

**Washington Unified School District
Comprehensive Safe School Plan
(Education Code Section 32280-32288)**

At West Fresno Elementary School

CDS Code
1076778 6006605

School Year: 2023-24

Every school will provide a safe environment that is conducive to learning. To be measured by annual surveys of students, teacher and parent(s) and by other tools.

Contact Person: Javier Gamboa

Position: Principal

Telephone Number: 559-495-5615 E-Mail Address: jgamboa@wusd.ws

School Site Council (SSC) Approval Date: 10/3/2023

Local Board of Education Approval Date:

Washington Unified School District

Comprehensive Safe School Plan

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Yearly School Safety Plan Checklist

1. Establish:

- **Safe School Leadership Team**
- **Threat Assessment Team/Student Wellness Team**
- **First Aid Responders**
- **Student Release Team**

2. Update your site map. Current “Key Plan” maps may be obtained from Maintenance Operations. Site maps should be attached to this plan.

3. Establish:

- **Strategies for improving school safety/climate**
- **Annual Fire Drill Schedule – Once per month at the elementary and middle school level, and two times per year at the high school**
- **Annual Lockdown Drill – Twice per year (once a semester)**
- **School Phone Tree**

4. Update the templates in this section of the plan to reflect current areas of responsibilities at your site.

5. Work closely with the school site council. Remember the school site council has the responsibility of approving the final plan and must be involved it’s development.

6. Submit your Comprehensive Safe School Plan to the District Office for Board approval.

7. Completed plans must be submitted no later than March 1st of the school year.

Mission & Purpose of Safe School Plan

Purpose and Scope

The Comprehensive Safe School Plan (CSSP) provides guidance and direction to principals, faculty and staff who have Emergency Management Responsibilities (EMR). The Emergency Response Plan along with the School Comprehensive Safe School Plan shall be used during an emergency incident involving a school facility.

Key Emergency Contact

After contacting 911, it is imperative during an emergency to contact your assigned Assistant Superintendent of Instruction as quickly as possible. He/She will respond immediately to the emergency and alert the appropriate members of the District School Safety Team.

Safe School Leadership Team (SSLT)

Each facility and administrative site will have a Safe School Leadership Team (SSLT) to take charge of the emergency, respond effectively, protect the occupants of the facility and reduce the risk of physical injury, property damage and business interruption.

Standardized Emergency Management System (SEMS) is the system required by Government Code 8607(a) for managing response to multi-agency and multi-jurisdiction emergencies in California. SEMS consists of five organizational levels, which are activated as necessary: **Field Response, Local Government,**

Operational Area, Regional, and State.

The school site Safe School Leadership Team (SSLT) carries out the Field Response level of crisis and emergency management, the District School Safety Team functions at the Local Government level in this system. By organizing our crisis response plans according to SEMS, both school sites and the district are positioned to integrate services when an incident occurs on an area, regional or state level.

By standardizing key elements of the emergency management system, SEMS is intended to:

- Facilitate the flow of information within and between levels of the system.
- Facilitate coordination among all responding agencies.

Use of SEMS will improve the mobilization, deployment, utilization, tracking, and demobilization of needed mutual aid resources. Use of SEMS will reduce the incident of poor coordination and communications, and reduce resource ordering duplication on multi-agency and multi-jurisdiction responses. SEMS is designed to be flexible and adaptable to varied disasters that occur in California, and to the needs of all emergency responders.

Essential Management Functions: SEMS has five essential functions adapted from Incident Command System (ICS). The Field Response uses the five primary ICS functions: **Command, Operations, Planning/Intelligence, Logistics, and Finance/Administration.** The term management is used instead of command at all levels except Field Response. The titles of the other functions remain the same at all levels.

Under the SEMS, tasks are delegated to members of the SSLT to successfully handle critical incidents. The SSLT member is then responsible for the task assigned and serves as the manager of the task. This type of delegation allows each manager to focus on just one or two aspects of the incident. These managers then provide information to the incident commander (principal) and assist them in making informed decisions. Using this organizational system during a critical incident creates clear communication channels that will reduce the amount of confusion and chaos.

Permanently assigning specific areas of responsibility to members of the Safe School Leadership Team provides each member with the opportunity to specialize in the management of his/her area.

The SEMS can also address the uncertainty of exactly who will be in the building during an emergency. When assigning the management of critical roles in the SEMS, assign an alternate for each role to assure coverage at all times. This may require some individuals to be responsible for more than one task if the primary manager were out of the building. While the SEMS identifies roles for the members of the SSLT, all school faculty members should know their specific functions during an emergency. Teachers with students in class will have specific functions, as will teachers not assigned a class when an emergency occurs. It is imperative to emergency operations that SEMS roles and responsibilities are assigned and understood by the Safe School Leadership Team members. The Roles & Responsibilities outlined in this documents, will also assist the Incident Commander System if one or more team members/alternates are not available. City emergency responders use the SEMS to manage emergency events. Because of this, a school with assigned roles for administrators and teachers will be able to work more efficiently with city agencies.

The Safe School Plan Goal Statement and School Beliefs

The goal of West Fresno Elementary School is to educate all students in a challenging, disciplined, and supportive environment enabling them to reach their full potential of becoming productive citizens who will make positive life-long contributions to society.

West Fresno Elementary School affirms that all students can learn and achieve academic success in a safe, inclusive, and equitable learning environment.

Safe School Leadership Team

Please note that the Safe School Leadership Team functions have been organized to align with the District Standardized Emergency Management System (SEMS) and the National Incident Management System (NIMS). Depending on staff available, team members may serve multiple roles. For example, the Principal may serve as both incident commander and Operations officers etc.

In the event of an emergency situation, the Safe School Leadership Team should report to a designated location to oversee and provide directions during the emergency situation. The principal and/or designee in charge are to facilitate the following:

(1) secure the area, (2) check for damage, (3) assess injury situations, and (4) report findings to the Assistant Superintendent. Safe School Leadership Team is listed below.

Safe School Leadership Team

		NAMES	PHONE
Incident Command	Principal	Javier Gamboa	559-495-5605
	1. Alternate	Melodia De La O	559-495-5655
	2. Alternate	Susana Figueroa	559-495-5656
Planning/Intelligence	Office Manager	Carla Vera	559-495-5635
	1. Alternate	Lisa Saechao	559-495-5615
	2. Alternate	Cynthia Martell	559-495-5301
Operations	Assistant Principal/Vice Principal	Susana Figueroa	559-495-5656
	1. Alternate	Melodia De La O	559-495-5655
	2. Alternate	Carla Vera	559-495-5635
Logistics	Plant Coordinator	Robert Chagolla	559-647-1974
	1. Alternate	Dennis Vass	559-647-1985
	2. Alternate	Luis Bouciegues	559-801-2892
Administration/Finance	Financial Secretary	Chris Vaz	559-495-5603
	1. Alternate	Sophia Rizzo	559-495-5638

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Safe School Leadership Team Responsibilities

Incident Command Team Responsibilities

Standardized Emergency Response Management System Overview

The California Standardized Emergency Management System (SEMS) is designed to centralize and coordinate emergency response through the use of standardized terminology and processes. This greatly facilitates the flow of information and resources among the agencies participating in response to an emergency. SEMS consists of five functions:

Management, Planning/Intelligence, Operations, Logistics, and Finance/Administration.

Management

During an emergency, the Incident Commander directs response actions from a designated Command Post. To effectively do this, the Incident Commander must constantly assess the situation, and develop and implement appropriate strategies. The Incident Commander must be familiar with the available resources, accurately document all response actions, and effectively communicate response strategies to others participating in the response. This function is typically filled by the school principal. The principal is assisted in carrying out this function by a Public Information & Liaison Officer and Safety Officer.

Planning & Intelligence

Planning and Intelligence involves the use of various methods to efficiently gather information, weigh and document the information for significance, and actively assess the status of the emergency. This understanding and knowledge about the situation at hand is vital to the effective management of a response. These activities are performed by a single person who reports directly to the Incident Commander.

Operations

All response actions are implemented under by Operations. This includes staff performing first aid, crisis intervention, search and rescue, site security, damage assessment, evacuations, and the release of students.

Logistics

Logistics supports the response by coordinating personnel; assembling and deploying volunteers; providing supplies, equipment, and services; and facilitating communications among emergency responders.

Finance & Administration

Finance & Administration involves the purchasing of all necessary materials, tracking financial records, timekeeping for emergency responders, and recovering school records following an emergency. These activities are performed by a single person who reports directly to the Incident Commander.

**Washington Unified School District
THREAT ASSESSMENT MANAGEMENT TEAM (TAMT)
(Student Wellness Team)**

When a school identifies an individual or group that may pose potential harm to themselves or others, the school will convene their **Threat Assessment Management Team. (TAMT)**

The task of the TAMT is to assess the level of threat posed; determine what level of response the school site will initiate; what district resources may be required and what response may be needed.

This team should work with outside agencies when making referrals under Welfare and Intuitions Code 5150.

The team will oversee and document the school site’s response to threats, 5150 referrals and plan for monitoring or services that may need to occur after the crisis has passed.

When engaged in the 5150 referral process, this team becomes a Student Wellness Team. The team may expand at that point to include other staff, parents or whoever else may be required to monitor the student’s well being when and if returned to school.

STAFF MEMBER	TITLE	ALTERNATE	ALTERNATE
Javier Gamboa/Melodia De La O/Susana Figueroa	Administrator	Principal, Assistant Principal or Designee	Melodia De La O/Susana Figueroa
Fabiola Altamirano/Karina Sanchez	Mental Health Professional	School Psychologist or Student Assistants, (SAP) Counselor, Counselor Trained in Threat Assessment	Angelica Miramontes
Fresno Police Department (559) 621-7000	Law Enforcement	Security Staff	Anthony Sidney, Aaron McDonald
Cynthia Martell	School Nurse	School Social Worker or other staff determined by the principal	Carla Vera

FIRST AID RESPONDERS

Each district site must have designated First Aid responders who are first to provide assistance when needed. **Annually, identify those staff members who have current training in CPR and First Aid.** In an emergency situation, any staff member may provide assistance. Insure that there are an adequate number of people trained in first aid in addition to the crisis response team.

The following staff members are designated emergency first aid responders for the 2023-2024 school year at West Fresno Elementary School School.

CPR	FIRST AID	NAME	TITLE	ROOM/PHONE
X	X	Cynthia Martell	Nurse	Office/5301
X	X	Katrina Maynez	Nurse	Office/5301
X	X	Javier Gamboa	Principal	Office/5605

Emergency Care for Injuries, Choking, and Sudden Illness (flipchart) is the guide for providing first aid.

The flipchart and first aid supplies are located in the health office. Additional supplies at the high schools are located in the boy's gym, girl's gym, and may also be in shop classes.

The flipchart contains Universal Precautions for blood borne pathogens.

Any time an employee is involved in a possible blood exposure incident, it shall be reported as a Worker's Compensation incident.

CPR PRECAUTIONS

To minimize the risk of infectious disease transmission during emergency mouth-to-mouth resuscitation, mouthpieces, shields, pocket masks, or other ventilation devices shall be used. Such equipment shall be stored with first aid equipment in the health office.

Unless the scope of the crisis/first aid response is prohibitive, the appropriate student and/or the emergency employee accident reports are to be completed as per usual District policy.

STUDENT RELEASE TEAM

This team is the only team, which should release students to parent(s) or guardian(s). Team responsibilities *may* include:

- ✓ Updating student census lists on a regular basis.
- ✓ Maintaining a “go box” with pens, forms, clipboards, etc., needed to establish a student release area.
- ✓ Securing census lists and emergency cards when a crisis occurs.
- ✓ Maintaining 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.
- ✓ When authorized by the site principal, the 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.

STAFF MEMBER	ALTERNATE	TITLE	EMERGENCY TASK
Javier Gamboa	Melodia De La O	Principal	Coordinator
Melodia De La O	Susana Figueroa	Learning Director	Communication with Coordinator
Susana Figueroa		Learning Director	Communication with Coordinator
Anthony Sidney/Aaron McDonald	Anthony Rauch/Arlene Munoz	Campus Safety Officer	Maintain Student Safety
Carla Vera		School Secretary	Parent Contact
Lisa Saechao		School Secretary	Parent Contact
Cynthia Martell		Nurse	Parent Contact
Cassandra Mendez		Library Tech	Parent Contact
Fabiola Altamirano		School Counselor/GLS	Parent Contact
Angelica Miramontes		School Counselor/GLS	Parent Contact

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**Washington Unified School District
Student Release Form**

STUDENT NAME	ROOM #	TEACHER	DATE	TIME	PARENT/GUARDIAN

Print additional pages as necessary

SCHOOL SITE PERSONNEL DUTIES AND RESPONSIBILITIES

In the event of a major disaster, there is no guarantee that emergency medical or fire personnel will be able to immediately respond to school sites. Therefore, **the school staff must be prepared to ensure the care and safety of students during the first several hours after a major disaster without outside assistance.**

It is critical to determine who does what, where, and how—before such a disaster occurs.

Principal/Safe School Leadership Team

1. Acts as the liaison between the school site and central office and maintains communication with appropriate central office staff and/or local law enforcement agencies, fire department, and medical assistance agencies as appropriate.
2. Posts and regularly updates Safe School Leadership Team information and the emergency phone numbers, emergency first aid responders, and chemical inventory lists.
3. Ensures Safe School Leadership Team members are knowledgeable of the location of shut-off valves and how to turn them off. **Do not attempt to turn utilities back on yourself.**
4. Ensures that teachers are trained to carry out responsibilities during disaster and drill procedures; encourages teachers to work in teams through a buddy system.
5. Establishes a communications system consisting of the following elements:
 - a. System of specific disaster warning signals that are well known to staff and students, and includes, both bell and voice signals.
 - b. Alternate system for written communication with staff in the event voice-to-voice communication is not available.
 - c. Designate and enforce exclusive use of a telephone line and number to be used only by the Principal (or authorized person) and the Superintendent (or designee).
 - d. A communication Center in a location accessible to parents, interested community members, and media to handle inquiries, rumor control, and information in an orderly fashion.

The following guidelines should be adhered to:

- Include a sign-in sheet for all media to complete. (PC 627.2)
- Notify the Assistant Superintendent who will inform the District Community Relations Office.

- Follow the directions of the Assistant Superintendent. Only the Superintendent or designee and the District Community Relations Officer or designee is authorized to release information.
 - Designate a person to record incidents for documentation purposes including debriefing.
6. Establishes a student release system that will facilitate an organized method to release individual students to authorized adults only.
 7. Assigns the following duties to school staff:
 - a. Patrol entrances to direct emergency personnel, parents, district staff, and media to appropriate areas, and prohibit unauthorized persons from entering campus.
 - b. Monitor/supervise halls and corridors to maintain a safe and secure environment.
 - c. Conduct search-and-rescue operations to systematically search every room in order to locate trapped/injured persons and to recover critical supplies and equipment.
 - d. Establish/coordinate Communication Center.
 - e. Administer first aid.
 - f. Work with emergency medical triage teams to identify injured students and staff and to record ambulance destinations.
 - g. Supervise Student Release Procedures.
 - h. Check building utility systems and appliances for damage.
 8. Schedules regular emergency drills and reviews the emergency plan with staff, students, and parents and to schedule regular site inspections for safety hazards.
 9. Plans alternate classroom evacuation routes, if standard routes are obstructed.
 10. Ensures that other personnel who provide services to students and staff are aware of emergency procedures.
 11. Reviews and updates the site-level plan annually, with particular attention to the unique characteristics of the site.

PC 627.2 Registration by Outsider
Ed Code 32211 Threatened disruption/interference with students

Procedures for Visitors

CLOSED CAMPUS

West Fresno Elementary is a closed campus where students are not allowed to leave campus at any time during the school day.

CAMPUS VISITS

All visitors must check in at the office upon arrival and sign in, via the Raptor System and receive a visitor's pass. Please wear the visitor's pass for the duration of your visit. All visitors must sign out in the office as you leave. All teacher conferences must be scheduled ahead of time with teacher.

Procedures for Safe Ingress and Egress of Pupils, Parents, and School Employees to and from School

CHECKING STUDENTS OUT OF SCHOOL

A student is not allowed to leave school grounds before regular dismissal without the consent of a parent or guardian. Anyone authorized by a parent or guardian to pick up their child must be listed on the child's emergency card, or the child will not be released to them. All students must be checked out in the front office before leaving early.

CAMPUS VISITS

All visitors must check in at the office upon arrival, sign in, and receive a visitor's pass. Please wear the visitor's pass for the duration of your visit. All visitors must sign out in the office as they leave.

Evacuation Plans

Each site must have an evacuation plan that consists of two stages:

Stage One Evacuation: All students and staff are evacuated from buildings and stationed at a safe location on campus.

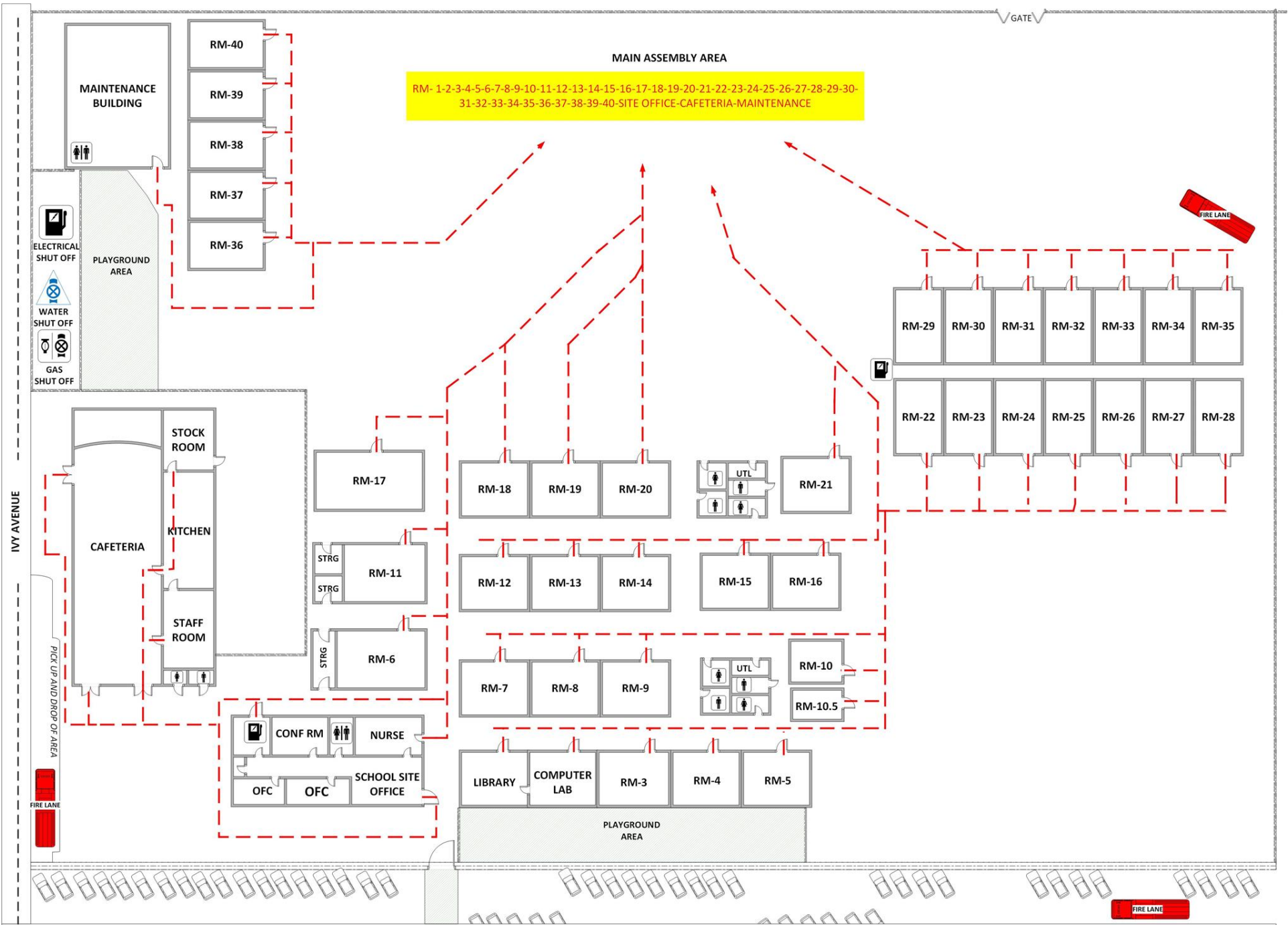
Stage Two Relocation: At the direction of the District Incident Commander, all students and staff are relocated to a determined location off campus at time of event. Coordinate with transportation department and Police and Fire Department. (Examples: gas leak, fallen aircraft)

Plans shall be based on the current “Key Plan” maps obtained from the Department of Maintenance and Operations.

Evacuation Plan Checklist:

- Detailed campus diagrams that show:
 - Evacuation routes
 - Designated areas for each teacher and class
 - Areas of supervision
 - Transportation points (for both busses and autos)
 - Student Release area
 - Press area
- Teams
 - Crisis Response Team
 - Student Release Team
- Emergency cards and census list (Always ready to be taken to student release area)
- Parent/Guardian sign out log or forms
- Impaired mobility list (Location of these students throughout the school day)
- Classroom evacuation materials (Laminated guides, “go bags”, binders or boxes that teachers will carry along with their roll books)
- Communication Plan (How teachers will communicate to the Safe School Leadership Team and visa versa)

School Evacuation Map



**WEST FRESNO ELEMENTARY SCHOOL
EMERGENCY SITE MAP**

**WASHINGTON UNIFIED SCHOOL DISTRICT
2015**

ELECTRICAL SHUT OFF
 GAS SHUT OFF
 REST ROOM
 ALARM PANEL
 FIRE HYDRANT
 WATER SHUT OFF
 MAIN ROUTE
 FIRE LANE

Fire Drill Schedule

Per Board Policy:

The principal shall also hold fire drills at least once a month at the elementary and intermediate level, and not less than twice every school year at the secondary level.

MONTH	DATE	TIME
July	N/A	N/A
August	8/22/23	8:30AM
September	9/28/23	8:30AM
October	10/26/23	8:30AM
November	11/30/23	8:30AM
December	12/14/23	8:30AM
January	1/25/24	8:30AM
February	2/22/24	8:30 AM
March	3/22/24	9:00 AM
April	4/19/23	8:30 AM
May	5/23/24	8:30 AM
June	N/A	N/A

LOCKDOWN DRILL SCHEDULE

SEMESTER	DATE	TIME
Fall	9/28/23	8:45AM
Spring	4/19/24	8:45AM

Imminent Danger/Lockdown Procedure (Remain on Campus)

An extreme emergency exists when one or more of the following situations occur on campus: (1) drive-by shooting/show-by, (2) mass protest, or (3) helicopter searches or SWAT team operations.

For an Armed Intruder/Violent Critical Incident, please see CRISIS RESPONSE INITIAL ACTIONS.

1. Imminent Danger Signal – Continuous series of short bells for an extended period will signal that an extreme emergency exists. One long ring will indicate “All Clear.” Call 911.
2. The school nurse will be in charge of emergency first aid: the library or other designated area will be utilized as a gathering place. If other than the library, indicate the gathering place: West Fresno Elementary Cafeteria
In the nurse’s absence, Social Worker will be in charge.
3. The Office Manager will maintain phone communication with the district office and telecommunication center for internal communications.
4. Principal will serve as an emergency locator to notify parents, guardians, and/or doctors of injured persons.
5. The Principal or designee will identify a person to serve as public information contact under the direction of the District Information Office
6. The Site Designee will be responsible for locking all lavatory doors, cafeteria doors, office doors, and gates as directed.
7. Teachers who are unassigned should assemble in the staff lunchroom or other designated meeting room for instructions.
8. When the imminent danger signal is given, teachers should take the following actions:
 - Proceed immediately to homerooms
 - Direct as many students as possible into rooms
 - Supervise the area outside the room until students are in rooms
 - Lock doors and close curtains
 - Students in rooms are to be seated, and sign-up sheets are provided so that each student accounts for his/her presence in the room
 - Notify the front office of any additional incidents
 - Students are to remain in the classroom until the all-clear signal is given
9. In the event that gunfire is heard, everyone should be instructed to lie flat on the ground/floor
10. School staff should stay until the crisis is declared over

Chapter 8, Division IV, Title I

The State of California Government Code states that all public employees become emergency service workers in the event of a declared emergency. This means that all school district employees will be required to work in this capacity in case a disaster occurs and a state of emergency is declared.

PHONE TREE

Once it is verified that a crisis exists, the building administrator or designee sets the phone tree in motion. When a crisis occurs during weekends, vacation periods, or when a large number of staff is away from the school, it will be necessary to transmit information via a phone tree. At other times, when crises occur when school is in session, only the people outside the school building need to be contacted via telephone.

Incident Commander
 Javier Gamboa
 559-495-5605

This organization may expand or contract depending on the scope of disaster. If appropriate, all functions may be performed by the Incident Commander (Principal).

Public Info Officer: Randy Morris - 559-495-5626
Safety Officer: Randy Morris - 559-495-5626
Liaison: Derek Cruz - 559-495-5609

Planning Section Chief
 Carla Vera
 559-495-5635

Operations Section Chief
 Susana Figueroa
 559-495-5656

Logistics Section Chief
 Robert Chagolla
 559-647-1974

Admin/Finance Chief
 Chris Vaz
 559-495-5603

Documentation/Reports
 Lead: Melissa Saulsbury
 Phone: 559-495-5151

Resources/Situation
 Lead: Maggie Soto
 Phone: 559-495-5152

Demobilization
 Lead: Aaron McDonald
 Phone: 559-495-5615

Student Release Team
 Lead: Carla Vera
 Phone: 559-495-5635

Search & Rescue
 Lead: Javier Gamboa
 Phone: 559-495-5656

First Aid Team
 Lead: Cynthia Martell
 Phone: 559-495-5301

Facilities/Security
 Lead: Anthony Sidney
 Phone: 559-495-5615

Student/Staff Accounting Tm.
 Lead: Carla Vera
 Phone: 559-495-5635

Crisis Intervention
 Lead: Karina Sanchez
 Phone: 559-495-5679

Supplies/Equipment Unit
 Lead: Dennis Vass
 Phone: 559-647-1985

Food Service Unit
 Lead: Randy Rhem
 Phone: 559-495-5304

Transportation Unit
 Lead: Southwest Transportation Agency
 Phone: 559-644-1000

Communications Unit
 Lead: Lisa Saechao
 Phone: 559-495-5615

Timekeeping
 Lead: Sophia Rizzo
 Phone: 559-495-5610

Purchasing
 Lead: Christian Maravilla
 Phone: 559-495-5639

Claims
 Lead: Keith Loewen
 Phone: 559-495-5631

District Emergency Phone Numbers

Department	Contact	Telephone Number
Emergency Services		911 (24 hours a day)
Superintendent	Randy Morris	495-5626
Maintenance Department	Dennis Vass	647-1985
Health Services	Derek Cruz	495-5609
Transportation Department	Southwest Transportation Agency	644-1000
School Site Utilities Location (water, gas, electric)	Dennis Vass	647-1985
Psychological Services Crisis Intervention Team	Derek Cruz	495-5609
Emergency Planning/Crisis Response, Safe School Officer	Randy Morris	495-5639
Mental Health Services Coordinator	Derek Cruz	495-5609
Community Relations	Sophia Rizzo	495-5610
Environmental Services	Chris Vaz	495-5603
Communications	Sophia Rizzo	495-5610
Technology Services	Stephen Maquiso	495-5611

School Crisis and Disaster Action Plan

The School Site Crisis Team will respond to a call to meet from the principal and will be informed of the situation and all facts known at that time. The principal will determine further meeting times for the School Site Crisis Team.

General Crisis Procedures

INITIAL RESPONSE TO EMERGENCIES

When an emergency situation occurs, school personnel must quickly determine what initial response actions are required. Determining the appropriate actions to take is a three-step process.

1. Identify the type of emergency.
2. Identify the level of emergency.

Level 1: A Minor emergency handled by School Personnel without assistance from outside agencies: temporary power outage, minor earthquake, injury to a student, etc.

Level 2: A Moderate emergency that requires assistance from outside agencies: fire, moderate earthquake, hazardous material accident, etc.

Level 3: A Major emergency that requires assistance from outside agencies: a major earthquake, civil disturbance, large-scale act of terrorism, etc.

3. Determine immediate action(s) that may be required:

Lock Down:

Action is taken when a threat of violence or gunfire is identified or directed by law enforcement, and it is necessary to prevent perpetrator(s) from entering occupied areas. During Lock Down, students remain in classrooms or designated locations.

Do not evacuate the building if a shooter is involved- even if the fire alarm rings. Remain secure until further instructed.

Announcement:

"Your attention, please! Lockdown... lockdown.

Implement lockdown procedures. Teachers are to lock classroom doors and keep all students inside the classroom until further notice. Do not open the door until notified by an administrator or law enforcement. If you are outside, students and staff are to proceed inside the nearest building or classroom immediately. Lockdown.”

1. If inside, teachers instruct students to lie on the floor, lock doors and close any shades or blinds if safe.
2. If outside, students proceed to their classrooms if it is safe. If not, teachers or staff are to direct students to the nearest classrooms or school buildings.
3. Call 911.
4. Call Washington Unified School District (WUSD) Office of Superintendent (559) 495-5600/Fresno Police (559) 327-3811.
5. Teachers and students remain in the classroom or secured area until further instructions are given by School Administration and/or law enforcement.
6. Front entrance is to be secured. No visitors, other than appropriate law enforcement or emergency personnel, are allowed on campus.

In the event of an earthquake:

- If inside, duck under furniture and cover your head with arms and hands.
- If outside, drop to the ground, place heads between knees, and cover head with arms and hands.
- Move to a sheltered place when possible, but avoid areas where falling objects may harm you.

EVACUATE BUILDING:

Action is taken after making the decision that it is unsafe to remain in the building.

Announcement:

“Your attention please...please evacuate all buildings. Evacuate all buildings. Teachers and students are to evacuate to their designated assembly area. Lock doors as you are exiting. Evacuate all buildings.”

1. Principal or designee initiates the fire alarm.
2. Teachers instruct students to evacuate the building using designated routes and assemble in their assigned assembly/shelter area.
3. Once assembled, teachers and students remain in the assembly area until "ALL CLEAR" or further instructions are given.

ALL CLEAR

Action is taken to notify teachers that normal school operations can resume.

Announcement:

“Your attention, please...it is now okay to return to your classroom and resume normal operations. I thank and commend all students and staff for their cooperation.

1. This action signifies the emergency is over.
2. If appropriate, teachers immediately begin discussions and activities to address students’ fears, anxieties, and other concerns.

CRISIS RESPONSE INITIAL ACTIONS

LOCK DOWN

- Announcement “Lock Down” will be made
- If inside, lock doors and close shades/blinds if possible
- If outside, proceed to classroom or nearest safe building
- Remain in a secured room until further instructions from school officials

VIOLENT CRITICAL INCIDENT PLAN

(Active Shooter, Violent Intruder, Armed Intruder, and Terrorist Attack)

I. Purpose

The purpose of the plan is to set forth guidelines for **Washington Unified School District (WUSD)** staff and students in the event of a Violent Critical Incident on any district school grounds. While this plan explains the responses using the *ALICE* acronym, in no way does the plan suggest the acronym be used in order. This plan describes the law enforcement and security responses, in addition to providing students and staff with appropriate response options.

Staff and students are trained to make decisions and use a range of options to increase survivability during an event. All responses are based on the location of the occurrence and the nature of threat. Having a linear plan that orders inflexible procedures without considering these two paramount issues is not realistic and will not meet the goal of mitigating the incident.

Any Violent Critical Incident (VCI) will result in law enforcement, fire services and emergency medical services reporting to the scene. Once these services arrive on scene it is critical to follow the directions of, and cooperate with, all emergency personnel.

Emergency services personnel will set up their own Incident Command Center and will have complete jurisdiction over the entire scene. Unified Command will be utilized which combines law enforcement, fire personnel and emergency services into

one entity to save lives. This command center will use established practices such as the National Incident Management System (NIMS) and the Incident Command System (ICS).

II. Definitions

- A. **Violent Critical Incident (VCI):** Any event, at any location, where a person (or persons) attempts to harm innocent people by any means and regardless of motivation.
- B. **Law Enforcement Officer:** Any Federal, State or Local Sworn Peace Officer
- C. **Security Officer:** Any non-sworn contract or proprietary uniformed person charged with general security of an area and/or building.
- D. **Internal Operators:** Any administrators or staff assigned to the school site responsible for supervision of students.

III. INFORMATION/OPTIONS

- A. **ALERT:** This is the initial awareness that the event is beginning and means that some part of the facility is in contact with the threat. Persons in contact with the threat must take immediate self-protective action. This may include using one or more of the training options (Evacuate, Enhanced Lockdown, Counter). The threat will be processed through physical senses, including, but not limited to:
 - 1. Seeing the threat
 - 2. Hearing the threat
 - 3. Seeing others moving away quickly from an area
 - 4. Hearing screaming and yelling
- B. **Enhanced LOCKDOWN:** A secondary response if safe evacuation is not possible and you are not in contact with the threat. There are two reasons to utilize Enhanced LOCKDOWN as a response;
 - 1. The threat is close to your location and evacuation routes are not usable.
 - 2. You have no known location of the threat and are unsure if the evacuation routes are usable

When using Enhanced LOCKDOWN;

- 1. Lock any door that can be locked.
- 2. Barricade the doors with heavy objects to prevent access to the room and slow down a threat. Use desks, cabinets, beds, heavy equipment, etc.
- 3. If possible, turn out or disable lighting.
- 4. If possible, cover any windows in doors or walls.
- 5. Prepare counter items (books, scissors, computers, etc.) in the room in case the door is breached.
- 6. Keep distance between people and do not huddle.

7. Keep cell phones on, but place them in silent mode.
8. Prepare to counter from the sides of the door, taking care to stay out of the interior frame of the door.
9. Prepare and plan to swarm the threat should the room be breached with the goal of controlling and subduing the threat.
10. Pay attention to all INFORM announcements during the event. Law enforcement may tell you to take specific actions or circumstances may change and you may have to change your response. Remain engaged in the decision-making process.

C. **INFORM:** This is information utilization during the event to update staff to allow them to decide on the best survival options. Additionally, it may also allow law enforcement to improve their response by updating the location of the threat.

1. Any staff or student who notes the indication of a threat should, as soon as it is safe and practical to do so, call 911 and any internal security function or main office. If the staff or student can “all call” the facility, they are authorized to take that action. The initial call should include as much of the following as possible;
 - a. The name and exact location of the campus, facility or building.
 - b. The last known location of the threat(s).
 - c. The number of intruders.
 - d. The employee’s location.
 - e. The description of the threat(s).
 - f. The description and number of weapons.
2. Upon notification of the threat, internal operators, security or main office staff should immediately INFORM the rest of the facility.
 - a. Using Plain Language, internal operators or main office staff will announce the presence, location, and description of the threat.
 - b. Notification will be made using all available means. Notification shall provide any information regarding the on-going situation that will assist the building occupants in deciding their best survival response option. Typically, information answers the basic questions of where, who, what, when, and how will provide the necessary details to make an informed decision.
 - c. Any staff may use any school phone and dial to access the school intercom to make the announcement to all persons with the information as described above. This number and use of the intercom system is to be used only and during a Violent Critical Incident.

D. **COUNTER:** This is a last resort option for instances when you cannot EVACUATE or use Enhanced LOCKDOWN and are in direct contact with the threat. It is a personal choice and does not include fighting. Counter is the use of MOVEMENT, NOISE, DISTANCE, DISTRACTION AND SWARMING. Counter is used to:

1. Create an opportunity to evacuate.
2. Create opportunities to take back control/swarm.
3. Increase targeting difficulty.
4. Increase skills necessary to shoot accurately.

If a threat is in direct contact with you, all actions are permitted to increase survival.

1. Anything available can be used to throw at the shooter's face to cause distraction, such as books, computers, coffee cups, etc.
2. Create chaos in the location by making large amounts of noise and moving about the area.
3. Use numbers to swarm the threat with the goal of subduing and controlling the subject and the weapon.
4. Upon gaining control of the threat, maintain control, using any means necessary, until law enforcement officers relieve you.
5. Upon gaining control of a weapon, place it under or in a trashcan or other location. Do not brandish a weapon and do not hold it. Tell law enforcement where the weapon is, as soon as practical, after their arrival.
6. Use the resultant chaos and distraction to evacuate the area if possible.

E. **EVACUATION:** This is the preferred response. Students and staff that are not in immediate danger and can safely evacuate should leave the location and move to the Rally Point. There are some simple recommendations for evacuating;

1. Leave all belongings behind.
2. Be prepared to use non-traditional evacuation routes such as windows, loading dock doors, alarmed doors, etc.
3. Do not use vehicles.
4. Do not carry any items in your hands.
5. When evacuating, move quickly away from the location.
6. If meeting arriving law enforcement officers, place hands up with fingers splayed, follow any directions given, and should expect the possibility of being handcuffed.

The **Rally Point** for West Fresno Elementary School will be:
Mary Ella Brown Community Center (Ivy Center)

IV. Law Enforcement Response

A. During a Violent Critical Incident, law enforcement officers will only be focused initially stopping the threat and ending the violence. Any other actions will take place after the event is ended. Additionally, officers outside the facility will set up perimeters, secure the scene, provide security at rally points, interview personnel and assist in reunification.

- V. After Action/Recovery (Note: Dependent on the facility, Rally Points and Reunification Points may be the same place or may be separate locations.)
- A. Once Unified command has issued an ALL CLEAR, law enforcement officers will begin to clear the building and will escort out personnel who had secured in an Enhanced LOCKDOWN.
 - B. They will be escorted to Rally Points.
 - C. Staff at the Rally Point, who should have already begun to account for Students and staff who evacuated, should begin to account for arriving personnel.
 - D. Law enforcement will begin to conduct preliminary interviews with people at the Rally Point/ Reunification Point before they are released.
 - E. Staff on site should begin to implement internal reunification protocols.
 - F. The designated District Incident Commander, in conjunction with the District Public Information Officer, will activate the media communications plan.
 - G. The WUSD Incident Commander will activate the facility's Crisis Response Team and activate any Mental Health Resources to provide counseling and mental health assistance at the rally/ reunification site.
 - H. The WUSD Incident Commander will debrief appropriate Staff and will act as the contact person for law enforcement in the aftermath of the event.
 - I. The WUSD Incident Commander, in consultation with law enforcement officials, will determine when school can resume normal activities and communicate information and updates to employees and the public

EVACUATE BUILDING

- Announcement “Evacuate Building” or Fire Alarm will sound
- Immediately evacuate the building using designated or safest route
- Remain in assembly area until you hear “ALL CLEAR” signal or until further instructions are given

DUCK AND COVER

At least once per year, students and staff will participate in a duck and cover earthquake drill. In the case of earthquake or another natural hazard, students and staff should do the following:

- If inside, duck under furniture and cover head with arms and hands
- If outside, drop to ground and avoid falling objects, place head between knees and cover head with arms and hands
- Move to sheltered place when possible, but avoid areas where falling objects may harm you

Washington Unified School District 2-WAY RADIO PROCEDURES

IN CASE OF A BOMB THREAT, DO NOT ACTIVATE THESE RADIOS, AS THE FREQUENCY MAY ACTIVATE THE BOMB.

Our district system is licensed and monitored by the Federal Communications Commission for school business use. In an emergency, effective communication is crucial. Follow these guidelines for radio use:

- Only one signal can be on the frequency at a time. Be sure to monitor the system before transmitting
- Minimize transmissions. Keep sentences short
- Speak slowly, clearly, within two inches of the radio
- Use clear “sign-off” terms
- During normal use, use only the channel assigned to your school

**Threat Assessment and 5150 Procedures
Washington Unified School District
THREAT ASSESSMENT/STUDENT WELLNESS PLAN**

E.C. 48900.7

Suspension: Terroristic Threats

- (a) In addition to the reasons specified in Sections 48900, 48900.2, 48900.3, and 48900.4, a pupil 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 made terrorist threats against school officials or school property, or both.*
- (b) For the purposes of this section, “terroristic threat” shall include any statement, whether written or oral, by a person who willfully threatens to commit a crime which will result in death, great bodily injury to another person, or property damage in excess of one thousand dollars (\$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, which, on its face and under the circumstances in which it is made, is so unequivocal, unconditional, immediate, and specific as to convey to the person threatened, a gravity of purpose and an immediate prospect of execution of the threat, and thereby causes that person reasonably to be in sustained fear for his or her own safety or for his or her immediate family’s safety, or for the protection of school district property, or the personal property of the person threatened or his or her immediate family. (Add. Stats. 1997,*

Ch. 405)

California Welfare and Institutions Code. 5150

When any person, as a result of mental disorder, is a danger to others, or to himself/ herself, or gravely disabled, a peace officer, member of the attending staff, as defined by regulation, of an evaluation facility designated by the county, designated members of a mobile crisis team provided by Section 5651.7, or other professional person designated by the county may, upon probable cause, take, or cause to be taken, the person into custody and place him or her in a facility designated by the county and approved by the State Department of Mental Health as a facility for 72-hour treatment and evaluation.

Such facility shall require an application in writing stating the circumstances under which the person's condition was called to the attention of the officer, member of the attending staff, or professional person, and stating that the officer, member of the attending staff, or professional person has probable cause to believe that the person is, as a result of mental disorder, a danger to others, or to himself or herself, or gravely disabled. If the probable cause is based on the statement of a person other than the officer, member of the attending staff, or professional person, such person shall be liable in a civil action for intentionally giving a statement, which he/she knows to be false.

SITE THREAT ASSESSMENT TEAM

The school Site Threat Assessment Team (STAT) is comprised of at least 3 individuals from the school site crisis team:

- Administrator (Principal, Assistant Principal, or Designee)
- Mental Health Professional (School Psychologist or Student Assistance Program (SAP) Counselor trained in threat assessment)
- Law Enforcement or security staff
- School Nurse, School Social Worker or other staff designated by the school Principal

Utilizing your school crisis team chart, designate from among existing school staff, the three (3) members of the threat assessment team. One of the STAT members serves as a case manager of all actions taken, organizing and recording the steps to be taken for interviews, district and community referrals, information gathering, follow-up, etc.

THREAT ASSESSMENT PROCEDURE

1. The SITE THREAT ASSESSMENT MANAGEMENT TEAM (STAMT) consisting of administrators, SRD/Police, appropriate staff/others, psychologist, SAP or mental health worker will utilize a THREAT ASSESSMENT GUIDELINES (Page 5), PROTOCOL (Page 7), and WORKSHEET (Page 10) to help determine the significance of a threat: Low, Medium, High. (See Threat Assessment Guidelines, page 5)
2. If the threat is deemed to be a credible **HIGH LEVEL THREAT**, the STAT will recommend:
 - A school discipline/law enforcement response
 - Student Wellness Team Process (W&I Code 5150) (See 5150 Procedure Checklist)
3. When appropriate, the Site Administrator will notify the student's parents, victims and their parents, appropriate staff/others and communicate with the Assistant Superintendent. The Site Administrator should obtain a parent signature on an "**Interagency Authorization for Release of Information**" form. The Site Administrator will designate a team member to maintain a case folder on the incident.
4. The DISTRICT THREAT ASSESSMENT TEAM (DTAT) will address as necessary:
 - Liability issues
 - School safety issues
 - Student Services disciplinary issues
 - Legal issues
 - Special Education issues

5. The site's assigned Assistant Superintendent will contact the Risk Manager or the School Safety Coordinator. They will convene the DTAT and communicate with the Site Administrator to develop a course of action.

The DTAT will consist of:

- Director of Risk Management or designee
- Assigned Assistant Superintendent for the school site

And when appropriate:

- District Hearings Officer, Student Services
- Special Education Coordinator
- District Legal Counsel
- SEMS incident commander

6. When it is determined that the student will return to campus, a meeting will be held to discuss.

- A Student Wellness Plan
- Mental Health Plan, if appropriate
- Programs and Services

7. The appropriate School Site Administrator will follow up to evaluate the adequacy of the Student Wellness Plan/Mental Health Plan.

THREAT ASSESSMENT GUIDELINES

Note: The Threat Assessment Guidelines, Threat Assessment Protocol and Threat Assessment Worksheet are not intended to be used as a “profiling” tool. They should be used only after a threat to help evaluate the severity level of that threat in the total context of the student’s history, personality, family, school and social dynamics.

Threat Assessment levels are meant to assist team members in developing a response that is appropriate to a specific incident.

Threat levels are assigned to situations not persons. *Threat levels are not a “diagnosis” and are not part of the written record of intervention.*

THREAT ASSESSMENT LEVELS

A threat is referred to the Site Administrator and, if necessary, the Site Threat Assessment Team (STAT) composed of administrators, School Resource Officer, Probation Officer, appropriate staff/others, psychologist, SAP or mental health worker to determine the severity level. Following an incident report to the site’s area office, the District STAT may be convened to address safety issues.

LOW LEVEL THREAT (1): A threat that poses a minimal risk to the victim and public safety.

- Threat is vague and indirect
- Information contained within the threat is inconsistent, implausible or lacks detail.
- Threat lacks realism.
- Content of the threat suggests the person is unlikely to carry it out. It could be impulsive, a form of teasing, or show of bravado. “I could just kill him for saying that,” “You better not mess with me, I’ll beat you up”.

MEDIUM LEVEL THREAT (2): A threat that could be carried out, although it may not appear entirely realistic.

- The threat is more direct and more concrete than a low level threat. Wording in the threat suggests that the threatener has given some thought to how the act will be carried out.
- There may be a general indication of a possible place and time, though these signs still fall well short of a detailed plan.
- There is no strong indication that the threatener has taken preparatory steps, although there may be some veiled reference or ambiguous or inconclusive evidence pointing to that possibility – allusion to a book or movie that shows the planning of a violent act, or a vague, general statement about the availability of weapons.
- There may be a specific statement seeking to convey that the threat is not empty: “I’m going to beat that kid up.” “I’m serious!” or “I really mean this!” “Wait until you see what happens next Tuesday in the cafeteria”.

HIGH LEVEL THREAT (3): A threat that appears to pose an imminent and serious danger to the safety of others.

- The threat is direct, specific and plausible.
- The threat suggests concrete steps have been taken toward carrying it out, for example, statements indicating that the threatener has acquired or practiced with a weapon or has had the victim under surveillance.
- There may have been attempts to recruit accomplices, or evidence of physical evidence: written plans, lists of victims, drawings, weapons, bomb materials, or literature explaining how to carry out the acts of violence. “I am going to shoot Mr. Smith with my shotgun.”

• THREAT ASSESSMENT PROTOCOL

Site administrators using this protocol will often be able to assess a level one threat and act upon the incident using a routine approach to investigating and documenting a school discipline issue.

When a school administrator, in the course of investigating a threat, identifies elements of a higher-level threat, a team should be convened and the site Principal should be informed.

Statement: *The central question of a threat assessment is whether a student poses a threat, not whether a student made a threat.*

- Less than 20% of school shooters communicated a direct or conditional threat to their target before the attack.
- More than 80% did not make a direct threat, but they did communicate their intent and or plans to others before the attack.
- Judgments about a student's risk of violence should be based upon analysis of behaviorally relevant **facts**, not "traits" or "profiles."
- An investigative, skeptical, inquisitive mindset is critical to successful threat assessment.
- There should be thoughtful probing, healthy skepticism, and attention to key points about pre-attack behaviors, a striving to be both accurate and fair. There should be credible verification of all essential "facts" and corroboration about an attacker's interests, statements, and actions.
- There should be liberal use of "common sense" throughout.

STEP ONE: REFERRAL

Referral to Administrator, and STAT if needed.

STEP TWO: THREAT ASSESSMENT

- Is it specific? Was there pre-planning? Were diaries, journals, web sites used to record thinking?
- Is it direct, detailed? Does it have a: motive, intent, time, place? Were there attempts to recruit accomplices?
- Are there means to carry it out? Were weapons sought out? Was there practice with weapons?

STEP THREE: 4-PRONGED ASSESSMENT*

(1) **Personal behavior:** Based on information from faculty members and family members who knew the person before the threat was made: Immaturity, leakage (revealing clues), low frustration tolerance, poor coping skills, "injustice collector", depressive/suicidal, paranoia, narcissism, alienation, dehumanizes others, lack of empathy, externalizes blame, hit lists, closed/peripheral social group, bullying victim, fascination with violence-filled entertainment, excessive reference to mass murder/shooting sprees, stalking behavior, anger problems, radical changes in behavior, romantic breakup?

(2) **Family dynamics:** Turbulent parent-child relationship, "dominates" at home?

(3) **School dynamics:** “detached” at school, bully or victim, belongs to hate or fringe group, distrusts school?

(4) **Social dynamics:** unrestricted access to themes and images of extreme violence, isolated/alienated?

STEP FOUR: OTHER INTERVIEWS

Parents: Get signature for **Interagency Authorization for Release of Information**

Target of threat: Is interviewed. Is the threat likely to be acted upon? History?

STEP FIVE: EVALUATION AND RESPONSE

LEVEL 1: LOW

The threat poses little threat to public safety and in most cases would not necessitate law enforcement investigation for a possible criminal offense. Extensive interviews are usually not necessary. **RESPONSE: *School counseling/mediation or disciplinary action could be an appropriate response.***

LEVEL 2: MEDIUM

The response should in most cases include contacting law enforcement agencies, as well as other sources, to obtain additional information (and possibly reclassify the threat into the high or low category). **RESPONSE: *School disciplinary actions and/or referral for service may be appropriate responses.***

LEVEL 3: HIGH

Almost always the school should immediately inform the appropriate law enforcement agency and they should be involved in whatever subsequent actions are taken.

RESPONSE: A high level threat may result in:

- **Suspension**
- **Referral for expulsion**
- **Criminal prosecution**

Individual cases with a mental health basis, and/or low mental functioning and/or emotional disturbance or cases in which there is a high level threat of suicide, the Student Wellness Team / WI5150 process will result. (See 5150-procedure flowchart)

TERMS AND FACTORS

DIRECT: It identifies a specific act against a specific target and is delivered in a straightforward, clear, and explicit manner: “I am going to place a bomb in the school’s gym.”

INDIRECT: It tends to be vague, unclear, and ambiguous. The plan, the intended victim, the motivation, and other aspects of the threat are masked or equivocal: “If I wanted to, I could kill everyone at this school!”— and suggests that a violent act COULD occur, not that it WILL occur.

VEILED: It is one that strongly implies but does not explicitly threaten violence. “We would be better off without you around anymore” clearly hints at a possible violent act, but leaves it to the potential victim to interpret the message and give a definite meaning to the threat.

CONDITIONAL: It is the type of threat often seen in extortion cases. It warns that a violent act will happen unless certain demands or terms are met: “If you don’t pay me one million dollars, I will place a bomb in the school.”

FACTORS IN THREAT ASSESSMENT

SPECIFIC DETAILS: These can indicate that substantial thought, planning, and preparatory steps have already been taken, suggesting a higher risk that the threatener will follow through on his threat: the means, weapon, method, date, time, place, identity of victim(s) and concrete information and plans.

LOGICAL, PLAUSIBLE DETAILS: These suggest a very real possibility of being carried out and a high level of risk. Details that are specific but not logical or plausible may indicate a less serious threat that is unlikely to be carried out.

EMOTIONAL CONTENT: This can be an important clue to the threatener’s mental state. Though emotionally charged threats can tell the assessor something about the temperament of the threatener, they are not a measure of danger. They may sound frightening, but no correlation has been established between the emotional intensity in a threat and the risk that it will be carried out.

PRECIPITATING STRESSORS: These are incidents, circumstances, reactions, or situations, which can trigger a threat. The precipitating event may seem insignificant and have no direct relevance to the threat, but nonetheless, can become a catalyst. The impact of a precipitating event will obviously depend on “pre-disposing factors”: underlying personality traits, characteristics, and temperament that predispose and adolescent to fantasize about violence or act violently. These must be considered together with broader information about these underlying factors.

THREAT ASSESSMENT WORKSHEET

NAME:	SCHOOL:	DATE:
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STEP 1: REFERRAL

1. Referred to administrator/STAT?

STEP 2: TYPE OF THREAT

1. Is the threat specific and direct?
2. Does it have detail?
3. Are the means to carry out the threat available?

STEP 3: FOUR PRONGED ASSESSMENT*

Prong 1: PERSONALITY

Prong 2: FAMILY

Prong 3: SCHOOL

Prong 4: SOCIAL

Student/Parent Interview

Access to weapons?

Actual preparations?

Seriously intends to carry out the threat?

Target of Threat Interview

Is it likely to be acted on?

Suicide Risk Referral Process [CONFIDENTIAL]

STUDENT AT RISK IDENTIFIED

Referring Staff Contacts Social Emotional Staff (listed below):

- Counselor
- Social Worker
- School Psychologist

Security to escort student to designated social emotional support staff

Referring staff is released from case once under the supervision of social/emotional staff.



SOCIAL EMOTIONAL STAFF CONDUCTS RISK ASSESSMENT

Social Emotional Staff conducts risk assessment to determine severity/level of risk

- Complete [*Student Risk/Threat Documentation and](#)
- [Columbia Suicide Severity Rating Scale](#)

All social/emotional staff must have suicide intervention training (ASIST, Suicide Risk Screening, etc.)



5150 not WARRANTED LOW or MODERATE RISK

- Contact Parents/Guardians
- Provide [Resources](#)
- Complete [*Student Risk/Threat Documentation](#)
- Complete [*Safe Plan Student Agreement](#)

Arrange Follow-up Meeting with Student

5150 WARRANTED HIGH RISK

- Social emotional staff notifies admin of student
- Contact police (non-emergency number)
621-7000 or sheriff 600-8400 or 911
- Maintain 100% supervision
- Contact parent/guardian
- Law enforcement determines 5150 Hold
- Complete [*Emergency Release Form](#)

Arrange Re-Entry Meeting



- Complete [*Student Wellness Plan](#)
- Provide [*Resources](#)
- Complete [*Safe Plan Student Agreement](#)

WASHINGTON UNIFIED SCHOOL DISTRICT
Student Risk/Threat Documentation
 Student safety concern due to risk or threat.



Student Information			
Date student was identified as possible at risk:			
Name of student:			
Date of Birth:		Grade:	
Name of Parent/Guardian:			
Parent/Guardian Phone Number(s)		Home:	Cell:
Identification of Suicide Risk/ Threat			
Who identified the student as being at risk? Add name as appropriate.			
<input type="radio"/> Student (him/herself) <input type="radio"/> Friend: _____ <input type="radio"/> Parent: _____ <input type="radio"/> Teacher: _____ <input type="radio"/> Other: _____			
Reason for concern:			
Risk Assessment			
Assessed by:		Date of Assessment:	
Assessment Results (Circle):	Low	Moderate	High

Assessor Comments:	
Notification of Parent/Guardian	
Staff who notified parent/guardian:	
Date of notification:	
Contacted:	
Contact method::	<input type="radio"/> Phone <input type="radio"/> Date Parent Letter Mailed: _____ <input type="radio"/> Other: _____
<i>If result is High</i> , date Emergency Release Form Signed: _____	
Mental Health Support	
<input type="checkbox"/> Referred to outside agency (name)	Date of referral:
<input type="checkbox"/> Mental Health Resources List	<input type="checkbox"/> Safety Plan
Staff member to follow-up:	Date of follow-up:
Email Director of Educational Support Services Data: Student ID, Grade, Result Level (Low, High)	

CONFIDENTIAL INFORMATION

WASHINGTON UNIFIED SCHOOL DISTRICT
Emergency Release Form



Parent/Guardian Contact Acknowledgement

School/Escuela

Student Name/Nombre del Estudiante Date of Birth/Fecha de Nacimiento

This is to verify that I have spoken with the school staff member _____ on _____ (date), Esto es para verificar que he hablado con el miembro del personal escolar el (fecha), concerning my child's suicidal risk. I have been advised to seek the services of a mental health agency or therapist immediately. con respecto al riesgo de suicidio de mi hijo/a. Se me ha aconsejado buscar los servicios de una agencia o terapeuta de salud mental de inmediato.

I understand that _____ (name of staff) will follow up with me, my child and the agencia/mental health professional my child sees for services. I understand that my child may not return to school without first la agencia profesional de salud mental que mi hijo/a atiende para recibir servicios. Entiendo que mi hijo/a no puede regresar a la escuela sin la primera meeting with school staff personnel to develop a wellness plan. reunión con el personal escolar para desarrollar un plan de bienestar.

Parent/Guardian signed Authorization for Release of Information

Autorización firmada de padre/guardián para obtener información

Wellness Plan Meeting

Date: _____

Reunión del plan de bienestar Fecha

Time: _____

Hora

Parent/Guardian Signature: _____ Date: _____

Firma del Padre/Guardián Fecha

Parent/Guardian Phone: (home/casa) _____ (cell/teléfono móvil) _____

Teléfono del Padre/Guardián

Parent/Guardian Email: _____

Padre/Guardián Correo Electrónico

Staff Signature: _____ Date: _____

Firma del Personal Fecha

Staff Name Print: _____ Title: _____

Nombre del Personal: Título



Student Wellness Plan

Student returning after absence due to safety concern

Student: _____	Date of Meeting: _____
Date of Birth: _____	Grade: _____
School: _____	Date of Incident: _____
Parent(s)/Guardian(s): _____	Date of Re-Entry: _____
IEP: <input type="checkbox"/> Yes <input type="checkbox"/> No Behavior Intervention Plan/Direct Treatment Protocol: <input type="checkbox"/> Yes <input type="checkbox"/> No	

Date of Assessment: _____
Student Hospitalized: <input type="checkbox"/> Yes <input type="checkbox"/> No Notes: _____
Medication: <input type="checkbox"/> Yes <input type="checkbox"/> No Prescriptions: _____
Therapist/Clinician: <input type="checkbox"/> Yes <input type="checkbox"/> No
Name: _____
Agency/Organization: _____
Release of Information: <input type="checkbox"/> Yes <input type="checkbox"/> No Date: _____

Description of Incident

--

Support Plan

Safety Plan *Provide Details Regarding Safety Plan (e.g, who, what, when)	Monitored By (Name/Contact info)	Review Date
Personal Safety Plan:		
In Transit to School/Home/Bus:		

CONFIDENTIAL INFORMATION

Safety Plan *Provide Details Regarding Safety Plan (e.g, who, what, when)	Monitored By (Name/Contact info)	Review Date
Classroom:		
Unstructured Time (Recess/Restroom/Passing Time):		
Mental Health/ Special Education Current Services:		
Additional Information:		

Parent/Guardian Date

Parent/Guardian Date

Student Date

Staff Date

Staff Date

Staff Date

*Attach student schedule if necessary.

CONFIDENTIAL INFORMATION

Safe Plan Student Agreement



Safe Plan Agreement I, _____, will follow the steps outlined in this agreement if I have thoughts of harming or injuring myself in any manner.

1. _____

2. _____

3. _____

I also understand that I can contact someone to talk with. Below is a list of my preferred contacts.

Name	Relationship- psychologist, counselor, teacher, family member, non family member in community	Contact info

Hotlines

Giving Hope Central Valley Suicide Prevention	1-888-506-5991
NAMI - National Alliance on Mental Illness	800-950-6264 or Text "NAMI" to 741-741
National Suicide Prevention Lifeline 800-273-8255	1-800-SUICIDE

Student's Signature: _____ Date: _____

Witness: _____ Date: _____

CONFIDENTIAL INFORMATION

CONFIDENTIAL
Therapeutic and Counseling Services
Washington Unified School District
Assessment of High Risk Areas

Student Name _____ ID# _____

Date _____

(Give a copy of this form to: COPE/Law Enforcement)

SCHOOL _____ ADMINISTRATOR _____ PHONE _____

Completed by Referring Professional:

Title _____

(SIGNATURE)

Referrer's Phone _____

Pager _____

Suicide Risk:

Denied

Ideation _____ Current _____ Most Recent _____ Onset _____ Frequency _____

Prior Attempts Method _____ Most Recent _____ Known? _____

Intent _____ Plan _____ Means _____ Other's Suicide _____

Self-Mut. _____ Method _____ Most Recent _____ Onset _____ Frequency _____

Contributing Factors: _____

Hospitalizations: _____

Add'l Info/Reason for Referral: _____

Homicide Risk/Threat Assessment:

Denied

Ideation _____ Current _____ Most Recent _____ Onset _____ Frequency _____

Intent _____ Plan _____ Means _____ Hx of Violence _____ Gang Affil. _____ Other's Death _____

I intended Victim _____ Reason _____

Add'l Info/Reason for Referral: _____

Child Abuse Assessment:

Denied _____

Current _____ Type _____ Offender _____

Report: Made _____ Verified _____ Date _____ Time _____ CPS _____ LE _____ Spoke to _____

Past _____ Type _____ Offender _____
Report: Made _____ Verified _____ Date _____ Time _____ CPS _____ LE _____ Spoke to _____

Hx of DV _____

Substance Abuse Assessment:

All Denied _____

Own Use Denied _____

Substance	1 st Use	Present Use	Past Use	Parents Aware	Amount/Frequency	Uses Alone	Uses W/others	Friends Use	Family History	Add'l Info
Alcohol										
Marijuana										
Tobacco										
Other										

Related Factors (Reported by Student _____ Parent _____ Teacher _____
 Other _____, _____)
 Sad/Irritable/Angry Insomnia/Hypersomnia Fatigue/Loss of Energy
 Diminished Interest Psychomotor Agitation/Retardation Feelings of Worthlessness/Guilt
 Weight Loss/Gain Inability to Concentrate Recurrent Thoughts of Death/Suicide

Dr/Therapist _____ Dx _____ Meds _____ Duration _____
 _____ Impulsivity _____ Coping Skills _____ Support _____
 System/Resources _____

Family Mental Health History: Unknown _____ Denied _____
 Relation _____ Diagnosis _____

Wellness/Safety Plan Required _____ Outcome
 Referred to Dr. _____ Ref'd Psych Eval _____ Ref'd Med Eval _____ Tarasoff _____
 Ph'd/Met Parent _____ Crisis Mgt Info _____ COPE Team _____ Law Enforcement _____ PACT/CCAIR _____
 Add'l Info: _____

CONFIDENTIAL

STUDENT WELLNESS TEAMS

OBJECTIVE:

SAFE SCHOOLS/HEALTHY STUDENTS is a Federal initiative of persons whose mission is to develop and maintain programs and intra/inter agency collaborations that promote physical, mental, and social health in our students with the goal of promoting educational success. *The objective of Student Wellness Teams is to coordinate the care of students who have been recently evaluated for and/or held on Welfare and Institutions Code 5150 status.*

Students will:

- Have a Student Wellness Plan (Safety, Mental Health and, when appropriate, Educational Plan) developed after a 5150 assessment
- When appropriate, participate in the Student Wellness Team Meeting

Parents will:

- Participate in the Student Wellness Team Meeting

Staff will:

- Follow 5150 Procedure Checklist and Flow Chart (Attachments 1, 2)
- Minimally include Parent, Student, Site Administration representative, and School Psychologist on Student Wellness Team. (May also include: Student Assistance Program therapist, Nurse, Teacher, Counselor, School Social Worker, Mental Health Worker, K-Six Worker, private provider.)
- Develop Student Wellness Plans collaboratively
- Complete Student Wellness Plan (Attachment 3) and distribute to appropriate individuals
- Keep all Student Wellness Team information **confidential**
- Utilize appropriate release of information forms
- Collaboratively decide when to end the Student Wellness Plan
- Provide feedback to site Psychologist on efficacy of Student Wellness Team

STUDENT WELLNESS TEAM CONCEPT

Student Wellness Teams are responsible to the Site Principal for coordinating safety/wellness/education plans for students who have been or are at risk for WI Code 5150 status designation.

The School Site collaboratively determines how the SW Team operates, keeping at the forefront adherence to State and Federal confidentiality laws, professional scope of practice, ethics, and best practices guidelines.

Minimally, Student Wellness Teams include Site Administration, the Psychologist, the student, and the student's parent(s)/guardian(s). Others may be School Nurses, School Counselors, School Social Workers, Student Assistance Program therapists, Mental Health Workers (County/ contracted), K-Six Workers, and private providers.

The SW Team may schedule meetings as needed after a student has been assessed by COPE for 5150. The meetings do not have to be formal, but must be documented on the Student Wellness Plan. The plan is intended to be short-term and for the acute situation only.

Roles and responsibilities will be determined by the Site Administration. The Professional completing the Assessment of High Risk Areas form will be the contact person for the COPE Team until the Student Wellness Team meets and determines who the contact (case manager) will be. COPE will contact Site Admin when student is released, provided a valid release has been signed.

Site 5150 files will be maintained by Site Administration or designee.

Student Wellness Teams will report concerns about processes and about efficacy of the Team to the site psychologist.

**REMOVAL OF STUDENT FROM SCHOOL
DURING SCHOOL HOURS**

The student was removed from _____ School during school hours
by _____
(School) (Department) / (Title)

When making an arrest or taking a child into custody in accordance with the laws of this State and the rules and regulations of this district. (BP/AR 5145.11)

(Student's Name) (Birth date) (Age)

(Parent/Guardian's Name) (Address) (Phone)

1. Facility and address where child was taken:

2. Name of Peace Officer _____ Badge No. _____

3. Mental Health/Law Enforcement Agency _____

4. **Basis for action (check one)**

- Section 836 – Penal Code (Arrest without warrant)
- Warrant for arrest
- Section 5150 – Welfare and Institutions Code – Danger to self/other, gravely disturbed
- Section 305 – Welfare and Institutions Code – Without warrant (protective custody)
- Section 625 – Welfare and Institutions Code – Without warrant (minor is suspected of a crime)
- With express permission of parent
- In case of emergency when parent cannot be reached
- In case of emergency when rights of one of the persons involved might otherwise be seriously impaired. (such as child abuse investigation)

5. Parent notified by _____ of the removal and place where student taken. ***Except in child abuse investigation**
Date _____ Time _____

(Signature of Principal/Designee)

***E.C. 48906. When a principal or other school official releases a minor student of such school to a peace officer for the purpose of removing the minor from school premises, such school official shall take immediate steps to notify the parent/guardian, or responsible relative of the minor regarding the release of the minor to such officer, and regarding the place to which the minor is reportedly being taken.**

39500P6160357 5 2/01 SS Form – E151

Code of Behavior

West Fresno Elementary School believes that parents, students, and school staff, can ensure a safe and orderly environment in which students can work toward reaching their highest possible level of academic and personal achievement. A safe and secure learning and working environment will be achieved through proactive prevention and intervention strategies where all students and staff understand, value and respect the diversity of others and the importance of self-worth.

Expectations of Students

- To attend school punctually, regularly, and to be prepared to participate fully.
- To put forth their best effort in the completion of all school work.
- To demonstrate self-discipline and to respect the rights of others.
- To conduct themselves in a safe, orderly manner by following school procedures.
- To develop and display a respect for other races, cultures, and beliefs.
- To develop and display a respect for self, and for school, community and personal property.

Rights of Students

- To work in a positive, safe and caring environment.
- To receive a quality educational experience.
- To be treated fairly and respectfully in an environment free of discrimination.
- To have opportunities to participate in a variety of co-curricular activities.
- To know that consequences for breaking rules will be fair, realistic, and clearly explained.

Expectations of Staff

- To treat students fairly, with respect and courtesy and to be sensitive to their needs.
- To develop and present quality programs consistent with the Board of Education guidelines.
- To communicate information about student progress, attendance and behavior to parents and administration.
- To maintain a safe, disciplined positive and caring learning environment.
- To provide a positive role model for students.

Rights to Staff

- To teach in a safe, secure and positive environment.
- To be treated with respect and courtesy at all times.
- To receive the support of students, parents, and the community as partners in providing A quality educational environment.

Expectations of Parents/Guardians

- To provide the well-being of their child, and to ensure that their child arrives at school regularly, punctually, and ready to work.
- To co-operate with the school and to act as a partner in the management of their child.
- To encourage and expect appropriate behavior at school and a positive attitude towards learning.
- To maintain regular and supportive communication between home and school.

Rights of Parents/Guardians

- To know that a quality education will be provided for their child.
- To expect that the school will provide a safe, caring, and positive environment conducive to learning.
- To communicate with the school on all aspects of their child's progress and behavior.
- To expect the school to be fair and consistent in matters dealing with discipline.

School Climate Strategies

Current Strategies that promote a school climate of respect, emotional safety and a caring community.	Assessment Issues or Concerns related to school climate.	Safe School Plan strategies to promote a school climate of respect, emotional safety and a caring community.
PBIS Positivity Project MTSS Tiered Levels Support Attendance PLC Parent Education Professional Development for Teachers Motivational Assemblies Translators Staff Norms PLC Norms		PBIS/CSO Meetings Staff Development Meetings Fire Drills Lock Down Drills Teacher Goals & Objectives Administrator Goals & Objectives Staff Norms PLC Norms Grade-Level Lead Meetings

Comprehensive Safe School Plan
 Washington Unified School District
 2023-2024

Physical Safety of Students and Staff

Current Strategies in Place to Insure Physical Safety of Students and Staff.	Assessment Issues or Concerns related to Physical Safety of Students and Staff.	Safe School Plan strategies to address Physical Safety of Students and Staff.
<p>PBIS/MTSS 504 Plans Risk Assessment Process Safe School Plan Covid 19 Handbook Covid 19 Staff Safety Protocol Fire Drills/Lock Down Drills/Earthquake Drills Student referrals to outside agencies for support Home Visits Attendance Team Review and analyze suspension and expulsion data (see attachment WFES Principal's PLC Data Management). If necessary, Site Behavior Plan will be modified.</p>		<p>PBIS Maintenance Meetings Campus Security Meetings Office Staff Meetings Staff Development Meetings Emergency Procedure Drills Pandemic Information Collaboration with outside agencies Student referrals to outside agencies for support Home Visits Attendance Team Review and analyze suspension and expulsion data (see attachment WFES Principal's PLC Data Management). If necessary, Site Behavior Plan will be modified.</p>

Comprehensive Safe School Plan
 Washington Unified School District
 2023-2024

Youth Development Strategies

Current Youth Development Strategies that promote meaningful student leadership.	Assessment Issues or Concerns related to Youth Development.	Safe School Plan additional strategies to promote Youth Development and Leadership.
Student Council Student Announcements Development of reading Development of writing Public speaking practice Mentoring programs Check In/Out	Lack of structure in the home Absent parent(s) Incarcerated parent(s) Grandparent(s) raising children	Peer mediation Mentoring Campus Beautification Practice public speaking Academies

Comprehensive Safe School Plan
 Washington Unified School District
 2023-2024

Policies Affecting Student/Staff Safety

Students

Child Abuse And Neglect (Reporting Procedures)

BP 5141.4

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.

(cf. 4119.21/4219.21/4319.21 - Professional Standards)

(cf. 5145.7 - Sexual Harassment)

Procedures for reporting child abuse shall be included in the district and/or school comprehensive safety plan. (Education Code 32282)
(cf. 0450 - Comprehensive Safety Plan)

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.

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>

(7/02 11/04) 12/14

Board Adopted: November 6, 2013

Board Update Adopted: April 8, 2015

Duty to Report

Certificated employees and classified employees trained in abuse identification and reporting shall report known or suspected abuse to a child protective agency by telephone immediately or as soon as practically possible and in writing within 36 hours. The reporting duties are individual and cannot be delegated to another individual.

Definitions

1. "Child Abuse," as defined by law, pursuant to Penal Code 273 and 11165, and for purposes of this regulation, Includes the following:

- a. Physical abuse resulting In a non-accidental physical injury.
 - h Physical neglect, Including both severe and general neglect, resulting In negligent treatment or maltreatment of a child.
 - c. Sexual abuse Including both sexual assault and sexual . exploitation.
 - d. Emotional abuse and emotional deprivation including willful cruelty or unjustifiable punishment.
 - e. Severe corporal punishment.
2. "Mandated Reporters" are those people defined by law as "child care custodians," "medical practitioners" and "nonmedical practitioners" and include virtually all school employees. The following school personnel are required to report:

Teachers, administrators, supervisors of child welfare and attendance, certificated pupil personnel employees, employees of child care Institutions , head start teachers, school psychologists, licensed nurses, counselors, presenters of child abuse prevention programs and those Instructional aides or other, classified employees trained In child abuse reporting.

- 3. "Child Protective Agencies" are those law enforcement and child protective services responsible for Investigating child abuse reports, including the local police or sheriff department, county welfare or Juvenile probation department and child protective services.
- 4. "Reasonable Suspicion" means that It is objectively reasonable for a person to entertain such 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. (Penal Code 11166)

Reporting Procedures

- 1. To report known or suspected child abuse, any employee (as defined above) shall report by telephone to the local child protective agency.

Fresno County Social Services Department

Fresno, CA 93750-0001

Phone: (559) 600-8320

Fax: (559) 266-2463

*Mandated Reporters: Please fax your SCAR to this fax number.

The telephone report must be made immediately, or as soon as practically possible, upon suspicion. The verbal report will include:

- a The name of the person making the report.
- b. The name of the child.
- c. The present location of the child.
- d. The nature and extent of any injury.

- e. Any other information requested by the child protective agency, including the information that led the mandated reporter to suspect child abuse.

At the time the verbal 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. Within 36 hours of making the telephone report, the mandated reporter will complete and mail or fax a written report to the local child protective agency. .

Fax: (559) 266-2463

*Mandated Reporters: Please fax your SCAR to this fax number.

The written report shall include completion of the required standard Department of Justice form (DOJ 55 8572). .

The mandated reporter may request and receive copies of the appropriate form either from the school district or directly from the local child protective agency.

Detailed Instructions for completion of the form are on the back sheet of the form. Reporters may request assistance from the site administrator in completing and mailing the form; however, the mandated reporter is still responsible for ensuring that the written report is correctly filed.

3. Employees reporting child abuse to a child protective agency are encouraged, but not required, to notify the site administrator or designee as soon as possible after the initial verbal report by telephone. The site administration, when notified, shall inform the Superintendent or designee.

Administrators so notified shall provide the mandated reporter with any assistance necessary to ensure that the verbal or written reporting procedures are carried out according to state law and district regulations. If requested by the mandated reporter, the principal may assist in the completion and filling of these forms.

If the mandated reporter does not disclose his/her identity to a district administration, he/she shall at least provide or mail a copy of the written report to the district without his/her signature or name.

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, the Superintendent and/or principal shall not notify the parent/guardian as required in other instances of removal of a child from school, but rather shall provide the peace officer with the address and telephone number of the child's parent/guardian.

It is the responsibility of the peace officer to notify the parent/guardian of the situation. Peace officers will be asked to sign an appropriate release or acceptance of responsibility form.

(c;. 5145.1 J • Questioning and Apprehension)

School Suspension, Expulsion and Mandatory Expulsion Guidelines

Suspension And Expulsion/Due Process

BP 5144.1

Students

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. Except when otherwise permitted by law, a student may be suspended or expelled only when the 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

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

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 the student's 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. 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. No student may be suspended for disruption or willful defiance, except by a teacher pursuant to Education Code 48910. (Education Code 48900)

Students shall not be suspended or expelled for truancy, tardiness, or absenteeism from assigned school activities.

(cf. 5113 - Absences and Excuses)

(cf. 5113.1 - Chronic Absence and Truancy)

On-Campus 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, 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 an open session of a Board meeting.

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)

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

No child enrolled in a preschool program shall be expelled except under limited circumstances as specified in AR 5148.3 - Preschool/Early Childhood Education. (cf. 5148.3 - Preschool/Early Childhood Education)

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

The Superintendent or designee shall maintain outcome data related to student suspensions and expulsions in accordance with Education Code 48900.8 and 48916.1, including, but not limited to, 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. For any expulsion that involves the possession of a firearm, such data shall include the name of the school and the type of firearm involved, as required pursuant to 20 USC 7961. Suspension and expulsion data shall be reported to the Board annually and to the California Department of Education when so required.

In presenting the report to the Board, the Superintendent or designee shall disaggregate data on suspensions and expulsions by school and by numerically significant student subgroups, including, but not limited to, ethnic subgroups, socioeconomically disadvantaged students, English learners, students with disabilities, foster youth, and homeless students. Based on the data, the Board shall address any identified disparities in the imposition of student discipline and shall determine 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

8239.1 Prohibition against expulsion of preschool student

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

52052 Numerically significant student subgroups

52060-52077 Local control and accountability plan

64000-64001 Consolidated application

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 Employee 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

7961 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

Fremont Union High School District v. Santa Clara County Board (1991) 235 Cal. App. 3d 118

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

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:

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 Healthy Students:

<http://www2.ed.gov/about/offices/list/oese/oshs>

12/17 10/18) 3/20

Board Adopted: November 6, 2013

Board Update Adopted: April 8, 2015

Board Update Adopted: January 17, 2018

Board Update Adopted: April 22, 2020

Suspension And Expulsion/Due Process

AR 5144.1

Students

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 and in the sections "Additional Grounds for Suspension and Expulsion: Grades 4-12" and "Additional Grounds for Suspension and Expulsion: Grades 9-12" below:

(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))

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. 3513.4 - Drug and Alcohol Free Schools) (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 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))

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 self or property; cause the student to experience a substantially detrimental effect on physical or mental health; or cause the student to experience substantial interferences with academic performance or ability to participate in or benefit from the services, activities, or privileges provided by a school. (Education Code 48900(r))

Bullying includes 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 the section "Additional Grounds for Suspension and Expulsion: Grades 4-12," that has any of the effects described above on a reasonable student.

Bullying also includes an act of cyber sexual bullying by a student through the dissemination of, or the solicitation or incitement to disseminate, a photograph or other visual recording that depicts a nude, semi-nude, or sexually explicit photograph or other visual recording of an identifiable minor, when such dissemination is to another student or to school personnel by means of an electronic act and has or can be reasonably predicted to have one or more of the effects of bullying described above. Cyber sexual bullying does not include a depiction, portrayal, or image that has any serious literary, artistic, educational, political, or scientific value or that involves athletic events or school-sanctioned activities.

Electronic act means the creation or transmission originated on or off the school site by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager, of a communication including, but not limited to: (Education Code 48900(r))

- a. A message, text, sound, video, or image
- b. A post on a social network Internet web site, including, but not limited to, posting to or creating a burn page or creating a credible impersonation or false profile for the purpose of causing a reasonable student any of the effects of bullying described above.

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 the student's age, or for a person of the student's age and 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)

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

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

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)

Additional Grounds for Suspension and Expulsion: Grades 9-12

Any student in grades 9-12 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) Suspension from Class by a Teacher

A teacher may suspend a student from class for the remainder of the day and the following day for any of the acts specified in Education Code 48900 and listed as items #1-18 under "Grounds for Suspension and Expulsion: Grades K-12" above or for disruption or willful defiance at any grade level, including grades K-8. (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, the student shall be appropriately supervised during the class periods from which the student has been suspended. (Education Code 48910)

As soon as possible after the teacher decides to suspend the student, the teacher 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 the student 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" for which a recommendation of expulsion is required. (Education Code 48915(c))

The Superintendent, principal, or designee may impose a suspension for a first offense if it is determined 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)

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. (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 the documentation 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, the student 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, including the other means of correction that were attempted before the suspension as required pursuant to Education Code 48900.5, and the evidence against the student, and shall be given the opportunity to present the student's version and evidence. (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 the 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)

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)
 - 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)

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 the behavior and keep the student 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," "Additional Grounds for Suspension and Expulsion: Grades 4-12," and "Additional Grounds for Suspension and Expulsion: Grades 9-12" 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 that would violate a student's right to privacy under Education Code 49073-49079. (Education Code 35146, 48912)

(cf. 9321 - Closed Session)

The Board shall provide the student and 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

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 the student's 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, the Superintendent or principal 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 or other medication prescribed 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

Any student recommended for expulsion shall be entitled to a hearing to determine whether the student 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

After a determination that a student has committed an expellable offense, the Superintendent, principal, or designee shall offer the student and 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 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 parent/guardian. The stipulation agreement shall include notice of all the rights that the student is waiving, including the waiving of the 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 parent/guardian shall be effective upon approval by the Board.

Rights of Complaining Witness

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, the Superintendent or designee shall give the complaining witness a copy of the district's suspension and expulsion policy and regulation and shall advise the witness of the right to: (Education Code 48918.5)

1. Receive five days' notice of the scheduled testimony at the hearing
2. Have up to two adult support persons present at the hearing at the time the witness testifies

3. Have a closed hearing during the time the witness 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

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

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

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)

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 48918(c))

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 testify 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, a 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))
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," "Additional Grounds for Suspension and Expulsion: Grades 4-12," and "Additional Grounds for Suspension and Expulsion: Grades 9-12" above. (Education Code 48918(h))

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.

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 the 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 who 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 the complaining witness 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 normal school hours, 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 school, unless the student requests in writing that the decision be postponed. (Education Code 48918(a))

Alternative Expulsion Hearing: Hearing Officer or Administrative Panel

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))

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 the student's 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

Whether the expulsion hearing is conducted in closed or open 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))

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.

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 "mandatory recommendation and mandatory expulsion" act listed in the section "Authority to Expel" in the accompanying Board policy, 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," "Additional Grounds for Suspension and Expulsion: Grades 4-12," or "Additional Grounds for Suspension and Expulsion: Grades 9-12" (Education Code 48900.8)
2. The fact that a description of readmission procedures will be made available to the student and 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

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 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," "Additional Grounds for Suspension and Expulsion: Grades 4-12," or "Additional Grounds for Suspension and Expulsion: Grades 9-12" 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 the student's status 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

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 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, or of any student acts involving 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 county or district 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

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

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 a 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))

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) (12/17 10/18) 3/20

Board Adopted: November 6, 2013

Board Update Adopted: April 8, 2015

Board Update Adopted: January 17, 2018

Board Update Adopted: November 14, 2018

Board Update Adopted: April 22, 2020

Sexual Harassment

BP 5145.7

Students

The Governing Board is committed to maintaining a safe school environment that is free from harassment and discrimination. The Board prohibits, at school or at school-sponsored or school-related activities, sexual harassment targeted at any student by anyone. 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.

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, or who has experienced off-campus sexual harassment that has a continuing effect on campus, 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. Once notified, the principal or compliance officer shall take the steps to investigate and address the allegation, as specified in the accompanying administrative regulation.

(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)

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
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. A clear message that, regardless of a complainant's noncompliance with the writing, timeline, or other formal filing requirements, every sexual harassment allegation that involves a student, whether as the complainant, respondent, or victim of the harassment, shall be investigated and prompt action shall be taken to stop any harassment, prevent recurrence, and address any continuing effect on students

6. Information about the district's procedure for investigating complaints and the person(s) to whom a report of sexual harassment should be made
7. Information about the rights of students and parents/guardians to file a civil or criminal complaint, as applicable, including the right to file a civil or criminal complaint while the district investigation of a sexual harassment complaint continues
8. A clear message that, when needed, the district will take interim measures to ensure a safe school environment for a student who is the complainant or victim of sexual harassment and/or other students during an investigation and that, to the extent possible, when such interim measures are taken, they shall not disadvantage the complainant or victim of the alleged harassment

Complaint Process and Disciplinary Actions

Sexual harassment complaints by and against students 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)

Upon investigation of a sexual harassment complaint, any student found to have engaged in sexual harassment or sexual violence in violation of this policy 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))

Upon investigation of a sexual harassment complaint, any employee found to have engaged in sexual harassment or sexual violence toward any student shall have his/her employment terminated in accordance with law and the applicable collective bargaining agreement.

(cf. 4117.7/4317.7 - Employment Status Report)

(cf. 4118 - Dismissal/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

Q&A on Campus Sexual Misconduct, September 2017

Examples of Policies and Emerging Practices for Supporting Transgender Students, May 2016

Dear Colleague Letter: Title IX Coordinators, April 2015

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>

(3/12 10/14) 9/16

Board Adopted: November 6, 2013

Board Update Adopted: April 8, 2015

Board Update Adopted: October 5, 2015

Board Update Adopted: April 10, 2019

Uniform Complaint Procedures

BP 1312.3

Community Relations

The Governing Board recognizes that the district has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs. The Board encourages early resolution of complaints whenever possible. To resolve complaints which may require a more formal process, the Board adopts the uniform system of complaint processes specified in 5 CCR 4600-4670 and the accompanying administrative regulation.

Complaints Subject to UCP

The district's uniform complaint procedures (UCP) shall be used to investigate and resolve the following complaints:

1. Any complaint alleging district violation of applicable state or federal laws or regulations governing any program subject to the UCP which is offered by the district, including adult education programs; After School Education and Safety programs; agricultural career technical education; federal career technical education; child care and development programs; child nutrition programs; compensatory education; consolidated categorical aid programs; the federal Every Student Succeeds Act; migrant education; Regional Occupational Centers and Programs; school safety plans; California State Preschool Programs; and any other district-implemented state categorical program that is not funded through the local control funding formula pursuant to Education Code 64000
 - (cf. 3553 - Free and Reduced Price Meals)
 - (cf. 3555 - Nutrition Program Compliance)
 - (cf. 5148 - Child Care and Development)
 - (cf. 5148.2 - Before/After School Programs)
 - (cf. 5148.3 - Preschool/Early Childhood Education)
 - (cf. 6171 - Title I Programs)
 - (cf. 6174 - Education for English Learners)
 - (cf. 6175 - Migrant Education Program)
 - (cf. 6178 - Career Technical Education)
 - (cf. 6178.1 - Work-Based Learning)
 - (cf. 6178.2 - Regional Occupational Center/Program)
 - (cf. 6200 - Adult Education)
2. Any complaint, by a student, employee, or other person participating in a district program or activity, alleging the occurrence of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) in district programs and activities, including in those programs or activities funded directly by or that receive or benefit from any state financial assistance, based on the person's actual or perceived characteristics of race or ethnicity, color, ancestry, nationality, national origin, immigration status, ethnic group identification, age, religion, marital status, pregnancy, parental status, physical or mental disability, medical condition, sex, sexual orientation, gender, gender identity, gender expression, or genetic information, or any other characteristic identified in Education Code 200 or 220, Government Code 11135, or Penal Code 422.55, or based on the person's association with a person or group with one or more of these actual or perceived characteristics (5 CCR 4610)
 - (cf. 0410 - Nondiscrimination in District Programs and Activities) (cf. 5145.3 - Nondiscrimination/Harassment)
 - (cf. 5145.7 - Sexual Harassment)
3. Any complaint alleging district noncompliance with the requirement to provide reasonable accommodation to a lactating student on school campus to express breast milk, breastfeed an infant child, or address other breastfeeding-related needs of the student (Education Code 222)
 - (cf. 5146 - Married/Pregnant/Parenting Students)
4. Any complaint alleging district noncompliance with requirements to provide a pregnant or parenting student the accommodations specified in Education Code 46015, including those related to the provision of parental leave, right of return to the school of previous

- enrollment or to an alternative education program, if desired, and possible enrollment in school for a fifth year of instruction to enable the student to complete state and Board-imposed graduation requirements (Education Code 46015)
5. Any complaint alleging district noncompliance with the prohibition against requiring students to pay fees, deposits, or other charges for participation in educational activities (5 CCR 4610)
(cf. 3260 - Fees and Charges)
(cf. 3320 - Claims and Actions Against the District)
 6. Any complaint alleging district noncompliance with applicable requirements of Education Code 52060-52077 related to the implementation of the local control and accountability plan, including the development of a local control funding formula budget overview for parents/guardians (Education Code 52075)
(cf. 0460 - Local Control and Accountability Plan) (cf. 3100 - Budget)
 7. Any complaint alleging noncompliance with requirements related to the development of a school plan for student achievement or the establishment of a school site council, as required for the consolidated application for specified federal and/or state categorical funding (Education Code 64000-64001, 65000-65001)
(cf. 0420 - School Plans/Site Councils)
 8. Any complaint, by or on behalf of a student who is a foster youth as defined in Education Code 51225.2, alleging district noncompliance with any requirement applicable to the student regarding placement decisions; the responsibilities of the district's educational liaison to the student; the award of credit for coursework satisfactorily completed in another school, district, or country; school or records transfer; or the grant of an exemption from Board-imposed graduation requirements (Education Code 48853, 48853.5, 49069.5, 51225.1, 51225.2)
(cf. 6173.1 - Education for Foster Youth)
 9. Any complaint, by or on behalf of a student who transfers into the district after the second year of high school and is a homeless child or youth as defined in 42 USC 11434a, a former juvenile court school student currently enrolled in the district, a child of a military family as defined in Education Code 49701, or a migrant student as defined in Education Code 54441, or by or on behalf of an immigrant student participating in a newcomer program as defined in Education Code 51225.2 in the third or fourth year of high school, alleging district noncompliance with any requirement applicable to the student regarding the grant of an exemption from Board-imposed graduation requirements (Education Code 51225.1)
(cf. 6173 - Education for Homeless Children)
(cf. 6173.2 - Education of Children of Military Families) (cf. 6173.3 - Education for Juvenile Court School Students)
 10. Any complaint, by or on behalf of a student who is a homeless child or youth as defined in 42 USC 11434a, a former juvenile court school student, a child of a military family as defined in Education Code 49701, a migrant child as defined in Education Code 54441, or a newly arrived immigrant student who is participating in a newcomer program as defined in Education Code 51225.2, alleging district noncompliance with requirements for the award of credit for coursework satisfactorily completed in another school, district, or country (Education Code 51225.2)

11. Any complaint alleging district noncompliance with the requirements of Education Code 51228.1 and 51228.2 that prohibit the assignment of a student in grades 9-12 to a course without educational content for more than one week in any semester or to a course the student has previously satisfactorily completed, without meeting specified conditions (Education Code 51228.3)
(cf. 6152 - Class Assignment)
12. Any complaint alleging district noncompliance with the physical education instructional minutes requirement (Education Code 51210, 51222, 51223)
(cf. 6142.7 - Physical Education and Activity)
13. Complaints regarding the noncompliance of a license-exempt California State Preschool Program (CSPP) with health and safety standards specified in Health and Safety Code 1596.7925 and related state regulations (Education Code 8235.5; Health and Safety Code 1596.7925)
14. Any complaint alleging retaliation against a complainant or other participant in the complaint process or anyone who has acted to uncover or report a violation subject to this policy
15. Any other complaint as specified in district policy

The Board recognizes that alternative dispute resolution (ADR) can, depending on the nature of the allegations, offer a process for resolving a complaint in a manner that is acceptable to all parties. An ADR process such as mediation may be offered to resolve complaints that involve more than one student and no adult. However, mediation shall not be offered or used to resolve any complaint involving sexual assault or where there is a reasonable risk that a party to the mediation would feel compelled to participate. The Superintendent or designee shall ensure that the use of ADR is consistent with state and federal laws and regulations.

The district shall protect all complainants from retaliation. In investigating complaints, the confidentiality of the parties involved shall be protected as required by law. For any complaint alleging retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the Superintendent or designee shall keep the identity of the complainant, and/or the subject of the complaint if different from the complainant, confidential when appropriate and as long as the integrity of the complaint process is maintained.
(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information) (cf. 5125 - Student Records)
(cf. 9011 - Disclosure of Confidential/Privileged Information)

When an allegation that is not subject to UCP is included in a UCP complaint, the district shall refer the non-UCP allegation to the appropriate staff or agency and shall investigate and, if appropriate, resolve the UCP-related allegation(s) through the district's UCP.

The Superintendent or designee shall provide training to district staff to ensure awareness and knowledge of current law and requirements related to UCP, including the steps and timelines specified in this policy and the accompanying administrative regulation.
(cf. 4131 - Staff Development) (cf. 4231 - Staff Development) (cf. 4331 - Staff Development)

The Superintendent or designee shall maintain a record of each complaint and subsequent related actions, including steps taken during the investigation and all information required for compliance with 5 CCR 4631 and 4633.

(cf. 3580 - District Records) Non-UCP Complaints

The following complaints shall not be subject to the district's UCP but shall be referred to the specified agency: (5 CCR 4611)

1. Any complaint alleging child abuse or neglect shall be referred to the County Department of Social Services Protective Services Division and the appropriate law enforcement agency.

(cf. 5141.4 - Child Abuse Prevention and Reporting)

2. Any complaint alleging health and safety violations by a child development program shall, for licensed facilities, be referred to Department of Social Services and shall, for licensing-exempt facilities, be referred to the appropriate Child Development regional administrator.

3. Any complaint alleging fraud shall be referred to the Legal, Audits and Compliance Branch of the California Department of Education.

Any complaint alleging employment discrimination or harassment shall be investigated and resolved by the district in accordance with the procedures specified in AR 4030 - Nondiscrimination in Employment, including the right to file the complaint with the California Department of Fair Employment and Housing.

Any complaint related to sufficiency of textbooks or instructional materials, emergency or urgent facilities conditions that pose a threat to the health or safety of students or staff, or teacher vacancies and misassignments shall be investigated and resolved in accordance with the procedures in AR 1312.4 - Williams Uniform Complaint Procedures. (Education Code 8235.5, 35186)

(cf. 1312.4 - Williams Uniform Complaint Procedures)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

8200-8498 Child care and development programs 8500-8538 Adult basic education

18100-18203 School libraries

32280-32289 School safety plan, uniform complaint procedures 35186 Williams uniform complaint procedures

46015 Parental leave for students 48853-48853.5 Foster youth

48985 Notices in language other than English 49010-49014 Student fees

49060-49079 Student records, especially:

49069.5 Records of foster youth 49490-49590 Child nutrition programs

49701 Interstate Compact on Educational Opportunity for Military Children 51210 Courses of study grades 1-6

51222 Physical education, secondary schools 51223 Physical education, elementary schools

51225.1-51225.2 Foster youth, homeless children, former juvenile court school students, military-connected students, migrant students, and newly arrived immigrant students; course credits; graduation requirements

51226-51226.1 Career technical education

51228.1-51228.3 Course periods without educational content 52060-52077 Local control and accountability plan, especially:

52075 Complaint for lack of compliance with local control and accountability plan requirements 52300-52462 Career technical education
52500-52616.24 Adult schools
54400-54425 Compensatory education programs
54440-54445 Migrant education
54460-54529 Compensatory education programs
59000-59300 Special schools and centers
64000-64001 Consolidated application process; school plan for student achievement
65000-65001 School site councils
GOVERNMENT CODE
11135 Nondiscrimination in programs or activities funded by state 12900-12996 Fair Employment and Housing Act
HEALTH AND SAFETY CODE
1596.792 California Child Day Care Act; general provisions and definitions 1596.7925 California Child Day Care Act; health and safety regulations
PENAL CODE
422.55 Hate crime; definition
422.6 Interference with constitutional right or privilege
CODE OF REGULATIONS, TITLE 2
11023 Harassment and discrimination prevention and correction
CODE OF REGULATIONS, TITLE 5
4600-4670 Uniform complaint procedures
4680-4687 Williams 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 of the Education Amendments of 1972
6301-6576 Title I Improving the Academic Achievement of the Disadvantaged
6801-7014 Title III language instruction for limited English proficient and immigrant students
UNITED STATES CODE, TITLE 29
794 Section 504 of Rehabilitation Act of 1973
UNITED STATES CODE, TITLE 42
2000d-2000e-17 Title VI and Title VII Civil Rights Act of 1964, as amended 2000h-2-2000h-6 Title IX of the Civil Rights Act of 1964
6101-6107 Age Discrimination Act of 1975
12101-12213 Title II equal opportunity for individuals with disabilities
CODE OF FEDERAL REGULATIONS, TITLE 28
35.107 Nondiscrimination on basis of disability; complaints
CODE OF FEDERAL REGULATIONS, TITLE 34
99.1-99.67 Family Educational Rights and Privacy Act
100.3 Prohibition of discrimination on basis of race, color or national origin
104.7 Designation of responsible employee for Section 504
106.8 Designation of responsible employee for Title IX
106.9 Notification of nondiscrimination on basis of sex
110.25 Notification of nondiscrimination on the basis of age

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Uniform Complaint Procedure 2020-21 Program Instrument Sample UCP Board Policies and Procedures

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS Dear Colleague Letter, September 22, 2017

Dear Colleague Letter: Title IX Coordinators, April 2015

Dear Colleague Letter: Responding to Bullying of Students with Disabilities, October 2014 Dear Colleague Letter: Harassment and Bullying, October 2010

Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, January 2001

U.S. DEPARTMENT OF JUSTICE PUBLICATIONS

Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 2002

WEB SITES

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

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

Family Policy Compliance Office: <http://www2.ed.gov/policy/gen/guid/fpco>

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

U.S. Department of Justice: <http://www.justice.gov>

Board Adopted: November 6, 2013

Board Update Adopted: August 5, 2015

Board Update Adopted: April 6, 2016

Board Update Adopted: October 5, 2016

Board Update Adopted: June 14, 2017

Board Update Adopted: April 11, 2018

Board Update Adopted: April 10, 2019

Board Update Adopted: June 24, 2020

Dress And Grooming

BP 5132

Students

The Governing Board believes that appropriate dress and grooming contribute to a productive learning environment. The Board expects students to wear clothing that is suitable for the school activities in which they participate. Students shall not wear clothing that presents a health or safety hazard or is likely to cause a substantial disruption to the educational program.

(cf. 4119.22/4219.22/4319.22 - Dress and Grooming)

District and school rules pertaining to student attire shall be included in student handbooks, may be posted in school offices and classrooms, and may be periodically reviewed with all students as necessary.

Students shall not be prohibited from dressing in a manner consistent with their gender identity or gender expression or with their religious or cultural observance.

(cf. 5145.3 - Nondiscrimination/Harassment) (cf. 5145.7 - Sexual Harassment)

The principal or designee is authorized to enforce this policy and shall inform any student who does not reasonably conform to the dress code. The dress code shall not be enforced in a manner that discriminates against a particular viewpoint or results in a disproportionate application of the dress code based on students' gender, sexual orientation, race, ethnicity, household income, or body type or size.

(cf. 0410 - Nondiscrimination in District Programs and Activities) (cf. 0415 - Equity)

(cf. 5145.2 - Freedom of Speech/Expression)

School administrators, teachers, and other staff shall be notified of appropriate and equitable enforcement of the dress code.

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

When practical, students shall not be directed to correct a dress code violation during instructional time or in front of other students.

Repeated violations or refusal to comply with the district's dress code may result in 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 proposed dress code shall be presented to the Board, which shall approve the plan upon determining that it is necessary to protect the health and safety of the school environment. The dress code policy may be included in the school's comprehensive safety plan.

(Education Code 35183)

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

When determining specific items of clothing that may be defined as gang apparel, the school shall ensure that the determination is free from bias based on race, ethnicity, national origin, immigration status, or other protected characteristics.

Uniforms

The Board may approve a school-initiated dress code requiring students at the school to wear a school uniform whenever the Board determines that such a dress code will promote student achievement, a positive school climate, and/or student safety.

The Superintendent or designee shall establish procedures whereby parents/guardians may choose to have their children exempted from the school uniform policy. Students shall not be penalized academically, otherwise discriminated against, or denied attendance to school if their parents/guardians so decide. (Education Code 35183)

The Superintendent or designee shall ensure that resources are identified to assist economically disadvantaged students in obtaining uniforms. (Education Code 35183)

Legal Reference:

EDUCATION CODE

220 Nondiscrimination 32281 School safety plans

35183 School dress codes; uniforms 35183.5 Sun-protective clothing

48907 Student exercise of free expression

49066 Grades; effect of physical education class apparel COURT DECISIONS

Jacobs v. Clark County School District, (2008) 26 F. 3d 419 Harper v. Poway Unified School District, (2006) 445 App. 3d 166

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

Arcadia Unified School District v. California Department of Education, (1992) 2 Cal. 4th 251 Hazelwood School District v. Kuhlmeier, (1988) 108 S. Ct. 562

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

Tinker v. Des Moines Independent Community School District, (1969) 393 U.S. 503

(10/94 10/96) 5/19

Board Adopted: November 6, 2013

Board Update Adopted: June 19, 2019

Bullying

BP 5131.2

Students

The Governing Board recognizes the harmful effects of bullying on student well-being, student learning, and school attendance and desires to provide a safe school environment that protects students from physical and emotional harm. No individual or group shall, through physical, written, verbal, visual, or other means, harass, sexually harass, threaten, intimidate, cyberbully, cause bodily injury to, or commit hate violence against any student or school personnel, or retaliate against them for filing a complaint or participating in the complaint resolution process. (cf. 5131 - Conduct)
(cf. 5136 - Gangs)
(cf. 5145.3 - Nondiscrimination/Harassment) (cf. 5145.7 - Sexual Harassment)
(cf. 5145.9 - Hate-Motivated Behavior)

The Superintendent or designee shall develop strategies for addressing bullying in district schools with the involvement of students, parents/guardians, and staff. As appropriate, the Superintendent or designee may also collaborate with social services, mental health services, law enforcement, courts, and other agencies and community organizations in the development and implementation of effective strategies to promote safety in schools and the community.
(cf. 1220 - Citizen Advisory Committees)
(cf. 1400 - Relations Between Other Governmental Agencies and the Schools) (cf. 6020 - Parent Involvement)

Such strategies shall be incorporated into the comprehensive safety plan and, to the extent possible, into 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)

Any complaint of bullying shall be investigated and, if determined to be discriminatory, resolved in accordance with law and the district's uniform complaint procedures specified in AR 1312.3. If, during the investigation, it is determined that a complaint is about nondiscriminatory bullying, the principal or designee shall inform the complainant and shall take all necessary actions to resolve the complaint.
(cf. 1312.3 - Uniform Complaint Procedures)

If the Superintendent or designee believes it is in the best interest of a student who has been the victim of an act of bullying, as defined in Education Code 48900, the Superintendent or designee shall advise the student's parents/guardians that the student may transfer to another school. If the parents/guardians of a student who has been the victim of an act of bullying requests a transfer for the student pursuant to Education Code 46600, the Superintendent or designee shall allow the transfer in accordance with law and district policy on intradistrict or interdistrict transfer, as applicable.

(cf. 5116.1 - Intradistrict Open Enrollment) (cf. 5117 - Interdistrict Attendance)

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. 4118 - Dismissal/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

46600 Student transfers

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

4600-4670 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 Cyberbullying: Policy Considerations for Boards, Policy Brief, rev. July 2010 Building Healthy Communities: A School Leaders Guide to Collaboration and Community Engagement, 2009 CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS Bullying Module California's Social and Emotional Learning: Guiding Principles, 2018 Social and Emotional Learning in California: A Guide to Resources, 2018 Health Education Content Standards for California Public Schools: Kindergarten Through Grade Twelve, 2008 Bullying at School, 2003 CALIFORNIA OFFICE OF THE ATTORNEY GENERAL PUBLICATIONS Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California K-12 Schools in Responding to Immigration Issues, April 2018 U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS Dear Colleague Letter: Responding to Bullying of Students with Disabilities, October 2014 Guidance to America's Schools: Bullying of Students with Disabilities, October 2014 Dear Colleague Letter: Guidance on Schools' Obligations to Protect Students from Student-on-Student Harassment on the Basis of Sex; Race, Color and National Origin; and Disability, October 26, 2010 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> California Office of the Attorney General: <http://oag.ca.gov> Center on Great Teachers and Leaders: <http://gtlcenter.org> Collaborative for Academic Social and Emotional Learning: <http://casel.org> Common Sense Media: <http://www.common Sense Media.org> National School Safety Center: <http://www.schoolsafety.us> Partnership for Children and Youth: <http://www.partnerforchildren.org> U.S. Department of Education: <http://www.ed.gov>

Board Adopted: November 6, 2013
Board Update Adopted: August 5, 2015
Board Update Adopted: June 20, 2018
Board Update Adopted: June 19, 2019
Board Update Adopted: April 22, 2020

Bullying

AR 5131.2
Students

Examples of Prohibited Conduct

Bullying is an aggressive behavior that involves a real or perceived imbalance of power between individuals with the intent to cause emotional or physical harm. Bullying can be physical, verbal, or social/relational and may involve a single severe act or repetition or potential repetition of a deliberate act. Bullying includes, but is not limited to, any act described in Education Code 48900(r).

Cyberbullying includes the electronic creation or transmission of harassing communications, direct threats, or other harmful texts, sounds, or images. Cyberbullying also includes breaking into another person's electronic account or assuming that person's online identity in order to damage that person's reputation.

(cf. 5145.2 - Freedom of Speech/Expression) (cf. 6163.4 - Student Use of Technology)

Examples of the types of conduct that may constitute bullying and are prohibited by the district include, but are not limited to:

1. Physical bullying: An act that inflicts harm upon a person's body or possessions, such as hitting, kicking, pinching, spitting, tripping, pushing, taking or breaking someone's possessions, or making cruel or rude hand gestures
2. Verbal bullying: An act that includes saying or writing hurtful things, such as teasing, name-calling, inappropriate sexual comments, taunting, or threats to cause harm
3. Social/relational bullying: An act that harms a person's reputation or relationships, such as leaving a person out of an activity on purpose, influencing others not to be friends with someone, spreading rumors, or embarrassing someone in public
4. Cyberbullying: An act such as sending demeaning or hateful text messages or emails, spreading rumors by email or by posting on social networking sites, or posting or sharing embarrassing photos, videos, web site, or fake profiles

Measures to Prevent Bullying

The Superintendent or designee shall implement measures to prevent bullying in district schools, including, but not limited to, the following:

1. Ensuring that each school establishes clear rules for student conduct and implements strategies to promote a positive, collaborative school climate

(cf. 5131 - Conduct)

(cf. 5137 - Positive School Climate)

2. Providing information to students, through student handbooks, district and school web sites and social media, and other age-appropriate means, about district and school rules related to bullying, mechanisms available for reporting incidents or threats, and the consequences for engaging in bullying

3. Encouraging students to notify school staff when they are being bullied or when they suspect that another student is being bullied, and providing means by which students may report threats or incidents confidentially and anonymously
4. Conducting an assessment of bullying incidents at each school and, if necessary, increasing supervision and security in areas where bullying most often occurs, such as playgrounds, hallways, restrooms, and cafeterias
5. Annually notifying district employees that, pursuant to Education Code 234.1, any school staff who witnesses an act of bullying against a student has a responsibility to immediately intervene to stop the incident when it is safe to do so

Staff Development

The Superintendent or designee shall annually make available to all certificated staff and to other employees who have regular interaction with students the California Department of Education (CDE) online training module on the dynamics of bullying and cyberbullying, including the identification of bullying and cyberbullying and the implementation of strategies to address bullying. (Education Code 32283.5)

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

The Superintendent or designee shall provide training to teachers and other school staff to raise their awareness about the legal obligation of the district and its employees to prevent discrimination, harassment, intimidation, and bullying of district students. Such training shall be designed to provide staff with the skills to:

1. Discuss the diversity of the student body and school community, including their varying immigration experiences
2. Discuss bullying prevention strategies with students, and teach students to recognize the behavior and characteristics of bullying perpetrators and victims
3. Identify the signs of bullying or harassing behavior
4. Take immediate corrective action when bullying is observed
5. Report incidents to the appropriate authorities, including law enforcement in instances of criminal behavior

Information and Resources

The Superintendent or designee shall post on the district's web site, in a prominent location and in a manner that is easily accessible to students and parents/guardians, information on bullying and harassment prevention which includes the following: (Education Code 234.6)

1. The district's policy on student suicide prevention, including a reference to the policy's age appropriateness for students in grades K-6
(cf. 5141.52 - Suicide Prevention)
2. The definition of sex discrimination and harassment as described in Education Code 230, including the rights set forth in Education Code 221.8

3. Title IX information included on the district's web site pursuant to Education Code 221.61, and a link to the Title IX information included on CDE's web site pursuant to Education Code 221.6
 4. District policies on student sexual harassment, prevention and response to hate violence, discrimination, harassment, intimidation, bullying, and cyberbullying
(cf. 5145.3 - Nondiscrimination/Harassment) (cf. 5145.7 - Sexual Harassment)
(cf. 5145.9 - Hate-Motivated Behavior)
 5. A section on social media bullying that includes all of the references described in Education Code 234.6 as possible forums for social media
 6. A link to statewide resources, including community-based organizations, compiled by CDE pursuant to Education Code 234.5.
 7. Any additional information the Superintendent or designee deems important for preventing bullying and harassment
(cf. 1113 - District and School Web Sites) Student Instruction
- As appropriate, the district shall provide students with instruction, in the classroom or other educational settings, that promotes social-emotional learning, effective communication and conflict resolution skills, character development, 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)

The district shall also educate students about the negative impact of bullying, discrimination, intimidation, and harassment based on actual or perceived immigration status, religious beliefs and customs, or any other individual bias or prejudice.

Students should be taught the difference between appropriate and inappropriate behaviors, how to advocate for themselves, how to help another student who is being bullied, and when to seek assistance from a trusted adult. As role models for students, staff shall be expected to demonstrate effective problem-solving and anger management skills.

To discourage cyberbullying, teachers may advise students to be cautious about sharing passwords, personal data, or private photos online and to consider the consequences of making negative comments about others online.

Reporting and Filing of Complaints

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.

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 - Uniform Complaint Procedures. 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.

(cf. 1312.3 - Uniform Complaint Procedures)

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. In addition, any school employee who observes an incident of bullying involving a student shall, within one business day, report such observation to the principal or a district compliance officer, whether or not the alleged victim files a complaint.

Within two business days of receiving a report of bullying, the principal shall notify the district compliance officer identified in AR 1312.3.

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.

Discipline/Corrective Actions

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. 5116.2 - Involuntary Student Transfers) (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)

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.

Support Services

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)

If any student involved in bullying exhibits warning signs of suicidal thought or intention or of intent to harm another person, the Superintendent or designee shall, as appropriate, implement district intervention protocols which may include, but are not limited to, referral to district or community mental health services, other health professionals, and/or law enforcement.

(5/19) 12/19

Board Approved: June 19, 2019

Board Update Adopted: June 24, 2020

**SCHOOL DISTRICT
Uniform Complaint Procedure
Discrimination/Harassment Complaint Reporting Form**

In accordance with the District's Uniform Complaint Procedures (5 CCR 4620) each school district shall follow uniform complaint procedures when addressing complaints alleging unlawful discrimination against any protected group. Protected groups put forth under Title IX and in California are enumerated by Education Code §§ 200 and 220, Government Code §11135, and include actual or perceived sex, sexual orientation, gender, ethnicity, race, ancestry, national origin, religion, color, mental or physical disability, and age, as well as association with member of a protected class. Additionally, it is the policy of the State of California, pursuant to Section 200, that all persons should enjoy freedom from discrimination and/or harassment of any kind in the educational institutions of the state. This also includes sexual harassment, which is a form of sexual discrimination (EC § 231.5).

I. Contact Information:

Name: _____
Address _____
: _____
City _____ Zip: _____
Home Phone: _____ Work or Cell Phone: _____

II. Complainant

You are filing this complaint on behalf of: _____
 Yourself Your child or a (student) Another student A group

III. School Information

School Name: _____
Principal's Name: _____

Address: _____ City _____

IV. Basis of Discrimination or Harassment:

Please check the following box(s), based on the type(s) of harassment you experienced, (Education Code §§ 200 and 220, Government Code §11135) including actual or perceived:

Complaints related to:

- | | | |
|---------------------------------------------|--------------------------|------------------------------------------|
| <input type="checkbox"/> Sexual orientation | <input type="checkbox"/> | Ancestry |
| <input type="checkbox"/> Gender | <input type="checkbox"/> | Mental or physical disability |
| <input type="checkbox"/> Ethnicity | <input type="checkbox"/> | Age |
| <input type="checkbox"/> Race | <input type="checkbox"/> | Association with any of these categories |
| <input type="checkbox"/> National origin | <input type="checkbox"/> | Sexual Harassment |
| <input type="checkbox"/> Religion | <input type="checkbox"/> | Sex (Title IX) |
| <input type="checkbox"/> Color | | |

* According to state law, "'Gender' means sex, and includes a person's gender identity and gender related appearance and behavior whether or not stereotypically associated with the person's assigned sex at birth." CA Education Code § 210.7 & CA Penal Code § 422.56(c).

V. Details of Complaint

Please answer the following questions to the best of your ability. Attach additional sheets of paper if you need more space.

Please **describe** the type of harassment or discrimination that you experienced, including the events or actions, in as much detail as possible:

List the **people** involved in harassing or discriminating against you:

List any **witnesses** of the incident:

Describe the **location where** the harassment/discrimination occurred:

Please list **all the date(s) and times** when the harassment/discrimination occurred or when the alleged harassment/discrimination first came to your attention:

What steps, if any, have you taken to resolve this issue before filing a complaint?

Signature of person filing complaint

Date

Received
by:
Title:

Date
Filed:

Please provide a duplicate copy to the complainant.

**SCHOOL DISTRICT
Appeal of Decision Reporting Form**

Name _____ of _____
Student: _____

I wish to appeal the report or recommended disposition of the complaint. I am dissatisfied with the report and recommended disposition because:

(Use additional sheets of paper as required.)

I understand that the Superintendent or designee may need additional information in reviewing the basis of my appeal. I authorize the Superintendent or designee to collect such information as he/ she deems necessary. I further authorize the Superintendent or designee to disclose to others portions of the information I have provided herein and any additional information that I may in the future provide with respect to this appeal, insofar as the Superintendent or designee feels that such information must be released in order that a complete investigation be conducted.

I acknowledge that I have read and understand the above statements.

_____ Signature of Student	_____ Date
_____ Signature of Parent or Guardian	_____ Date

Should you not wish the Superintendent or designee to disclose certain information you have provided herein, please specify that information below.

The Superintendent or designee will try to honor such requests consistent with his/her obligations to identify and correct instances of sexual harassment.

Nondiscrimination - Rights and Responsibilities

Nondiscrimination/Harassment

BP 5145.3

Students

This policy shall apply to all acts constituting unlawful discrimination or harassment related to school activity or to school attendance occurring within a district school, and to acts which occur off campus or outside of school-related or school-sponsored activities but which may have an impact or create a hostile environment at school.

The Governing Board desires to provide a safe school environment that allows all students equal access to and opportunities in the district's academic, extracurricular, and other educational support programs, services, and activities. The Board prohibits, at any district school or school activity, unlawful discrimination, including discriminatory harassment, intimidation, and bullying, targeted at any student by anyone, based on the student's actual or perceived race, color, ancestry, nationality, national origin, immigration status, ethnic group identification, ethnicity, age, religion, marital status, pregnancy, parental status, physical or mental disability, medical condition, sex, sexual orientation, gender, gender identity, gender expression, or genetic information, or association with a person or group with one or more of these actual or perceived characteristics.

(cf. 0410 - Nondiscrimination in District Programs and Activities) (cf. 5131 - Conduct)

(cf. 5131.2 - Bullying)

(cf. 5137 - Positive School Climate) (cf. 5145.7 - Sexual Harassment)

(cf. 5145.9 - Hate-Motivated Behavior)

(cf. 5146 - Married/Pregnant/Parenting Students)

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

Unlawful discrimination, including discriminatory harassment, intimidation, or bullying, may result from physical, verbal, nonverbal, or written conduct based on any of the categories listed above. Unlawful discrimination also occurs when prohibited conduct is so severe, persistent, or pervasive that it affects a student's ability to participate in or benefit from an educational program or activity; creates an intimidating, threatening, hostile, or offensive educational environment; has the effect of substantially or unreasonably interfering with a student's academic performance; or otherwise adversely affects a student's educational opportunities.

Unlawful discrimination also includes disparate treatment of students based on one of the categories above with respect to the provision of opportunities to participate in school programs or activities or the provision or receipt of educational benefits or services.

The Board also prohibits any form of retaliation against any individual who reports or participates in the reporting of unlawful discrimination, files or participates in the filing of a complaint, or investigates or participates in the investigation of a complaint or report alleging unlawful discrimination. Retaliation complaints shall be investigated and resolved in the same manner as a discrimination complaint.

The Superintendent or designee shall facilitate students' access to the educational program by publicizing the district's nondiscrimination policy and related complaint procedures to students, parents/guardians, and employees. In addition, the Superintendent or designee shall post the district's policies prohibiting discrimination, harassment, intimidation, and bullying and other required information on the district's web site in a manner that is easily accessible to parents/guardians and students, in accordance with law and the accompanying administrative regulation.

The Superintendent or designee shall provide training and/or information on the scope and use of the policy and complaint procedures and take other measures designed to increase the school community's understanding of the requirements of law related to discrimination. The Superintendent or designee shall regularly review the implementation of the district's nondiscrimination policies and practices and, as necessary, shall take action to remove any identified barrier to student access to or participation in the district's educational program. The Superintendent or designee shall report the findings and recommendations to the Board after each review.

(cf. 1312.3 - Uniform Complaint Procedures) (cf. 1330 - Use of Facilities)

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

(cf. 6145 - Extracurricular and Cocurricular Activities) (cf. 6145.2 - Athletic Competition)

(cf. 6164.2 - Guidance/Counseling Services)

Regardless of whether a complainant complies with the writing, timeline, and/or other formal filing requirements, all complaints alleging unlawful discrimination, including discriminatory harassment, intimidation, or bullying, shall be investigated and prompt action taken to stop the discrimination, prevent recurrence, and address any continuing effect on students.

Students who engage in unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, in violation of law, Board policy, or administrative regulation shall be subject to appropriate consequence or discipline, which may include suspension or expulsion when the behavior is severe or pervasive as defined in Education Code 48900.4. Any employee who permits or engages in prohibited discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, shall be subject to disciplinary action, up to and including dismissal.

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

(cf. 5144 - Discipline)

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

(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities)) (cf. 5145.2 - Freedom of Speech/Expression)

Record-Keeping

The Superintendent or designee shall maintain a record of all reported cases of unlawful discrimination, including discriminatory harassment, intimidation, or bullying, to enable the district to monitor, address, and prevent repetitive prohibited behavior in district schools. (cf. 3580 - District Records)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

48900.3 Suspension or expulsion for act of hate violence 48900.4 Suspension or expulsion for threats or harassment 48904 Liability of parent/guardian for willful student misconduct 48907 Student exercise of free expression

48950 Freedom of speech 48985 Translation of notices 49020-49023 Athletic programs

49060-49079 Student records

51500 Prohibited instruction or activity 51501 Prohibited means of instruction 60044 Prohibited instructional materials CIVIL CODE

1714.1 Liability of parents/guardians for willful misconduct of minor GOVERNMENT CODE

11135 Nondiscrimination in programs or activities funded by state PENAL CODE

422.55 Definition of hate crime

422.6 Crimes, harassment

CODE OF REGULATIONS, TITLE 5

432 Student record

4600-4670 Uniform complaint procedures

4900-4965 Nondiscrimination in elementary and secondary education programs UNITED STATES CODE, TITLE 20

1681-1688 Title IX of the Education Amendments of 1972 UNITED STATES CODE, TITLE 29

794 Section 504 of Rehabilitation Act of 1973 UNITED STATES CODE, TITLE 42

2000d-2000e-17 Title VI and Title VII Civil Rights Act of 1964, as amended 2000h-2-2000h-6 Title IX of the Civil Rights Act of 1964

6101-6107 Age Discrimination Act of 1975

12101-12213 Title II equal opportunity for individuals with disabilities CODE OF FEDERAL REGULATIONS, TITLE 28

35.107 Nondiscrimination on basis of disability; complaints CODE OF FEDERAL REGULATIONS, TITLE 34

99.31 Disclosure of personally identifiable information

100.3 Prohibition of discrimination on basis of race, color or national origin

104.7 Designation of responsible employee for Section 504

104.8 Notice

106.8 Designation of responsible employee for Title IX

106.9 Notification of nondiscrimination on basis of sex

110.25 Prohibition of discrimination based on age COURT DECISIONS

Donovan v. Poway Unified School District, (2008) 167 Cal.App.4th 567 Flores v. Morgan Hill Unified School District, (2003) 324 F.3d 1130

Management Resources:

CSBA PUBLICATIONS

Updated Legal Guidance: Protecting Transgender and Gender Nonconforming Students Against Sex Discrimination, March 2017

CALIFORNIA OFFICE OF THE ATTORNEY GENERAL PUBLICATIONS

Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's K-12 Schools in Responding to Immigration Issues, April 2018

FIRST AMENDMENT CENTER PUBLICATIONS

Public Schools and Sexual Orientation: A First Amendment Framework for Finding Common Ground, 2006

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS Examples of Policies and Emerging Practices for Supporting Transgender Students, May 2016 Dear Colleague Letter: Title IX Coordinators, April 2015

Resolution Agreement Between the Arcadia Unified School District, U.S. Department of Education, Office for Civil Rights, and the U.S. Department of Justice, Civil Rights Division, (2013) OCR 09-12-1020, DOJ 169-12C-70

Dear Colleague Letter: Harassment and Bullying, October 2010 Notice of Non-Discrimination, Fact Sheet, August 2010

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES PUBLICATIONS

Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, August 2003

WEB SITES

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

California Department of Education: <http://www.cde.ca.gov> California Office of the Attorney General: <http://oag.ca.gov> California Safe Schools Coalition: <http://www.casafeschools.org> First Amendment Center: <http://www.firstamendmentcenter.org>

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

(9/16 5/18) 5/20

Board Adopted: November 6, 2013

Board Update Adopted: December 9, 2015

Board Update Adopted: October 5, 2016

Board Update Adopted: June 20, 2018

Board Update Adopted: April 10, 2019

Board Update Adopted: June 24, 2020

Business and On-Instructional Operations

Sex Offender Notification

BP 3515.5

Business and Noninstructional Operations

In order to protect students while they are traveling to and from school, or attending school or a school-related activity, the Governing Board believes it is important that the district respond appropriately when a law enforcement agency notifies the district about registered sex offenders who may reside or work within district boundaries.

The Superintendent or designee shall establish an ongoing relationship with law enforcement officials to coordinate the receipt and dissemination of such information. To the extent authorized by law, the Superintendent or designee also shall establish procedures for notifying appropriate staff as necessary.

To protect the district and its employees from liability, employees shall disseminate sex offender information in good faith, and only in the manner and to the extent authorized by the law enforcement agency.

(cf. 0450 - Comprehensive Safety Plan)

(cf. 1240 - Volunteer Assistance)

(cf. 1250 - Visitors/Outsiders)

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

(cf. 3515 - Campus Security)

(cf. 5142 - Safety)

Legal Reference:

EDUCATION CODE

32211 Threatened disruption or interference with classes; offense

35160 Authority of boards

35160.1 Board authority of school districts

PENAL CODE

290 Registration of sex offenders

290.4 Sex offender registration; compilation of information

290.45 Release of sex offender information

290.46 Making information about certain sex offenders available via the Internet

290.9 Addresses of persons who violate duty to register

290.95 Disclosure by person required to register as sex offender

626.8 Disruptive entry or entry of sex offender upon school grounds
830.32 School district and community college police
3003 Parole, geographic placement
UNITED STATES CODE, TITLE 42
14071 Jacob Wetterling Crimes Against Children and Sexually Violent Offender
Registration Program Act
ATTORNEY GENERAL OPINIONS
82 Ops.Cal.Atty.Gen. 20 (1999)
Management Resources:
WEB SITES
California Department of Justice, Megan's Law mapping: <http://www.meganslaw.ca.gov>
Board Adopted: November 6, 2013

Business and Non-Instructional Operations

Sex Offender Information

1. The Superintendent or designee shall appoint a staff member to serve as liaison with local law enforcement regarding these matters.
2. If law enforcement notifies the district of the residency or employment of a sex offender within district boundaries, the Superintendent or designee shall determine which central office and school staff need to be notified. This determination shall be done on a case-by-case basis. Notification may be made to the following staff:
 - a. The principal of the school which is in the attendance area of the sex offender's residency or place of employment.
 - b. Teachers and classified personnel at the school including staff responsible for visitor registration.
 - c. principals and staff at adjacent schools, as appropriate.
 - d. Security staff
 - e. Bus drivers
 - f. Yard supervisors
3. If any identified sex offender is seen on or near school grounds or around any student, staff shall immediately contact the district liaison. At his/her discretion, a staff member may also immediately inform local law enforcement about the presence of the sex offender.
4. A staff member who receives any information directly from law enforcement regarding registered sex offenders shall immediately contact the Superintendent or designee.
5. If the district liaison believes that parents/guardians should be notified of the presence of either a "high risk" or "serious" sex offender in the community, the liaison shall contact local law enforcement and ask the agency to conduct a broader notification.

Dress And Grooming

BP 5132

Students

The Governing Board believes that appropriate dress and grooming contribute to a productive learning environment. The Board expects students to wear clothing that is suitable for the school activities in which they participate. Students shall not wear clothing that presents a health or safety hazard or is likely to cause a substantial disruption to the educational program.

(cf. 4119.22/4219.22/4319.22 - Dress and Grooming)

District and school rules pertaining to student attire shall be included in student handbooks, may be posted in school offices and classrooms, and may be periodically reviewed with all students as necessary. Students shall not be prohibited from dressing in a manner consistent with their gender identity or gender expression or with their religious or cultural observance.

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

The principal or designee is authorized to enforce this policy and shall inform any student who does not reasonably conform to the dress code. The dress code shall not be enforced in a manner that discriminates against a particular viewpoint or results in a disproportionate application of the dress code based on students'

gender, sexual orientation, race, ethnicity, household income, or body type or size.

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

(cf. 0415 - Equity)

(cf. 5145.2 - Freedom of Speech/Expression)

School administrators, teachers, and other staff shall be notified of appropriate and equitable enforcement of the dress code.

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

When practical, students shall not be directed to correct a dress code violation during instructional time or in front of other students.

Repeated violations or refusal to comply with the district's dress code may result in 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 proposed dress code shall be presented to the Board, which shall approve the plan upon determining that it is necessary to protect the health and safety of the school environment. The dress code policy may be included in the school's comprehensive safety plan. (Education Code 35183)
(cf. 0450 - Comprehensive Safety Plan)
(cf. 5136 - Gangs)

When determining specific items of clothing that may be defined as gang apparel, the school shall ensure that the determination is free from bias based on race, ethnicity, national origin, immigration status, or other protected characteristics.

School District

Hate Crimes

General Statement on Hate Crimes

The policy of the School District is to ensure that the rights to equality, justice, and freedom guaranteed by State laws and the United States Constitution are protected for all students and staff, regardless of their race, class, age, ethnicity, religion, ancestry, national origin, disability, gender, or sexual orientation. When those rights are infringed upon by violence, threats, or other forms of harassment, the School District will use every necessary resource to prevent such crimes, and to rapidly and decisively cooperate with law enforcement personnel to identify and prosecute the perpetrators.

Confidentiality

According to Art. 1 Sec. 1 of the Constitution of the State of California, it shall be the policy of the School District to protect the identity and nature of victimization of the victim of a hate crime. In some cases the purpose of a hate crime is to expose the victim to potential ridicule and embarrassment.

Education

The School District will promote campus harmony, appreciation for the value of human diversity, and respect for individual rights and dignity. The District places a high priority upon the prevention and eradication of crimes involving hate, bigotry, and prejudice.

Cooperation with Law Enforcement

The victimization of individuals or groups because of their status is not only an affront to those victimized, it is also a violation of State and Federal Laws. The policy of the School District will be to immediately or as soon as is practical report all incidents of hate crimes to the appropriate local law enforcement agency. In addition to penalties assessed by criminal courts, it shall be the policy of the School District to hold those perpetrators responsible, with appropriate sanctions, including possible termination and/or expulsion.

SCHOOL DISTRICT PROCEDURE TO NOTIFY TEACHERS OF DANGEROUS PUPILS

As soon as the district/school administration becomes aware and makes a determination that a student could be or has been a danger to himself/herself or other people, the teacher(s) and any school personnel that have direct contact or interaction with the student are notified.

This notification can be verbal or in written form and must be kept confidential.

Pandemic

PANDEMIC INCIDENT ROLES AND RESPONSIBILITIES

WUSD Superintendent - Coordinate with outside agencies, including FCSS, and FCDPH. Effectively communicate with employees about the incident. Determine whether the school should be shut down.

Ed Support Services Director - Direct Health Service Personnel: Conduct flu surveillance, provide proper hygiene information, dispatch nurse teams where needed, triage ill students, and dispatch vaccination teams. Direct Support Services Personnel: Provide psycho-social support for students, and ensure SPED/504 services as applicable.

Human Resources Director - Direct WUSD Personnel: Provide travel advisories to employees, communicate to employees, students, and their families information on the disease as outlined by the CDC and on school district information, and provide psychosocial support for staff.

Chief Business Official - Review operation for Essential Functions: Ensure essential functions continue during school closure. Direct Facilities Response Personnel: Provide sufficient and accessible infection deterrent supplies, i.e., hand wipes/sanitizers, and implement disinfection procedures. Direct Safety Response: Prepare support teams as needed for safety/security.

Director(s) CIA - Direct Site Leaders concerning instruction: Facilitate continuity of instruction materials for all students upon school closure. Direct Academic and EL Support Personnel: Facilitate continuity of instruction materials for EL students upon school closure, and facilitate teacher support for distance learning upon school closure.

Recommendations and Assurances

The School Site Council (SSC) recommends this Comprehensive Safety School plan to the district governing board for approval, and assures the board of the following:

1. The School Site Council is correctly constituted, and was formed in accordance with district governing board policy and state law.
2. Under California Education Code 32281, the School Site Council or its delegates formed a school safety planning committee with the minimum of the following members:
 - The principal or the principal’s designee
 - One teacher who is a representative of the recognized certificated employee organization
 - One parent whose child attends the school
 - One classified employee who is a representative of the recognized classified employee organization
 - Other members, if desired
3. The School Site Council reviewed the content of the Comprehensive Safe School Plan and believes all requirements as outlined in the Washington Unified School District Comprehensive Safe School Plan template have been met.
4. This school plan was adopted by the school site council on: October 28, 2021.

Attested:

<u>Javier Gamboa</u> Typed name of school principal	 _____ Signature of school principal	 _____ Date
<u>Britnie Rodriguez</u> Typed name of SSC chairperson or Delegate	 _____ Signature of SSC chairperson or Delegate	 _____ Date