedures

District Emergency Communications Procedures

Public address system / telephone calls to classrooms / two-way radios /telephone / School Messenger

Comprehensive School Safety Plan

Summerville Elementary School Summerville Elementary School District
Section 1: General Information – School Safety
Part 10: CSSP Faculty and Staff Assigned Roles

CSSP Site Specific Assigned Roles

SEMS/NIMS will be utilized during all incidents or emergencies. When the campus activates its EOC communications and coordination will be established between the Incident Commander (in the field) and the EOC. Coordination of fire and law enforcement resources will be accomplished through their respective mutual aid systems. The same five primary functions of ICS will be utilized in the EOC as well as in the field.

EOC and IC Management Functions

- **Management:** This function provides for the overall management and coordination of response and recovery activities through the joint efforts of the District, local governmental agencies, and private organizations.
- **Operations:** This function is responsible for coordinating all jurisdiction operations in support of the response to the emergency through implementation of the action plan.
- **Planning/Intelligence:** This function is responsible for collecting, evaluation and disseminating intelligence and information; developing the action plan coordination with the other functions; and maintaining documentation.
- **Logistics:** This function is responsible for providing facilities, services, needed equipment, and materials.
- **Finance/Administration:** This function is responsible for financial and administrative aspects not assigned to the other functions.

This section gives a brief summary of terminology and assignment roles, which need to be a part of the school site's CSSP.

EOC Director (Superintendent)- Responsible for operating and coordinating all emergency operations within the District' jurisdiction under the Standardized Emergency Management System (SEMS) and the Incident Command System (ICS); requesting mutual aid assistance with the approval of the Emergency Operations Executive; providing a liaison with nearby jurisdictions and appropriate State and Federal agencies and the effective operation and coordination of the District's Emergency Operations Center (EOC).

Incident Commander (Principal)– The Incident Commander is responsible for incident activities including the development and implementation of strategic decisions and for approving the ordering and releasing of resources. The Incident Commander, regardless of rank or position in the organization, has complete authority and responsibility for conducting the overall operation.

PIO (Principal – Under the direction of the IC a member of the Command Staff, is responsible for the formulation and release of information about the incident to the news media.

Liaison Officer (Principal) - A member of the Command Staff, and is the point of contact for the mutual aid agency representatives. This includes representatives from public and private contractors assisting the agency, Law Enforcement agencies, Fire services, Red Cross, Public Works, Coroner's Officer, etc.

Safety Officer (MOT Director)- Developing and recommending measures for assuring personnel safety, and to assess and/or anticipate hazardous and unsafe operational conditions or situations.

Operations Chief-(MOT Director) Ensure that the operations function is carried out including the coordination of response for all operational functions assigned to the EOC. Ensure those operational objectives and assignments identified in the EOC action plan are carried out effectively.

Logistics Chief (MOT Director)- Provide logistical support for the incident. These include telecommunications, transportation, supplies, facilities, personnel, food, and ground support. Provides logistical support to all other sections

Planning Chief (MOT Director)- - Oversees Situation Analysis, Documentation, and the Incident Action Plan. Establishes special information collection activities as necessary, e.g., weather, environmental, toxics, etc. Assembles information on alternative strategies. Provides periodic predictions on incident potential. Reports significant changes in incident status. Compiles and displays incident status information.

Finance Chief (Superintendent) - Responsible for managing all financial aspects of an incident to include: Financial and cost analysis, tracking and recording of personnel time, ensuring all obligation documents initiated at the incident are properly prepared and completed. It is important to brief administrative personnel on all incident related financial issues needing attention or follow-up, maintain periodic contact with administration on financial/administrative matters, process purchase orders and contracts in coordination with the Logistics Section.

Site Incident Command Center – General meeting location of the principal and their site emergency command team. The location is typically the office or front of the designated evacuation meeting area. The responsibilities of the site incident command center are to account for the presence of all students and staff, implement and coordinate the emergency plan, control internal and external communication, and communicate with the Superintendent.

➤ **Command Center is located in the main office.**

School Safety Team Members-

Leigh Shampain, Superintendent

Mitch Heldstab –Principal

Steve Artzer. MOT –

Angela Vandegrift, Teacher

Kathy Bullock, School Secretary

Sweep Team – The responsibilities of the site sweep team is to proceed in an orderly and pre-established sweep pattern checking classrooms, hallways, and storage areas for people and observable assessment of buildings. If injured people are found during the sweep, the team

reports the location of all injured to the first aid team. The sweep team report to the site's incident command center.

➤ **Sweep Teams:** Ben Howell, Steve Artzer, & Heather Shepherd

Student Accounting Team – generally consists of all classroom teachers. Their responsibilities include,

- Ascertain the extent of injuries and capabilities for class evacuation
- Determine the need of assistance for neighboring (buddy) teachers
- Evacuate classrooms using pre-determined routes to specific location
- Takes roll and reports calls status to emergency operations center through sweep team members
- Supervises and reassures students throughout the duration of the emergency
- Take care of minor first aid needs

Student Release Team – Consists of helping to locate information on whereabouts of faculty, staff, and students. This team is the only team, which should release students to parent(s) or guardian(s). Team responsibilities include,

- Maintain a location at the front of emergency meeting area
- Assigning team(s) dedicated to the release of students and another team(s) dedicated to locating information for staff and students
- Release team begins the process of reuniting students with parents or guardians. *Team ensures students are released to authorized parent or guardian and documents release by using a sign out form*

Student Support Team – Is responsible for sending messengers or giving assistance where needed. Responsibilities include,

- Assist parents on where to find the Student Release Team
- Assist in obtaining first aid supplies to teachers who have minor first aid cases
- Assist in any other appropriate areas as designated by the principal

Security Team – Generally consists of maintenance or custodial staff. This team's responsibilities include,

- Shut off of all utilities
- *Turn on utilities when cleared to do so*
- Lock all external gates, doors, and/or secures school with personnel at open areas
- Assist in the routing of parents and emergency personnel as necessary

Buddy System – Generally consists of pairing classroom teachers up so that each teacher is accounted for. Will also aid in staffing of sweep teams as some teachers may be assigned to sweep after the teachers and students are accounted for in the emergency meeting area.

First Aid Team – Generally located at the front of the emergency meeting area the team's responsibilities include:

- Administering first aid.
- Recording information on the extent of injuries and first administered.
- Determines need for medical assistance.
- Ensures medical supplies, emergency health records, and student health cards are at the location.

Staff certified in CPR: Laura Breaux, Kevin Williams, CJ Dyer, Heather Shepherd, Alanna Norans,

Access to first aid supplies: First aid supplies are located in the main office and gym. There is a defibrillator in the main office. All emergency backpacks have some first aid equipment.

Crisis Team A crisis team is available through the Tuolumne County Superintendent of Schools office (536-2000). School team crisis members often include school psychologist, school nurse, and guidance counselor.

Special Needs Students and Staff – No students need special assistance at the time the plan was written. This section is updated each month to include those students who need special assistance.

Section 2: Child Abuse Reporting

Students

Child Abuse Reporting Procedures

BP 5141.4

The Governing Board is committed to supporting the safety and well-being of district students and desires to facilitate the prevention of and response to child abuse and neglect. The Superintendent or designee shall develop and implement strategies for preventing, recognizing, and promptly reporting known or suspected child abuse and neglect.

The Superintendent or designee may provide a student who is a victim of abuse with school-based mental health services or other support services and/or may refer the student to resources available within the community as needed.

Child Abuse Prevention

The district's instructional program may provide age-appropriate and culturally sensitive child abuse prevention curriculum which explains students' right to live free of abuse, includes instruction in the skills and techniques needed to identify unsafe situations and react appropriately and promptly, informs students of available support resources, and teaches students how to obtain help and disclose incidents of abuse.

The district's program also may include age-appropriate curriculum in sexual abuse and sexual assault awareness and prevention. Upon written request of a student's parent/guardian, the student shall be excused from taking such instruction. (Education Code 51900.6)

The Superintendent or designee may display posters, in areas on campus where students frequently congregate, notifying students of the appropriate telephone number to call to report child abuse or neglect. (Education Code 33133.5)

In addition, student identification cards for students in grades 7-12 shall include the National Domestic Violence Hotline telephone number. (Education Code 215.5)

The Superintendent or designee shall, to the extent feasible, seek to incorporate community resources into the district's child abuse prevention programs and may use these resources to provide parents/guardians with instruction in parenting skills and child abuse prevention.

Child Abuse Reporting

The Superintendent or designee shall establish procedures for the identification and reporting of known and suspected child abuse and neglect in accordance with law.

Procedures for reporting child abuse shall be included in the district and/or school comprehensive safety plan. (Education Code 32282)

District employees who are mandated reporters, as defined by law and administrative regulation, are obligated to report all known or suspected incidents of child abuse and neglect.

The Superintendent or designee shall provide training regarding the duties of mandated reporters as required by law and as specified in the accompanying administrative regulation. (Education Code 44691; Penal Code 11165.7)

Legal Reference:

EDUCATION CODE

32280-32288 Comprehensive school safety plans

33195 Heritage schools, mandated reporters

33308.1 Guidelines on procedure for filing child abuse complaints

44252 Teacher credentialing

44691 Staff development in the detection of child abuse and neglect

44807 Duty concerning conduct of students

48906 Notification when student released to peace officer

48987 Dissemination of reporting guidelines to parents

49001 Prohibition of corporal punishment

51220.5 Parenting skills education

51900.6 Sexual abuse and sexual assault awareness and prevention

PENAL CODE

152.3 Duty to report murder, rape, or lewd or lascivious act

273a Willful cruelty or unjustifiable punishment of child; endangering life or health

288 Definition of lewd or lascivious act requiring reporting

11164-11174.3 Child Abuse and Neglect Reporting Act

WELFARE AND INSTITUTIONS CODE

15630-15637 Dependent adult abuse reporting

CODE OF REGULATIONS, TITLE 5

4650 Filing complaints with CDE, special education students

UNITED STATES CODE, TITLE 42

11434a McKinney-Vento Homeless Assistance Act; definitions

COURT DECISIONS

Camreta v. Greene (2011) 131 S.Ct. 2020

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Health Education Content Standards for California Public Schools, Kindergarten Through Grade Twelve

Health Framework for California Public Schools, Kindergarten Through Grade Twelve

WEB SITES

California Attorney General's Office, Suspected Child Abuse Report Form:

http://www.ag.ca.gov/childabuse/pdf/ss_8572.pdf

California Department of Education, Safe Schools: <http://www.cde.ca.gov/ls/ss/ap>

California Department of Social Services, Children and Family Services Division:

<http://www.childsworld.ca.gov>

U.S. Department of Health and Human Services, Child Welfare Information Gateway:

<https://www.childwelfare.gov/can>

Students

Child Abuse Reporting Procedures

AR 5141.4

***Note: Pursuant to Education Code 44691, as amended by AB 1432 (Ch. 797, Statutes of 2014), the California Department of Education (CDE) is required to disseminate information to all school districts regarding the detection and reporting of child abuse and to provide guidance on the responsibilities of mandated reporters. See the CDE web site for information and resources. ***

Definitions

Child abuse or neglect includes the following: (Penal Code 11165.5, 11165.6)

- 1 A physical injury or death inflicted by other than accidental means on a child by another person
- 2 Sexual abuse of a child, including sexual assault or sexual exploitation, as defined in Penal Code 11165.1
- 3 Neglect of a child as defined in Penal Code 11165.2
- 4 Willful harming or injuring of a child or the endangering of the person or health of a child as defined in Penal Code 11165.3
- 5 Unlawful corporal punishment or injury as defined in Penal Code 11165.4

Child abuse or neglect does not include:

- 1 A mutual affray between minors (Penal Code 11165.6)
- 2 An injury caused by reasonable and necessary force used by a peace officer acting within the course and scope of his/her employment (Penal Code 11165.6)
- 3 An injury resulting from the exercise by a teacher, vice principal, principal, or other certificated employee of the same degree of physical control over a student that a parent/guardian would be privileged to exercise, not exceeding the amount of physical control reasonably necessary to maintain order, protect property, protect the health and safety of students, or maintain proper and appropriate conditions conducive to learning (Education Code 44807)
- 4 An injury caused by a school employee's use of force that is reasonable and necessary to quell a disturbance threatening physical injury to persons or damage to property, to protect himself/herself, or to obtain weapons or other dangerous objects within the control of a student (Education Code 49001)
- 5 Physical pain or discomfort caused by athletic competition or other such recreational activity voluntarily engaged in by a student (Education Code 49001)
- 6 Homelessness or classification as an unaccompanied minor (Penal Code 11165.15)

Mandated reporters include, but are not limited to, teachers; instructional aides; teacher's aides or assistants; classified employees; certificated pupil personnel employees; administrative officers or supervisors of child attendance; athletic coaches, administrators, and directors; administrators and employees of a licensed child day care facility; Head Start teachers; district police or security officers; licensed nurses or health care providers; and administrators, presenters, and counselors of a child abuse prevention program. (Penal Code 11165.7)

Reasonable suspicion means that it is objectively reasonable for a person to entertain a suspicion, based upon facts that could cause a reasonable person in a like position, drawing when appropriate on his/her training and experience, to suspect child abuse or neglect. However, *reasonable suspicion* does not require certainty that child abuse or neglect has occurred nor does it require a specific medical indication of child abuse or neglect. (Penal Code 11166)

Reportable Offenses

A mandated reporter shall make a report using the procedures provided below whenever, in his/her professional capacity or within the scope of his/her employment, he/she has knowledge of or observes a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect. (Penal Code 11166)

Any mandated reporter who has knowledge of or who reasonably suspects that a child is suffering serious emotional damage or is at a substantial risk of suffering serious emotional damage, based on evidence of severe anxiety, depression, withdrawal, or untoward aggressive behavior toward self or others, may make a report to the appropriate agency. (Penal Code 11166.05, 11167)

Any district employee who reasonably believes that he/she has observed the commission of a murder, rape, or lewd or lascivious act by use of force, violence, duress, menace, or fear of immediate and

unlawful bodily injury against a victim who is a child under age 14 shall notify a peace officer. (Penal Code 152.3, 288)

Responsibility for Reporting

The reporting duties of mandated reporters are individual and cannot be delegated to another person. (Penal Code 11166)

When two or more mandated reporters jointly have knowledge of a known or suspected instance of child abuse or neglect, the report may be made by a member of the team selected by mutual agreement and a single report may be made and signed by the selected member of the reporting team. Any member who has knowledge that the member designated to report has failed to do so shall thereafter make the report. (Penal Code 11166)

No supervisor or administrator shall impede or inhibit a mandated reporter from making a report. (Penal Code 11166)

Any person not identified as a mandated reporter who has knowledge of or observes a child whom he/she knows or reasonably suspects has been a victim of child abuse or neglect may report the known or suspected instance of child abuse or neglect to the appropriate agency. (Penal Code 11166)

Reporting Procedures

- 1 Initial Telephone Report Immediately or as soon as practicable after knowing or observing suspected child abuse or neglect, a mandated reporter shall make an initial report by telephone to any police department (excluding a school district police/security department), sheriff's department, county probation department if designated by the county to receive such reports, or county welfare department. (Penal Code 11165.9, 11166) Tuolumne County Child Welfare Services 20111 Ceder Rd. Sonora, CA. 95370 209-533-5717 When the initial telephone report is made, the mandated reporter shall note the name of the official contacted, the date and time contacted, and any instructions or advice received.
- 2 Written Report Within 36 hours of knowing or observing the information concerning the incident, the mandated reporter shall then prepare and either send, fax, or electronically submit to the appropriate agency a written follow-up report, which includes a completed Department of Justice form (SS 8572). (Penal Code 11166, 11168) The Department of Justice form may be obtained from the district office or other appropriate agencies, such as the county probation or welfare department or the police or sheriff's department. Reports of suspected child abuse or neglect shall include, if known: (Penal Code 11167)
 - a The name, business address, and telephone number of the person making the report and the capacity that makes the person a mandated reporter
 - b The child's name and address, present location, and, where applicable, school, grade, and class
 - c The names, addresses, and telephone numbers of the child's parents/guardians
 - d The name, address, telephone number, and other relevant personal information about the person who might have abused or neglected the child
 - e The information that gave rise to the reasonable suspicion of child abuse or neglect and the source(s) of that information The mandated reporter shall make a report even if some of this information is not known or is uncertain to him/her. (Penal Code 11167) The mandated reporter may give to an investigator from an agency investigating the case, including a licensing agency, any information relevant to an incident of child abuse or neglect or to a report made for serious emotional damage pursuant to Penal Code 11166.05. (Penal Code 11167)

3 Internal Reporting The mandated reporter shall not be required to disclose his/her identity to his/her supervisor, the principal, or the Superintendent or designee. (Penal Code 11166) However, employees reporting child abuse or neglect to an appropriate agency are encouraged, but not required, to notify the principal as soon as possible after the initial telephone report to the appropriate agency. When so notified, the principal shall inform the Superintendent or designee. The principal so notified shall provide the mandated reporter with any assistance necessary to ensure that reporting procedures are carried out in accordance with law, Board policy, and administrative regulation. At the mandated reporter's request, the principal may assist in completing and filing the necessary forms. Reporting the information to an employer, supervisor, principal, school counselor, co-worker, or other person shall not be a substitute for making a mandated report to the appropriate agency. (Penal Code 11166)

Training

Within the first six weeks of each school year, the Superintendent or designee shall provide training on mandated reporting requirements to district employees and persons working on their behalf who are mandated reporters. Any school personnel hired during the school year shall receive such training within the first six weeks of employment. (Education Code 44691; Penal Code 11165.7)

The Superintendent or designee shall use the online training module provided by the California Department of Social Services. (Education Code 44691)

The training shall include, but not necessarily be limited to, training in identification and reporting of child abuse and neglect. In addition, the training shall include information that failure to report an incident of known or reasonably suspected child abuse or neglect as required by law is a misdemeanor punishable by imprisonment and/or a fine as specified. (Education Code 44691; Penal Code 11165.7)

The Superintendent or designee shall obtain and retain proof of each mandated reporter's completion of the training. (Education Code 44691)

In addition, at least once every three years, school personnel may receive training in the prevention of child abuse, including sexual abuse, on school grounds, by school personnel, or in school-sponsored programs. (Education Code 44691)

Victim Interviews by Social Services

Whenever the Department of Social Services or another government agency is investigating suspected child abuse or neglect that occurred within the child's home or out-of-home care facility, the student may be interviewed by an agency representative during school hours, on school premises. The Superintendent or designee shall give the student the choice of being interviewed in private or in the presence of any adult school employee or volunteer aide selected by the student. (Penal Code 11174.3)

A staff member or volunteer aide selected by a child may decline to be present at the interview. If the selected person accepts, the principal or designee shall inform him/her of the following requirements: (Penal Code 11174.3)

- 1 The purpose of the selected person's presence at the interview is to lend support to the child and enable him/her to be as comfortable as possible.
- 2 The selected person shall not participate in the interview.
- 3 The selected person shall not discuss the facts or circumstances of the case with the child.
- 4 The selected person is subject to the confidentiality requirements of the Child Abuse and Neglect Reporting Act, a violation of which is punishable as specified in Penal Code 11167.5.

If a staff member agrees to be present, the interview shall be held at a time during school hours when it does not involve an expense to the school. (Penal Code 11174.3)

Release of Child to Peace Officer

When a child is released to a peace officer and taken into custody as a victim of suspected child abuse or neglect, the Superintendent or designee and/or principal shall not notify the parent/guardian, but rather shall provide the peace officer with the address and telephone number of the child's parent/guardian. (Education Code 48906)

Parent/Guardian Complaints

Upon request, the Superintendent or designee shall provide parents/guardians with procedures for reporting suspected child abuse occurring at a school site to appropriate agencies. For parents/guardians whose primary language is not English, such procedures shall be in their primary language and, when communicating orally regarding those procedures, an interpreter shall be provided.

To file a complaint against a district employee or other person suspected of child abuse or neglect at a school site, parents/guardians may file a report by telephone, in person, or in writing with any appropriate agency identified above under "Reporting Procedures." If a parent/guardian makes a complaint about an employee to any other employee, the employee receiving the information shall notify the parent/guardian of procedures for filing a complaint with the appropriate agency. The employee also is obligated pursuant to Penal Code 11166 to file a report himself/herself using the procedures described above for mandated reporters.

In addition, if the child is enrolled in special education, a separate complaint may be filed with the California Department of Education pursuant to 5 CCR 4650.

Notifications

The Superintendent or designee shall provide to all new employees who are mandated reporters a statement that informs them of their status as mandated reporters, their reporting obligations under Penal Code 11166, and their confidentiality rights under Penal Code 11167. The district also shall provide these new employees with a copy of Penal Code 11165.7, 11166, and 11167. (Penal Code 11165.7, 11166.5)

Before beginning employment, any person who will be a mandated reporter by virtue of his/her position shall sign a statement indicating that he/she has knowledge of the reporting obligations under Penal Code 11166 and will comply with those provisions. The signed statement shall be retained by the Superintendent or designee. (Penal Code 11166.5)

Employees who work with dependent adults shall be notified of legal responsibilities and reporting procedures pursuant to Welfare and Institutions Code 15630-15637.

The Superintendent or designee also shall notify all employees that:

- 1 A mandated reporter who reports a known or suspected instance of child abuse or neglect shall not be held civilly or criminally liable for making a report and this immunity shall apply even if the mandated reporter acquired the knowledge or reasonable suspicion of child abuse or neglect outside of his/her professional capacity or outside the scope of his/her employment. Any other person making a report shall not incur civil or criminal liability unless it can be proven that he/she knowingly made a false report or made a report with reckless disregard of the truth or falsity of the report. (Penal Code 11172)

- 2 If a mandated reporter fails to timely report an incident of known or reasonably suspected child abuse or neglect, he/she may be guilty of a crime punishable by a fine and/or imprisonment. (Penal Code 11166)
- 3 No employee shall be subject to any sanction by the district for making a report unless it can be shown that he/she knowingly made a false report or made a report with reckless disregard of the truth or falsity of the report. (Penal Code 11166)

Comprehensive School Safety Plan

Summerville Elementary School District Summerville Elementary School
Section 3: Disaster Procedures
Part 1: General Information - Disaster

General Information – Disaster

Summerville Elementary School will take all necessary measures to keep students, staff and visitors safe in the event of a disaster. The following sections of this plan outline basic responsibilities for all staff for specific incidents.

Comprehensive School Safety Plan

Summerville Elementary School District Summerville Elementary School

Section 3: Disaster Procedures

Part 2: Biological/Chemical Weapons Assault

Biological/Chemical Weapons Assault (page 1 of 2)

Biological and chemical weapons are unconventional warfare tactics that can be deployed upon the public with little or no notice. Such weapons typically involve microscopic materials that may be organic or synthetically manufactured in laboratories. Biological or chemical weapons can be in powder form, liquid, or vaporous. Agents used in biological/chemical attacks include, but are not limited to: anthrax, smallpox, other harmful viruses, various forms of nerve gas, tear gas, and other vaporous irritants. Pranks using stink bombs should also be considered a chemical weapons attack.

There are several possible dispersion techniques to deliver biological and chemical agents. The following procedures should be utilized in the event of an assault involving biological or chemical weapons.

Any possible biological/chemical weapons assault should be reported immediately to the principal.

The principal should notify law enforcement authorities immediately.

As necessary alert all site employees of the situation.

If the agent is delivered via aircraft:
students should remain inside. Students who are outside should be taken inside as soon as possible.

Comprehensive School Safety Plan

Summerville Elementary School Summerville Elementary School District
Section 3: Disaster Procedures
Part 2: Biological/Chemical Weapons Assault

Biological/Chemical Weapons Assault (page 2 of 2)

If the agent is delivered via dispersion device that is outdoors:
students should remain inside. Students who are outside should be taken inside as soon as possible.

If the agent is delivered via dispersion device that is indoors:
students and staff should exit the building through doors on the side of the building opposite the area of dispersion.

Standard fire drill procedures should be followed.

If the agent is delivered via the school's HVAC system:
If the agent is delivered via dispersion device that is indoors:
students and staff should exit the building.

Standard fire drill procedures should be followed

In any situation involving biological or chemical weapons the principal and staff must follow all instructions given by officers of emergency response agencies. *The District EOC* will develop an action plan to handle telephone inquiries, rumor control, media relations, public information, employee/student crisis counseling, and facility damage assessment/control.

Comprehensive School Safety Plan

Summerville Elementary School District Summerville Elementary School
Section 3: Disaster Procedures
Part 3: Bomb Threat Procedures

Bomb Threat Procedures

BOMB THREAT

SITE ACTION

1) Staff Member Receiving Bomb Threat

- Gather as much information about caller/source as possible: voice (sex, age, tone, emotion) and background sounds.
- Write down exact responses to questions.
- Let source do as much talking as possible.
- Ask specific questions: when, where, what, who (name), why, etc.
- **DO NOT TOUCH OR REMOVE ANY SUSPICIOUS OBJECT!**
- **Immediately notify Site Administrator/Principal.**

2) Site Administrator

- Refer to the Emergency Preparedness Guide under Bomb Threat section.
- Assess information.
- Determine whether to evacuate threatened area.
- Notify City Police/County Sheriff of event and action.
- **NO ONE IS TO TOUCH OR REMOVE ANY SUSPICIOUS ITEM!**
- If suspicious item is found, evacuate minimum 300 feet from area. Secure area. Notify appropriate authorities.
- **DO NOT USE RADIO DEVICES!** Re-enter only under authorities' directions.
- **If ordered, evacuate as with fire drill and go to far corner of school grounds.**
- Keep appropriate documentation (report) of event.

3) Teacher

- Stay with class and take roll, noting missing or absent/injured students.
- If not with a class, report to principal/site administrator.
- Do not allow students to touch/remove any suspicious objects.

DISTRICT ACTION

- Police will assist, if necessary.
- Communications Office/Superintendent will be notified.
- All media will be directed to the Communication Officer

YOUR SCHOOL DISTRICT BOMB THREAT CHECKLIST

KEEP THE CALLER ON THE LINE AS LONG AS POSSIBLE

Exact Time and Date of Call: _____

Exact Words of Caller: _____

Please check the appropriate boxes.

Voice	Accent	Manner	Background Noise
<input type="checkbox"/> Loud	<input type="checkbox"/> Local	<input type="checkbox"/> Calm	<input type="checkbox"/> Factory Machines
<input type="checkbox"/> High Pitched	<input type="checkbox"/> Foreign	<input type="checkbox"/> Rationale	<input type="checkbox"/> Music
<input type="checkbox"/> Raspy	<input type="checkbox"/> Race	<input type="checkbox"/> Coherent	<input type="checkbox"/> Office Machines
<input type="checkbox"/> Intoxicated	<input type="checkbox"/> Not Local	<input type="checkbox"/> Deliberate	<input type="checkbox"/> Mixed
<input type="checkbox"/> Soft	<input type="checkbox"/> Region	<input type="checkbox"/> Righteous	<input type="checkbox"/> Street Traffic
<input type="checkbox"/> Deep		<input type="checkbox"/> Angry	<input type="checkbox"/> Trains
<input type="checkbox"/> Pleasant		<input type="checkbox"/> Irrational	<input type="checkbox"/> Animals
<input type="checkbox"/> Other		<input type="checkbox"/> Incoherent	<input type="checkbox"/> Quiet
		<input type="checkbox"/> Emotional	<input type="checkbox"/> Voices
		<input type="checkbox"/> Laughing	<input type="checkbox"/> Airplanes
			<input type="checkbox"/> Party Atmosphere

Language	Speech	Familiarity With Threatened Facility
<input type="checkbox"/> Excellent	<input type="checkbox"/> Fast	<input type="checkbox"/> Much
<input type="checkbox"/> Fair	<input type="checkbox"/> Distinct	<input type="checkbox"/> Some
<input type="checkbox"/> Foul	<input type="checkbox"/> Stutter	<input type="checkbox"/> None
<input type="checkbox"/> Good	<input type="checkbox"/> Slurred	
<input type="checkbox"/> Poor	<input type="checkbox"/> Slow	
<input type="checkbox"/> Other	<input type="checkbox"/> Distorted	
	<input type="checkbox"/> Nasal	
	<input type="checkbox"/> Lisp	

Questions to ask the caller.

1. When is the bomb going to explode? _____

2. Where is the bomb? _____

3. What does it look like? _____

4. What kind of bomb is it? _____

5. What will cause it to explode? _____

6. Did you place the bomb? _____

7. Why did you place the bomb? _____

8. Where are you calling from? _____

9. What is your address? _____

10. What is your name? _____

Comprehensive School Safety Plan

Summerville Elementary School Summerville Elementary School District
Section 3: Disaster Procedures
Part 4: Chemical or Hazardous Material Incident

Chemical or Hazardous Material Incident (page 1 of 1)

If a chemical spill at a near by industry, students should remain inside. Students who are outside should be taken inside as soon as possible.

If the chemical spill is an immediate danger to students and staff of the school – as indicated by mandates from the emergency preparedness agencies, students and staff should exit the building through doors on the side of the building opposite the industry site.

Standard fire drill procedures should be followed.

- A constant ringing of the fire horn marks the beginning of a fire drill.
- Students must leave the building quickly and quietly in single or double file.
- Each teacher should carry a current class list out of the room with them.
- Classes should exit according to the fire drill plan for their room.
- Page #00 - All clear.

If a chemical spill occurs onsite such as in a chemistry class, students in the area of the spill should be evacuated to an area outside.

Teachers shall proceed with emergency chemical spill procedure located in the District's Chemical Hygiene Plan.

If a fire occurs during a chemical spill, the fire alarms should be pulled and the fire emergency procedures shall be followed.

The principal will follow the pre-established district communication procedures and will then monitor the emergency situation and make decisions about moving groups of students away from areas that might be dangerous.

Notify 9-1-1 of the Chemical or Hazardous Material Incident.

Follow all instructions given by the Fire Department when they arrive at the facility.

Comprehensive School Safety Plan

Summerville Elementary School Summerville Elementary School District

Section 3: Disaster Procedures

Part 5: Earthquake Procedures

Earthquake Procedures (page 1 of 1)

Indoors

DUCK, COVER, AND HOLD.

Get under desk or table. Move away from windows and objects that could fall. Stay under desk or table until shaking stops.

Outdoors

Move away from buildings, utility poles and vehicles. Avoid all down wires or electrical lines. Do not run.

In School Bus

Stop vehicle in safe location away from power lines, overpasses or large buildings. Stay in vehicle and establish radio contact with Transportation and/or District E.O.C.

General

Be prepared for immediate aftershocks and ground motion.

Evaluate immediate area for earthquake related hazards (fire, building collapse, gas leaks, broken electrical lines, wires etc.).

Evaluate immediate area (classroom, bus, etc.) for injuries or medical aid situations.

Call 9-1-1, if you have an immediate emergency such as a fire or serious injury.

Assist injured with First Aid treatment.

The students and staff shall remain in the duck and cover position for at least two (2) minutes.

A signal bell will sound with announcements over the public address (P.A.) system to “evacuate the building at this time.” The signal bell will sound as **insert how bell will sound**. The announcement over the public address system will be repeated three (3) times. The school’s **insert job title** will make the evacuation announcement over the P.A system.

Evacuation should NOT be automatic.

If you do not hear a PA announcement to evacuate, and are in an unsafe classroom-ceiling has collapsed, wires are crackling, broken glass is all over the floor, have another teacher watch your students and find the safest evacuation route. You may only need to move your class to another room.

Establish communications with your supervisor, principal or District EOC and follow emergency checklist and procedures.

Assist any police or fire units that respond to your location.

Check-in with your teacher “safety buddy”.

Each teacher will account for their students before the teacher and students leave the classroom.

Each teacher will gather their students and make an orderly exit out of the classroom.

The teacher will take their emergency clipboard and roll book with them as they exit the classroom.

Each classroom shall proceed to the pre-designated evacuation area three minutes after the bell and evacuation announcement has been made.

Reminder

The principal will follow the pre-established district communication procedures and will then monitor the emergency situation and make decisions about moving groups of students away from areas that might be dangerous.

Comprehensive School Safety Plan

Summerville Elementary School District Summerville Elementary School

Section 3: Disaster Procedures

Part 6: Aircraft Crash

Aircraft Crash (page 1 of 1)

If possible, Duck and Cover under a desk or table.

When an airplane crash occurs and the impact scatters debris into a classroom, students and teachers should immediately crawl under their desk.

The school's administration will call the local fire department or other emergency agencies.

Assist any injured requiring first aid treatment.

When the initial phase of the crash has ended, teachers and students should evacuate the building by following the normal evacuations procedures. If normal evacuations routes are blocked, alternate routes should be used.

Assist any persons who have physical problems evacuating the building.

When outside the building, each class moves quickly to a pre-designated location near the school. The meeting area should be at least 300 feet from the structure and out of the way of the fire department.

The teacher shall maintain control over the students for which he or she is responsible.

The school's Assistant Principal will go directly to entrances on the school site to direct all non-emergency traffic away from the buildings. Keep fire lanes, streets and walkways open for emergency responders.

The principal will follow the pre-established district communication procedures and will then monitor the emergency situation and make decisions about moving groups of students away from areas that might be dangerous.

Stay in assembly area and account for all personnel and students.

Do not return to buildings until authorized by the fire department or principal.

Comprehensive School Safety Plan

Summerville Elementary School District Summerville Elementary School

Section 3: Disaster Procedures

Part 7: Fire Procedures or Explosion

Fire Procedures (page 1 of 2)

The school's administration will call the local fire department or other emergency agencies.

The school's administration will go directly to entrances on the school site to direct all non-emergency traffic away from the buildings.

The principal will follow the pre-established district communication procedures and will then monitor the emergency situation and make decisions about moving groups of students away from areas that might be dangerous.

FIRE

SITE ACTION

- Evacuate area according to posted evacuation routes. Shut doors.
- Call 9-1-1.
- Provide exact location of fire at address.
- Have someone meet response personnel.
- Send messenger to school office if phone is unavailable.
- Extinguish small fires, if safe. Keep all students/staff away from area.
- Assemble in predetermined fire drill assembly area.
- Take roll and notify Site Administrator of absent/injured students and staff.
- Report **ALL** fires to Maintenance. If after hours, leave message and call Police.
- **Leave fire scene undisturbed. THIS IS ESSENTIAL FOR INVESTIGATORS!**

DISTRICT ACTION

- Maintenance responds to fire emergency.
- Maintenance to coordinate with local authorities and agencies (fire, police, utility, etc.).
- Secure area for investigation.
- Clean up and repair after investigation is finished.

Reminders

Students and teachers will exit the building through the designated doors. If the primary evacuation route is blocked, alternate routes shall be taken.

Stay in the designated assembly area and account for all personnel and students.

When outside the building, each class moves quickly to a pre-designated location near the school. The meeting area should be at least 300 feet from the structure and out of the way of the fire department.

The teacher shall maintain control over the students for which he or she is responsible.

Do not block fire lanes or areas used by the fire department.

Do not reenter building until authorized by fire department or the principal.

If the fire is off site, wait for instructions from the principal or District EOC.

Only trained personnel should operate fire extinguishers or other fire suppression systems.

Comprehensive School Safety Plan

Summerville Elementary School District Summerville Elementary School

Section 3: Disaster Procedures

Part 8: Flood Procedures

Flood Procedures (page 1 of 1)

If a flood warning is received by a District school or site, notify the District Superintendent immediately.

If a major flood warning is received at the District Office, the District EOC should be activated.

Reminders

The principal will follow the pre-established district communication procedures and will then monitor the emergency situation and make decisions about moving groups of students away from areas that might be dangerous.

Determine if the flow or pool of water is increasing in size near any classroom, assembly, or evacuation area. If so, consider moving classroom, assembly, or evacuation area to an alternate area.

Safe shelter should be maintained throughout the flood period.

Evacuation of specific schools, facilities or areas will be directed by the District EOC in coordination with SEMS/NIMS.

Comprehensive School Safety Plan

Summerville Elementary School District Summerville Elementary School
Section 3: Disaster Procedures
Part 9: Lockdown/Civil Unrest Procedures

Lockdown/Civil Unrest Procedures (page 1 of 1)

Any threatening disturbance should be reported immediately to the Principal/Administrator.

If the disturbance is affecting normal school or facility operations, the Principal/Administrator should notify law enforcement authorities immediately.

As necessary, alert all site employees of the situation by intercom, Site staff must follow the instructions below:

If you are inside:

ANNOUNCED OVER THE INTERCOM “This is a lock down”.

- * **Hand held radios to channel 8.**
- * **Students inside (go to nearest room).**
- * **Best place for students is in a corner, not across from windows.**
- * **Lock all doors. Lights out.**
- * **Take roll (know who is in your room).**
- * **Stay away from windows.**
- * **Wait quietly for directions.**
- * **Check emails 1st. Radios 2nd. Phone last choice!**
- * **Do not allow students to use class phones or cell phones.**
- * **Do not open door for anyone (law enforcement or fire department will have keys.)**
- * **Office staff calls Headstart and Family Learning Center and PM Club.**

ANNOUNCED OVER THE INTERCOM “ALL CLEAR”.

As best you can, move students away from the windows and into a protected area. Should the class be outside with you, take them inside as quickly as possible. Lock the door. During a real “Lock Down”, listen for instructions and the location of the emergency. Students could go into the gym, the cafeteria or library or back to the classroom. If an emergency occurs at recess or before school, students will be taken inside. To quiet them while in the cafeteria, use bus positions:

Position 1: Sitting, no talking.

Position 2: Sitting, 2 feet on floor, 2 hands on table, no talking.

Position 3: Sitting, 2 feet on floor, 2 hands on table, head down on table, no talking.

Phone lines need to be kept clear. Do not allow students to call out on classroom phones or cell phones. If you have any questions, please see Mitch/Leigh/Steve.

Comprehensive School Safety Plan

Summerville Elementary School District Summerville Elementary School

Section 3: Disaster Procedures

Part 10: Severe Windstorm Procedures

Severe Windstorm Procedures (page 1 of 1)

If a severe wind warning is received at a school or other District site, notify the District Superintendent immediately.

If a severe wind warning is received at the District Office, the District EOC should be activated.

In general, if severe winds are affecting a school or facility, employees and students should be moved to the interior core area of the building (inside wall on the ground floor) away from outside windows and doors.

Close all windows and blinds and avoid auditoriums, gymnasiums and other building locations with free-span roofs.

Reminder

Avoid all areas that have large concentrations of electrical equipment or power cables.

Comprehensive School Safety Plan

Summerville Elementary School District Summerville Elementary School
Section 3: Disaster Procedures
Part 11: Suspicious Mail/Packages

Suspicious Mail/Packages (page 1 of 2)

All incoming mail and packages should be handled with caution.

Below are Indicators of suspicious mail and steps to take in the event that suspicious mail is received.

Mail that ...

- ... is unexpected or from an unfamiliar source
- ... has excessive postage
- ... is addressed to someone who no longer works in the District
- ... is addressed to a current employee but with the wrong title
- ... contains several misspelled words on the envelope
- ... marked with restrictive endorsements such as "Personal" or "Confidential"
- ... has no return address or an address that cannot be verified
- ... mail that is from a foreign country
- ... shows a city or state in the postmark that doesn't match the return address
- ... is lopsided, oddly shaped, or has an unusual weight, given its size
- ... has protruding wires, strange odors or stains
- ... has powdery substance on the outside
- ... has an unusual amount of tape on it
- ... is ticking or making unusual sounds

Not all mail comes perfectly packaged or with accurate information on it, so it is important that employees handling mail remain sensible in the screening of mail. However, prudent scrutiny conducted in a reasonable manner can greatly reduce the school's chances of becoming the victim of attack by mail.

Comprehensive School Safety Plan

Summerville Elementary School District Summerville Elementary School
Section 3: Disaster Procedures
Part 11: Suspicious Mail/Packages

Suspicious Mail/Packages (page 2 of 2)

What to do with suspicious mail (general response):

- Do not try to open the package or envelope.
- Do not sniff, taste or shake the package.
- Isolate the package.
- Evacuate the immediate area; close the door.
- Contact your supervisor and call 911.

Response to mail suspected of delivering biological/chemical agents in powder form:

- Do not open an envelope or package with powder on the outside.
- If powder is spilled from an envelope or package, do not try to clean up the powder.
- Cover the spilled contents immediately with anything (clothing, paper, trash can).
- Do not remove this cover.
- Leave the room and close the door or otherwise prevent access to the room.
- Wash your hands with soap and hot water.
- Ensure that everyone who had contact with the piece of mail washes his/her hands with soap and hot water.
- Notify your supervisor.
- Supervisor should immediately contact the local police (911) or the U.S. Postal Inspection Service (415-778-5800).
- Supervisor should notify the District Superintendent's Office.
- Remove heavily contaminated clothing as soon as possible and place inside a plastic bag or some other container that can be sealed. This clothing should be given to the responding emergency response units.
- Shower with soap and water as soon as possible. Do not use bleach or other disinfectant on your skin.
- Make a list of all the people who were in the room or area, especially those who had contact with the envelope or package. Provide this list to the emergency response teams investigating the incident.
- Investigators will remove the envelope or package and conduct a thorough check of the area for contamination.
- If you are prescribed medicine as a result of this exposure, take it until instructed or until it runs out.

NOTE: Contacting the U.S. Postal Service is less likely to create a media event than the local police but their response may be slower.

Comprehensive School Safety Plan

Summerville Elementary School District Summerville Elementary School
Section 3: Disaster Procedures
Part 12: Medical Emergency

Medical Emergency

In the event of a medical emergency by faculty, staff member, or student the following procedures shall be followed.

- ❑ A member of the faculty, staff, or student should immediately get help by contacting the nurse or principal.
- ❑ A staff member who is certified in first aid (**insert name**) should assist the nurse in the medical emergency.
- ❑ If the injured party can move, transport the injured to the nurse's office.
- ❑ If the injured party is unable to move, stabilize the body so that movement is limited.
- ❑ If necessary, call 9-1-1.
- ❑ The school's administration will notify the parent(s), legal guardian(s) of the medical emergency.

Reminders

- If the student *has not* been transported to the hospital let the parent decide whether or not he/she wants the student taken to an emergency room and to which hospital he/she would like the student taken.
- Let the parent decide if he/she would rather come for the student and take him/her to the emergency room.
- If the student *has* been transported to the hospital assign a staff member to accompany the student to the hospital.
- Depending upon the nature of the medical emergency the news media may seek inquiries. The principal can refer all media inquiries to the District's Public Information Officer.

Comprehensive School Safety Plan

Summerville Elementary School District Summerville Elementary School
Section 3: Disaster Procedures
Part 13: School Bus Route Emergency

School Bus Route Emergency

In the event of an emergency during the time a school bus is en-route the driver will contact the District's Director of Transportation to report the bus location, number of students and guidelines on how to proceed with the transportation. The Director of Transportation will communicate the information to the Superintendent and principal. The Director of Transportation will follow the communication procedures outlined in this CSSP.

The following steps should be taken during a field trip.

1. Student authorization release forms should be kept on file in the school's main office.
2. Before a bus leaves with the students a list of riders for each bus will be left at the school. Riders are informed of their expectation to travel on the bus they are assigned (or the one in which roll is taken from).
3. A copy of the list is given to the chaperons.
4. Teachers will take roll prior to the bus departure.
5. If an accident occurs while en-route, the driver will contact the Director of Transportation informing the director of the accident, location, and number of students on board. The chaperon and/or teacher will contact emergency personnel if emergency medical treatment is needed. The chaperon and/or teacher will contact the principal informing the principal of the accident and any emergency care. The principal will contact the Superintendent of the bus accident and communicate any the names of any faculty or student who is receiving emergency care. In the event emergency care is given, the principal will contact the chaperon/teacher or student's primary contact. The principal will also use the rider list to notify parents of the accident.

Comprehensive School Safety Plan

Summerville Elementary School District Summerville Elementary School
Section 4: Notification of Dangerous Pupils
Part 1: Notifying Teachers of Dangerous Pupils

Notifying Teachers of Dangerous Pupils (page 1 of 3)

When the principal is aware that a student has caused or tried to cause another person serious bodily injury, or any injury that requires professional medical treatment, a separate and confidential file is created for that child. Information based upon written District records or records received from a law enforcement agency are contained in the file.

When such a student is assigned to a teacher's classroom, the principal shall provide the teacher with written notification. The teacher is asked to review the student's separate and confidential file in the office. Teachers are informed that such information is to be kept in strictest confidence and is to disseminate no further.

Excerpts from the California Education Code, the California Penal Code and Your School District Administrative Regulations are presented below.

From California Education Code Section 49079

- (a) A school district shall inform the teacher of every student who has caused or who has attempted to cause serious bodily injury to another person, as defined in paragraphs (5) and (6) of subdivision (e) of Section 243 of the Penal Code, to another person. The District shall provide the information to the teacher based on any written records that the District maintains or receives from a law enforcement agency regarding a student described in this section.
- (b) No school district shall be liable for failure to comply with this section if, in a particular instance, it is demonstrated that the district has made a good faith effort to notify the teacher.
- (c) The information provided shall be from the previous three (3) school years.
- (d) Any information received by a teacher pursuant to this section shall be received in confidence for the limited purpose for which it was provided and shall not be further disseminated by the teacher.

Comprehensive School Safety Plan

Summerville Elementary School District Summerville Elementary School
Section 4: Notification of Dangerous Pupils
Part 1: Notifying Teachers of Dangerous Pupils

Notifying Teachers of Dangerous Pupils (page 2 of 3)

From California Penal Code Section 243(e) – Paragraphs 5 and 6

- (5) ... “Injury” means any physical injury, which requires professional medical treatment.
- (6) ... “Custodial Officer” means any person who has the responsibilities and duties and who is employed by a law enforcement agency of the city or county or who performs those duties as a volunteer.

Notice Regarding Student Crimes and Offenses

The Superintendent or designee shall inform the teacher of every student who has engages in, or is reasonably suspected to have engaged in, any act during the previous three years, which could constitute grounds for suspension or expulsion, with the exception of the possession or use of tobacco products. This information shall be based upon written district records or records received from a law enforcement agency. (California Education Code 49079).

When informed pursuant to Welfare and Institutions Code 828.1 that a student has committed crimes unrelated to school attendance which do not therefore constitute grounds for suspension or expulsion, the Superintendent or designee may so inform any teacher, counselor or administrator whom he/she believes needs this information in order to work with the student appropriately, avoid being needlessly vulnerable, or protect others from needless vulnerability. The Superintendent or designee shall consult with the principal of the school, which the student attends in order to identify staff that should be so informed. (California Welfare and Institutions Code 828.1).

Teachers shall receive the above information in confidence and disseminate it no further. (California Education Code 49079, California Welfare and Institutions Code 828.1).

The principal or designee shall maintain the above information in a separate confidential file for each student. When such a student is assigned to a class/program, the principal or designee shall notify the teacher in writing and ask the teacher to initial this notice, return it to the principal or designee, and review the student’s file in the school office. This notification shall not name or otherwise identify the student.

The principal or designee shall notify all certificated personnel who are likely to come into contact with the student, including the student’s homeroom or classroom teachers, special education teachers, coaches and counselors.

Comprehensive School Safety Plan

Summerville Elementary School District Summerville Elementary School

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Notifying Teachers of Dangerous Pupils (page 3 of 3)

The teacher shall initial the student's file when reviewing it in the school office. Once the district has made a good faith effort to comply with the notification requirement of Education Code 49079, a teacher's failure to review the file may be construed as a waiver of the district's liability.

Section 5: Suspension and Expulsion/Due Process

Students

Suspension and Expulsion/Due Process

BP 5144.1

The Governing Board desires to provide district students access to educational opportunities in an orderly school environment that protects their safety and security, ensures their welfare and well-being, and promotes their learning and development. The Board shall develop rules and regulations setting the standards of behavior expected of district students and the disciplinary processes and procedures for addressing violations of those standards, including suspension and/or expulsion.

(cf. 5131 - Conduct)

(cf. 5131.1 - Bus Conduct)

(cf. 5131.2 - Bullying)

The grounds for suspension and expulsion and the procedures for considering, recommending, and/or implementing suspension and expulsion shall be only those specified in law, in this policy, and in the accompanying administrative regulation.

***Note: Pursuant to Education Code 48900(s), a student may be subject to discipline only when the violation is related to a school activity or school attendance as specified below. A student may also be disciplined for violations committed away from school if it is related to a school activity or to school attendance. For example, Education Code 48900 defines bullying by means of an electronic act as including an act that originates off campus; see the accompanying administrative regulation and BP/AR 5131.2 - Bullying. Another example is the hostile school environment which a victim may suffer from sexual harassment that occurs off campus; see BP/AR 5145.7 - Sexual Harassment. ***

Except when otherwise permitted by law, a student may be suspended or expelled only when his/her behavior is related to a school activity or school attendance occurring within any district school or another school district, regardless of when it occurs, including, but not limited to, the following: (Education Code 48900(s))

1. While on school grounds
2. While going to or coming from school
3. During the lunch period, whether on or off the school campus

(cf. 5112.5 - Open/Closed Campus)

4. During, going to, or coming from a school-sponsored activity

***Note: The following paragraph addresses the problem of unlawful discrimination in the

administration of student discipline. In their joint January 2014 Dear Colleague Letter on the Nondiscriminatory Administration of School Discipline, the DOJ and OCR noted that, based on the civil rights data collection conducted by OCR, students of certain racial or ethnic groups tended to be disciplined more, and sometimes more harshly, than their similarly situated peers in violation of federal nondiscrimination laws. The letter warned that any district determined to have engaged in unlawful discrimination could be subject to OCR investigation and significant remedial action. ***

District staff shall enforce the rules concerning suspension and expulsion of students fairly, consistently, equally, and in accordance with the district's nondiscrimination policies.
(cf. 0410 - Nondiscrimination in District Programs and Activities)

Appropriate Use of Suspension Authority

***Note: Education Code 48900.5 requires districts to use other means of correction instead of suspension or expulsion except when a student commits certain enumerated offenses. ***

Except when a student's act violates Education Code 48900(a)-(e), as listed in items #1-5 under "Grounds for Suspension and Expulsion: Grades K-12" of the accompanying administrative regulation, or when his/her presence causes a danger to others, suspension shall be used only when other means of correction have failed to bring about proper conduct. (Education Code 48900.5, 48900.6)

(cf. 1020 - Youth Services)
(cf. 5138 - Conflict Resolution/Peer Mediation)
(cf. 5144 - Discipline)
(cf. 6142.4 - Service Learning/Community Service Classes)
(cf. 6164.2 - Guidance/Counseling Services)
(cf. 6164.5 - Student Success Teams)

A student's parents/guardians shall be notified as soon as possible when there is an escalating pattern of misbehavior that could lead to on-campus or off-campus suspension.

***Note: Education Code 48900(k), as amended by AB 420 (Ch. 660, Statutes of 2014), prohibits a district from suspending students in grades K-3 for disruption or willful defiance. As amended, Education Code 48900(k) authorizes but does not require a district to suspend students in grades 4-12 for disruption or willful defiance. Even with this authority, districts should be careful in using these grounds, as available data have indicated a disproportionate use with certain student subgroups. Option 1 below is for use by any district that chooses to suspend students in grades 4-12 for disruption and/or willful defiance as authorized pursuant to Education Code 48900(k). Any district that chooses to eliminate disruption and willful defiance as reasons for suspending any of its students from school should select Option 2 below. Such districts should also delete the first paragraph in the section titled "Additional Grounds for Suspension and Expulsion: Grades 4-12," in the accompanying administrative regulation. ***

***Note: Each option below reflects an exception granted to teachers pursuant to Education Code 48910 to suspend students, including a K-3 student, from class; see section "Suspension from Class by a Teacher" in the accompanying administrative regulation. ***

No student in grades K-3 may be suspended for disruption or willful defiance, except by a teacher pursuant to Education Code 48910. (Education Code 48900)

(cf. 5113 - Absences and Excuses)

(cf. 5113.1 - Chronic Absence and Truancy)

On-Campus Suspension

***Note: As an alternative to off-campus suspension, Education Code 48911.1 authorizes a supervised suspension classroom program for students who pose no imminent danger to anyone at school and who have not been recommended for expulsion, as specified below. Education Code 48911.2 states that, if the number of students suspended during the prior year exceeds 30 percent of the school's enrollment, the district should consider implementing this program and/or another program of on-campus progressive discipline. However, Education Code 48900.5 requires a district to try other means of correction and document that those means have failed to bring about proper conduct before imposing a supervised suspension. ***

To ensure the proper supervision and ongoing learning of students who are suspended for any of the reasons enumerated in Education Code 48900 and 48900.2, but who pose no imminent danger or threat to anyone at school and for whom expulsion proceedings have not been initiated, the Superintendent or designee shall establish a supervised suspension classroom program which meets the requirements of law.

Except where a supervised suspension is permitted by law for a student's first offense, supervised suspension shall be imposed only when other means of correction have failed to bring about proper conduct. (Education Code 48900.5)

Authority to Expel

A student may be expelled only by the Board. (Education Code 48918(j))

As required by law, the Superintendent or principal shall recommend expulsion and the Board shall expel any student found to have committed any of the following "mandatory recommendation and mandatory expulsion" acts at school or at a school activity off school grounds: (Education Code 48915)

1. Possessing a firearm which is not an imitation firearm, as verified by a certificated employee, unless the student had obtained prior written permission to possess the item from a certificated school employee, with the principal or designee's concurrence

(cf. 5131.7 - Weapons and Dangerous Instruments)

2. Selling or otherwise furnishing a firearm
3. Brandishing a knife at another person
4. Unlawfully selling a controlled substance listed in Health and Safety Code 11053- 11058

5. Committing or attempting to commit a sexual assault as defined in Penal Code 261, 266c, 286, 288, 288a, or 289, or committing a sexual battery as defined in Penal Code 243.4
6. Possessing an explosive as defined in 18 USC 921

For all other violations listed in the accompanying administrative regulation under "Grounds for Suspension and Expulsion: Grades K-12" and "Additional Grounds for Suspension and Expulsion: Grades 4-12," the Superintendent or principal shall have the discretion to recommend expulsion of a student. If expulsion is recommended, the Board shall order the student expelled only if it makes a finding of either or both of the following: (Education Code 48915(b) and (e))

1. That other means of correction are not feasible or have repeatedly failed to bring about proper conduct
2. That due to the nature of the violation, the presence of the student causes a continuing danger to the physical safety of the student or others

A vote to expel a student shall be taken in a public session.

***Note: Pursuant to Education Code 48917, the Board may decide to suspend the enforcement of an order for expulsion as long as a student satisfies specific conditions. See the accompanying administrative regulation for criteria. In addition, the Attorney General opined in 80 Ops.Cal.Atty.Gen. 85 (1997) that the enforcement of an expulsion order may be suspended even in those cases where the student has committed an offense for which expulsion is required by law. Legal counsel should be consulted as appropriate. ***

The Board may vote to suspend the enforcement of the expulsion order pursuant to the requirements of law and the accompanying administrative regulation. (Education Code 48917)

***Note: Education Code 48900(k), as amended by AB 420 (Ch. 660, Statutes of 2014), prohibits a district from expelling any student for disruption or willful defiance. ***

No student shall be expelled for disruption or willful defiance. (Education Code 48900)

Due Process

The Board shall provide for the fair and equitable treatment of students facing suspension and/or expulsion by affording them their due process rights under the law. The

Superintendent or designee shall comply with procedures for notices, hearings, and appeals as specified in law and administrative regulation. (Education Code 48911, 48915, 48915.5, 48918) (cf. 5119 - Students Expelled from Other Districts) (cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))

Maintenance and Monitoring of Outcome Data

***Note: Pursuant to Education Code 48900.8 and 48916.1, the district is required to maintain data related to suspensions and expulsions and to report such data to the Superintendent of Public Instruction. In addition, pursuant to Education Code 52060, a district is required to address

school climate in its LCAP, by including an assessment of baseline data regarding suspension and expulsion rates by student subgroups and schools and setting goals for improving those rates and other related factors. The DOJ and OCR, in their joint January 2014 Dear Colleague Letter on the Nondiscriminatory Administration of School Discipline, recommend that districts maintain disaggregated discipline information to ensure transparency and facilitate community discussion. ***

The Superintendent or designee shall annually present to the Board a report of the outcome data which the district is required to collect pursuant to Education Code 48900.8 and 48916.1, including the number of students recommended for expulsion, the grounds for each recommended expulsion, the actions taken by the Board, the types of referral made after each expulsion, and the disposition of the students after the expulsion period.

The report shall be disaggregated by school and by numerically significant student subgroups, including, but not limited to, ethnic subgroups, socioeconomically disadvantaged students, English learners, foster youth, and students with disabilities. The report also shall include information about whether and how the district is meeting its goals for improving school climate as specified in its local control and accountability plan.

(cf. 0460 - Local Control and Accountability Plan)

Legal Reference:

EDUCATION CODE

212.5 Sexual harassment

233 Hate violence

1981-1981.5 Enrollment of students in community school

17292.5 Program for expelled students

32261 Interagency School Safety Demonstration Act of 1985

35145 Open board meetings

35146 Closed sessions (regarding suspensions)

35291 Rules (for government and discipline of schools)

35291.5 Rules and procedures on school discipline

48645.5 Readmission; contact with juvenile justice system

48660-48666 Community day schools

48853.5 Foster youth

48900-48927 Suspension and expulsion

48950 Speech and other communication

48980 Parental notifications

49073-49079 Privacy of student records

52060-52077 Local control and accountability plan

CIVIL CODE

47 Privileged communication

48.8 Defamation liability

CODE OF CIVIL PROCEDURE

1985-1997 Subpoenas; means of production

GOVERNMENT CODE

11455.20 Contempt

54950-54963 Ralph M. Brown Act

HEALTH AND SAFETY CODE

11014.5 Drug paraphernalia

11053-11058 Standards and schedules

LABOR CODE

230.7 Discharge or discrimination against employee for taking time off to appear in school on behalf of a child

PENAL CODE

31 Principal of a crime, defined

240 Assault defined

241.2 Assault fines

242 Battery defined

243.2 Battery on school property

243.4 Sexual battery

245 Assault with deadly weapon

245.6 Hazing

261 Rape defined

266c Unlawful sexual intercourse

286 Sodomy defined

288 Lewd or lascivious acts with child under age 14

288a Oral copulation

289 Penetration of genital or anal openings

417.27 Laser pointers

422.55 Hate crime defined

422.6 Interference with exercise of civil rights

422.7 Aggravating factors for punishment

422.75 Enhanced penalties for hate crimes

626.2 Entry upon campus after written notice of suspension or dismissal without permission

626.9 Gun-Free School Zone Act of 1995

626.10 Dirks, daggers, knives, razors, or stun guns

868.5 Supporting person; attendance during testimony of witness

WELFARE AND INSTITUTIONS CODE

729.6 Counseling

UNITED STATES CODE, TITLE 18

921 Definitions, firearm

UNITED STATES CODE, TITLE 20

1415(K) Placement in alternative educational setting

7151 Gun-free schools

UNITED STATES CODE, TITLE 42

11432-11435 Education of homeless children and youths

COURT DECISIONS

T.H. v. San Diego Unified School District (2004) 122 Cal. App. 4th 1267

Woodbury v. Dempsey (2003) 108 Cal. App. 4th 421

Board of Education of Sacramento City Unified School District v. Sacramento County Board of Education and Kenneth H. (2001) 85 Cal.App.4th 1321

Garcia v. Los Angeles Board of Education (1991) 123 Cal. App. 3d 807

Fremont Union High School District v. Santa Clara County Board (1991) 235 Cal. App. 3d 1182

John A. v. San Bernardino School District (1982) 33 Cal. 3d 301

ATTORNEY GENERAL OPINIONS

84 Ops.Cal.Atty.Gen. 146 (2001)

80 Ops.Cal.Atty.Gen. 348 (1997)

80 Ops.Cal.Atty.Gen. 91 (1997)

80 Ops.Cal.Atty.Gen. 85 (1997)

Management Resources:

CSBA PUBLICATIONS

Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS

Dear Colleague Letter on the Nondiscriminatory Administration of School Discipline, January 2014

WEB SITES

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

California Attorney General's Office: <http://www.oag.ca.gov>

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

U.S. Department of Education, Office for Civil Rights:

<http://www.ed.gov/about/offices/list/ocr/docs/crdc-2012-data-summary.pdf>

U.S. Department of Education, Office of Safe and Drug-Free Schools:

<http://www.ed.gov/about/offices/list/osdfs>

Students

Suspension and Expulsion/Due Process

AR 5144.1

***Note: Education Code 35291 requires the Board to adopt rules and regulations, which are not inconsistent with law or rules adopted by the State Board of Education, for the government and discipline of the schools under its jurisdiction. In addition, Education Code 48918 and 48918.5 mandate that districts adopt rules concerning the due process rights of students in expulsion situations, and Education Code 48916 mandates procedures for filing and processing requests for readmission. Specific language complying with these mandates is included throughout this administrative regulation. ***

***Note: The acts for which students may be suspended or expelled are specified in law and in the sections below titled "Grounds for Suspension and Expulsion: Grades K-12" and "Additional Grounds for Suspension and Expulsion: Grades 4-12." The Board does not have authority to add to those enumerated acts. However, the Board has authority to prohibit suspension or expulsion for certain acts for which suspension or expulsion is permissible rather than mandatory. The Board may consider limiting the use of suspension and expulsion for such offenses as part of the district plan to address school climate within the local control and accountability plan required pursuant to Education Code 52060. In addition, pursuant to Education Code 48900.5, a district is not authorized to suspend a student for certain specified violations unless other means of correction have failed to bring about proper conduct. ***

Definitions

Suspension means removal of a student from ongoing instruction for adjustment purposes. However, suspension does not mean any of the following: (Education Code 48925)

1. Reassignment to another education program or class at the same school where the student will receive continuing instruction for the length of day prescribed by the Governing Board for

students of the same grade level

2. Referral to a certificated employee designated by the principal to advise students
3. Removal from the class, but without reassignment to another class or program, for the remainder of the class period without sending the student to the principal or designee as provided in Education Code 48910

Expulsion means removal of a student from the immediate supervision and control or the general supervision of school personnel. (Education Code 48925)

Notice of Regulations

At the beginning of each school year, the principal of each school shall ensure that all students and parents/guardians are notified in writing of all school rules related to discipline, including suspension and expulsion. (Education Code 35291, 48900.1, 48980)

(cf. 5144 - Discipline)

(cf. 5145.6 - Parental Notifications)

Grounds for Suspension and Expulsion: Grades K-12

Acts for which a student, including a student with disabilities, may be suspended or expelled shall be only those specified as follows:

(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))

1. Caused, attempted to cause, or threatened to cause physical injury to another person; willfully used force or violence upon another person, except in self-defense; or committed as an aider or abettor, as adjudged by a juvenile court, a crime of physical violence in which the victim suffered great or serious bodily injury (Education Code 48900(a) and (t))

***Note: The Attorney General, in 80 Ops.Cal.Atty.Gen. 91 (1997), determined that a student may be expelled for "possession" of a firearm if the student knowingly and voluntarily had direct control over the firearm. The only exceptions are when the student has permission from school officials to possess the firearm (pursuant to Education Code 48900 and 48915) or when the possession is brief and solely for the purpose of disposing of the firearm, such as handing it to school officials. Note that "firearm" does not include "imitation firearm" which is listed separately in item #12 below. See BP 5131.7 - Weapons and Dangerous Instruments. ***

***Note: Pursuant to Penal Code 417.27, students are prohibited from possessing a laser pointer on school premises, except for a valid instructional or other school-related purpose. See BP 5131 - Conduct. ***

2. 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 student had obtained written permission to possess the item from a certificated school employee, with the principal or designee's concurrence (Education Code 48900(b))

(cf. 5131 - Conduct)
(cf. 5131.7 - Weapons and Dangerous Instruments)

3. Unlawfully possessed, used, sold, otherwise furnished, or was under the influence of any controlled substance as defined in Health and Safety Code 11053-11058, alcoholic beverage, or intoxicant of any kind (Education Code 48900(c))

(cf. 5131.6 - Alcohol and Other Drugs)

4. Unlawfully offered, arranged, or negotiated to sell any controlled substance as defined in Health and Safety Code 11053-11058, alcoholic beverage, or intoxicant of any kind, and then sold, delivered, or otherwise furnished to any person another liquid, substance, or material and represented same as such controlled substance, alcoholic beverage, or intoxicant (Education Code 48900(d))

5. Committed or attempted to commit robbery or extortion (Education Code 48900(e))

6. Caused or attempted to cause damage to school property or private property (Education Code 48900(f))

7. Stole or attempted to steal school property or private property (Education Code 48900(g))

8. Possessed or used tobacco or products containing tobacco or nicotine products, including, but not limited to, cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel, except that this restriction shall not prohibit a student from using or possessing his/her own prescription products (Education Code 48900(h))

(cf. 5131.62 - Tobacco)

9. Committed an obscene act or engaged in habitual profanity or vulgarity (Education Code 48900(i))

10. Unlawfully possessed, offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code 11014.5 (Education Code 48900(j))

11. Knowingly received stolen school property or private property (Education Code 48900(l))

12. Possessed an imitation firearm (Education Code 48900(m))

Imitation firearm means 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(m))

13. Committed or attempted to commit a sexual assault as defined in Penal Code 261, 266c, 286, 288, 288a, or 289, or committed a sexual battery as defined in Penal Code 243.4 (Education Code 48900(n))

14. Harassed, threatened, or intimidated a student who is a complaining witness or witness in a school disciplinary proceeding for the purpose of preventing that student from being a witness

and/or retaliating against that student for being a witness (Education Code 48900(o))

15. Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma (Education Code 48900(p))

16. Engaged in, or attempted to engage in, hazing (Education Code 48900(q))

Hazing means a method of initiation or pre-initiation into a student organization or body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective student. Hazing does not include athletic events or school-sanctioned events. (Education Code 48900(q))

***Note: Education Code 48900(r) defines "bullying" as "any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of electronic act," which is directed toward a student and which would have serious detrimental consequences upon a reasonable student. Pursuant to Education Code 48900, a student may be disciplined for bullying by means of electronic act even when the act originated off campus. See also BP 5131.2 - Bullying. ***

17. Engaged in an act of bullying (Education Code 48900(r))

Bullying means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, directed toward one or more students that has or can reasonably be predicted to have the effect of placing a reasonable student in fear of harm to himself/herself or his/her property; cause the student to experience a substantially detrimental effect on his/her physical or mental health; or cause the student to experience substantial interferences with his/her academic performance or ability to participate in or benefit from the services, activities, or privileges provided by a school. (Education Code 48900(r))

***Note: "Bullying" also would include any act of sexual harassment, hate violence, or harassment, threat, or intimidation committed by a student of any grade level, as set forth in Education Code 48900.2, 48900.3, or 48900.4, when the act results in harm to a reasonable student as specified in the above paragraph. However, when bullying is found under these circumstances, students below grade 4 may be disciplined for the "bullying" but not for the underlying act of sexual harassment, hate violence, or harassment, threat, or intimidation as specified below in items #1-3 of "Additional Grounds for Suspension and Expulsion: Grades 4-12." ***

Bullying shall include any act of sexual harassment, hate violence, or harassment, threat, or intimidation, as defined in Education Code 48900.2, 48900.3, or 48900.4 and below in items #1-3 of "Additional Grounds for Suspension and Expulsion: Grades 4-12," that has any of the effects described above on a reasonable student.

Electronic act means the creation or transmission of a communication originated on or off school site, including, but not limited to, a message, text, sound, image, or post on a social network Internet web site, by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager. A post on a

social network Internet web site shall include, but is not limited to, the posting or creation of a burn page or the creation of a credible impersonation or false profile for the purpose of causing a reasonable student any of the effects of bullying described above. (Education Code 48900(r))

Reasonable student means a student, including, but not limited to, a student who has been identified as a student with a disability, who exercises average care, skill, and judgment in conduct for a person of his/her age, or for a person of his/her age with his/her disability. (Education Code 48900(r))

(cf. 1114 - District-Sponsored Social Media)

(cf. 5131.2 - Bullying)

(cf. 6163.4 - Student Use of Technology)

(cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)

(cf. 6164.6 - Identification and Education under Section 504)

***Note: Education Code 48900 allows for the suspension, but not expulsion, of a student who "aids or abets," as defined in Penal Code 31, the infliction or attempted infliction of physical injury to another person. The term "aiding or abetting," is a complex legal term and requires that, at the time he/she committed the crime, the aider or abettor was aware of the crime and specifically intended to commit the crime. Because of the complexities of criminal law, legal counsel should be consulted as appropriate. ***

18. Aided or abetted the infliction or attempted infliction of physical injury on another person, as defined in Penal Code 31 (Education Code 48900(t))

19. Made terrorist threats against school officials and/or school property (Education Code 48900.7)

A terrorist threat includes any written or oral statement by a person who willfully threatens to commit a crime which will result in death or great bodily injury to another person or property damage in excess of \$1,000, with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out. (Education Code 48900.7)

Additional Grounds for Suspension and Expulsion: Grades 4-12

***Note: Education Code 48900, as amended by AB 420 (Ch. 667, Statutes of 2014), prohibits the use of disruption and/or willful defiance as reasons for expelling any student. As amended, Education Code 48900 also restricts their use as a basis for suspending students in grades 4-12 from school. Since districts are authorized but not required to suspend students in grades 4-12 based on these grounds, a district may choose, consistent with Option 2 in accompanying Board policy, to prohibit the use of these reasons for suspending its students. Any district that chooses to do so should delete the following paragraph. ***

Any student in grades 4-12 may be suspended, but not expelled, for disrupting school activities or otherwise willfully defying the valid authority of supervisors, teachers, administrators, other school officials, or other school personnel engaged in the performance of their duties. (Education Code 48900(k))

(cf. 5131.4 - Student Disturbances)

***Note: As discussed in item #17 of "Grounds for Suspension and Expulsion: Grades K-12" above, although Education Code 48900(r) defines bullying to include acts involving items #1-3 below, only students in grades 4-12 may be suspended or expelled for the individual acts that constitute sexual harassment, hate violence, and harassment. The interplay between "bullying" and items #1-3 can raise complex legal issues. Districts should consult legal counsel as appropriate. ***

A student in grades 4-12 shall be subject to suspension or recommendation for expulsion when it is determined that he/she:

1. Committed sexual harassment as defined in Education Code 212.5 (Education Code 48900.2)

Sexual harassment means conduct which, when considered from the perspective of a reasonable person of the same gender as the victim, is sufficiently severe or pervasive as to have a negative impact upon the victim's academic performance or to create an intimidating, hostile, or offensive educational environment. (Education Code 212.5, 48900.2)

(cf. 5145.7 - Sexual Harassment)

2. Caused, attempted to cause, threatened to cause, or participated in an act of hate violence as defined in Education Code 233 (Education Code 48900.3)

Hate violence means any act punishable under Penal Code 422.6, 422.7, or 422.75. Such acts include injuring or intimidating a victim, interfering with the exercise of a victim's civil rights, or damaging a victim's property because of the victim's race, ethnicity, religion, nationality, disability, gender, gender identity, gender expression, or sexual orientation; a perception of the presence of any of those characteristics in the victim; or the victim's association with a person or group with one or more of those actual or perceived characteristics. (Education Code 233; Penal Code 422.55)

(cf. 5145.9 - Hate-Motivated Behavior)

3. Intentionally engaged in harassment, threats, or intimidation against district personnel or students that is sufficiently severe or pervasive to have the actual and reasonably expected effect of materially disrupting classwork, creating substantial disorder, and invading the rights of school personnel or students by creating an intimidating or hostile educational environment (Education Code 48900.4)

(cf. 5145.3 - Nondiscrimination/Harassment)

Suspension from Class by a Teacher

***Note: The following section is optional and may be revised to reflect district practice. While Education Code 48900(k), as amended by AB 420 (Ch. 660, Statutes of 2014), prohibits a district from suspending students in grades K-3 for disruption or willful defiance, it still allows for a teacher to suspend a K-3 student on these grounds. ***

A teacher may suspend a student, including a grade K-3 student, from class for the remainder of the day and the following day for disruption, willful defiance, or any of the other acts specified in Education Code 48900 and listed as items #1-18 under "Grounds for Suspension and Expulsion: Grades K-12" above. (Education Code 48910)

When suspending a student from class, the teacher shall immediately report this action to the principal or designee and send the student to the principal or designee for appropriate action. If that action requires the continuing presence of the student at school, he/she shall be appropriately supervised during the class periods from which he/she has been suspended. (Education Code 48910)

As soon as possible after the teacher decides to suspend the student, he/she shall ask the student's parent/guardian to attend a parent-teacher conference regarding the suspension. A counselor or psychologist may attend the conference if it is practicable, and a school administrator shall attend if either the parent/guardian or teacher so requests. (Education Code 48910)

A student suspended from class shall not be returned to class during the period of the suspension without the approval of the teacher of the class and the principal or designee. (Education Code 48910)

A student suspended from class shall not be placed in another regular class during the period of suspension. However, a student assigned to more than one class per day may continue to attend other regular classes except those held at the same time as the class from which he/she was suspended. (Education Code 48910)

The teacher of any class from which a student is suspended may require the student to complete any assignments and tests missed during the removal. (Education Code 48913)

Suspension by Superintendent, Principal or Principal's Designee

To implement disciplinary procedures at a school site, the principal may, in writing, designate as the principal's designee another administrator or, if the principal is the only administrator at the school site, a certificated employee. As necessary, the principal may, in writing, also designate another administrator or certificated employee as the secondary designee to assist with disciplinary procedures when the principal and the principal's primary designee are absent from the school site.

The Superintendent, principal, or designee shall immediately suspend any student found at school or at a school activity to have committed any of the acts listed in the Board policy under "Authority to Expel" and for which he/she is required to recommend expulsion. (Education Code 48915(c))

***Note: Education Code 48900.5 limits situations warranting suspension for a first offense to when the violation involves Education Code 48900(a)-(e) or the student's presence causes a danger to persons. ***

The Superintendent, principal, or designee may impose a suspension for a first offense if he/she determines that the student violated any of items #1-5 listed under "Grounds for Suspension and Expulsion: Grades K-12" above or if the student's presence causes a danger to persons.

(Education Code 48900.5)

***Note: Pursuant to Education Code 48900 and 48915, except for certain egregious acts or offenses for which suspension is permissible or mandatory, as specified above pursuant to Education Code 48915(a) or (c), the Superintendent or principal is authorized to use his/her discretion to provide an alternative, age-appropriate disciplinary measure that is tailored to correct a student's specific misbehavior. In addition, the U.S. Department of Justice's Civil Rights Division (DOJ) and the U.S. Department of Education's Office for Civil Rights (OCR), in their joint January 2014 Dear Colleague Letter on the Nondiscriminatory Administration of School Discipline, recommend that effective alternatives to suspension and expulsion be implemented for correcting student misbehavior. For a list of appropriate alternatives, see AR 5144 - Discipline. ***

For all other offenses, a student may be suspended only when the Superintendent or principal has determined that other means of correction have failed to bring about proper conduct in the student. (Education Code 48900.5)

When other means of correction are implemented prior to imposing suspension or supervised suspension upon a student, the Superintendent, principal, or designee shall document the other means of correction used and retain them in the student's record. (Education Code 48900.5)

(cf. 5125 - Student Records)

Length of Suspension

The Superintendent, principal, or designee may suspend a student from school for not more than five consecutive school days. (Education Code 48911)

A student may be suspended from school for not more than 20 school days in any school year. However, if a student enrolls in or is transferred to another regular school, an opportunity school, or continuation school or class for the purpose of adjustment, he/she may be suspended for not more than 30 school days in a school year. The district may count suspensions that occur while a student is enrolled in another school district toward the maximum number of days for which the student may be suspended in any school year. (Education Code 48903, 48911, 48912)

(cf. 6184 - Continuation Education)

These restrictions on the number of days of suspension shall not apply when the suspension is extended pending an expulsion. (Education Code 48911)

Due Process Procedures for Suspension

Suspensions shall be imposed in accordance with the following procedures:

1. **Informal Conference:** Suspension shall be preceded by an informal conference conducted by the Superintendent, principal, or designee with the student and, whenever practicable, the teacher, supervisor, or school employee who referred the student to the principal. At the conference, the student shall be informed of the reason for the disciplinary action, presented with the available evidence against him/her, and given the opportunity to present his/her version and

evidence in support of his/her defense. (Education Code 48911)

This conference may be omitted if the Superintendent, principal, or designee determines that an emergency situation exists involving a clear and present danger to the lives, safety, or health of students or school personnel. If a student is suspended without this conference, both the parent/guardian and student shall be notified of the student's right to return to school for the purpose of the conference and the conference shall be held within two school days, unless the student waives his/her right to it or is physically unable to attend for any reason. In such a case, the conference shall be held as soon as the student is physically able to return to school. (Education Code 48911)

***Note: Item #2 below should be revised to reflect the district's processing and reporting procedures. ***

2. Administrative Actions: All requests for student suspension are to be processed by the principal or designee. A school employee shall report the suspension, including the name of the student and the cause for the suspension, to the Superintendent or designee. (Education Code 48911)

3. Notice to Parents/Guardians: At the time of the suspension, a school employee shall make a reasonable effort to contact the parent/guardian by telephone or in person. Whenever a student is suspended, the parent/guardian shall also be notified in writing of the suspension. (Education Code 48911)

This notice shall state the specific offense committed by the student. (Education Code 48900.8)

In addition, the notice may state the date and time when the student may return to school.

4. Parent/Guardian Conference: Whenever a student is suspended, school officials may request a meeting with the parent/guardian to discuss the cause(s) and duration of the suspension, the school policy involved, and any other pertinent matter. (Education Code 48914)

If school officials request to meet with the parent/guardian, the notice may state that the law requires the parent/guardian to respond to such requests without delay. However, no penalties may be imposed on the student for the failure of the parent/guardian to attend such a conference. The student may not be denied reinstatement solely because the parent/guardian failed to attend the conference. (Education Code 48911)

5. Extension of Suspension: If the Board is considering the expulsion of a suspended student from any school or the suspension of a student for the balance of the semester from continuation school, the Superintendent or designee may, in writing, extend the suspension until such time as the Board has made a decision, provided the following requirements are followed: (Education Code 48911)

a. The extension of the original period of suspension is preceded by notice of such extension with an offer to hold a conference concerning the extension, giving the student an opportunity to be heard. This conference may be held in conjunction with a meeting requested by the student or parent/guardian to challenge the original suspension.

b. The Superintendent or designee determines, following a meeting in which the student and the student's parent/guardian were invited to participate, that the student's presence at the school or at an alternative school would endanger persons or property or threaten to disrupt the instructional process. (Education Code 48911)

***Note: When the student being considered for expulsion is a foster youth, Education Code 48911 and 48918.1 require the district to invite the student's attorney and an appropriate county child welfare agency representative to the meeting specified above. To ensure such invitation, the following paragraph provides that the district liaison for foster youth be notified. However, any district that has designated another position to carry out this responsibility may modify the paragraph to specify that position. For designation of the liaison for foster youth, see AR 6173.1 - Education for Foster Youth. ***

c. If the student involved is a foster youth, the Superintendent or designee shall notify the district liaison for foster youth of the need to invite the student's attorney and a representative of the appropriate county child welfare agency to attend the meeting. (Education Code 48853.5, 48911, 48918.1)

(cf. 6173.1 - Education for Foster Youth)

***Note: Pursuant to Education Code 48918.1, as amended by AB 1806 (Ch. 767, Statutes of 2014), the district's liaison for homeless students must be notified when the student being considered for expulsion is a homeless student. See the section below titled "Additional Notice of Expulsion Hearing for Foster Youth and Homeless Students." ***

d. If the student involved is a homeless child or youth, the Superintendent or designee shall notify the district liaison for homeless students. (Education Code 48918.1)

(cf. 6173 - Education for Homeless Children)

In lieu of or in addition to suspending a student, the Superintendent, principal, or designee may provide services or require the student to participate in an alternative disciplinary program designed to correct his/her behavior and keep him/her in school.

Suspension by the Board

The Board may suspend a student for any of the acts listed under "Grounds for Suspension and Expulsion: Grades K-12" and "Additional Grounds for Suspension and Expulsion: Grades 4-12" above and within the limits specified under "Suspension by Superintendent, Principal, or Designee" above. (Education Code 48912)

The Board may suspend a student enrolled in a continuation school or class for a period not longer than the remainder of the semester. The suspension shall meet the requirements of Education Code 48915. (Education Code 48912.5)

When the Board is considering a suspension, disciplinary action, or any other action (except expulsion) against any student, it shall hold a closed session if a public hearing would lead to

disclosure of information violating a student's right to privacy under Education Code 49073-49079. (Education Code 35146, 48912)

(cf. 9321 - Closed Session Purposes and Agendas)

The Board shall provide the student and his/her parent/guardian with written notice of the closed session by registered or certified mail or personal service. Upon receiving this notice, the student or parent/guardian may request a public meeting, and this request shall be granted if made in writing within 48 hours after receipt of the Board's notice. However, any discussion that conflicts with any other student's right to privacy still shall be held in closed session. (Education Code 35146, 48912)

On-Campus Suspension

***Note: The following optional section is for use by any district establishing an on-campus suspension program pursuant to Education Code 48911.1. However, pursuant to Education Code 48900.5, such a district is required to use other means of correcting a student's behavior before imposing a supervised suspension, unless such a supervised suspension is otherwise permitted by law for a student's first offense. Use of a supervised suspension classroom program does not in any way limit the district's ability to transfer a student to an opportunity school or class or a continuation education school or class in accordance with law. ***

A student for whom an expulsion action has not been initiated and who poses no imminent danger or threat to the school, students, or staff may be assigned to on-campus suspension in a separate classroom, building, or site for the entire period of suspension. The following conditions shall apply: (Education Code 48911.1)

1. The on-campus suspension classroom shall be staffed in accordance with law.
2. The student shall have access to appropriate counseling services.
3. The on-campus suspension classroom shall promote completion of schoolwork and tests missed by the student during the suspension.
4. The student shall be responsible for contacting his/her teacher(s) to receive assignments to be completed in the supervised suspension classroom. The teacher(s) shall provide all assignments and tests that the student will miss while suspended. If no such work is assigned, the person supervising the suspension classroom shall assign schoolwork.

At the time a student is assigned to an on-campus suspension classroom, the principal or designee shall notify the student's parent/guardian in person or by telephone. When the assignment is for longer than one class period, this notification may be made in writing. (Education Code 48911.1)

Superintendent or Principal's Authority to Recommend Expulsion

Unless the Superintendent or principal determines that expulsion should not be recommended under the circumstances or that an alternative means of correction would address the conduct, he/she shall recommend a student's expulsion for any of the following acts: (Education Code

48915)

1. Causing serious physical injury to another person, except in self-defense
2. Possession of any knife or other dangerous object of no reasonable use to the student
3. Unlawful possession of any controlled substance as listed in Health and Safety Code 11053-11058, except for (a) the first offense for the possession of not more than one ounce of marijuana, other than concentrated cannabis, or (b) the student's possession of over-the-counter medication for his/her use or other medication prescribed for him/her by a physician
4. Robbery or extortion
5. Assault or battery, as defined in Penal Code 240 and 242, upon any school employee

In determining whether or not to recommend the expulsion of a student, the Superintendent, principal, or designee shall act as quickly as possible to ensure that the student does not lose instructional time. (Education Code 48915)

Student's Right to Expulsion Hearing

***Note: Education Code 48918 mandates that the Board establish rules and regulations governing procedures for the expulsion of students. The timelines of Education Code 48918 must be strictly followed; failure to do so may result in loss of the district's power to act (*Garcia v. Los Angeles Board of Education*). In calculating timelines, the district should also be aware of the difference between the calculation of "school days" and "calendar days" under Education Code 48918. ***

Any student recommended for expulsion shall be entitled to a hearing to determine whether he/she should be expelled. The hearing shall be held within 30 school days after the Superintendent, principal, or designee determines that the student has committed the act(s) that form the basis for the expulsion recommendation. (Education Code 48918(a))

The student is entitled to at least one postponement of an expulsion hearing for a period of not more than 30 calendar days. The request for postponement shall be in writing. Any subsequent postponement may be granted at the Board's discretion. (Education Code 48918(a))

If the Board finds it impractical during the regular school year to comply with these time requirements for conducting an expulsion hearing, the Superintendent or designee may, for good cause, extend the time period by an additional five school days. Reasons for the extension shall be included as a part of the record when the expulsion hearing is held. (Education Code 48918(a))

If the Board finds it impractical to comply with the time requirements of the expulsion hearing due to a summer recess of Board meetings of more than two weeks, the days during the recess shall not be counted as school days. The days not counted during the recess may not exceed 20 school days, as defined in Education Code 48925. Unless the student requests in writing that the expulsion hearing be postponed, the hearing shall be held not later than 20 calendar days prior to the first day of the next school year. (Education Code 48918(a))

Once the hearing starts, all matters shall be pursued with reasonable diligence and concluded without unnecessary delay. (Education Code 48918(a))

Stipulated Expulsion

***Note: The following section is optional and may be revised to reflect district practice. "Stipulated expulsion" is for districts that have adopted an expedited procedure which allows a student to waive his/her right to a pre-expulsion hearing in exchange for an agreement as to the terms of the expulsion. Such waivers are not specifically addressed in law and districts should ensure that the due process rights of students are included in the stipulated agreement and are clearly explained to them before the agreement is signed. Districts should consult legal counsel as appropriate. ***

After a determination that a student has committed an expellable offense, the Superintendent, principal, or designee shall offer the student and his/her parent/guardian the option to waive a hearing and stipulate to the expulsion or to a suspension of the expulsion under certain conditions. The offer shall be made only after the student or his/her parent/guardian has been given written notice of the expulsion hearing pursuant to Education Code 48918.

The stipulation agreement shall be in writing and shall be signed by the student and his/her parent/guardian. The stipulation agreement shall include notice of all the rights that the student is waiving, including the waiving of his/her right to have a full hearing, to appeal the expulsion to the County Board of Education, and to consult legal counsel.

A stipulated expulsion agreed to by the student and his/her parent/guardian shall be effective upon approval by the Board.

Rights of Complaining Witness

***Note: Education Code 48918.5 mandates the following rights related to the treatment of witnesses alleging acts of sexual assault or sexual battery. Other procedures related to complaining witnesses also may be added as desired by the district. Additional mandated procedures related to the rights and treatment of complaining witnesses are included where appropriate throughout this regulation. ***

An expulsion hearing involving allegations of sexual assault or sexual battery may be postponed for one school day in order to accommodate the special physical, mental, or emotional needs of a student who is the complaining witness. (Education Code 48918.5)

Whenever the Superintendent or designee recommends an expulsion hearing that addresses allegations of sexual assault or sexual battery, he/she shall give the complaining witness a copy of the district's suspension and expulsion policy and regulation and shall advise the witness of his/her right to: (Education Code 48918.5)

1. Receive five days' notice of his/her scheduled testimony at the hearing
2. Have up to two adult support persons of his/her choosing present at the hearing at the time he/she testifies

3. Have a closed hearing during the time he/she testifies

Whenever any allegation of sexual assault or sexual battery is made, the Superintendent or designee shall immediately advise complaining witnesses and accused students to refrain from personal or telephone contact with each other during the time when an expulsion process is pending. (Education Code 48918.5)

Written Notice of the Expulsion Hearing

***Note: Education Code 48918 mandates the Board to adopt procedures that include the following items. ***

Written notice of the expulsion hearing shall be forwarded to the student and the student's parent/guardian at least 10 calendar days before the date of the hearing. The notice shall include: (Education Code 48900.8, 48918(b))

1. The date and place of the hearing
2. A statement of the specific facts, charges, and offense upon which the proposed expulsion is based
3. A copy of district disciplinary rules which relate to the alleged violation
4. Notification of the student's or parent/guardian's obligation, pursuant to Education Code 48915.1, to provide information about the student's status in the district to any other district in which the student seeks enrollment

This obligation applies when a student is expelled for acts other than those described in Education Code 48915(a) or (c).

(cf. 5119 - Students Expelled from Other Districts)

5. The opportunity for the student or the student's parent/guardian to appear in person or be represented by legal counsel or by a nonattorney adviser

Legal counsel means an attorney or lawyer who is admitted to the practice of law in California and is an active member of the State Bar of California.

Nonattorney adviser means an individual who is not an attorney or lawyer, but who is familiar with the facts of the case and has been selected by the student or student's parent/guardian to provide assistance at the hearing.

6. The right to inspect and obtain copies of all documents to be used at the hearing
7. The opportunity to confront and question all witnesses who testify at the hearing
8. The opportunity to question all evidence presented and to present oral and documentary evidence on the student's behalf, including witnesses

Additional Notice of Expulsion Hearing for Foster Youth and Homeless Students

***Note: Prior to conducting an expulsion hearing to determine whether a foster youth should be expelled, Education Code 48918.1 requires the district to notify the student's attorney and a representative of an appropriate county child welfare agency, provided that the violation does not require a mandatory recommendation for expulsion. Pursuant to Education Code 48918.1, as amended by AB 1806 (Ch. 767, Statutes of 2014), such additional notice must be given to the district liaison for homeless students when the student involved is a homeless child or youth and the violation does not require a mandatory recommendation for expulsion. While such a notice is not required if the offense requires a mandatory recommendation for expulsion, it is nonetheless recommended and the following section reflects this recommendation. ***

If the student facing expulsion is a foster student, the Superintendent or designee shall also send notice of the hearing to the student's attorney and a representative of an appropriate child welfare agency at least 10 days prior to the hearing. (Education Code 48918.1)

If the student facing expulsion is a homeless student, the Superintendent or designee shall also send notice of the hearing to the district liaison for homeless students at least 10 days prior to the hearing. (Education Code 48918.1)

Any notice for these purposes may be provided by the most cost-effective method possible, including by email or a telephone call. (Education Code 48918.1)

Conduct of Expulsion Hearing

***Note: Education Code 48918 mandates that the Board adopt procedures that include the following items. ***

***Note: Instead of the Board conducting an expulsion hearing, it may appoint a hearing officer or an impartial administrative panel to conduct the hearing; see section "Alternative Expulsion Hearing: Hearing Officer or Administrative Panel" below. Even if the district conducts all expulsion hearings in this manner, the requirements of Education Code 48918 pertaining to the conduct of the hearing must be met. ***

1. Closed Session: Notwithstanding Education Code 35145, the Board shall conduct a hearing to consider the expulsion of the student in a session closed to the public unless the student requests in writing at least five days prior to the hearing that the hearing be a public meeting. If such a request is made, the meeting shall be public to the extent that privacy rights of other students are not violated. (Education Code 48918)

***Note: For the purpose of Board deliberations during the closed session described below, the presence of any person other than the Board members, including the Superintendent, necessitates allowing the presence of the parent/guardian, student, and student's counsel. ***

Whether the expulsion hearing is held in closed or public session, the Board may meet in closed session to deliberate and determine whether or not the student should be expelled. If the Board admits any other person to this closed session, the parent/guardian, the student, and the counsel of the student also shall be allowed to attend the closed session. (Education Code

If a hearing that involves a charge of sexual assault or sexual battery is to be conducted in public, a complaining witness shall have the right to have his/her testimony heard in closed session when testifying in public would threaten serious psychological harm to the witness and when there are no alternative procedures to avoid the threatened harm, including, but not limited to, videotaped deposition or contemporaneous examination in another place communicated to the hearing room by closed-circuit television. (Education Code 48918(c))

2. Record of Hearing: A record of the hearing shall be made and may be maintained by any means, including electronic recording, as long as a reasonably accurate and complete written transcription of the proceedings can be made. (Education Code 48918(g))

***Note: Education Code 48918 authorizes the Board to issue subpoenas for the personal appearance of percipient witnesses at an expulsion hearing. In *Woodbury v. Dempsey*, the court held that a district's authority to determine whether to issue subpoenas is discretionary, but a district could not have a blanket policy denying the issuance of subpoenas in all cases. ***

***Note: In accordance with Code of Civil Procedure 1987, the subpoena must be served at least 10 days before the time required for attendance unless the court prescribes a shorter time. Unless they are parties to the hearing or are district or government employees, witnesses who appear pursuant to a subpoena receive fees equal to those prescribed for witnesses in civil actions in a superior court, and all witnesses other than the parties to the hearing receive mileage; these fees and mileage must be paid by the party requesting the subpoena. ***

3. Subpoenas: Before commencing a student expulsion hearing, the Board may issue subpoenas, at the request of either the student or the Superintendent or designee, for the personal appearance at the hearing of any person who actually witnessed the action that gave rise to the recommendation for expulsion. After the hearing has commenced, the Board or the hearing officer or administrative panel may issue such subpoenas at the request of the student or the County Superintendent of Schools or designee. All subpoenas shall be issued in accordance with Code of Civil Procedure 1985-1985.2 and enforced in accordance with Government Code 11455.20. (Education Code 48918(i))

Any objection raised by the student or the Superintendent or designee to the issuance of subpoenas may be considered by the Board in closed session, or in open session if so requested by the student, before the meeting. The Board's decision in response to such an objection shall be final and binding. (Education Code 48918(i))

If the Board determines, or if the hearing officer or administrative panel finds and submits to the Board, that a witness would be subject to unreasonable risk of harm by testifying at the hearing, a subpoena shall not be issued to compel the personal attendance of that witness at the hearing. However, that witness may be compelled to testify by means of a sworn declaration as described in item #4 below. (Education Code 48918(i))

4. Presentation of Evidence: Technical rules of evidence shall not apply to the expulsion hearing, but relevant evidence may be admitted and used as proof only if it is the kind of evidence on which reasonable persons can rely in the conduct of serious affairs. The decision of the Board to expel shall be supported by substantial evidence that the student committed any of

the acts pursuant to Education Code 48900 and listed in "Grounds for Suspension and Expulsion: Grades K-12" and "Additional Grounds for Suspension and Expulsion: Grades 4-12" above. (Education Code 48918(h))

***Note: Findings of fact made by the Board or a hearing panel must not be based on hearsay alone. "Hearsay" is evidence of an oral or written statement made by a person who is not present at the hearing which is offered to establish a fact as being true. Some exceptions to the hearsay rule exist under the Evidence Code and Education Code; the district should consult legal counsel as appropriate. ***

Findings of fact shall be based solely on the evidence at the hearing. Although no finding shall be based solely on hearsay, sworn declarations may be admitted as testimony from witnesses whose disclosure of their identity or testimony at the hearing may subject them to an unreasonable risk of physical or psychological harm. (Education Code 48918(f))

In cases where a search of a student's person or property has occurred, evidence describing the reasonableness of the search shall be included in the hearing record.

***Note: Education Code 48918.6 provides that testimony by a student witness at an expulsion hearing is privileged and thus protected from liability for defamation pursuant to Civil Code 47(b). ***

5. Testimony by Complaining Witnesses: The following procedures shall be observed when a hearing involves allegations of sexual assault or sexual battery by a student: (Education Code 48918, 48918.5)

- a. Any complaining witness shall be given five days' notice before being called to testify.
- b. Any complaining witness shall be entitled to have up to two adult support persons, including, but not limited to, a parent/guardian or legal counsel, present during his/her testimony.
- c. Before a complaining witness testifies, support persons shall be admonished that the hearing is confidential.
- d. The person presiding over the hearing may remove a support person whom he/she finds is disrupting the hearing.
- e. If one or both support persons are also witnesses, the hearing shall be conducted in accordance with Penal Code 868.5.
- f. Evidence of specific instances of prior sexual conduct of a complaining witness shall be presumed inadmissible and shall not be heard unless the person conducting the hearing determines that extraordinary circumstances require the evidence to be heard. Before such a determination is made, the complaining witness shall be given notice and an opportunity to oppose the introduction of this evidence. In the hearing on the admissibility of this evidence, the complaining witness shall be entitled to be represented by a parent/guardian, legal counsel, or other support person. Reputation or opinion evidence

regarding the sexual behavior of a complaining witness shall not be admissible for any purpose.

g. In order to facilitate a free and accurate statement of the experiences of the complaining witness and to prevent discouragement of complaints, the district shall provide a nonthreatening environment.

(1) The district shall provide a room separate from the hearing room for the use of the complaining witness before and during breaks in testimony.

(2) At the discretion of the person conducting the hearing, the complaining witness shall be allowed reasonable periods of relief from examination and cross-examination during which he/she may leave the hearing room.

(3) The person conducting the hearing may:

(a) Arrange the seating within the hearing room so as to facilitate a less intimidating environment for the complaining witness

(b) Limit the time for taking the testimony of a complaining witness to the hours he/she is normally in school, if there is no good cause to take the testimony during other hours

(c) Permit one of the support persons to accompany the complaining witness to the witness stand

6. Decision: The Board's decision as to whether to expel a student shall be made within 40 school days after the student is removed from his/her school of attendance, unless the student requests in writing that the decision be postponed. (Education Code 48918(a))

Alternative Expulsion Hearing: Hearing Officer or Administrative Panel

***Note: For districts that use a hearing officer or administrative panel, Education Code 48918 mandates that the Board adopt procedures that include the following section. ***

Instead of conducting an expulsion hearing itself, the Board may contract with the county hearing officer or with the Office of Administrative Hearings of the State of California for a hearing officer. The Board may also appoint an impartial administrative panel composed of three or more certificated personnel, none of whom shall be members of the Board or on the staff of the school in which the student is enrolled. (Education Code 48918)

A hearing conducted by the hearing officer or administrative panel shall conform to the same procedures applicable to a hearing conducted by the Board as specified above in "Conduct of Expulsion Hearing," including the requirement to issue a decision within 40 school days of the student's removal from school, unless the student requests that the decision be postponed. (Education Code 48918(a) and (d))

***Note: Pursuant to Education Code 48918, as amended by SB 1111 (Ch. 837, Statutes of 2014), if the hearing officer or administrative panel does not recommend expulsion, a student must be permitted to return to the classroom instructional program from which the expulsion

referral was made, unless the student's parent/guardian requests a different placement. As amended, Education Code 48918 also states that a student who is found to have committed any of the violations listed in "Authority to Expel" in the accompanying Board policy but for whom expulsion is not recommended may be referred to his/her prior school. However, the hearing officer or administrative panel, like the Board, must recommend expulsion or a suspended expulsion under Education Code 48915, if it finds that a student committed any such violation that mandates expulsion. District should consult legal counsel to resolve this apparent discrepancy. ***

The hearing officer or administrative panel shall, within three school days after the hearing, determine whether to recommend expulsion of the student to the Board. If expulsion is not recommended, the expulsion proceeding shall be terminated and the student shall be immediately reinstated and permitted to return to the classroom instructional program from which the referral was made, unless another placement is requested in writing by the student's parent/guardian. Before the student's placement decision is made by his/her parent/guardian, the Superintendent or designee shall consult with the parent/guardian and district staff, including the student's teachers, regarding other placement options for the student in addition to the option to return to the classroom instructional program from which the student's expulsion referral was made. The decision to not recommend expulsion shall be final. (Education Code 48918(e))

If expulsion is recommended, findings of fact in support of the recommendation shall be prepared and submitted to the Board. All findings of fact and recommendations shall be based solely on the evidence presented at the hearing. The Board may accept the recommendation based either upon a review of the findings of fact and recommendations submitted or upon the results of any supplementary hearing the Board may order. (Education Code 48918(f))

In accordance with Board policy, the hearing officer or administrative panel may recommend that the Board suspend the enforcement of the expulsion. If the hearing officer or administrative panel recommends that the Board expel a student but suspend the enforcement of the expulsion, the student shall not be reinstated and permitted to return to the classroom instructional program from which the referral was made until the Board has ruled on the recommendation. (Education Code 48917, 48918)

Final Action by the Board

***Note: Education Code 48918 mandates that the Board adopt procedures that include the following paragraph. ***

Whether the expulsion hearing is conducted in closed or public session by the Board, a hearing officer, or an administrative panel or is waived through the signing of a stipulated expulsion agreement, the final action to expel shall be taken by the Board in public. (Education Code 48918(j))

(cf. 9321.1 - Closed Session Actions and Reports)

The Board's decision is final. If the decision is to not expel, the student shall be reinstated immediately. If the decision is to suspend the enforcement of the expulsion, the student shall be reinstated under the conditions of the suspended expulsion.

***Note: The Gun-Free Schools Act, 20 USC 7151, requires that information in the following paragraph be sent to the California Department of Education (CDE) for assurances of compliance with federal and state law. For other language that must be submitted to the CDE, see section below entitled "Notifications to Law Enforcement Authorities." ***

Upon ordering an expulsion, the Board shall set a date when the student shall be reviewed for readmission to a school within the district. For a student expelled for any act listed under "Mandatory Recommendation and Mandatory Expulsion" above, this date shall be one year from the date the expulsion occurred, except that the Board may set an earlier date on a case-by-case basis. For a student expelled for other acts, this date shall be no later than the last day of the semester following the semester in which the expulsion occurred. If an expulsion is ordered during summer session or the intersession period of a year-round program, the Board shall set a date when the student shall be reviewed for readmission not later than the last day of the semester following the summer session or intersession period in which the expulsion occurred. (Education Code 48916)

At the time of the expulsion order, the Board shall recommend a plan for the student's rehabilitation, which may include: (Education Code 48916)

1. Periodic review, as well as assessment at the time of review, for readmission
2. Recommendations for improved academic performance, tutoring, special education assessments, job training, counseling, employment, community service, or other rehabilitative programs

With parent/guardian consent, students who have been expelled for reasons relating to controlled substances or alcohol may be required to enroll in a county-sponsored drug rehabilitation program before returning to school. (Education Code 48916.5)

Written Notice to Expel

The Superintendent or designee shall send written notice of the decision to expel to the student or parent/guardian. This notice shall include the following:

1. The specific offense committed by the student for any of the causes for suspension or expulsion listed above under "Grounds for Suspension and Expulsion: Grades K-12" or "Additional Grounds for Suspension and Expulsion: Grades 4-12" (Education Code 48900.8)
2. The fact that a description of readmission procedures will be made available to the student and his/her parent/guardian (Education Code 48916)
3. Notice of the right to appeal the expulsion to the County Board (Education Code 48918)
4. Notice of the alternative educational placement to be provided to the student during the time of expulsion (Education Code 48918)
5. Notice of the student's or parent/guardian's obligation to inform any new district in which the student seeks to enroll of the student's status with the expelling district, pursuant to Education Code 48915.1 (Education Code 48918)

Decision to Suspend Expulsion Order

***Note: Pursuant to Education Code 48917, the Board's criteria for suspending the enforcement of expulsions must be applied uniformly to all students. Items #1-3 below are optional and should be revised to reflect district criteria. ***

In accordance with Board policy, when deciding whether to suspend the enforcement of an expulsion order, the Board shall take into account the following criteria:

1. The student's pattern of behavior
2. The seriousness of the misconduct
3. The student's attitude toward the misconduct and his/her willingness to follow a rehabilitation program

The suspension of the enforcement of an expulsion shall be governed by the following:

1. The Board may, as a condition of the suspension of enforcement, assign the student to a school, class, or program appropriate for the student's rehabilitation. This rehabilitation program may provide for the involvement of the student's parent/guardian in the student's education. However, a parent/guardian's refusal to participate in the rehabilitation program shall not be considered in the Board's determination as to whether the student has satisfactorily completed the rehabilitation program. (Education Code 48917)
2. During the period when enforcement of the expulsion order is suspended, the student shall be on probationary status. (Education Code 48917)
3. The suspension of the enforcement of an expulsion order may be revoked by the Board if the student commits any of the acts listed under "Grounds for Suspension and Expulsion: Grades K-12" or "Additional Grounds for Suspension and Expulsion: Grades 4-12" above or violates any of the district's rules and regulations governing student conduct. (Education Code 48917)
4. When the suspension of enforcement of an expulsion order is revoked, a student may be expelled under the terms of the original expulsion order. (Education Code 48917)
5. Upon satisfactory completion of the rehabilitation assignment, the Board shall reinstate the student in a district school. Upon reinstatement, the Board may order the expunging of any or all records of the expulsion proceedings. (Education Code 48917)
6. The Superintendent or designee shall send written notice of any decision to suspend the enforcement of an expulsion order during a period of probation to the student or parent/guardian. The notice shall inform the parent/guardian of the right to appeal the expulsion to the County Board, the alternative educational placement to be provided to the student during the period of expulsion, and the student's or parent/guardian's obligation to inform any new district in which the student seeks to enroll of his/us with the expelling district, pursuant to Education Code 48915.1(b). (Education Code 48918(j))

7. Suspension of the enforcement of an expulsion order shall not affect the time period and requirements for the filing of an appeal of the expulsion order with the County Board. (Education Code 48917)

Appeal

The student or parent/guardian is entitled to file an appeal of the Board's decision with the County Board. The appeal must be filed within 30 days of the Board's decision to expel, even if the expulsion order is suspended and the student is placed on probation. (Education Code 48919)

If the student submits a written request for a copy of the written transcripts and supporting documents from the district simultaneously with the filing of the notice of appeal with the County Board, the district shall provide the student with these documents within 10 school days following the student's written request. (Education Code 48919)

Notification to Law Enforcement Authorities

***Note: The Gun-Free Schools Act, 20 USC 7151, requires that information in the following two paragraphs be sent to the CDE for assurances of compliance with federal and state law. ***

***Note: In addition, Education Code 48902 requires the principal or designee to notify law enforcement authorities when a student or nonstudent possesses a firearm or explosive or sells or furnishes a firearm at school. However, when the student involved in such a case is a student with a disability, Education Code 49076 requires any law enforcement authority to which student information is disclosed to certify that those records will not be disclosed to another party without the prior written consent of the student's parent/guardian or other person invested with the student's educational right; see AR 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities). ***

Prior to the suspension or expulsion of any student, the principal or designee shall notify appropriate city or county law enforcement authorities of any student acts of assault which may have violated Penal Code 245. (Education Code 48902)

The principal or designee also shall notify appropriate city or county law enforcement authorities of any student acts which may involve the possession or sale of narcotics or of a controlled substance. In addition, law enforcement authorities shall be notified regarding any acts by students regarding the possession, sale, or furnishing of firearms, explosives, or other dangerous weapons in violation of Education Code 48915(c)(1) or (5) or Penal Code 626.9 and 626.10. (Education Code 48902)

Within one school day after a student's suspension or expulsion, the principal or designee shall notify appropriate city or county law enforcement authorities, by telephone or other appropriate means, of any student acts which may violate Education Code 48900(c) or (d), relating to the possession, use, offering, or sale of controlled substances, alcohol, or intoxicants of any kind. (Education Code 48902)

Placement During Expulsion

***Note: Education Code 48915 requires the Board to refer all expelled students to a program of study that is prepared to accommodate students with discipline problems and that is not located at the school the student currently attends or at any regular elementary, middle, junior, or senior high school. However, students expelled for the acts described in Education Code 48900(f) through (m) or Education Code 48900.2, 48900.3, or 48900.4 may be referred to a program of study that is at another elementary, middle, junior, or senior high school if the County Superintendent of Schools certifies that an alternative program is not available at a site away from such a school. ***

***Note: Education Code 48915.01 states that if the Board has established a community day school pursuant to Education Code 48661 on the same site as an elementary, middle, junior, or senior high school, expelled students may be referred to the community day school at that site. Although Education Code 48663 prohibits the use of independent study in community day schools, Education Code 48916.1 does not in any way restrict the district from offering independent study as a voluntary alternative placement option for expelled students. ***

The Board shall refer expelled students to a program of study that is: (Education Code 48915, 48915.01)

1. Appropriately prepared to accommodate students who exhibit discipline problems
2. Not provided at a comprehensive middle, junior, or senior high school or at any elementary school, unless the program is offered at a community day school established at any of these
3. Not housed at the school site attended by the student at the time of suspension

(cf. 6158 - Independent Study)

(cf. 6185 - Community Day School)

When the placement described above is not available and when the County Superintendent so certifies, students expelled for only acts described in items #6-12 under "Grounds for Suspension and Expulsion: Grades K-12" and items #1-3 under "Additional Grounds for Suspension and Expulsion: Grades 4-12" above may be referred to a program of study that is provided at another comprehensive middle, junior, or senior high school or at an elementary school. (Education Code 48915)

The program for a student expelled from any of grades K-6 shall not be combined or merged with programs offered to students in any of grades 7-12. (Education Code 48916.1)

Readmission After Expulsion

***Note: Education Code 48916 mandates that the Board adopt rules and regulations establishing a procedure for filing and processing requests for readmission and a process for Board review of all expelled students for readmission. Items #1-2 below should be revised to reflect district practice. ***

Prior to the date set by the Board for the student's readmission:

1. The Superintendent or designee shall hold a conference with the parent/guardian and the

student. At the conference, the student's rehabilitation plan shall be reviewed and the Superintendent or designee shall verify that the provisions of this plan have been met. School regulations shall be reviewed and the student and parent/guardian shall be asked to indicate in writing their willingness to comply with these regulations.

2. The Superintendent or designee shall transmit to the Board his/her recommendation regarding readmission. The Board shall consider this recommendation in closed session. If a written request for open session is received from the parent/guardian or adult student, it shall be honored to the extent that privacy rights of other students are not violated.

3. If the readmission is granted, the Superintendent or designee shall notify the student and parent/guardian, by registered mail, of the Board's decision regarding readmission.

4. The Board may deny readmission only if it finds that the student has not satisfied the conditions of the rehabilitation plan or that the student continues to pose a danger to campus safety or to other district students or employees. (Education Code 48916)

5. If the Board denies the readmission of a student, the Board shall determine either to continue the student's placement in the alternative educational program initially selected or to place the student in another program that serves expelled students, including placement in a county community school.

6. The Board shall provide written notice to the expelled student and parent/guardian describing the reasons for denying readmittance into the regular program. This notice shall indicate the Board's determination of the educational program which the Board has chosen. The student shall enroll in that program unless the parent/guardian chooses to enroll the student in another school district. (Education Code 48916)

No student shall be denied readmission into the district based solely on the student's arrest, adjudication by a juvenile court, formal or informal supervision by a probation officer, detention in a juvenile facility, enrollment in a juvenile court school, or other such contact with the juvenile justice system. (Education Code 48645.5)

Maintenance of Records

The district shall maintain a record of each suspension and expulsion, including its specific cause(s). (Education Code 48900.8)

Expulsion records of any student shall be maintained in the student's mandatory interim record and sent to any school in which the student subsequently enrolls upon written request by that school. (Education Code 48918(k))

***Note: Education Code 48915.1 requires that, when an expelled student asks to enroll in another district, the receiving district must hold a hearing to determine whether the student poses a danger to its students or staff. The receiving district then may either deny or permit the enrollment. Upon request from another district, the expelling district must provide information about the expulsion within five days. ***

The Superintendent or designee shall, within five working days, honor any other district's request

for information about an expulsion from this district. (Education Code 48915.1)

(cf. 5119 - Students Expelled from Other Districts)

Section 6: Sexual Harassment Policy

Students

Sexual Harassment

BP 5145.7

***Note: Education Code 231.5 mandates the district to have written policies on sexual harassment. The following policy addresses harassment by and/or of students; for policy addressing the sexual harassment by and/or of employees, see BP/AR 4119.11/4219.11/4319.11 - Sexual Harassment. ***

***Note: Title IX of the Education Amendments of 1972 (20 USC 1681-1688) prohibits discrimination based on sex by recipients of federal financial assistance. School districts are responsible under Title IX and the regulations for the issuance of a policy against sex discrimination (34 CFR 106.8). Sexual harassment is a form of sex discrimination under Title IX and can deny or limit a student's ability to participate in or receive education benefits, services, or opportunities on the basis of that student's sex. ***

***Note: A district can be held liable for civil damages for the sexual harassment of students pursuant to Title IX and/or Education Code 220, if the district is found to have been "deliberately indifferent" in its response to known sexual harassment. In *Davis v. Monroe County Board of Education*, the U.S. Supreme Court held that a district would be deliberately indifferent if (1) the harasser and the context in which the sexual harassment occurred were within the district's control; (2) the harassment was so severe, pervasive, and objectively offensive that it deprived a student of access to educational opportunities or benefits provided by the district; (3) the district had actual knowledge of the harassment; and (4) the district's conduct was unreasonable considering the surrounding circumstances. This standard was applied by an appellate court in *Donovan v. Poway Unified School District* based on Education Code 220. ***

***Note: In addition to filing a private civil lawsuit, an alleged victim of sexual harassment may file a complaint with the California Department of Education (CDE) and/or the U.S. Department of Education's Office for Civil Rights (OCR), the federal agency responsible for administrative enforcement of federal laws and regulations that prohibit discrimination in programs and activities that receive federal financial assistance from the U.S. Department of Education. OCR applies a different standard than the "deliberate indifference" standard when addressing complaints against a district. Under OCR's enforcement standards, a district may be held to be in violation when a student is subjected to harassing conduct by another student, an employee, or a third party, and (1) the district knows or should know about the harassment, (2) the harassment is sufficiently serious as to create a hostile educational environment for the student, and (3) the district failed to take appropriate responsive actions. In other words, while a district is not responsible for the conduct of the other student or the third party, it may be liable for failing to

respond adequately once it has notice. However, if a student is sexually harassed by an employee who was acting in the context of his/her job responsibilities, the district may be in violation of Title IX whether or not it has notice. See BP/AR 4119.11/4219.11/4319.11 - Sexual Harassment. ***

***Note: In April 2011, OCR issued its Dear Colleague Letter: Sexual Violence to supplement its January 2001 Revised Sexual Harassment Guidance on federal Title IX requirements as they pertain to sexual harassment. In the letter, OCR clarifies that sexual violence, including rape, sexual assault, sexual battery, and sexual coercion, is a form of sexual harassment that must be addressed by districts using the same procedures used to address other forms of sexual harassment, such as unwelcome sexual advances. ***

***Note: CSBA staff met with representatives from CDE and OCR to discuss this policy and the accompanying regulation as they relate to the uniform complaint procedure (UCP) requirements. As a result, the sample policy and regulation have been drafted to go beyond the minimal requirements under California's UCP laws and regulations in an attempt to address issues and concerns raised by CDE and OCR. While CDE and OCR have not approved or signed off on them, CSBA believes that the additional details provided herein may help school districts and county offices of education during any compliance check by CDE or in the event that a CDE or OCR investigation occurs. ***

The Governing Board is committed to maintaining a safe school environment that is free from harassment and discrimination. The Board prohibits sexual harassment of students at school or at school-sponsored or school-related activities. The Board also prohibits retaliatory behavior or action against any person who reports, files a complaint or testifies about, or otherwise supports a complainant in alleging sexual harassment.

***Note: OCR's January 2001 Revised Sexual Harassment Guidance and 2011 Dear Colleague Letter: Sexual Violence note that, regardless of whether a harassed student, his/her parent/guardian, or a third party files a complaint under the district procedures or otherwise requests action on the student's behalf, a school that knows, or reasonably should know, about possible harassment must promptly take action to determine what occurred and then take appropriate steps to resolve the situation. Even where a parent/guardian or student does not wish to disclose the student's identity, there are steps a school can take to limit the effects of alleged harassment and prevent its recurrence without initiating formal action. Such steps may include limited investigative activities and actions to protect the complainant and the school community and prevent recurrence while keeping the identity of the complainant confidential. These actions may include providing services to the complainant, such as counseling services; providing increased monitoring, supervision, or security at locations or activities where the misconduct occurred; providing training and education materials for students and employees; or changing and publicizing the school's policies on sexual violence. OCR has indicated that the principles in its Revised Sexual Harassment Guidance also apply to harassment based on race, color, national origin, disability, or age. ***

***Note: It is also important to note that a referral to law enforcement does not relieve a school district of its responsibility to investigate the complaint as a matter of sex discrimination. ***

The district strongly encourages any student who feels that he/she is being or has been sexually

harassed on school grounds or at a school-sponsored or school-related activity by another student or an adult to immediately contact his/her teacher, the principal, or any other available school employee. Any employee who receives a report or observes an incident of sexual harassment shall notify the principal or a district compliance officer.

(cf. 0410 - Nondiscrimination in District Programs and Activities)

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 5131 - Conduct)

(cf. 5131.2 - Bullying)

(cf. 5137 - Positive School Climate)

(cf. 5141.4 - Child Abuse Prevention and Reporting)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 6142.1 - Sexual Health and HIV/AIDS Prevention Instruction)

***Note: Pursuant to Education Code 231.5, the district's policy must contain information on where to obtain a specific procedure for reporting incidents of sexual harassment and pursuing available remedies. In addition, 34 CFR 106.8 requires a district to adopt and publish a complaint procedure providing for a prompt and equitable resolution of student complaints alleging sexual harassment. To avoid confusion that may arise from having a multiplicity of complaint processes for resolving a variety of student complaints, it is recommended that districts use the UCP to investigate and resolve sexual harassment complaints involving students. See AR 1312.3 - Uniform Complaint Procedures for details of these procedures. ***

Complaints regarding sexual harassment shall be investigated and resolved in accordance with law and district procedures specified in AR 1312.3 - Uniform Complaint Procedures. Principals are responsible for notifying students and parents/guardians that complaints of sexual harassment can be filed under AR 1312.3 and where to obtain a copy of the procedures.

(cf. 1312.3 - Uniform Complaint Procedures)

***Note: Government Code 12950.1 requires any district with 50 or more employees to provide two hours of sexual harassment training and education to supervisory employees once every two years. See AR 4119.11/4219.11/4319.11 - Sexual Harassment. In addition, in its April 2011 Dear Colleague Letter: Sexual Violence, OCR underlies the importance of training in preventing and responding to sexual harassment and encourages districts to provide training to all segments of the school community. ***

The Superintendent or designee shall take appropriate actions to reinforce the district's sexual harassment policy.

Instruction/Information

The Superintendent or designee shall ensure that all district students receive age-appropriate information on sexual harassment. Such instruction and information shall include:

1. What acts and behavior constitute sexual harassment, including the fact that sexual harassment could occur between people of the same sex and could involve sexual violence
2. A clear message that students do not have to endure sexual harassment under any

circumstance

***Note: In its April 2011 Dear Colleague Letter: Sexual Violence, OCR acknowledges that, where sexual harassment or violence occurs in the context of other possible rule violations, students may be reluctant to report sexual harassment or violence. For example, a student who is sexually harassed while he/she is away from school without permission may be reluctant to file a complaint if he/she believes that he/she may be disciplined for the violation. As such, item #4 below clarifies that any other rule violation will be addressed separately from the sexual harassment complaint in order to encourage students to report the harassment. ***

3. Encouragement to report observed incidents of sexual harassment even where the alleged victim of the harassment has not complained
4. A clear message that student safety is the district's primary concern, and that any separate rule violation involving an alleged victim or any other person reporting a sexual harassment incident will be addressed separately and will not affect the manner in which the sexual harassment complaint will be received, investigated, or resolved
5. Information about the district's procedure for investigating complaints and the person(s) to whom a report of sexual harassment should be made

***Note: In its April 2011 Dear Colleague Letter: Sexual Violence, OCR restates the requirement that a district's procedure for investigating sexual harassment complaints must be widely disseminated and be written in language appropriate to the age of the school's students. Examples include having copies of the procedure available throughout the school, publishing the procedure in the student handbook, and identifying individuals who can explain the procedure. ***

6. Information about the rights of students and parents/guardians to file a civil or criminal complaint, as applicable

Disciplinary Actions

***Note: Pursuant to Education Code 48900.2, a student in grades 4-12 may be suspended and/or expelled from school for sexual harassment. Education Code 48900.2 also requires the sexual harassment, when considered from the perspective of a reasonable person of the same gender as the alleged victim, to be sufficiently severe or pervasive as to have a negative impact upon the alleged victim's academic performance or to create an intimidating, hostile, or offensive educational environment for the alleged victim. Under OCR's 2001 Revised Sexual Harassment Guidance interpreting Title IX, a hostile environment is created when the conduct is sufficiently serious that it denies or limits a student's ability to participate in or benefit from the school's program based on sex. OCR considers the conduct from both the subjective perspective of the individual who was harassed and from the perspective of a reasonable person with the same characteristics as the alleged victim. Districts should also note that Education Code 48915(c) requires the Superintendent or designee to recommend expulsion for any student, irrespective of grade, who commits sexual assault or battery as defined in the Penal Code. See AR 5144.1 - Suspension and Expulsion/Due Process. ***

Any student who engages in sexual harassment or sexual violence at school or at a school-sponsored or school-related activity is in violation of this policy and shall be subject to disciplinary action. For students in grades 4-12, disciplinary action may include suspension and/or expulsion, provided that, in imposing such discipline, the entire circumstances of the incident(s) shall be taken into account.

(cf. 5144 - Discipline)

(cf. 5144.1 - Suspension and Expulsion/Due Process)

(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))

Any staff member found to have engaged in sexual harassment or sexual violence toward any student shall be subject to discipline up to and including dismissal in accordance with applicable policies, laws, and/or collective bargaining agreements.

(cf. 4117.4 - Dismissal)

(cf. 4117.7 - Employment Status Report)

(cf. 4118 - Suspension/Disciplinary Action)

(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)

Record-Keeping

The Superintendent or designee shall maintain a record of all reported cases of sexual harassment to enable the district to monitor, address, and prevent repetitive harassing behavior in district schools.

(cf. 3580 - District Records)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex

48900 Grounds for suspension or expulsion

48900.2 Additional grounds for suspension or expulsion; sexual harassment

48904 Liability of parent/guardian for willful student misconduct

48980 Notice at beginning of term

CIVIL CODE

51.9 Liability for sexual harassment; business, service and professional relationships

1714.1 Liability of parents/guardians for willful misconduct of minor

GOVERNMENT CODE

12950.1 Sexual harassment training

CODE OF REGULATIONS, TITLE 5

4600-4687 Uniform complaint procedures

4900-4965 Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 20

1221 Application of laws

1232g Family Educational Rights and Privacy Act

1681-1688 Title IX, discrimination

UNITED STATES CODE, TITLE 42

1983 Civil action for deprivation of rights

2000d-2000d-7 Title VI, Civil Rights Act of 1964
2000e-2000e-17 Title VII, Civil Rights Act of 1964 as amended
CODE OF FEDERAL REGULATIONS, TITLE 34
99.1-99.67 Family Educational Rights and Privacy
106.1-106.71 Nondiscrimination on the basis of sex in education programs
COURT DECISIONS

Donovan v. Poway Unified School District, (2008) 167 Cal.App.4th 567
Flores v. Morgan Hill Unified School District, (2003, 9th Cir.) 324 F.3d 1130
Reese v. Jefferson School District, (2001, 9th Cir.) 208 F.3d 736
Davis v. Monroe County Board of Education, (1999) 526 U.S. 629
Gebser v. Lago Vista Independent School District, (1998) 524 U.S. 274
Oona by Kate S. v. McCaffrey, (1998, 9th Cir.) 143 F.3d 473
Doe v. Petaluma City School District, (1995, 9th Cir.) 54 F.3d 1447

Management Resources:

CSBA PUBLICATIONS

Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014
Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011
U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS
Questions and Answers on Title IX and Sexual Violence, April 2014
Dear Colleague Letter: Sexual Violence, April 4, 2011
Sexual Harassment: It's Not Academic, September 2008
Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, January 2001

WEB SITES

CSBA: <http://www.csba.org>
California Department of Education: <http://www.cde.ca.gov>
U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/about/offices/list/ocr>

Students

Sexual Harassment

AR 5145.7

***Note: Pursuant to 34 CFR 106.8, districts that receive federal financial assistance are mandated to designate an employee to ensure district compliance with Title IX of the Education Amendments of 1972 and its implementing regulations, including the investigation of complaints alleging sex discrimination. The following paragraph specifies the position designated as the district's Title IX Coordinator and compliance officer for purposes of complaints alleging sex discrimination, including sexual harassment, filed under AR 1312.3 - Uniform Complaint Procedures. To designate separate district employees to serve these functions, the district should modify the following paragraph accordingly. ***

The district designates the following individual(s) as the responsible employee(s) to coordinate its efforts to comply with Title IX of the Education Amendments of 1972 and California Education Code 234.1, as well as to investigate and resolve sexual harassment complaints under AR 1312.3 - Uniform Complaint Procedures. The coordinator/compliance officer(s) may be

contacted at:

Superintendent
18451 Carter Street
Tuolumne, CA 95379
209-928-4291 ext. 1295

(cf. 1312.3 - Uniform Complaint Procedures)

***Note: Education Code 212.5 defines sexual harassment as any unwelcome sexual advance, request for sexual favors, and other verbal, visual, or physical conduct of a sexual nature, made by someone in the educational setting. For purposes of suspension and expulsion, Education Code 48900.2 defines sexual harassment as conduct, when considered from the perspective of a reasonable person of the same gender as the victim, that is sufficiently severe or pervasive as to have a negative impact upon the victim's academic performance or to create an intimidating, hostile, or offensive educational environment for the victim. See AR 5144.1 - Suspension and Expulsion/Due Process. ***

***Note: Under OCRs 2001 Revised Sexual Harassment Guidance interpreting Title IX, sexual harassment is unwelcome conduct of a sexual nature. A hostile environment is created when the conduct is sufficiently serious that it denies or limits a student's ability to participate in or benefit from the school's program based on sex. OCR considers the conduct from both the subjective perspective of the individual who was harassed and from the perspective of a reasonable person with the same characteristics as the victim. ***

Prohibited sexual harassment includes, but is not limited to, unwelcome sexual advances, unwanted requests for sexual favors, or other unwanted verbal, visual, or physical conduct of a sexual nature made against another person of the same or opposite sex in the educational setting, under any of the following conditions:

(Education Code 212.5; 5 CCR 4916)

1. Submission to the conduct is explicitly or implicitly made a term or condition of a student's academic status or progress.
2. Submission to or rejection of the conduct by a student is used as the basis for academic decisions affecting the student.
3. The conduct has the purpose or effect of having a negative impact on the student's academic performance or of creating an intimidating, hostile, or offensive educational environment.
4. Submission to or rejection of the conduct by the student is used as the basis for any decision affecting the student regarding benefits and services, honors, programs, or activities available at or through any district program or activity.

(cf. 5131 - Conduct)

(cf. 5131.2 - Bullying)

(cf. 5137 - Positive School Climate)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 6142.1 - Sexual Health and HIV/AIDS Prevention Instruction)

***Note: The following list contains common examples of sexual harassment from the U.S. Department of Education's Office for Civil Rights' (OCR) April 2011 Dear Colleague Letter: Sexual Violence, its January 2001 Revised Sexual Harassment Guidance, and definitions specified in 5 CCR 4916. ***

Examples of types of conduct which are prohibited in the district and which may constitute sexual harassment include, but are not limited to:

1. Unwelcome leering, sexual flirtations, or propositions
2. Unwelcome sexual slurs, epithets, threats, verbal abuse, derogatory comments, or sexually degrading descriptions
3. Graphic verbal comments about an individual's body or overly personal conversation
4. Sexual jokes, derogatory posters, notes, stories, cartoons, drawings, pictures, obscene gestures, or computer-generated images of a sexual nature
5. Spreading sexual rumors
6. Teasing or sexual remarks about students enrolled in a predominantly single-sex class
7. Massaging, grabbing, fondling, stroking, or brushing the body
8. Touching an individual's body or clothes in a sexual way
9. Impeding or blocking movements or any physical interference with school activities when directed at an individual on the basis of sex
10. Displaying sexually suggestive objects
11. Sexual assault, sexual battery, or sexual coercion

Reporting Process and Complaint Investigation and Resolution

***Note: The following reporting process details site-level steps to be taken by students and others for reporting sexual harassment incidents. In its April 2011 Dear Colleague Letter: Sexual Violence and January 2001 Revised Sexual Harassment Guidance, OCR acknowledges that procedures adopted by districts to address student harassment complaints will vary considerably depending on a number of factors, including the size of the district. ***

***Note: Pursuant to Education Code 231.5, the district's policy must contain information on where to obtain the specific procedure for reporting incidents of sexual harassment and pursuing available remedies. In addition, 34 CFR 106.8 requires a district to adopt and publish a complaint procedure providing for a "prompt and equitable" resolution of student complaints alleging sexual harassment. To avoid confusion that may arise from having a multiplicity of

complaint processes for resolving a variety of student complaints, it is recommended that districts use their uniform complaint procedures (UCP) to investigate and resolve sexual harassment complaints involving students and to track complaints through a districtwide system. See AR 1312.3 - Uniform Complaint Procedures for details of these procedures. ***

Any student who believes that he/she has been subjected to sexual harassment or who has witnessed sexual harassment is strongly encouraged to report the incident to his/her teacher, the principal, or any other available school employee. Within one school day of receiving such a report, the school employee shall forward the report to the principal or the district's compliance officer identified in AR 1312.3. In addition, any school employee who observes an incident of sexual harassment involving a student shall, within one school day, report his/her observation to the principal or a district compliance officer. The employee shall take these actions, whether or not the alleged victim files a complaint.

In any case of sexual harassment involving the principal, compliance officer, or any other person to whom the incident would ordinarily be reported or filed, the report may instead be submitted the Superintendent or designee.

(cf. 5141.4 - Child Abuse Prevention and Reporting)

When a report of sexual harassment is submitted, the principal or compliance officer shall inform the student or parent/guardian of the right to file a formal written complaint in accordance with the district's uniform complaint procedures.

If a complaint of sexual harassment is initially submitted to the principal, he/she shall, within two school days, forward the report to the compliance officer to initiate investigation of the complaint. The compliance officer shall contact the complainant and investigate and resolve the complaint in accordance with law and district procedures specified in AR 1312.3.

Confidentiality

***Note: Pursuant to 5 CCR 4964, districts are required to keep complaints and allegations of sexual harassment confidential, except when disclosure is necessary to further the investigation, other needed remedial action, or ongoing monitoring. ***

All complaints and allegations of sexual harassment shall be kept confidential except as necessary to carry out the investigation or take other subsequent necessary action. (5 CCR 4964)

***Note: The Family Educational Rights and Privacy Act (FERPA) (20 USC 1232g; 34 CFR 99.1-99.67) protects student privacy, including student records such as the description of the corrective actions taken in response to a complaint of sexual harassment. Thus, districts are advised to consult legal counsel in determining what information must be included in the final written decision sent to the complainant and what information must not be included. ***

***Note: In determining what information to include and not include in the final written decision for complaints regarding sexual harassment, districts should be aware that current law (20 USC 1221) states that nothing in FERPA is to "be construed to affect the applicability of Title VI of the Civil Rights Act of 1964, Title IX of Education Amendments of 1972, Title V of the Rehabilitation Act of 1973, the Age Discrimination Act, or other statutes prohibiting

discrimination, to any applicable program." OCR has interpreted these provisions to mean that FERPA permits a district to disclose to a student, who was subjected to sexual harassment, certain information about the sanctions imposed upon the offender when the sanctions directly relate to the student. For instance, if properly remedying the impact of sexual harassment would require disclosing to the alleged victim certain information on how the district disciplined the alleged student offender (e.g., a stay away order), OCR would require the district to disclose that information. ***

***Note: OCR's Revised Sexual Harassment Guidance and 2011 Dear Colleague Letter: Sexual Violence, as well the FAQs issued in April 2014 indicate that if a complainant in a sexual harassment case requests that his/her name or that of the victim not be revealed to the alleged perpetrator or asks that the complaint not be pursued, the district should first inform the complainant that honoring the request may limit its ability to respond and pursue disciplinary action against the alleged perpetrator. However, in all instances, the district must continue to ensure that it provides a safe and nondiscriminatory environment for all students. If there is a high risk of harm to the complainant or others (e.g., if the district has information that the alleged perpetrator is a repeat offender) and the district cannot respond adequately to the risk without disclosing the complainant's identity, then in such limited circumstances the district may be required to investigate the incident and disclose the complainant's identity. If the district determines that it will respect the confidentiality request, it should nevertheless take all reasonable steps to investigate and respond to the complaint. Such steps may include limited investigative activities that do not require the district to reveal the complainant's identity; providing services to the complainant, such as counseling services; providing increased monitoring, supervision, or security at locations or activities where the misconduct occurred; providing training and education materials for students and employees; or changing and publicizing the district's policies on sexual violence. ***

However, when a complainant or victim of sexual harassment notifies the district of the harassment but requests confidentiality, the compliance officer shall inform him/her that the request may limit the district's ability to investigate the harassment or take other necessary action. When honoring a request for confidentiality, the district will nevertheless take all reasonable steps to investigate and respond to the complaint consistent with the request.

When a complainant or victim of sexual harassment notifies the district of the harassment but requests that the district not pursue an investigation, the district will determine whether or not it can honor such a request while still providing a safe and nondiscriminatory environment for all students.

(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)
(cf. 5125 - Student Records)

Response Pending Investigation

***Note: The following reporting process may be revised to reflect district practice. In its April 2011 Dear Colleague Letter: Sexual Violence, OCR cautions that districts may have an obligation to respond to notice of sexual harassment of students which occurs off school grounds or outside school-sponsored or school-related programs or activities, since the sexual harassment

may still create a hostile environment at school. ***

When an incident of sexual harassment is reported, the principal or designee, in consultation with the compliance officer, shall determine whether interim measures are necessary pending the results of the investigation. The principal/designee or compliance officer shall take immediate measures necessary to stop the harassment and protect students and/or ensure their access to the educational program. Such measures may include placing the individuals involved in separate classes or transferring a student to a class taught by a different teacher, in accordance with law and Board policy. The school should notify the individual who was harassed of his/her options to avoid contact with the alleged harasser and allow the complainant to change academic and extracurricular arrangements as appropriate. The school should also ensure that the complainant is aware of the resources and assistance, such as counseling, that are available to him/her. As appropriate, such actions shall be considered even when a student chooses to not file a formal complaint or the sexual harassment occurs off school grounds or outside school-sponsored or school-related programs or activities.

Notifications

***Note: In its January 2001 Revised Sexual Harassment Guidance, OCR states that a procedure for sexual harassment complaints cannot be prompt or equitable unless it is widely disseminated and written in language appropriate to the age of the school's students. Examples include having a copy of the procedures available throughout the school, publishing the procedures in the student handbook, and identifying individuals who can explain the procedure. ***

A copy of the district's sexual harassment policy and regulation shall:

1. Be included in the notifications that are sent to parents/guardians at the beginning of each school year (Education Code 48980; 5 CCR 4917)

(cf. 5145.6 - Parental Notifications)

2. Be displayed in a prominent location in the main administrative building or other area where notices of district rules, regulations, procedures, and standards of conduct are posted, including school web sites (Education Code 231.5)

(cf. 1113 - District and School Web Sites)

3. Be provided as part of any orientation program conducted for new students at the beginning of each quarter, semester, or summer session (Education Code 231.5)

4. 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)

Students

Bullying

BP 5131.2

***Note: Education Code 234.1 and federal law mandate that the Governing Board adopt policy prohibiting

discrimination, harassment, intimidation, retaliation, and bullying based on specified characteristics; see BP 5145.3 - Nondiscrimination/Harassment for language fulfilling this mandate. ***

***Note: In its October 2010 Dear Colleague Letter: Harassment and Bullying, the U.S. Department of Education Office for Civil Rights (OCR) clarified that misconduct that falls under a district's general anti-bullying policy may also trigger responsibilities under one or more federal antidiscrimination laws if the bullying is on the basis of race, color, national origin, sex, sexual orientation, gender identity or expression, age, disability, and/or other legally protected category. If so, federal law requires the district to investigate or otherwise determine what occurred and, if it finds that unlawful discrimination did occur, take prompt and effective steps reasonably calculated to end the discrimination, eliminate any hostile environment and its effects, and prevent the discrimination from recurring. ***

***Note: In addition, OCR's August 2013 Dear Colleague Letter: Bullying of Students with Disabilities points out that any bullying of any student with disabilities that results in the student not receiving meaningful educational benefit constitutes a denial of a free appropriate public education and must be remedied under the federal Individuals with Disabilities Education Act. As necessary, the school may need to convene the student's individualized education program (IEP) team to determine whether the student's needs have changed as a result of the bullying and, if so, revise the IEP to ensure that the student continues to receive appropriate special education and related services. ***

***Note: Thus, while this policy is intended to prevent and address all types of bullying incidents among students, school officials need to know that when "discriminatory bullying" is committed (i.e., discrimination based on the actual or perceived status of the alleged victim which is protected by law, such as race, sex, sexual orientation, gender identity or expression, religion, age or disability), and the bullying is sufficiently serious to create a hostile educational environment for the alleged victim or to otherwise deny or limit his/her educational benefits and services, including denial of a free appropriate public education, the alleged victim must be afforded the protections specified under relevant state and/or federal law. ***

***Note: CSBA staff met with representatives from California Department of Education (CDE) and OCR to discuss this policy as it relates to the uniform complaint procedure (UCP) requirements. As a result, this sample policy has been drafted to go beyond the minimal requirements under California's UCP laws and regulations in an attempt to address issues and concerns raised by CDE and OCR. While CDE and OCR have not approved or signed off on them, CSBA believes that the additional details provided herein may help school districts and county offices of education during any compliance check by CDE or in the event that a CDE or OCR investigation occurs. ***

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 individual or group shall, through physical, written, verbal, or other means, harass, sexually harass, threaten, intimidate, retaliate, cyberbully, cause bodily injury to, or commit hate violence against any student or school personnel.

(cf. 5131 - Conduct)

(cf. 5136 - Gangs)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

(cf. 5145.9 - Hate-Motivated Behavior)

***Note: Pursuant to Education Code 48900, the definition of "bullying" for purposes of establishing grounds for suspension or expulsion includes bullying via an electronic act such as posting of messages on social media networks; see AR 5144.1 - Suspension and Expulsion/Due Process. AB 256 (Ch. 700, Statutes of 2013) amended Education Code 48900 to redefine "electronic act" to include acts that originate off campus; see the section "Discipline" below. ***

***Note: In addition, Penal Code 653.2 makes it a crime to distribute another person's personally identifiable information electronically with the intent to cause harassment by a third party and to threaten a person's safety or that of his/her family (e.g., placing a person's picture or address online so that he/she receives harassing messages). ***

Cyberbullying includes the creation or 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.

(cf. 5145.2 - Freedom of Speech/Expression)

***Note: Education Code 32282 encourages districts to include bullying prevention policies and procedures in their comprehensive safety plan; see BP 0450 - Comprehensive Safety Plan. In addition, Education Code 52060-52077, as added by AB 97 (Ch. 47, 2013), requires the Board to adopt and annually update a local control and accountability plan which includes, among other specified state priorities, goals for addressing school climate; see BP/AR 0460 - Local Control and Accountability Plan. Pursuant to Education Code 52060, school climate should be measured by student suspension and expulsion rates and other local measures, including surveys of students, parents/guardians, and teachers on the sense of safety and school connectedness, as applicable. ***

Strategies for addressing bullying in district schools shall be developed with involvement of key stakeholders, including students, parents/guardians, and staff, and may be incorporated into the comprehensive safety plan, the local control and accountability plan, and other applicable district and school plans.

(cf. 0420 - School Plans/Site Councils)

(cf. 0450 - Comprehensive Safety Plan)

(cf. 0460 - Local Control and Accountability Plan)

(cf. 1220 - Citizen Advisory Committees)

(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)

(cf. 6020 - Parent Involvement)

***Note: Because bullying is not limited to one environment, collaboration among a variety of community agencies and organizations that serve youth may be helpful in preventing and responding to bullying. For further information about building a collaborative, see CSBA's publications *Safe Schools: Strategies for Governing Boards to Ensure Student Success* and *Building Healthy Communities: A School Leader's Guide to Collaboration and Community Engagement*. ***

As appropriate, the Superintendent or designee may collaborate with law enforcement, courts, social services, mental health services, other agencies, and community organizations in the development and implementation of joint strategies to promote safety in schools and the community and to provide services for alleged victims and perpetrators of bullying.

(cf. 1020 - Youth Services)

Bullying Prevention

To the extent possible, district schools shall focus on the prevention of bullying by establishing clear rules for student conduct and implementing strategies to promote 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 engaging in bullying.

(cf. 5137 - Positive School Climate)

***Note: California content standards related to student education about bullying and violence prevention (e.g., recognizing the characteristics of bullying, examining the effects of bullying on others, demonstrating what to say and do when witnessing bullying) are addressed within the health education content standards adopted by the State Board of Education. ***

***Note: 47 USC 254 mandates districts that receive e-rate discounts to adopt a policy which addresses educating students about appropriate online behavior, including the interaction with other individuals on social networking web sites and in chat rooms, as well as providing information about cyberbullying awareness and response. See BP 6163.4 - Student Use of Technology for language implementing this mandate. ***

As appropriate, the district shall 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.

(cf. 6142.8 - Comprehensive Health Education)
(cf. 6142.94 - History-Social Science Instruction)
(cf. 6163.4 - Student Use of Technology)

***Note: Education Code 32283.5, as added by AB 1993 (Ch. 418, Statutes of 2014), requires the CDE to develop an online training module to assist all school staff, school administrators, parents/guardians, students, and community members in increasing their knowledge of the dynamics of bullying and cyberbullying, including, but not limited to, identifying acts of bullying or cyberbullying and implementing strategies to address such acts. ***

Staff shall receive related professional development, including information about early warning signs of harassing/intimidating behaviors and effective response.

(cf. 4131 - Staff Development)
(cf. 4231 - Staff Development)
(cf. 4331 - Staff Development)

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, and 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.

***Note: Although Education Code 234.1 requires the district to adopt a policy requiring school personnel who witness acts of unlawful discrimination, harassment, intimidation, retaliation, or bullying against students based on the actual or perceived status of the student belonging to a protected class to take immediate steps to intervene when it is safe to do so, it is recommended that districts apply this policy equally to all students; also see AR 5145.3 - Nondiscrimination/Harassment. ***

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

When appropriate based on the severity or pervasiveness of the bullying, the Superintendent or designee shall notify the parents/guardians of victims and perpetrators and may contact law enforcement.

***Note: Education Code 48900.9, as added by AB 1455 (Ch. 229, Statutes of 2014), authorizes referrals to case management, counseling, and restorative justice programs, as provided below. ***

The Superintendent, principal, or principal's designee may refer a victim, witness, perpetrator, or other student affected by an act of bullying to a school counselor, school psychologist, social worker, child welfare attendance personnel, school nurse, or other school support service personnel for case management, counseling, and/or participation in a restorative justice program as appropriate. (Education Code 48900.9)

(cf. 6164.2 - Guidance/Counseling Services)

Complaints and Investigation

***Note: Pursuant to Education Code 234.1, districts are required to adopt a process for receiving and investigating complaints involving unlawful discrimination, including discriminatory bullying, based on race or ethnicity, nationality, gender, sex, sexual orientation, religion, or any other characteristic contained in the definition of hate crimes in Penal Code 422.55. 5 CCR 4600-4633, as amended by Register 2013, No. 38, provide that the UCP utilizing compliance officer(s) must be used for this purpose. In addition, federal regulations require districts to adopt procedures providing for prompt and equitable resolution of complaints of unlawful discrimination, including discriminatory bullying, on the basis of sex (34 CFR 106.8), disability (34 CFR 104.7 and 28 CFR 35.107), and age

(34 CFR 110.25). ***

***Note: Although some bullying incidents may not fall within the provisions of Education Code 234.1 or federal civil rights regulations, CSBA strongly recommends that districts use the UCP to investigate and resolve all bullying incidents (whether discriminatory or nondiscriminatory) to ensure consistent implementation by district staff. Additionally, it is not always easy or possible for staff to know at the time of the incident whether a student was bullied because of his/her actual or perceived membership in a legally protected class. Districts that are concerned about the capacity of a single district compliance officer to handle a possible increase in the number of UCP complaints, or that prefer to handle certain incidents at the school site level whenever possible, may designate multiple compliance officers in accordance with AR 1312.3 - Uniform Complaint Procedures. ***

***Note: The following optional paragraph provides that all complaints regarding bullying will be investigated and resolved using the district's UCP. Districts that choose to use another complaint procedure for bullying incidents that are not covered by Education Code 234.1 should revise the following paragraph accordingly. ***

Any complaint of bullying, whether it is discriminatory or nondiscriminatory, shall be investigated and resolved in accordance with law and the district's uniform complaint procedures specified in AR 1312.3 - Uniform Complaint Procedures.

(cf. 1312.3 - Uniform Complaint Procedures)

***Note: The following reporting process may be revised to reflect district practice. ***

Any student, parent/guardian, or other individual who believes that a student has been subjected to bullying or who has witnessed bullying may report the incident to a teacher, the principal, a compliance officer, or any other available school employee. Within one business day of receiving such a report, a staff member shall notify the principal of the report, whether or not a uniform complaint is filed. Within two business days of receiving a report of bullying, the principal shall notify a district compliance officer identified in AR 1312.3. In addition, any school employee who observes an incident of bullying involving a student shall, within one business day, report his/her observation to the principal or a district compliance officer, whether or not the alleged victim files a complaint.

***Note: Districts have the authority to monitor student use of the district's Internet system and to conduct individual searches of student accounts if there is reasonable suspicion that a user has violated district policy or the law; see BP/AR 5145.12 - Search and Seizure and BP/AR 6163.4 - Student Use of Technology. ***

When the circumstances involve cyberbullying, individuals with information about the activity shall be encouraged to save and print any electronic or digital messages that they feel constitute cyberbullying and to notify a teacher, the principal, or other employee so that the matter may be investigated. When a student uses a social networking site or service to bully or harass another student, the Superintendent or designee may file a request with the networking site or service to suspend the privileges of the student and to have the material removed.

When a report of bullying is submitted, the principal or a district compliance officer shall inform the student or parent/guardian of the right to file a formal written complaint in accordance with AR 1312.3. The student who is the alleged victim of the bullying shall be given an opportunity to describe the incident, identify witnesses who may have relevant information, and provide other evidence of bullying.

Discipline

***Note: Pursuant to Education Code 48900-48900.4, "bullying" is a ground for suspension or expulsion; see AR 5144.1 - Suspension and Expulsion/Due Process. ***

***Note: The courts have generally upheld discipline for off-campus student conduct that posed an identifiable threat to the safety of other students, staff, or school property or presented a risk of substantial disruption of school activities, provided that the district was able to document the impact or disruption that the conduct had, or could be expected to have, on school activities (e.g., *Wynar v. Douglas County School District*,

Lavine v. Blaine School District). In addition, courts have analyzed the reasonableness of the district's policy and whether the disciplinary action taken by the district was in proportion to the student's misbehavior. For example, the

court in *J.C. v. Beverly Hills Unified School District* found that the district would be able to discipline a student for a video recorded off campus and posted on YouTube, but that the discipline imposed on this particular student was not justified since the district did not present evidence of specific facts that led school officials to predict that the video would cause substantial disruption (e.g., the video was not violent or threatening nor did it lead to any confrontations between the students). ***

***Note: Consistent with these interpretations, AB 256 (Ch. 700, Statutes of 2013) amended Education Code 48900 to define bullying by means of an electronic act to include creation or transmission originating on or off the school site. Thus, for purposes of determining whether the conduct may be subject to suspension or expulsion, the act does not necessarily need to have been committed while at school, while coming to or from school, or during a school-sponsored activity. Nevertheless, the act needs to satisfy the criteria specified in the definition of "bullying" in Education Code 48900 (i.e., a severe or pervasive physical or verbal act or conduct that has or can be reasonably predicted to have the effect of placing a reasonable student in fear of harm to his/her person or property, causing a substantially detrimental effect on his/her physical or mental health, causing substantial interference with his/her academic performance, or causing substantial interference with his/her ability to participate in or benefit from school services, activities, or privileges). ***

***Note: When the conduct does not rise to the level specified in Education Code 48900, the district may implement interventions other than suspension or expulsion to address the bullying. For further information, see CSBA's policy brief *Cyberbullying: Policy Considerations for Boards*. Also see BP 5131 - Conduct and BP 5145.2 - Freedom of Speech/Expression. ***

***Note: Additionally, districts should note that, in the context of discriminatory bullying on the basis of race, color, national origin, sex, or disability, federal law and regulations require school districts to impose discipline on students, up to and including suspension and expulsion, where necessary to remedy the effects of a hostile environment and prevent the discrimination from recurring. ***

Corrective actions for a student who commits an act of bullying of any type may include counseling, behavioral intervention and education, and, if the behavior is severe or pervasive as defined in Education Code 48900, may include suspension or expulsion in accordance with district policies and regulations.

(cf. 5138 - Conflict Resolution/Peer Mediation)
(cf. 5144 - Discipline)
(cf. 5144.1 - Suspension and Expulsion/Due Process)
(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))
(cf. 6159.4 - Behavioral Interventions for Special Education Students)

Any employee who permits or engages in bullying or retaliation related to bullying shall be subject to disciplinary action, up to and including dismissal.

(cf. 4117.3 - Dismissal)
(cf. 4118 - Suspension/Disciplinary Action)
(cf. 4119.21/4219.21/4319.21 - Professional Standards)
(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination
32282 Comprehensive safety plan
32283.5 Bullying; online training
35181 Governing board policy on responsibilities of students
35291-35291.5 Rules
48900-48925 Suspension or expulsion
48985 Translation of notices
52060-52077 Local control and accountability plan

PENAL CODE

422.55 Definition of hate crime
647 Use of camera or other instrument to invade person's privacy; misdemeanor
647.7 Use of camera or other instrument to invade person's privacy; punishment
653.2 Electronic communication devices, threats to safety

CODE OF REGULATIONS, TITLE 5
4600-4687 Uniform complaint procedures
UNITED STATES CODE, TITLE 47
254 Universal service discounts (e-rate)
CODE OF FEDERAL REGULATIONS, TITLE 28
35.107 Nondiscrimination on basis of disability; complaints
CODE OF FEDERAL REGULATIONS, TITLE 34
104.7 Designation of responsible employee for Section 504
106.8 Designation of responsible employee for Title IX
110.25 Notification of nondiscrimination on the basis of age
COURT DECISIONS
Wynar v. Douglas County School District, (2013) 728 F.3d 1062
J.C. v. Beverly Hills Unified School District, (2010) 711 F.Supp.2d 1094
Lavine v. Blaine School District, (2002) 279 F.3d 719

Management Resources:

CSBA PUBLICATIONS

Final Guidance: AB 1266, Transgender and Gender Nonconforming Students, Privacy, Programs, Activities & Facilities, Legal Guidance, March 2014
Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014
Addressing the Conditions of Children: Focus on Bullying, Governance Brief, December 2012
Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011
Building Healthy Communities: A School Leaders Guide to Collaboration and Community Engagement, 2009
Cyberbullying: Policy Considerations for Boards, Policy Brief, July 2007
CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS
Health Education Content Standards for California Public Schools: Kindergarten Through Grade Twelve, 2008
Bullying at School, 2003
U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS
Dear Colleague Letter: Bullying of Students with Disabilities, August 2013
Dear Colleague Letter: Harassment and Bullying, October 2010

WEB SITES

CSBA: <http://www.csba.org>
California Department of Education, Safe Schools Office: <http://www.cde.ca.gov/lr/ss>
Common Sense Media: <http://www.common sense media.org>
National School Safety Center: <http://www.schoolsafety.us>
ON[the]LINE, digital citizenship resources: <http://www.onthelineca.org>
U.S. Department of Education: <http://www.ed.gov>

Section 7: School Dress and Grooming

Students

Dress and Grooming

BP 5132

The Governing Board believes that appropriate dress and grooming contribute to a productive learning environment. The Board expects students to give proper attention to personal cleanliness and to wear clothes that are suitable for the school activities in which they participate. Students' clothing must not present a health or safety hazard or a distraction which would interfere with the educational process.

(cf. 4119.22 - Dress and Grooming)
(cf. 5145.2 - Freedom of Speech/Expression)

Students and parents/guardians shall be informed about dress and grooming standards at the beginning of the school year and whenever these standards are revised. A student who violates these standards shall be subject to appropriate disciplinary action.

(cf. 5144 - Discipline)

Gang-Related Apparel

The principal, staff and parents/guardians at a school may establish a reasonable dress code that prohibits students from wearing gang-related apparel when there is evidence of a gang presence that disrupts or threatens to disrupt the school's activities. Such a dress code may be included as part of the school safety plan and must be presented to the Board for approval. The Board shall approve the plan upon determining that it is necessary to protect the health and safety of the school's students.

(cf. 0450 - Comprehensive Safety Plan)
(cf. 5136 - Gangs)

Legal Reference:

EDUCATION CODE

35183 School dress codes; uniforms

35294.1 School safety plans

48907 Student exercise of free expression

49066 Grades; effect of physical education class apparel

CODE OF REGULATIONS, TITLE 5

302 Pupils to be neat and clean on entering school

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

Arcadia Unified School District v. California Department of Education, (1992) 2 Cal. 4th 251

Marvin H. Jeglin et al v. San Jacinto Unified School District et al 827 F.Supp. 1459 (C.D. Cal. 1993)

Students

Dress and Grooming

AR 5132 (a)

In cooperation with teachers, students and parents/guardians, the principal or designee shall establish school rules governing student dress and grooming which are consistent with law, Governing Board policy and administrative regulations. These school dress codes shall be regularly reviewed.

(cf. 0420 - School Plans/Site Councils)

Each school shall allow students to wear sun-protective clothing, including but not limited to hats, for outdoor use during the school day. (Education Code 35183.5)

In addition, the following guidelines shall apply to all regular school activities:

1. Shoes must be worn at all times. Backless shoes or backless sandals are not acceptable in grades K-5.
2. Clothing, jewelry and personal items (backpacks, fanny packs, gym bags, water bottles etc.) shall be free of writing, pictures or any other insignia which are crude, vulgar, profane or sexually suggestive, which bear drug, alcohol or tobacco company advertising, promotions and likenesses, or which advocate racial, ethnic or religious prejudice.
3. Hats, caps and other head coverings shall not be worn indoors.
4. Clothes shall be sufficient to conceal undergarments at all times. See-through or fish-net fabrics, halter tops, off-the-shoulder or low-cut tops, bare midriffs and skirts or shorts shorter than mid-thigh are prohibited.
5. Hair shall be clean and neatly groomed. Hair may not be sprayed by any coloring that would drip when wet.

Coaches and teachers may impose more stringent dress requirements to accommodate the special needs of certain sports and/or classes.

(cf. 3260 - Fees and Charges)

No grade of a student participating in a physical education class shall be adversely affected if the student does not wear standardized physical education apparel because of circumstances beyond the student's control. (Education Code 49066)

(cf. 5121 - Grades/Evaluation of Student Achievement)

The principal, staff, students and parent/guardians at each school may establish

reasonable dress and grooming regulations for times when students are engaged in extracurricular or other special school activities.

Gang-Related Apparel

At individual schools that have a dress code prohibiting gang-related apparel at school or school activities, the principal, staff and parents/guardians participating in the development of the school safety plan shall define "gang-related apparel" and shall limit this definition to apparel that reasonably could be determined to threaten the health and safety of the school environment if it were worn or displayed on a school campus. (Education Code 35294.1)

Because gang-related symbols are constantly changing, definitions of gang-related apparel shall be reviewed at least once each semester and updated whenever related information is received.

Students who participate in a nationally recognized youth organization shall be allowed to wear organization uniforms on days when the organization has a scheduled meeting. (Education Code 35183)

Comprehensive School Safety Plan

Summerville Elementary School District Summerville Elementary School
Section 8: Safe Ingress and Egress
Part 1: Safe Ingress and Egress

Safe Ingress and Egress (page 1 of 1)

Summerville Elementary School takes pride in being part of a school district that has a mission to provide a safe environment for all students, parents, and school employees. Our School will take measures to ensure safe ingress and egress to and from the school for pupils, parents, and school employees. Safe ingress and egress will be maintained by periodic reviews of the procedures for ingress and egress. The school will ensure that all passageways to and from school buildings, corridors within school buildings and emergency exits remain clear of all obstruction to allow flow of pedestrian and vehicular traffic. The school will also ensure that potential obstructions and hazards are removed from such areas. To achieve this goal, the school works closely with local law enforcement agencies to ensure that the school's immediate community is safe.

The principal and members of the school's safety committee will survey the surrounding community for the purpose of determining and recommending safe routes to and from school. Particular attention will be given to busy streets and major thoroughfares that are used by students, parents, and staff as they proceed to and from school.

It will be the responsibility of the principal and members of the school safety committee to give attention to the following;

1. Designated pedestrian crosswalks in the school community.
2. Busy signal cross streets adjacent to the school and school attendance areas.
3. Location of crossing guards and their assigned hourly schedules.
4. Danger zones including busy shopping areas, businesses, hospitals, narrow alleyways, streets with limited visibility to approaching traffic, etc.
5. The safest thoroughfares and/or recommended routes to and from school.

6. Conducting a student safety assembly to establish safety standards for most dependable routes to and from school. Utilizing police department public service officer to discuss safety recommendations.

While it is the intent of the principal and school safety committee to recommend a safe route(s) to and from school the principal and school safety committee members may not live in the community around the school. Therefore, it is the responsibility of parents and students to assess and use routes to and from school, which the parents and student believe is safe.

Comprehensive School Safety Plan

Summerville Elementary School District Summerville Elementary School
Section 8: Safe Ingress and Egress
Part 2: Visitors on Campus

Visitors on Campus (page 1 of 1)

The following procedures are to be followed in order to maintain a safe environment for students and staff at Summerville Elementary School,

- All visitors are to check into the office and sign in
- Visitors will be issued a colorful badge that indicates they are checked into the office
- Visitors will return the badge to the office at the end of their visit
- Staff will ask all visitors without badges to check into the office or staff will notify the office for assistance
- Police services will be called upon in the event any visitor is not complying with posted regulations

Comprehensive School Safety Plan

Summerville Elementary School Summerville Elementary School District

Section 9: Rules and Procedures of School Discipline
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DISCIPLINE POLICY

Webster’s New World Dictionary defines discipline as : “1. Training that develops self-control, character, etc. 2. orderly conduct 3. Treatment that corrects or punishes.” Our goal at Summerville Elementary School is to train students by instruction and correction of behaviors that lead our students to increasing their self-control and the development of their character. We want to prepare students for becoming stable, healthy, and productive citizens. Along with their academic development we realize that character development is highly important. The best environment for this to happen in is one that is safe, clean, and orderly. The Summerville Elementary School staff will work this year to provide such an environment for your children.

DEFINITION OF TERMS

- **Suspension** is the removal of a student from the school site. (ineligible 1 week or more)
- **In-School suspension** is the removal of a student from classes. (possible ineligibility).
- **Class suspension** is removal of a student from a class.
 - Three Citations will be considered for suspension. (Ed. Code 48900 k disruption)
 - Ten accumulated citations/suspensions will be a consideration for board referral.
 - (Repeat offenses will increase ineligibility time for athletics, trips, and activities.)
- **Detention** is the assignment of time before, during, or after school.
- **Saturday School** is the assignment of time on designated Saturdays.
- **Ineligibility** means that a student may not participate in extra-curricular activities, Friday elective activities, or academic trips during suspensions or within the trimester depending on the trip.

SUMMERVILLE ELEMENTARY SCHOOL DISTRICT ZERO TOLERANCE POLICY

The Principal Must Recommend for Expulsion and the Board of Trustees Must Expel Students for the Following Acts: (The Board is mandated to expel a student for the violation of these three offenses if the offense was committed at school or at a school related event. If the student committed the offense on the way to or home from school, the Board is not mandated to expel the student, but “may” expel the student.

- Possessed, sold or otherwise furnished a firearm
- Brandished a knife at another person
- Sold a controlled substance

The Principal Must Recommend for Expulsion and the Board of Trustees May Expel Students for the Following Acts:

- Caused or attempted to cause serious physical injury, except in self-defense
- Intentionally possessed a knife, explosive or dangerous object of no reasonable use to the student
(Any student who accidentally brings or finds at school one of the items listed in subparagraph (B)(2) will not be disciplined if the student immediately turns over the item to an employee of the District. However, if a student conceals or attempts to conceal any one of the items listed, the student is subject to discipline.)
- Committed or attempted to commit robbery or extortion
- Offered, arranged, or negotiated to sell a controlled substance, alcohol or an intoxicant of any kind and then sold, delivered, or otherwise furnished a liquid substance or material and represented it as a controlled substance, alcohol, or intoxicant
- Possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia
- Knowingly received stolen school or private property
- Intentionally possessed an imitation firearm
- Habitually committed an obscene act or habitually engaged in profanity or vulgarity

The Principal Must Discipline, May Suspend and May Recommend for Expulsion Students for the Following Acts: (The Principal shall refer any student who is a repeat offender of any of the provisions in this section to the Board of Trustees for an expulsion hearing.)

- Hate violence
- Sexual Harassment
- Hostile educational environment
- Possessed and/or used tobacco, or any products containing tobacco or nicotine
- Stole or attempted to steal school or private property
- Caused or attempted to cause or threatened to cause physical injury to another person (fighting)
- Committed an obscene act or engaged in profanity or vulgarity
- Continuous referrals for the violation of any combination of the provisions contained in THIS ZERO TOLERANCE POLICY
- Loitered on another district's campus or property during school hours
- Disruption of school or defiance of authority

CAUSES FOR SUSPENSION

The following are specific Education Code entries with their section numbers:

1. Caused, attempted to cause, or threatened to cause physical injury to another person. (Education Code section 48900(a))
2. 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 student had obtained written permission to possess the item from a certificated school employee, with the principal or designee's concurrence. (Education Code section 48900(b))
3. Unlawfully possessed, used, sold, or otherwise furnished, or been under the influence of any controlled substance as defined in the Health and Safety Code 11053 et seq., alcoholic beverage, or intoxicant of any kind. (Education Code section 48900(c))
4. Unlawfully offered, arranged, or negotiated to sell any controlled substance as defined in Health and Safety Code 10053 et seq., alcoholic beverage or intoxicant of any kind, and then sold, delivered, or otherwise furnished to any person another liquid, substance or material and represented same as controlled substance, alcoholic beverage or intoxicant. (Education Code section 48900(d))
5. Committed or attempted to commit robbery or extortion. (Education Code section 48900(e))
6. Caused or attempted to cause damage to school property or private property. (Education Code section 48900(f))
7. Stole or attempted to steal school property or private property. (Education Code section 48900(g))
8. Possessed or used tobacco or any products containing tobacco or nicotine products, including but not limited to cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel. This restriction shall not prohibit a student from using or possessing his/her own prescription products. (Education Code section 48900(h))
9. Committed an obscene act or engaged in habitual profanity or vulgarity. (Education Code section 48900(i))
10. Unlawfully possessed, or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Section 11014.5 of the Health and Safety Code. (Education Code section 48900(j))
11. Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, other school officials, or other school personnel engaged in the performance of their duties. (Education Code section 48900(k))

12. Knowingly received stolen school property or private property. (Education Code section 48900(1))
13. Possessed an imitation firearm. As used in this section, "imitation firearm" means 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 section 48900(m))
14. Committed or attempted to commit a sexual assault as defined in Section 261, 266c, 286, 288, 288a, or 289 of the Penal Code or committed a sexual battery as defined in Section 243.4 of the Penal Code. (Education Code section 48900(n))
15. Harassed, threatened, or intimidated a pupil who is a complaining witness or witness in a school disciplinary proceeding for the purpose of either preventing that pupil from being a witness or retaliating against that pupil for being a witness, or both. (Education Code section 48900(o))
16. Students are also subject to suspension or recommendation for expulsion if they have committed sexual harassment as defined in Education Code section 212.5, provided that the conduct is considered by a reasonable person of the same gender as the victim to be sufficiently severe or pervasive to have negative impact upon the victim's academic performance or to create an intimidating, hostile or offensive educational environment. This ground for suspension/expulsion shall not apply to students enrolled in kindergarten or grades one through three. (Education Code section 48900.2)
17. In addition to the reasons specified in Sections 48900 and 48900.2, a pupil in any of grades 4 to 12, inclusive, may be suspended from school or recommended for expulsion if the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has caused, attempted to cause, threatened to cause, or participated in an act of, hate violence, as defined in subdivision (e) of Section 33032.5. (Education Code section 48900.3)
18. In addition to the grounds specified in Sections 48900 and 48900.2, a pupil enrolled in any of grades 4 to 12, inclusive, may be suspended from school or recommended for expulsion if the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has intentionally engaged in harassment, threats, or intimidation, directed against a pupil or group of pupils, that is sufficiently severe or pervasive to have the actual and reasonably expected effect of materially disrupting class work, creating substantial disorder, and invading the rights of that pupil or group of pupils by creating an intimidating or hostile educational environment. (Education Code section 48900.4)

A student may be suspended or expelled for any of the acts listed above if the act is related to school activity or school attendance occurring at any district school or within any other school district, including but not limited to the following circumstances:

1. While on school grounds.
2. While going to or coming from school.

3. During the lunch period, whether on or off the school campus.
4. During, going to, or coming from a school sponsored activity.

Alternatives to suspension or expulsion will be used with students who are truant, tardy, or otherwise absent from assigned school activities. (Education Code section 48900)

A Superintendent, principal, or principal's designee may suspend a student from a school for not more than five consecutive school days unless the suspension is extended pending expulsion. (Education Code section 48911)

RIGHT TO IMPOSE DISCIPLINE OTHER THAN SUSPENSION OR EXPULSION:

Instead of disciplinary action prescribed above, the principal of a school, the principal's designee, the superintendent, or the Governing Board may require a pupil to perform community service on school grounds during non school hours. For the purposes of this section "community service" may include, but is not limited to, work performed on school grounds in the areas of outdoor beautification, campus betterment, and teacher or peer assistance programs. This section does not apply if suspension or expulsion is required by this article. (Education Code section 48900.6.)

IMPORTANT SCHOOL WIDE RULES AND A BRIEF DESCRIPTION OF EACH

CARE OF SCHOOL PROPERTY: You are expected to take care of the things the school lets you use. If you damage or destroy something on purpose, you have broken this rule and will be expected to pay for the damage and possible suspension.

DISOBEDIENCE: Disobedience means refusing to do what you are told. While you are at school, in the classroom, and on the playground, you are expected to treat the people who work at school with respect and follow directions the first time they are given. This may be cited for detention or suspension.

FIGHTING OR THREATENING OTHERS: Fighting or threatening others on the school grounds or while going to or coming from school is not allowed. You must keep your hands, feet and other objects to yourself. You must not tell others that you are going "to get them" or hurt them in any way. A suspension could be the result of such behavior.

PROFANITY/NAME CALLING/TEASING/HARASSMENT: Name calling, teasing, or using swear words will not be allowed.

COMPLETING SCHOOL WORK: When your teacher says an assignment is to be completed and handed in at a certain time, you are expected to meet the deadline unless there is a good reason. Copying or cheating in any way is not allowed, including forging or falsifying notes.

THINGS YOU DON'T BRING TO SCHOOL WITHOUT PERMISSION FROM YOUR TEACHER BECAUSE THEY MIGHT INTERFERE WITH THE RIGHTS OF OTHERS TO LEARN: There are some things you must not bring to school without permission because they might disrupt the class or interfere with the rights of others to learn. Some of these are: toys, pets, radios, beepers, cell phones, cd players, tape recorders, mp3 devices, skateboards, bicycles,

roller blades, scooters, laser pointers, wallet chains, heavy chains, baseballs, card collections, make-up, sprays, or any electronic games and devices.

THINGS YOU DON'T BRING TO SCHOOL WITHOUT THE PERMISSION OF THE ADMINISTRATOR/DESIGNEE BECAUSE THEY ARE DANGEROUS AND AGAINST THE LAW: There are some things that you must not bring to school because they are against the law and might be dangerous to you or others. Some of these are: pocket knives, matches, medicine, firecrackers, firearms, lighters, BB-guns, and pills. (Possession of a firearm will result in mandatory expulsion by the Board. Possession of knives, explosives and drugs or alcohol will result in the Principal recommending expulsion by the Board.)

TRUANCY: If you are absent without your parents' or the school's approval or if you are tardy more than 30 minutes without an excuse approved by the school, you are "truant".

SPITTING, GUM, AND SUNFLOWER SEEDS are not allowed due to health standards and care of school property.

STUDENT RESPONSIBILITIES WHILE RIDING THE SCHOOL BUS

The Summerville Elementary School District has adopted rules and regulations to assist students in understanding their responsibilities while riding the buses of the school district. In addition to regular school rules these rules will assure safe and proper travel to and from school and are to be observed while riding the bus and waiting at school bus stops. (section 1426 CA administrative code 5)

1. Students residing on a regularly designated school bus route may ride the school bus.
2. Obey the bus driver at all times.
3. Obey all school rules on the bus and at stops.
4. Conduct yourself in a quiet and orderly fashion and remain silent at railroad crossing stops.
5. Do not bring glass containers or live animals on the bus.
6. Do not eat or drink on bus as State Law prohibits this.
7. Remain in your seat, facing forward at all times without obstructing the aisle, and obey seating instructions.
8. You may enter and exit the bus at school and your designated stop only.
9. Any changes to these regulations require a written parental consent with office clearance.

Citations will be issued for violations of these bus rules and regulations:

1st citation: warning

2nd citation: detention

3rd citation: loss of bus transportation for 1 day

4th citation: loss of bus transportation for 5 days

5th citation: loss of bus transportation for an appropriate length of time to be determined by the administrator.

The parent or guardian of the student must pay for the cost of any damage to the bus by the student, other than that which may be considered ordinary wear and tear.

SUMMERVILLE ELEMENTARY PLAYGROUND RULES

- ✓ Be courteous and respectful all all times.
- ✓ Walk on all cement areas.
- ✓ Run on grass and blacktop areas only.
- ✓ Use proper language.
- ✓ Keep hands and feet to yourself.
- ✓ No chase or tag games. No karate, wrestling, gymnastics, pyramids, etc.
- ✓ Use bathroom and drinking fountains properly. No “hanging out” there.
- ✓ Sidewalks under the eaves and picnic tables are for quiet games.
- ✓ When using picnic tables or benches, sit on benches only. No standing on benches. No sitting or standing on table tops. No jumping over the benches.
- ✓ Flag football only - no tag or tackle.
- ✓ No going behind the north side of the Gym. Stay in the sight of the yard supervisors all times.
- ✓ No throwing rocks, sticks, acorns, snowballs, hard baseballs or other potentially dangerous objects.
- ✓ Do not pass through, hang on, sit on, or stand on hand rails along sidewalks or near the Gym.
- ✓ Use equipment correctly and in a safe manner.

A. HORIZONTAL LADDERS

1. Students are to line up at the right side and travel to the left.
2. When the student in the front has reached the middle of the bar, the next student may start.
3. There will be no standing/sitting on top of the ladders or jumping to the ground.

B. SWINGS

1. Swing straight at all times.
2. There will be no pushing, jumping or twisting. No standing in front of or behind those swinging. Stand out away from the swing set.
3. Students take their turn one at a time.
4. No “winding up” of swings to make the chains shorter and therefore the swings higher,

C. SLIDES

1. Slide with your bottom flat on the slide and feet going down first.
2. Students go down slide one at a time.

D. BARS

1. Allow enough room for students to turn.
2. There will be no jumping off, “cherry drops”, or fancy dismounts.
3. Straight drops are allowed.
4. No additional clothes or garments are to be used at the bars to tie yourself on.
5. Bars are to be used in a “one way” direction only.

E. BALLS

1. Balls are to be bounced on the ground, asphalt, and against backboards only--not against buildings. Hard baseballs are not allowed at school.

2. Basketballs only at the basket ball hoops. Red balls, soccer balls, footballs, etc. are not to be used to shoot at the hoops.
- F. TETHERBALLS (Old School Tetherball Rules apply)
1. The ball is to be hit by one student to the other by standing on their own side and by not changing positions. There will be no rope holds, etc.
 2. To start the game, one player serves the ball by resting the ball on one hand, and hitting it with the other. This is the ONLY time the ball can be held. The other player returns the ball by hitting it, and play continues until one player successfully wraps the entire rope around the pole.
 3. Not allowed:
 - a. Except for serving, holding the ball
 - b. Pushing the ball (the ball rests on the hands) with both hands
 - c. Touching the rope
 - d. Throwing the ball by the rope
 - e. Touching the pole
 - f. Stepping on or over the center line
 - g. Going into the other players side
 - h. "Bottle caps"
 - i. Time outs.

If any of these happen, the player who did it is "out", goes to the end of the line to wait to play again.

G. MISCELLANEOUS

1. Jump ropes are for jumping only and used on blacktop or grass only.
 2. No tree climbing or hanging on the branches.
 3. No electronic toys.
15. Yard duty personnel have the authority to make a decision or give a directive, while on duty, if they determine that it is in the best interest of the safety and welfare of the students involved.

SUMMERVILLE ELEMENTARY DRESS CODE

Students' attention to appearance and their attitudes toward themselves and their school are related; good taste and good grooming promote good behavior and attitudes, which promote an effective education. Students are to be clean and dress in a manner that will permit participation in the school's activities. Personal appearance should not distract from the learning-teaching environment, nor present a hazard to the student or to others.

1. Shoes must be worn at all times. Backless shoes and backless sandals are not acceptable for all grade levels (K-8). It is an unsafe practice for students to be at school in footwear without back straps. Flip flops and other sandals without back straps are not acceptable. Students are urged to wear closed toe shoes to play at recess. Closed toed shoes are

required for the school's physical education program.

2. Clothing, jewelry and personal items (backpacks, fanny packs, gym bags, water bottles etc.) shall be free of writing, pictures, or any other insignia which are crude, vulgar, profane or sexually suggestive, which bear drug, alcohol or tobacco company advertising, promotions and likenesses, or which advocate racial, ethnic or religious prejudice.
3. Hats, caps, beanies, bandannas and other head coverings shall not be worn indoors. Hats must be worn as intended, brim forward. Improperly worn head coverings may be confiscated for one day, one week, or the rest of the year.
4. Clothes shall be sufficient to conceal undergarments at all times. See-through or fishnet fabrics, halter tops, off-the-shoulder or low-cut tops, tops with low-cut armholes, short shorts/skirts (short shorts/skirts are considered less than fingertip length when arm is naturally extended down), clothing with holes and tears, spaghetti strap tops (any top with straps less than one inch wide), or bare midriffs, are prohibited at all school functions. Garments must cover the mid-section of the body even when arms are raised. (This goes for all grade levels.)
5. Shirts and pants shall be of a properly fitted size. The belt line of pants shall be worn on the natural waist just above the hips of the student. Belts must be worn and cinched up if the student's pants tend to drop below the natural waist. The end of the belt must be parallel to the waistline (not hanging down freely).
6. Hair shall be clean, neatly groomed and should not impede vision. Hair may not be sprayed by any coloring which would drip when wet. Aerosol cans are not permitted at school.
7. Belt chains, wallet chains, heavy chains, sharp studs on clothing or jewelry, or other such items are not allowed.
8. Pajama tops and bottoms and bedroom slippers are unacceptable.

Coaches and teachers may impose more stringent dress requirements to accommodate the special needs of certain sports and/or classes.

Students not abiding by this dress code will either call home for proper clothing or be loaned an appropriate article of clothing to wear for the day. In addition, Citations will be given in the following order cumulative for the school year:

- 1st violation - citation/warning
- 2nd violation - citation/one detention
- 3rd violation - citation/3 detentions

The Superintendent, Principal or their designee are empowered to amend these standards as necessary for special events and to make judgments in areas not covered by the dress code at their discretion.

No restriction on freedom of dress and adornment shall be imposed by the school which may violate the student's civil rights, which impose particular codes of morality or religious beliefs, which attempt to dictate style or taste or which do not fall within the direct or implied powers of the Governing Board.

POINT SYSTEM FOR 6TH-8TH GRADES

All students in the 6th-8th grades begin the first trimester with 100 points. Loss of points occurs when students receive citations and suspensions. When points drop down to 70 or below the individual student becomes ineligible for extra-curricular activities (dances, ski trips, sports) Friday elective activities, or other fun activities/assemblies for the trimester. It is also possible for a student to miss out on academic trips if it is decided the student's ongoing behavior is unacceptable.

If a student loses points down to 70 or below in a given trimester he/she starts the next trimester with a penalty of 10 points off their previous trimester's beginning total. This procedure places the student on alert that their misbehavior has a cumulative effect and the behavior must change for the better. Example #1: a student who ends first trimester with 63 points, starts 2nd trimester with a total of 90 points to work from. If that student gets 70 points or below in that trimester he/she starts the 3rd trimester at 80 points. 70 points always remains as the cut off for ineligibility. Example #2: if a student who loses down to 85 points for first trimester he/she is still eligible and his/her points start at 100 for second trimester. However, if that student loses points down to 68 by the end of the trimester he/she starts 3rd trimester with 90 points only.

Points can be earned in the course of a trimester by setting up after school contracts for community service with teachers on BUG (Being Unusually Good) notes. BUG notes can be awarded by any staff member. Students may earn up to 10 points every two weeks Bug notes are worth one (1) point each.

INELIGIBILITY

Ineligibility means that a student may not participate in extra curricular activities, for example: sports, dances, ski trips. A student will be ineligible due to poor grades (any F's or GPA below 2.0), misbehavior, poor attendance or excessive tardies. Incompletes are to be completed within three weeks prior to a grade and eligibility change. Academic ineligibility status is reviewed each progress report period and report card period. Ineligibility changes on the day grades are given or mailed to the students.

Athletic ineligibility status is reviewed each progress report period and report card period. Students must continue to attend practices but will not be allowed to play in any games. Students will not be allowed to play if behavior at school, on the bus, at practice, or at games is not acceptable. Students must be present at school on the day of the game to play unless prior arrangements have been made with the coach. Attendance at practice is important and unexcused absences may be cause for a student to be dropped or not played in a game.

In the case where a student receives a suspension due to a school wide discipline issue, the student is ineligible for one week from the day of the beginning of the suspension.

Students

***Note: Pursuant to Education Code 52060, as added by AB 97 (Ch. 47, Statutes of 2013), the Governing Board is required to adopt, for the district and each school under its jurisdiction, a local control and accountability plan (LCAP) that includes a description of the specific actions that the district intends to take in order to achieve its annual goals in specific priority areas, including student engagement and school climate. See BP/AR 0460 - Local Control and Accountability Plan. ***

***Note: Since a district's ability to meet its goals around these priorities is impacted by its student discipline policies and practices, the Board must be careful to enact rules that are effective in maintaining safety and order on campus and in correcting student misbehavior without unnecessarily excluding students from school or participation in instruction. Education Code 48900 specifies behaviors for which a student may be suspended and/or recommended for expulsion (see BP/AR 5144.1 - Suspension and Expulsion/Due Process) and authorizes the use of age-appropriate alternatives designed to address a student's specific misbehavior, including those listed in Education Code 48900.5 and 48900.6. ***

***Note: In addition, the U.S. Department of Justice's Civil Rights Division and the U.S. Department of Education's Office for Civil Rights (OCR), in their joint January 2014 Dear Colleague Letter on the Nondiscriminatory Administration of School Discipline, state that studies have suggested a correlation between exclusionary discipline policies and practices (such as suspension and expulsion) and an array of serious educational, economic, and social problems, including school avoidance, diminished educational engagement, decreased academic achievement, increased behavior problems, and increased likelihood of dropping out, substance abuse, and involvement with the juvenile justice system. Consequently, they recommend that districts adopt alternative disciplinary measures that provide students with appropriate interventions and supports as a means for preventing and addressing student misbehavior. ***

The Governing Board is committed to providing a safe, supportive, and positive school environment which is conducive to student learning and to preparing students for responsible citizenship by fostering self-discipline and personal responsibility. The Board believes that high expectations for student behavior, use of effective school and classroom management strategies, provision of appropriate intervention and support, and parent involvement can minimize the need for disciplinary measures that exclude students from instruction as a means for correcting student misbehavior.

(cf. 5131 - Conduct)
(cf. 5131.1 - Bus Conduct)
(cf. 5131.2 - Bullying)
(cf. 5137 - Positive School Climate)
(cf. 5138 - Conflict Resolution/Peer Mediation)
(cf. 5145.9 - Hate-Motivated Behavior)
(cf. 6020 - Parent Involvement)

The Superintendent or designee shall design a complement of effective, age-appropriate strategies for maintaining a positive school climate and correcting student misbehavior at district schools. The strategies shall focus on providing students with needed supports; communicating clear, appropriate, and consistent expectations and consequences for student conduct; and ensuring equity and continuous improvement in the implementation of district discipline policies and practices.

In addition, the Superintendent or designee's strategies shall reflect the Board's preference for the use of positive interventions and alternative disciplinary measures over exclusionary discipline measures as a means for correcting student misbehavior.

Disciplinary measures that may result in loss of instructional time or cause students to be disengaged from school, such as detention, suspension, and expulsion, shall be imposed only when required by law or when other means of correction have been documented to have failed. (Education Code 48900.5)

(cf. 5020 - Parent Rights and Responsibilities)
(cf. 5144.1 - Suspension and Expulsion/Due Process)
(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))

(cf. 6159.4 - Behavioral Interventions for Special Education Students)
(cf. 6164.5 - Student Success Teams)

***Note: The following optional paragraph may be revised to reflect district practice. According to Public Counsel's model policy issued as part of the Fix School Discipline Project, a discipline matrix that lists violations and consequences could be a useful guide to school site administrators with regard to when suspension or expulsion referrals should be utilized. ***

The Superintendent or designee shall create a model discipline matrix that lists violations and the consequences for each as allowed by law.

***Note: Education Code 35291.5 authorizes, but does not require, school sites to adopt rules and procedures for student discipline. Pursuant to Education Code 32282, any adopted site-level discipline rules must be included in the comprehensive safety plan; see BP/AR 0450 - Comprehensive Safety Plan. The following paragraph is optional. ***

The administrative staff at each school may develop disciplinary rules to meet the school's particular needs consistent with law, Board policy, and district regulations. The Board, at an open meeting, shall review the approved school discipline rules for consistency with Board policy and state law. Site-level disciplinary rules shall be included in the district's comprehensive safety plan. (Education Code 35291.5, 32282)

(cf. 0450 - Comprehensive Safety Plan)
(cf. 9320 - Meetings and Notices)

At all times, the safety of students and staff and the maintenance of an orderly school environment shall be priorities in determining appropriate discipline. When misconduct occurs, staff shall attempt to identify the causes of the student's behavior and implement appropriate discipline. When choosing between different disciplinary strategies, staff shall consider the effect of each option on the student's health, well-being, and opportunity to learn.

Staff shall enforce disciplinary rules fairly, consistently, and in accordance with the district's nondiscrimination policies.

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 5145.3 - Nondiscrimination/Harassment)
(cf. 5145.7 - Sexual Harassment)

The Superintendent or designee shall provide professional development as necessary to assist staff in developing the skills needed to effectively implement the disciplinary strategies adopted for district schools, including, but not limited to, consistent school and classroom management skills, effective accountability and positive intervention techniques, and development of strong, cooperative relationships with parents/guardians.

(cf. 4131 - Staff Development)
(cf. 4231 - Staff Development)
(cf. 4331 - Staff Development)

***Note: Pursuant to Education Code 52060, as added by AB 97 (Ch. 47, Statutes of 2013), the district must annually adopt an LCAP that includes a description of district goals for improving school climate, as provided in the following paragraph. ***

District goals for improving school climate, based on suspension and expulsion rates, surveys of students, staff, and parents/guardians regarding their sense of school safety, and other local measures, shall be included in the district's local control and accountability plan, as required by law.

(cf. 0460 - Local Control and Accountability Plan)
(cf. 3100 - Budget)

At the beginning of each school year, the Superintendent or designee shall report to the Board regarding disciplinary strategies used in district schools in the immediately preceding school year and their effect on student learning.

Legal Reference:

EDUCATION CODE
 32280-32288 School safety plans
 35146 Closed sessions
 35291 Rules
 35291.5-35291.7 School-adopted discipline rules
 37223 Weekend classes
 44807.5 Restriction from recess
 48900-48926 Suspension and expulsion
 48980-48985 Notification of parent/guardian
 49330-49335 Injurious objects
 52060-52077 Local control and accountability plan
 CIVIL CODE
 1714.1 Parental liability for child's misconduct
 CODE OF REGULATIONS, TITLE 5
 307 Participation in school activities until departure of bus
 353 Detention after school

Management Resources:

CSBA PUBLICATIONS

Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014

Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011

Maximizing Opportunities for Physical Activity during the School Day, Fact Sheet, 2009

CALIFORNIA DEPARTMENT OF EDUCATION PROGRAM ADVISORIES

Classroom Management: A California Resource Guide for Teachers and Administrators of Elementary and Secondary Schools, 2000

STATE BOARD OF EDUCATION POLICIES

01-02 School Safety, Discipline, and Attendance, March 2001

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS

Dear Colleague Letter on the Nondiscriminatory Administration of School Discipline, January 2014

WEB SITES

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

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

Public Counsel: <http://www.fixschooldiscipline.org>

U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/about/offices/list/ocr>

Students

Discipline

AR 5144

Site-Level Rules

***Note: 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 - Comprehensive Safety Plan. ***

****Note: 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 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. ***

Site-level rules shall be consistent with district 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: (Education Code 35291.5)

1. Parents/guardians
2. Teachers
3. School administrators
4. School security personnel, if any

(cf. 3515.3 - District Police/Security Department)

Annually, site-level discipline rules shall be reviewed and, if necessary, updated to align with any changes in district discipline policies 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.

(cf. 0450 - Comprehensive Safety Plan)

(cf. 0460 - Local Control and Accountability Plan)

School rules shall be communicated to students clearly and in an age-appropriate manner.

It shall be the duty of each employee of the school to enforce the school rules on student discipline. (Education Code 35291)

Disciplinary Strategies

***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.

To the extent possible, staff shall use disciplinary strategies that keep students in school and participating in the instructional program. Except when a student's presence causes a danger to himself/herself or others or he/she commits 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:

1. Discussion or conference between school staff and the student and his/her parents/guardians

(cf. 5020 - Parent Rights and Responsibilities)
(cf. 6020 - Parent Involvement)
2. Referral of the student to the school counselor or other school support service personnel for case management and counseling

(cf. 5138 - Conflict Resolution/Peer Mediation)
(cf. 6164.2 - Guidance/Counseling Services)
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 his/her parents/guardians

(cf. 6164.5 - Student Success Teams)
4. When applicable, referral for a comprehensive psychosocial or psychoeducational assessment, including for purposes of creating an individualized education program or a Section 504 plan

(cf. 6159 - Individualized Education Program)
(cf. 6164.6 - Identification and Education under Section 504)
5. Enrollment in a program for teaching prosocial behavior or anger management
6. Participation in a restorative justice program

7. A positive behavior support approach with tiered interventions that occur during the school day on campus
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

***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. ***

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
10. After-school programs that address specific behavioral issues or expose students to positive activities and behaviors, including, but not limited to, those operated in collaboration with local parent and community groups

(cf. 5148.2 - Before/After School Programs)

11. Recess restriction as provided in the section below entitled "Recess Restriction"
12. Detention after school hours as provided in the section below entitled "Detention After School"
13. Community service as provided in the section below entitled "Community Service"
14. In accordance with Board policy and administrative regulation, restriction or disqualification from participation in extracurricular activities

(cf. 6145 - Extracurricular/Cocurricular Activities)

15. Reassignment to an alternative educational environment
(cf. 6158 - Independent Study)
(cf. 6181 - Alternative Schools/Programs of Choice)
(cf. 6184 - Continuation Education)
(cf. 6185 - Community Day School)

16. Suspension and expulsion in accordance with law, Board policy, and administrative regulation

(cf. 5144.1 - Suspension and Expulsion/Due Process)

(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))

***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, 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. (Education Code 48900.5)

(cf. 5125 - Student Records)

Recess Restriction

***Note: Although Education Code 44807.5 authorizes the district to adopt reasonable regulations allowing a teacher to restrict recess time for disciplinary purposes, it is recommended that districts discourage its use since it

could limit students' opportunity to engage in physical activity which is inconsistent with district goals for student wellness. Studies have shown that, apart from its multiple health benefits, physical activity can help students improve their academic performance, attention, and behavior. Useful resources, including policy briefs and fact sheets that provide more information about the links between physical activity and student health and learning, are available on the CSBA web site. ***

A teacher may restrict a student's recess time only when he/she believes that this action is the most effective way to bring about improved behavior. When recess restriction may involve the withholding of physical activity from a student, the teacher 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.
2. The student shall remain under a certificated employee's supervision during the period of restriction.
3. Teachers shall inform the principal of any recess restrictions they impose.

(cf. 5030 - Student Wellness)

(cf. 6142.7 - Physical Education and Activity)

Detention After School

***Note: 5 CCR 353 limits after-school detention to one hour after the close of the maximum school day or until the departure of the school transportation to which the student has been assigned pursuant to 5 CCR 307. For safety purposes, when a student will miss his/her transportation due to detention, the school should notify the parent/guardian at least one day in advance so that alternative arrangements may be made. ***

Students may be detained for disciplinary reasons up to one hour after the close of the maximum school day. (5 CCR 353)

If a student will miss his/her school bus on account of being detained after school, or if the student is not transported by school bus, the principal or designee shall notify parents/guardians of the detention at least one day in advance so that alternative transportation arrangements may be made. The student shall not be detained unless the principal or designee notifies the parent/guardian.

In cases where the school bus departs more than one hour after the end of the school day, students may be detained until the bus departs. (5 CCR 307, 353)

Students shall remain under the supervision of a certificated employee during the period of detention.

Community Service

As part of or instead of disciplinary action, the Board, Superintendent, principal, or principal's designee may, at his/her discretion, require a student to perform community service during nonschool 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, campus betterment, and teacher, peer, or youth assistance programs. (Education Code 48900.6)

***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 AR 5144.1 - Suspension and Expulsion/Due Process. ***

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. (Education Code 48900.6)

Notice to Parents/Guardians and Students

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. (Education Code 35291, 48980)

(cf. 5145.6 - Parental Notifications)

The Superintendent or designee shall also provide written notice of disciplinary rules to transfer students at the time of their enrollment in the district.

Comprehensive School Safety Plan

School District

Your School District

Section 10: Crime Assessment (From School Accountability Report Card)

	School			District		
	2018-19	2019-20	2020-21	2018-19	2019-20	2020-21
Rate of Suspensions	1.60	0.96	0.24	1.60	0.96	0.24
Rate of Expulsions	0.0	0.0	0.0	0.0	0.0	0.0

Comprehensive School Safety Plan

Summerville Elementary School District Summerville Elementary School

Section 11: Appendices

Appendix A: SB 719 Text

Appendix B: AB 115

Appendix C: Education Code Sections 35294 – 35294.9 Text

Appendix D: Suspected Child Abuse Report Form

Appendix E: Personnel Assignments

Appendix F: Emergency Contact Numbers

Appendix G: Maps

APPENDIX F

EMERGENCY CONTACT NUMBERS

Emergency Contact Numbers

Vendor	Number	Comments
PG&E	1(800) 743-5000	Outages
Frontier Phone Service	1 (800) 921-8104	Repair
City Water Service (TUD)	532-5536	Water Emergency
Police	9-1-1 or * 533-5815	*24 Hour Non-Emergency
Animal Control	984-1338	
Child Welfare Service	533-5717	
City Street Tree Trimming (Public Works)	533-5601	Hazardous limbs/fallen trees only
County Health Dept.	533-7400	
Sanitation & Flood Control	533-5601	
Fire Station	9-1-1. <i>For non emergencies find your closes station and input number</i>	Station 1 586-4800
American Red Cross	533-1513	Disaster Assistances
Radio Stations	533-1450	KVML
WeTip	800-78-CRIME, 800-47- ARSON and 800-US- FRAUD	