Threatening a School Employee

1. Continued willful disobedience, habitual profanity or vulgarity, open persistent defiance of the authority of the school personnel or continued abuse of school personnel, assault or battery upon school or any threat of force or violence directed toward school personnel, at any time or place, shall constitute good cause for suspension or expulsion from school; however, no pupil shall be suspended or expelled unless the conduct for which he is to be disciplined is related to school attendance.

2. Every person who, with the intent to cause, attempts to cause, or causes any officer or employee of any public or private educational institution or any public officer or employee to do, or refrain from doing, any act in the performance of his duties, by means of a threat, directly communicated to such person, to inflict an unlawful injury upon any person or property, and it reasonably appears to the recipient of the threat that such threat could be carried out, is guilty of a public offense.

3. Whenever any school district employee is attacked, assaulted, or menaced by a pupil, it is the duty of the employee and his supervisor, if he has knowledge of the incident, promptly to report the matter to the law enforcement authorities. Failure to make such a report is a misdemeanor punishable by a fine. Any employee of any school district, a county supervisor of schools, or one of his staff, or a board member who attempts directly or indirectly to dissuade a person under duty to make the above report is guilty of a misdemeanor and may be assessed a fine.

4. School Administrator’s Responsibility in Case of Assault by Pupil Against School Employees.

   a. A complete written report is to be mailed without delay to the appropriate law enforcement agency. A copy of the form should be retained in school and district office files.

   b. The principal should make every reasonable attempt to notify the pupil’s parents of all pertinent factors.

Legal Reference: (see next page)
EMPLOYEE SAFETY (continued)

Legal Reference:

EDUCATION CODE
32030-32034  Eye safety
32225-32226  Communications devices in classrooms
32280-32289  School safety plans
44984  Required rules for industrial accident and illness leave of absence

GOVERNMENT CODE
3543.2  Scope of bargaining

LABOR CODE
3300  Definitions
6305  Occupational safety and health standards; special order
6310  Retaliation for filing complaint prohibited
6400-6413.5  Responsibilities and duties of employers and employees, especially:
6401.7  Injury and illness prevention program

CODE OF REGULATIONS, TITLE 8
3203  Injury and illness prevention program
3400  Medical services and first aid
5095-5100  Control of noise exposure

CODE OF FEDERAL REGULATIONS, TITLE 29
1910.95  Noise standards

EVERGREEN SCHOOL DISTRICT
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San Jose, California