

Evergreen School District

Carolyn A. Clark Elementary Comprehensive School Safety Plan

Effective Dates: 2021-2022

Principal/Administrator: Gina Fierro

Plan Developed By	Title
Gina Juarez	Principal
Bernadette Marcias	Teacher
Chris Che	Parent
Joe Zhao	Parent
Kerry Principi	School Secretary
Lisa Untrauer	Teacher
Michelle Rojas	Teacher
Patti Andrade	Parent
Sandesh Bharadwaj	Parent
Sundari Revanur	Parent
Delma Juarez	Community Member

Public Meeting Date: January 26, 2022

Date Adopted by School Site Council: February 2022

Table of Contents

Committee Members.....	3
Vision/Mission Statement.....	4
Data Analysis.....	5
Goals Strategies and Activities.....	9
Component I – People and Programs.....	9
Component II – Place	12
Communication.....	16
Evaluation	17
Adopted Board Policies.....	19
Alcohol and Other Drugs.....	19
Tobacco	21
Behavioral Interventions for Special Education Students	23
Bullying.....	26
Child Abuse Prevention and Reporting	28
Comprehensive Safety Plan.....	32
Conduct	35
Bus Conduct	37
Discipline	38
Emergencies and Disaster Preparedness Plan	41
Fire Drills and Fires.....	43
Bomb Threats.....	44
Earthquake Emergency Procedure System	45
Emergency Schedules.....	47
Employee Security.....	47
Hate-Motivated Behavior.....	49
HIV/Aids Prevention Instruction	50
Married/Pregnant/Parenting Students	53
Nondiscrimination/Harassment	54
Safe Routes To School Program	57
Safety	58
Sexual Harassment.....	60
Student Disturbances.....	67
Vandalism and Graffiti.....	68
Supplemental School Counseling Program for Students in Grades 7-8	69
Suspension and Expulsion/due Process	71
Suspension and Expulsion/due Process (Students With Disabilities).....	87
Uniform Complaint Procedures.....	90
Weapons and Dangerous Instruments.....	95
Additional Site Attachments	98

Committee Members

Name of Members	Principal	Classified Employee	Teacher Re. of Cert. Employees	Parent or Community Member	Law Enforcement	Secondary Students	Other
Gina Fierro	X						
Kerry Principi		X					
Cheryl Connolly			X				
Michelle Rojas			X				
Sue Gresch			X				
Amrinder Jhajj				X			
Rick Gascon				X			
Hang Le				X			
Suneet Kaur				X			
Marie Millares				X			
Eric Delgado		X					
Captain Todd Trayer					X		

Vision/Mission Statement

At Carolyn Clark, we believe in inspiring and empowering a community of lifelong learners who are engaged in rigorous and relevant learning experiences, while being challenged to reach our full potential.

Data Analysis

Data Source	2017-18	2018-19	2019-20
California Health Kids Survey	X		
Suspensions	X		X
Expulsions	X		X
Local Crime data			
Other Community data	X		
UMIRS/Other	X		
Youth Truth Survey	X		X
School Safety Surveys	X		X

Conclusions from Data:

* Suspensions to date - 1

* Expulsions to date - 0

* Local Crime Data - The school district works with our district liaison regarding any pertinent crime information related to or impacting our individual sites and district.

* Attendance Awareness Week in September 2021.

* Cyber Awareness Week - Lessons are given to students K to 6th grade every year to bring awareness to internet safety and responsibility (December 2021.)

* PBIS Surveys (SAS/TFI) - Leadership team analyzes and shares the data with the staff.

* PowerSchool will show trends and patterns (Ten or more entries in one category may show a systemic problem. *Currently, the team has a couple of students referred for the Check In/Check Out process.

* UMIRS - This is related to dangerous activities reports and done at the district/county level:

<https://www.cde.ca.gov/ls/ss/se/uscoattch2.asp>.

* District's Safety Survey administered in October 2021 to staff, parents and students in grades 3rd - 6th. (See attached results in the appendices. Included is data from 2020 and 2021 for comparison purposes. Overall, the data shows all stakeholders continue to feel safe at school.

**The last time the California Healthy Kids Survey was administered, it indicated that 77% of the 5th graders surveyed feel connected to school, 99% feel safe at school, 86% perceive students to be well behaved at school, and 6% reported to have used a substance.

**Current Youth Truth Survey indicates that students gave more favorable feedback regarding Student Engagement, Instructional Methods, and Classroom Culture. Conversely, students gave Carolyn Clark lower ratings in regards to Academic Rigor & Expectations and Relevance. Students provided typical feedback with respect to personal relationships.

Conclusions from Parent, Teacher and Student Input:

Parents and students continue to feel there are quality teachers at Clark.

Parents and students feel they can trust the staff at Clark.

Parents, students, and staff feel like positive relationships are fostered at Clark.

Students continue to like the staff and their teachers at Clark.

Students are aware of their surroundings on campus.

Overall, students feel the school is safe and know what to do and who to go to if they need help. Students are familiar with the emergency procedures at Clark (earthquake, fire, smoke, heat, shelter in place, and run-hide-defend.)

Parents have expressed their appreciation with the increase of clubs, enrichment programs and after school support at Clark.

Other:

Five suspensions in 2010-11 school year down to one in 2011-12 and 2012-2013, with no expulsions. Five suspensions during the 2013-2014 school year, with no expulsions. Two out of school suspensions and zero expulsions during the 2015 - 2016 school year.

Five suspensions and one going to expulsion in 2016-2017. Four suspensions to date for the 2017-2018 school year. Two suspensions in 2018-2019 school year, down to one in 2019-2020. No suspensions in 2020-2021.

List Data Sources Reviewed and How the Data Determined the Goals: surveys, focus groups, discipline, and attendance.

Project Cornerstone's Developmental Assets

Power School Attendance and Discipline Log

Feedback from Parent, Teacher and Student groups (Leadership team looks at patterns and trends and forms action items and next steps based on findings and recommendations.)

New Tech Culture survey in past have indicated the need to develop adult agency. Adult agency has increased over the years.

Community Forum held with all stake-holders invited to give input. Topic is school Safety - People & Programs, and Facility (January 2021.)

SSC input and approval given either at a meeting or via email (meeting date: December 16, 2020)

Informal and Formal Survey's, such as, but not limited to the Mental Health Survey, YouthTruth, School Safety and PBIS Surveys.

Daily Average Attendance continues to remain consistently over 95%

PBIS - Tier 1, 2 & 3 implementation.

Areas of Pride and Strength (include school programs and practices that promote a positive learning environment).

- * Positive, Caring and Supportive Staff (Principal, Teachers, and Support Staff)
- * Art, Music, Drumming, Dance, Music & Movement, Robotics, Speech & Debate, Coding, Sports, Anti-Hunger Club
- * Pedagogy/Methodology such as, Project Based Learning (PBL), Rich & Meaningful Tasks, District adopted curriculum, VAPA and inquiry-based learning
- * Deeper Learning - Mastery of Core Content, Critical Thinking, Collaboration, Communicator, Self Directed, Academic Mindset (Developing Agency)
- * 21st Century Skills - Fostering Critical Thinking, Collaboration, Communication and Creativity
- * Profile of a Learner - Developing the outcomes (Learner, Collaborator, Critical Thinker, Communicator, Innovator, Advocate) Focusing on Critical Thinking this year (2021-2022)
- * VAPA
- * School Events, Performances, Talent Shows (primary & upper,) and Night Events like Open House, Multi-Cultural Performances, Family Science Night and Winter Wonderland. Chinese Lunar New Year celebration & performances
- * SEL program
- * Students access to technology
- * Technology embedded into the curriculum
- * Clubs and Extra curricular activities such as, but not limited to Drama, Chess, Band, MOEMS, Science programs, OOTM, K-Kids & Project Cornerstone, Anti-Hunger Club, etc....
- * Competitions such as classroom spelling bees
- * Before school and after school programs like Girls on the Run, Homework Club, After School Tutoring and Walk N Roll
- * Intervention Programs (iReady)
- * Activities that promote the development of the whole child such as Fun Run, Reflections, Field Day, Mix It Up Day, RAA week, Red Ribbon Week, No One Eats Alone Day, 100th Day of School, etc....
- * A strong PTA
- * International Walk to School Day - Currently working with the city of San Jose's Walk N Roll program to continue to foster the principals around staying active.
- * Expect Respect (Currently on hold during COVID)
- * Assemblies - Continuing with school wide assemblies (Happiness is Now, Dairy Council and the Dragon Dancing Assembly)
- * Walk N Roll program - Continuing to partner with
- * Safety Assemblies brought to us by the city of San Jose - In class presentations set to occur in the spring.
- * Bike Rodeo - WnR
- * Monthly Rallies - Continuing monthly rallies virtually
- * Habit's of Mind / Character Traits - Continuing to recognize students monthly at the rallies and send home certificates.
- * Star Cards (We've added WOW Tickets & Caught You Being Good)
- * PBIS - Teams are continuing to meet regularly/monthly
- * Counseling Services (MFT & School Psychologist available)
- * Social Groups
- * Resource classes happen daily
- * Student Council and Leadership teams meet
- * Parent involvement - Junior Achievement & Arts Attack
- * Project Cornerstone - ABC Reader parent driven
- * Mindfulness
- * YWCA - CAP & TEP Programs (Child Abuse Program & Teen Empowerment Program happening virtually in the fall and spring.
- * Fundraisers such as Fun Run, the spell-a-thon and Family Nights Out at local restaurants
- * Service Learning and outreach program such as food, clothing, shoes, toys, animals and book drives (Second Harvest Canned Food Drive, Shelter, Toiletry Drive, See the Rainbow, Humane Heroes, Environmental charities, etc...)
- * Staff Appreciation and Recognition (Re-institute STAR cards for STAR by their colleagues)

Areas we wish to Change:

- * Students & parents want a wider selection of books in the library (SSC added a budget line item to the school's budget for the library. PTA also had dedicated funds to the library. Classes participating in the spell-a-thon will donate a part of their proceeds to the library)
- * Students feel there needs to be more choices for lunch/vegetarian eaters and for healthier lunches with fresh ingredients
- * Students want more PE and playground equipment.
- * Increase in VAPA opportunities and expand the music program such as Choir and to enhance our sound system (had it worked on in December)
- * Add "Safety Patrol" and/or crossing guards to the Walk N Roll Program.
- * Fun Visors and/or structured play during lunch recess.
- * Ensure that any after school programs follow Clark's Code of Conduct.

Goals Strategies and Activities

Component I – People and Programs

Goal

Our school will be a place where students have multiple opportunities to connect with the content/curriculum and participate in activities and programs beyond academics that foster the developmental and social emotional growth of the whole child. This will be done in conjunction with programs and appropriate staffing to ensure school safety.

Measurable Objective:

By February 2023, surveys will be completed, so that areas of concern can be identified to drive next steps, and an action plan can be created with input from stakeholders. Meaningful activities and programs will be maintained and offered to our students that foster school connections, as well as an increase in programs where there is a need, as compared to what's currently being offered. Considerations will be made due to COVID-19.

Action Steps:

- | |
|--|
| <p>1.0 Reinstate clubs and programs that were once at Clark, such as, but not limited to Girls on The Run, Fun-Visors, Safety Team, K-Kids, Project Cornerstone, Student Ambassadors and Tech Squad Team/Club made up of students and advisors</p> <ul style="list-style-type: none">a. Staff and outside personnel will facilitate programs as acting advisors with the support of enrichment funds allocated by the district from the Stateb.*Recess program, activities and structured games are put on hold during COVIDc. Leadership students oversee and provide activities for students at events such as, but not limited to 100th Day of School Celebration and *No One Eats Alone, as well as school wide virtual assemblies (Assemblies scheduled to date are Happiness is Now, Chinese Dragon Performance and Mobile Diary Classroom.)d. Increase leadership opportunities, including a POL groupe. Add more mindfulness activities (We've secured a mindfulness instructor who does activities and exercise with the staff and students.)f. Increase Parent Involvement in things like ABC Reader, Arts Attack, Junior Achievement and the Walk N Roll program.g. Drama Club/Virtual Musical Play |
| <p>2.0 Maintain school spirit, clubs and enrichment programs such as, but not limited to drop-in tutoring, Fit For Learning (now Elevo), Coding, in-person assemblies and webinar style school-wide assemblies, Morning Messages, Screen Free Week, Red Ribbon week, Anti-Hunger Club, Drumming, Music and Movement, Computer Programming, Mindfulness, Art, talent show and performances.</p> <ul style="list-style-type: none">a. Prioritize clubs and programsb. Put in place personnel to run programsc. Collaborate with the EVHS High school for tutoring support (Easy A Foundation - HS tutors, with Clark teacher advisors; Davidson, Clark & Wu)d. Multicultural Showe. School wide theme of Return of the Cubsf. Foster School Spirit with events such as "100th Day of School" celebrationg. Foster inclusion with celebrations such as, but not limited to Lunar New Year and Black History Month through lessons, dance, announcements and rally. |
| <p>3.0 PBIS - Maintain Tier I, 2 & 3</p> <ul style="list-style-type: none">a. PBIS Leadership Team meet regularly - Tier I continues to meet regularly every first Thursday of the month from 1 - 2 pm.) Tier 2 merges with Tier 3 and also meets every first Thursday of the month after school. Tier 1 focuses on systems and Tier 2/3 focus on student data (referrals in PowerSchool's discipline log for intervention and Check in Check out purposes.)c. Continue to merge Habits of Mind with Character Counts to support PBIS. Continue with monthly recognition at the virtual rallies. Staff nominates students for displaying these habits. |

- d. Continue positive reinforcement with STAR cards, WOW tickets and Caught Being Good tickets that can be redeemed at the PBIS STAR Store.
- e. School-Wide Monthly virtual Rallies through the use of WeVideo.
- f. Continue with Clark's Code of Conduct of being Respectful. Responsible & Safe and our school expectations through lessons, reminders (Red Reminder Cards,) booster lessons and projects that bring awareness to the students, so they take ownership over these school-wide expectations.
- g. PBIS on Staff Meeting agendas and designated PBIS Staff meetings every second Wednesday of the month
- h. Implementation of Social Emotional Learning such as Restorative Circles and classroom meetings to our programs, through the use of the district adopted curriculum, Second Step.
- i. Use of referrals and reflections/parent communication

4.0 Integrate Project Cornerstone/K-Kids with Student Council around Leadership Opportunities

- a. Expect Respect Training
- b. Implement new ideas and activities to foster school community among the students like board game table, mix-it up day, and having buddy classes (on hold during COVID)
- c. The Kindness Rock Project
- d. Mindfulness activities (glitter jar, stories, kindness, gratitude tree, art therapy)
- e. Anonymous box set up in classroom, forum, and/or office for comments & concerns
- f. Working with the sixth grade team to implement a Profile of the Learner student leadership group

5.0 School Safety

- a. School Safety Team meets at the beginning of the school year and as needed to discuss and implement safety items and procedures.
- b. Safety items on staff meeting agenda
- c. Run Hide Defend Presentation given by Officer Green and Cervantez at a Staff Meeting & scheduling out for the R-H-D drill in the spring.
- d. Emergency Kits and secondary locking devices for each classroom, including offices and the library
- e. Safety Meeting held on January 26, 2022 to get input from stakeholders on Component 1 in the Safety Plan (Invited CSEA President, ETA President, Teacher Rep, PTA Rep, Fire Captain, SJP, and Student reps. In attendance were: Principal, Teacher, students, Fire Captain Fountaine, Officer Green and Officer Cervantez.)
- f. Fire drills are done monthly and Earthquake, Run Hide Defend/Shelter in Place drills are done twice a year.
- g. Purchase new walkie talkies for the building leads and additional SDC staff to ensure communication.

6.0 Attendance

- a. Implementation of a Re-engagement Plan that includes a monthly Attendance Workshop for families, facilitated by the school principal and district social worker.

7.0 School Equipment

- a. New ball baskets and separate ball bins with check-out procedures - Noon-duty Supervisors

8.0 Increase Parent Involvement in programs such as ABC Reader, Arts Attack, Junior Achievement, Mindfulness lessons, PTA and Walk N Roll

- a. Through the use of Webinars
- b. Mixers/Socials
- c. Book Club
- d. New and Innovative fundraisers like crab feeds or spaghetti, paint & bingo nights (on hold during COVID restriction.)

9.0 PBLs in service of this goal

- a. Continue and expand on the first & second grade's Kindness Project

10.0 School-wide PLC that focuses around the Profile of the Learner (Critical Thinking & Advocacy)

11.0 Third grade PBL about addressing hunger in our community

12.0 COVID Safety

- a. Work collaboratively with Concentric nurses, our school nurse and the district's Director of Safety to support our testing and COVID safety needs.
- b. Activate the Potential Exposure Protocol as soon as the school is made aware of a CASE+ by following a checklist (See checklist in attachments.)
- c. On-going submissions of the COVID-19 Site Safety Checklist to the district office/Director of Safety (See checklist in attachments.)
- d. Establish a designated area and supervision for CASE+ students returning back to school between days 6 - 10.
- b. Principal is on the district COVID Safety committee.

13.0 Survey Data (Please see attached survey results.)

- a. Survey data will be reported out to all stakeholders
- b. Survey data from the district's safety survey and other surveys, such as, but not limited to the PBIS SAS and TFI will be analyzed and shared to help drive next steps.

14.0 Implement a school-wide PBL around safety based on student survey

- a. Develop a Driving Question.
- b. ie., #CoC (Code of Conduct)

15.0 Communication to all stakeholders Safety in and around the building....

- a. Use a communication protocol where the staff is aware of situations and then the parents are notified in a timely manner (district call out system, Parent Portal, parent email, ParentSquare, and on-going updates on school website under safety tab.
- b. Educate parents on protocols, such as Run-Hide-Defend & Shelter in Place, as well as when those protocols may need to be activated.
- c. Continue to add/update Safety Tab on the website as needed, such as "Safety Tips" to talk to your child about concerns and follow up conversations in response to issues that may come up. (Can also be used to convey information and updates about COVID-19.)
- d. Continue with streamlining the emails via one platform, like ParentSquare.
- e. Be mindful of flooding parents' in-boxes with flyers and messages, i.e., Peachjar (This cannot be addressed at the site level, as they are dispersed at the district level. Users have the option to set Peachjar communication frequency by using the link at the bottom of each.)
- f. Post events in the email through (ICS file), or ParentSquare.
- g. Capability to translate messages in three languages.
- h. *Continue to communicate updates to the COVID Prevention Plan to Staff, Parents and Students.
- i. *Continue to communicate out to the community about pool and rapid testing.
- j. *Communicate to the school community about group tracing and activating "Potential Exposure" notices as needed.
- k. Communicate with parents about safety drills and expectations throughout the year.

Who will take the lead?	Principal, School Site Council, PTA, Grade-level leads, Teachers, Teacher & Students Leadership groups (PBIS & Project Cornerstone/K-Kids)
Completion Date and Budget	February 2023; Will use existing funding resources, enrichment funds, & seek out grants, sponsors, and donations
Resources Needed	Personnel, use in-house and outside resources
How we will Monitor and evaluate?	Compare and Analyze data to make recommendations as necessary

Component II – Place

Goal

Maintain an attractive, safe and secure facility where students and staff feel safe and valued, as well as the COVID safeguards put in place to help mitigate the spread of COVID-19.

Measurable Objective:

Throughout the 2021-2022 school year, the school will continue to undergo beautification, maintenance and security projects to enhance the overall appearance and safety of the school, as measured by the number of on-going and completed projects.

Action Steps:

*First two action items are COVID-19 specific:

1.0 Establish and maintain safety expectations and procedures in response to COVID-19 in alignment with Santa Clara County Department of Education, CDPH and district guidelines.

- a. Post signage and online communication of safety procedures i.e. mask wearing, hand washing, etc....
- b. Create and communicate protocols and expectations on campus according to Santa Clara County Department of Health and district guidelines: ingress/egress, physical distancing and isolation/quarantine as needed, drills, Code of Conduct, etc...
- c. Communicate expectations while onsite regarding, but not limited to on campus log, areas off limit, no congregating, in person assessments, teaching in classroom, etc.
- d. Align safety protocols with PBIS Expectations Matrix and continue with Code of Conduct
- e. Implement visitor procedures in alignment with guidelines including, but not limited to, PPE, vaccination and test status

2.0 The site will increase safety measures regarding campus-wide sanitation by:

- a. Regularly reviewing custodial assignments and cleaning schedules across campus
- b. Maintain hand sanitizer stations in all classrooms and high-traffic areas around campus
- c. Clearly mark pathways to aid in the flow of traffic on and around campus
- d. Review all health and sanitation regulations and procedures with staff and students regularly and as they are updated
- d. Update and ensure all emergency/school safety documents are made available to every teacher and staff member
- e. Administrators will communicate community emergency expectations and resources on our webpage
- f. Reference and share updates to the COVID Prevention Plan regularly to the staff

3.0 Create service learning and community service projects

- a. Students will do PBLs connected to the real world.
- b. Students will organize an e-waste, goodwill event/drive, Humane Heroes, Canned Food Drive (SHFD) & Toy Drive.
- c. STEAM Lab rooms to foster inquiry based learning and projects pending completion
- d. Kinder/SDC expansion is board approved (awaiting a start date on this project)
- e. Continue to grow the Kindness Rock Garden & improve other areas in and around the school to create a sense of school ownership and pride.
- f. Students will continue to show respect for their school and the world in which we live in by learning about the environment, picking up trash and educating the school community on being "environmentally sound" through environmental literacy. (PTA would like to take the lead with this project.)
- g. Set up a weekend community beautification day and beautification projects in and around the school, such as, but not limited to murals and gardens (Currently working with an artist, Jesse Ramirez, who's done work in our district to create these murals.)
- h. Look at planting options like a "veggie garden" in the back of the school

4.0 Safety

Feedback/input from January 26, 2022 Safety Meeting:

Held a Safety Meeting to get input from stakeholders on Component 2 in the Safety Plan (Invited CSEA President, ETA President, Teacher Rep, PTA Rep, Fire Captain, SJPD, and Student reps. In attendance were: Principal, Teacher, students, Fire Captain Fountaine, Officer Green and Officer Cervantez

*Denotes specific to COVID-19 safety.

COMPLETED PROJECTS/ACTIVITIES:

- *Administration is trained and certified to administer COVID tests and will assist in weekly pool and rapid testing
- Fixed the hole in the front of the school and planted a tree there, so that it's no longer a tripping hazard.
- Created and posted PBIS posters around the school to remind the school community of our Clark's Code of Conduct.
- Purchased three more pop up tents for shade & events.
- Over the course of a year, eco-friendly lights have been installed/switched out within the building.
- Cleaner water fountains.
- More trashcans are placed around the school and a trashcan in every girl's bathroom.
- Toilet seat covers are stocked in each student bathroom.
- Purchased and posted signs that have the playground rules on them.
- New lock for front gate was purchased.
- Water Station installed in the building near the forum/kitchen.

PROJECTS/ACTIVITIES ON HOLD DUE TO COVID-19:

- Self-defense lessons for both staff & students.

PROJECTS TO FOLLOW-UP ON WITH THE DISTRICT:

- Parking lot expansion to allow for a fire lane
- Possible keypads for doors and gates
- Push-gate, swing back, on a timer
- Build higher gates to secure kinder area, pending the kinder expansion project
- Complete the Push/Panic bar project down at the service gate (look into reason as to why it's against code - stated that ramp is not considered a walk through)
- Continue to advocate for a wider and paved track with our district
- Adding more shade for students; possible areas: Front and back of school
- Lack of custodial support - school projects and cleaning not getting to
- Follow up on large tents out back (broken and no shade)
- Address the concern some parents have regarding traffic speeding and may jump the curb in front of the school near the crosswalk (made the city, police and the Walk N Roll program aware of these traffic concerns.)

ON-GOING PROJECTS/ACTIVITIES:

- Students will participate in a walking field trip to their Safe Place Staging Area.
- Continue to use parent emails, ParentSquare and new our website to remind the community about safety issues and concerns, such as traffic and safe drop-off and pick-up procedures. *Translated in multiple languages.
- Duty at the bus loop and at the front of the school (Bus loop area is designated for drop off and pickup by all after school programs, such as kinder care & field trips.)
- Remind students of our school's Code of Conduct (school rules, expectations, off limit areas and quiet zones, through lessons in the fall & spring. Add booster lessons as needed.)
- Expectations are posted in designated areas to reflect the desired behavior in that zone.
- Reinstate our flag system for pedestrians at the crosswalk on Rue Mirassou and Mosher and add it to other areas around the school.
- Maintain the operation of our new Security Cameras
- On-going maintenance of the bushes by having them trimmed and scaled back around the back of the school. Bushes interfere with the track and can be dangerous when the students are running/walking the track. Talk to district about no gaps and possible nets. SJPd now believes bushes to be a good deterrent. *Bushes are dense, possibility of animals like rattle snakes and many balls get lost in the bushes. (Consider a fence as an alternate for the bushes around the track as the "barrier.")
- *Continue to require all visitors report to the office. ALL VISITORS MUST SIGN IN AND WEAR A VISITOR STICKER (Masks are required for all visitors at this time. Essential volunteers working and interacting with students must be fully vaccinated and have their card on file in the front office.)
- *Anyone attending an after school voluntary event MUST show proof of a vaccination or a negative test taken within 24 hours.
- On-going safety training for staff and drills such as fire, earthquake, Run-Hide-Defend, and Shelter In Place

- On-going updates to the safety tab on our school website (Safety tips to talk to your child about & follow-up conversations to have with your child about emergencies, like "Stranger Danger.")
- *On-going updates to COVID policies, procedures, protocols, based on recommendations and guidelines.
- Put out cones during drop off and pick up, child at play, and safety signs around the school such as, "Drive like your kids live here!"
- Ensure all carts that carry devices are well kept and maintained and that the cords are in good condition.
- Floor plugs cleaned regularly
- Use of outdoor PA system in case of an emergency.
- Working with the city of San Jose through the Walk N Roll program on safety projects, such as, but not limited to, possible speed bumps and flashing lights in the bus loop area.
- Close gates for kinder pick up from 2 - 2:20 pm, possibly moving towards shutting the parking lot altogether with construction in the parking lot.
- Ensure doors, fences and gates are locked (On custodian's schedule to check at the beginning of the day after the county students are dropped off at the service gate)
- Remind parents to stay behind the yellow line in front of the forum doors while waiting for their students (communicate to parents through announcements, school website, New Parent Orientation, Back to School Kick-Off and Back to School Night.)
- Emergency supplies (Blankets from PTA & snacks and water are sent from home.)

Emergency Kits and secondary locking devices for each classroom, including offices and the library

- Dress code enforced (Appropriate school attire that doesn't distract from the learning environment.)
- All gate keys will be given to staff in case the Run component is activated in the Run Hide Defend protocol and the students need to get off campus.

5.0 Supervision

- Maintain the additional parking-lot duty during kinder drop-off and pick up in the parking-lot and at the busloop (Maintain consistency and implementation of kinder cards for cars during pick-up.)
- Continue to have yard duties and noon-duty supervisor's monitor the bathrooms more frequently and enforce Code of Conduct and off limit areas.
- *Yard-duty schedule reflects coverage in place for all designated areas, at all times, including space for students returning between days 6-10 from quarantine who need to physical distance while eating or drinking.
- *Isolation bin is equipped with all the necessary PPE in line with COVID safety.

6.0 Communication to all stakeholders Safety in and around the building....

- Use a communication protocol where the staff is aware of situations and then the parents are notified in a timely manner (district call out system, Parent Portal, parent email, ParentSquare, and on-going updates on school website under safety tab.
- Educate parents on protocols, such as Run-Hide-Defend & Shelter in Place, as well as when those protocols may need to be activated.
- Continue to add/update Safety Tab on the website as needed, such as "Safety Tips" to talk to your child about concerns and follow up conversations in response to issues that may come up. (Can also be used to convey information and updates about COVID-19.)
- Continue with streamlining the emails via one platform, like ParentSquare.
- Be mindful of flooding parents' in-boxes with flyers and messages, i.e., Peachjar (This cannot be addressed at the site level, as they are dispersed at the district level. Users have the option to set Peachjar communication frequency by using the link at the bottom of each.)
- Post events in the email through (ICS file), or ParentSquare.
- Capability to translate messages in three languages.
- *Continue to communicate updates to the COVID Prevention Plan to Staff, Parents and Students.
- *Continue to communicate out to the community about pool and rapid testing.
- *Communicate to the school community about group tracing and activating "Potential Exposure" notices as needed.

Who will take the lead?

Principal, School Site Council, Student Council, Noon-Duty Supervisors, Yard-duties, Staff, Students and Leadership groups such as PBIS, Admin. Designee and grade-level leads.

Completion Date and Budget

February 2023; Will use existing resources and funding

Resources Needed

District personnel and outside contractors

How we will Monitor and evaluate?

Purchase orders, payments, surveys, track number of projects submitted and completed, COVID related data

Communication

Method for Communicating Plan and Notifying Public: <i>Ed Code 32288</i>	<p>Date of Public Meeting: January 26, 2022 Site of Public Meeting: Carolyn Clark Room C213</p> <p>The School site council or school safety planning committee shall notify, in writing, the following persons and entities, if available, of the public meeting:</p> <ul style="list-style-type: none"> • Local Mayor • Representative of the local school employee organization • A representative of each parent organization at the school site, including the parent teacher association and parent teacher clubs • A representative of each teacher organization at the school site • A representative of the student body government <p>All persons who have indicated they want to be notified</p> <p>The School site council or school safety planning committee is encouraged to notify, in writing, the following persons and entities, if available, of the public meeting:</p> <ul style="list-style-type: none"> • A representative of the local churches • Local civic leaders • Local business organizations <p>In order to ensure compliance with this article, each School District or County Office of Education shall annually notify the State Department of Education by October 15 of any schools that have not complied with Ed Code 32281</p>
---	---

	Name	Date
Review of Progress for Last Year	Gina Fierro	1/26/2022
Law Enforcement Review	Captain Todd Trayer	03/01/2022
Site Council Approval	Michelle Rojas	2/11/2022
School Board Approval	ESD Board	03/10/2022

Evaluation

How was the previous plan monitored?

Sign-in sheets, School Plan, SSC/ELAC, Principal Coffee/Public Forums - Safety Topics, Power School entries, Emergency Drill logs, School Website Safety Tab

What progress was made on Component 1 (People and Programs)?

*Here is a list of some of the people and programs at Clark supporting this component...

1. Walk N Roll Program - Year ten of collaboration with the city of San Jose's Walk N Roll program (Originally a two year commitment by the city of San Jose, but values the partnership and kept it going.) Under new leadership at the city level.
2. Intervention Programs such as small group instruction & pull out focused skills groups. *Intervention is based off iReady results and is scheduled and provided by an intervention teacher. The intervention lessons are specific to the levels of each group.
3. Expansion of Student Council
4. Recognition Program for Staff and Students
5. Drop-in Tutoring Club - EVHS students with teacher advisors from Clark
6. Service Learning Projects (PBLs) and school-wide drives, like food drives (Second Harvest Food Drive - SHFD), Helping the Homeless, Humane Heroes, Code of Conduct, See The Rainbows Again, Toys for Tots (toy & book drive for children in the shelters.)
7. Successful implementation of PBIS Tier 3 supports & training.
8. Girls on the Run - On hold due to COVID-19
9. No One Eats Alone
10. Random Acts of Kindness week
11. Organized daily activities during Red Ribbon Week
12. Multi-Cultural Performance & Assemblies such as the Lunar New Year Performance, Happiness is Now and Mobile Diary Classroom
13. Safety Assembly brought to us by the City of San Jose's Walk N Roll program through zoom class presentations.
14. 6th grade VAPA performances - Dancing Through the Decades
15. Mix-It Up Days - On hold due to COVID-19
16. Fun-Run - PTA sponsored
17. Upper and Lower grade talent shows
18. Anti-Hunger Club
19. Coding Club
20. VAPA - Music, Art, Music, Drumming Performance.Musical
21. Assemblies - Happiness is Now and Mobile Diary Classroom
22. Increase in Enrichment Activities, such as, but not limited to, Fit For Learning, Speech & Debate, Coding, Art, Drumming, Anti Hunger Club, Clark Tutoring Club, etc...
23. Habit of Mind recognition monthly - Students are recognized at the virtual monthly rally for demonstrating that habit and given a certificate.
24. Monthly School Spirit Rallies are now being held virtually to maintain school spirit.
25. Fully vaccinated "essential volunteers" maintain programs such as, but not limited to Mindfulness, ABC Reader, Junior Achievement and Arts Attack.
26. School Spirit - School wide theme of Return of the Cubs, 100th Day of School, Lunar New Year
27. Focus on Black History Month through lessons, dance, announcements and rally

What progress was made on Component 2? (Place / Physical Environment)

1. Work orders are submitted promptly to address any safety issues.
2. Fixed the hole in front of the school by planting a tree in it, as it presented a safety concern.
3. Created and posted PBIS posters around the school to remind the school community of Clark's Code of Conduct.
4. Purchased table umbrellas and three more pop up tents for shade & events.
5. Eco-friendly lights have been installed/switched out within the building
6. Water fountains cleaned
7. More trashcans are placed around the school and a trashcan in every girl's bathroom.

8. Toilet seat covers are stocked in each student bathroom now.
9. Purchased and posted signs that have the playground rules on them.
10. New lock for front gate was purchased.
11. Water Station installed in the building near the forum/kitchen.
12. Security Cameras installed in the office to monitor the perimeter of the school.
13. Worked with Maintenance, Operations, and Transportation (MOT) to maintain Clark.
14. On-going trimming of bushes
15. Safety reminders and procedures are posted for parents and students to review on the website under the drop-down "Safety" tab (Will now include safety regarding COVID-19 and needs to be posted/transferred onto the new website.)
16. Students learned and reviewed Clark's Code of Conduct and Expectations through lessons that were taught by the staff. Expectations are reviewed by the teachers.
17. Installed push/panic-bar gates (still need one more.)
11. Enforcing that ALL visitors must report to the front office to sign-in and to get a visitor's sticker. *Enforcing COVID-19 safe practices.
12. Parking lot lights and front of the school lights were tended to and installed.
13. Work order was placed to fix the border around the kinder area.
14. Murals painted in the forum, library, kinder wall and dates added to the California Distinguished School mural in the front of the school.

ANNUAL REPORT ON THE STATUS OF THE PLAN (See Attached SARC)

Adopted Board Policies

Alcohol and Other Drugs

The Board of Trustees believes that the use of alcohol or other drugs adversely affects a student's ability to achieve academic success, is physically and emotionally harmful, and has serious social and legal consequences. The Board desires to keep district schools free of alcohol and other drugs in order to help prevent violence, promote school safety and create a well-disciplined environment conducive to learning.

The Superintendent or designee shall select a performance measure that will be used to monitor and determine the effectiveness of the district's program in reducing drug and alcohol use.

The Superintendent or designee shall clearly communicate to all students, staff and parents/guardians the district's policies, regulations and school rules related to the use of alcohol and other drugs on school campuses or at school activities.

Staff should encourage students to participate as responsible partners in efforts to maintain a safe, constructive school climate.

The Board encourages the establishment of site-level advisory groups to assist in promoting alcohol- and drug-free schools.

Instruction

The district shall provide science-based preventative instruction which has been proven effective in helping students avoid the use of alcohol and other drugs.

All instruction and related materials shall consistently state that unlawful use of alcohol or other drugs is wrong and harmful. Instruction shall not include the concept of responsible use of drugs or alcohol when such use is illegal. (20 USC 7114, 7162; Health and Safety Code 11999.2)

The district shall offer staff development activities for staff who implement the comprehensive drug and alcohol prevention and intervention program.

Enforcement/Discipline

The Superintendent or designee shall take appropriate action to eliminate possession, use or sale of alcohol and other drugs and related paraphernalia on school grounds or at school sponsored activities.

Students possessing, using or selling alcohol or other drugs or related paraphernalia shall be subject to disciplinary procedures including suspension or expulsion and/or referral to law enforcement in accordance with law, Board policy and administrative regulation. In addition, such students may be referred to an appropriate counseling program, transferred to an alternative placement, and/or be restricted from extracurricular activities, including athletics.

Legal Reference:

EDUCATION CODE

44049 Known or suspected alcohol or drug abuse by student

44645 In-service training anabolic steroids

48900 Suspension or expulsion (grounds)

48900.5 Suspension, limitation on imposition; exception

48901 Smoking or use of tobacco prohibited

48901.5 Prohibition of electronic signaling devices

48902 Notification of law enforcement authorities; civil or criminal immunity

48909 Narcotics or other hallucinogenic drugs

48915 Expulsion; particular circumstances

49602 Confidentiality of pupil information

51202 Instruction in personal and public health and safety
51203 Instruction on alcohol, narcotics and restricted dangerous drugs
51210 Areas of study
51220 Areas of study, grades 7 to 12
51260-51269 Drug education
60041 Instructional materials
60110-60115 Instructional materials on alcohol and drug education

BUSINESS AND PROFESSIONS CODE

25608 Alcohol on school property; use in connection with instruction

HEALTH AND SAFETY CODE

11032 Narcotics, restricted dangerous drugs and marijuana
JI053-JI058 Standards and schedules
11353.6 Juvenile Drug Trafficking and Schoolyard Act
11357 Unauthorized possession of marijuana; possession in school or on school grounds
11361.5 Destruction of arrest or conviction records
JI372.7 Drug program fund; uses
11802 Joint school-community alcohol abuse primary education and prevention program
11998-11998.3 Drug and Alcohol Abuse Master Plans
11999-11999.3 Alcohol and drug program funding; no unlawful use
124175-124200 Adolescent family life program

PENAL CODE

13860-13864 Suppression of drug abuse in schools

VEHICLE CODE

13202.5 Drug and alcohol related offenses by person under age of 21, but aged 13 or over;

WELFARE AND INSTITUTIONS CODE

828 Disclosure of information re minors
828.1 Disclosure of criminal records; protection of vulnerable staff & students

UNITED STATES CODE, TITLE 20

5812 National education goals
7101-7184 Safe and Drug-Free Schools and Communities Act

Instruction AR 5131.6(a)

The curriculum of all elementary and secondary schools shall include instruction on the effects upon the human body, as determined by science, of tobacco, alcohol, narcotics, dangerous drugs as defined in Health and Safety Code 11032, and other dangerous substances. Instruction shall be sequential in nature and suited to meet the needs of students at their respective grade level. (Education Code 51203, 51260)

In grades 1-6, instruction in drug education should be given in health courses required by Education Code 51210. In grades 7-8, instruction in drug education shall be conducted in health courses and in any other appropriate area of study required by Education Code 51220. (Education Code 51260)

Instruction shall be provided by appropriately trained instructors who have demonstrated competencies, as determined by the principal or designee, in the following areas: (Education Code 51260)

1. The ability to interact with students in a positive way
2. Knowledge of the properties and effects of tobacco, alcohol, narcotics, dangerous drugs, and shared drug apparatus
3. Effective teaching skills and competency in helping students to express opinions responsibly and to become aware of their values as they affect drug-use decisions

The district shall offer staff development activities for staff who implement the comprehensive drug and alcohol prevention and intervention program.

School staff, students and parents/guardians shall be informed about early warning signs which may indicate alcohol and other drug use and about appropriate agencies offering intervention programs, counseling, referral and other student assistance programs. The Board strongly encourages any student who is using alcohol or drugs to discuss the matter with his/her parent/guardian or with any

staff member. Students who disclose their use of alcohol or other drugs when seeking help from an intervention or recovery program shall not be disciplined for such use.

Intervention

District staff shall intervene whenever students use alcohol or other illegal drugs while on school property or under school jurisdiction. Staff members who have a reasonable suspicion that a student may be under the influence of alcohol or drugs shall immediately notify the principal or designee.

If the principal or designee, in his/her professional capacity or in the course of his/her employment, knows, observes or suspects that a student may be under the influence of alcohol or drugs, he/she may notify the parent/guardian. (Education Code 44049)

School staff shall not disclose confidential information provided during counseling by a student 12 years of age or older. A school counselor may report such information to the principal or parent/guardian only when he/she believes that disclosure is necessary to avert a clear and present danger to the health, safety or welfare of the student or other persons living in the school community. The school counselor shall not disclose such information to the parent/guardian if he/she believes that the disclosure would result in a clear and present danger to the student's health, safety or welfare. (Education Code 44049, 49602)

Tobacco

The Board of Trustees recognizes that tobacco use presents serious health risks and desires to provide support and assistance in reducing the number of students who begin or continue to use tobacco. The Superintendent or designee shall establish a comprehensive program that includes consistent enforcement of laws prohibiting tobacco possession and use by students, tobacco-use prevention education including youth development activities, and intervention and cessation activities and/or referrals.

Prohibition Against Tobacco Use

Students shall not possess, smoke, or use tobacco or any product containing tobacco or nicotine while on campus, while attending school-sponsored activities, or while under the supervision and control of district employees. Prohibited products include, but are not limited to, cigarettes, cigars, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel. (Education Code 48900, 48901)

Students' possession or use of nicotine delivery devices, such as electronic cigarettes, is also prohibited.

These prohibitions do not apply to a student's possession or use of his/her own prescription products. (Education Code 48900, 48901)

Instruction

The district shall provide science-based preventative instruction which has been proven effective in helping students avoid the use of alcohol and other drugs.

The district shall offer staff development activities for staff who implement the comprehensive drug and alcohol prevention and intervention program.

The Superintendent or designee shall select a performance measure that will be used to monitor and determine the effectiveness of the district's program in reducing drug and alcohol use.

Legal Reference:

EDUCATION CODE

48900 Suspension or expulsion (grounds)

48900.5 Suspension, limitation on imposition; exception

48901 Smoking or use of tobacco prohibited

51202 Instruction in personal and public health and safety

60041 Instructional materials, portrayal of effects of tobacco use

HEALTH AND SAFETY CODE

104350-104495 Tobacco-use prevention education

119405 Unlawful to sell or furnish electronic cigarettes to minors

PENAL CODE

308 Minimum age for tobacco possession

CODE OF REGULATIONS, TITLE 17

6800 Definition, health assessment

6844-6847 Child Health and Disability Prevention program; health assessments

UNITED STATES CODE, TITLE 20

7111-7117 Safe and Drug-Free Schools and Communities Act

CODE OF FEDERAL REGULATIONS, TITLE 21

1140.1-1140.34 Unlawful sale of cigarettes and smokeless tobacco to minors

ATTORNEY GENERAL OPINIONS

88 Ops.Cal.Atty.Gen. 8 (2005)

Tobacco-Use Prevention Education Program**Prevention Instruction**

The district shall provide developmentally appropriate tobacco-use prevention instruction for students at selected grade levels from K-8. Such instruction shall be aligned with state content standards and the state curriculum framework for health education and with any requirements of state and/or federal grant programs in which the district participates.

The district's tobacco-use prevention program shall provide students in grades 6-8 instruction which addresses the following topics: (Health and Safety Code 104420)

1. Immediate and long-term undesirable physiologic, cosmetic, and social consequences of tobacco use
2. Reasons that adolescents say they smoke or use tobacco
3. Peer norms and social influences that promote tobacco use
4. Refusal skills for resisting social influences that promote tobacco use

As appropriate, the district shall provide or refer students in grades 7-8 to tobacco-use intervention and cessation activities. (Health and Safety Code 104420)

In addition to targeting students who currently use tobacco, the district's program shall target students most at risk for beginning to use tobacco as identified through a local needs assessment.

The district shall provide or refer every pregnant and parenting minor enrolled in the district to tobacco-use prevention services. Such services may be integrated with existing programs for pregnant and parenting minors and shall include: (Health and Safety Code 104460)

1. Referral to perinatal and related support services
2. Outreach services and assessment of smoking status
3. Individualized counseling and advocacy services
4. Motivational messages
5. Cessation services, if appropriate
6. Incentives to maintain a healthy lifestyle
7. Follow-up assessment
8. Maintenance and relapse prevention services

Intervention/Cessation Services

The district may provide or refer students to counseling, intensive education.. and. Other intervention services to assist in the cessation of tobacco use. When appropriate, such intervention services may be provided as an alternative to suspension for tobacco possession.

Program Planning

The district's tobacco-use prevention and intervention program shall be based on an assessment of tobacco-use problems in district schools and the community, an examination of existing services and activities in the community, and a determination of high-risk student populations that are most in need of district services.

The Superintendent or designee also shall coordinate the district's tobacco-use prevention and intervention program with other district efforts to reduce students' use of illegal substances and to promote student wellness.

The Superintendent or designee shall select anti-tobacco programs based on the model program designs identified by the California Department of Education (CDE) and may modify the model to meet district needs. (Health and Safety Code 104420)

The Superintendent or designee shall not accept for distribution any materials or advertisements that promote the use or sale of tobacco products. He/she also shall not accept tobacco-use prevention or intervention funds or materials from the tobacco industry or from any entity that has received funding from the tobacco industry.

Program Evaluation

To evaluate the effectiveness of the district's program and ensure accountability, the Superintendent or designee shall administer an appropriate student survey at selected grade levels in order to assess student attitudes toward tobacco and student use of tobacco.

The results of program evaluations shall be used to refine program goals and objectives and make changes as needed to strengthen program implementation.

Regulation approved: March 21, 2013

EVERGREEN SCHOOL DISTRICT

San Jose, California

Behavioral Interventions for Special Education Students

A special education student's behavior shall be subject to the disciplinary measures applicable to all students for such infractions unless it is a serious behavior problem as defined below.

More serious behavioral problems shall be addressed through the systematic use of behavioral and emergency interventions as provided below.

Definitions

Serious behavioral problems are behaviors which are self-injurious, assaultive or cause property damage, and other severe behavior problems that are pervasive and maladaptive for which instructional/behavioral approaches specified in the student's individualized education program (IEP) are found to be ineffective.

Behavioral intervention is a systematic implementation of procedures that result in lasting positive changes in the individual's behavior. "Behavioral intervention" means the design, implementation and evaluation of individual or group instructional and environmental modifications, including programs of behavioral instruction, to produce significant improvements in human behavior through skill acquisition and the reduction of problematic behavior. Behavioral interventions are designed to provide the individual greater access to a variety of community settings, social contacts and public events and ensure the individual's right to placement in the least restrictive environment, pursuant to the student's IEP. The use of behavioral interventions shall not cause pain or trauma, shall respect the individual's human dignity and personal privacy, and shall assure his/her physical freedom, social interaction and individual choice.

Behavior intervention plan is a written document which is developed when the student exhibits a serious behavior problem that significantly interferes with the implementation of the student's IEP.

Behavioral intervention case manager is a designated certificated school district/county staff member or other qualified personnel contracted by the district or county office, and trained in behavior analysis with emphasis on positive behavioral interventions.

Behavioral emergency is the demonstration of a serious behavior problem which has not previously been observed and for which a behavioral intervention plan has not been developed, or for which a previously designed behavioral intervention is not effective.

Functional Analysis Assessment

When a special education student's serious behavioral problem significantly interferes with implementing the goals and objectives of his/her IEP, the student's IEP team shall determine whether the instructional/behavioral approaches specified in the student's IEP have proven ineffective. If the IEP team finds that these approaches have been ineffective, a functional analysis assessment shall be conducted.

Before a functional analysis assessment begins, parents/guardians shall be notified and consent obtained pursuant to Education Code 56321. No such assessment shall preclude a parent/guardian from requesting a functional analysis assessment on the basis of language and speech disorders or specific learning disabilities.

The functional analysis assessment shall be conducted by, or be under the supervision of, a person with documented training in behavior analysis with an emphasis on positive behavioral interventions. This staff shall:

1. Observe the targeted inappropriate behavior, its frequency, duration and intensity
2. Observe events immediately preceding the behavior
3. Observe the consequences of the behavior to determine the purpose it serves for the student
4. Analyze the environment in which the behavior most frequently occurs
5. Analyze records for medical and health factors which may influence behavior
6. Review the history of the behavior, including the effectiveness of interventions used in the past

The parent/guardian shall receive a complete written report of the assessment. The report shall include:

1. A description of the nature and severity of the targeted behavior(s) in objective and measurable terms
2. A description of the targeted behavior that includes baseline data and an analysis of the antecedents and consequences that maintain the behavior and a functional analysis of the behavior across all appropriate settings in which it occurs
3. A description of the rate of alternative behaviors, their antecedents and consequences
4. A proposed behavioral intervention plan for consideration by the IEP team.

Behavioral Intervention Plan

Within 10 business days after removing a student for more than 10 school days in a school year or commencing a removal that constitutes a change in placement, the district shall implement a behavioral intervention plan in accordance with 34 CFR 300.530, Board policy and administrative regulation.

Based on the functional assessment, the IEP team shall meet to determine whether a behavioral intervention plan is needed. If such a plan is needed, the IEP team shall be expanded to include a behavioral intervention case manager, qualified staff knowledgeable of the student's health needs, and others with expertise as deemed necessary by the parent/guardian, district or Special Education Local Plan Area (SELPA). This team shall develop a written behavioral intervention plan which includes:

1. A summary of relevant and determinative information gathered from the functional analysis assessment
2. An objective and measurable description of the targeted maladaptive behavior(s) and replacement positive behavior(s)
3. The student's goals and objectives specific to the behavioral intervention plan
4. A detailed description of interventions to be used and the circumstances for their use
5. Specific schedules for recording the frequency of intervention use and the frequency of the targeted and replacement behaviors, including specific criteria for discontinuing an intervention for lack of effectiveness or replacing it with a specified and identified alternative
6. Criteria by which the procedure will be faded or phased-out, or less intense/restrictive intervention schedules or techniques that will be used
7. Those behavioral interventions which will be used in the home, residential facility, work site or other noneducational settings
8. Specific dates when the IEP team will periodically review the efficacy of the program
9. The frequency of the consultation to be provided by the behavioral intervention case manager to the staff and parents/guardians who are responsible for implementing the plan

Based on the results of the functional analysis assessment, interventions specified in the plan may include:

1. Altering the identified antecedent event to prevent the occurrence of the behavior
2. Teaching the student alternative behaviors that produce the same consequences as the inappropriate behavior
3. Teaching the student adaptive behaviors which ameliorate negative conditions that promote the display of inappropriate behaviors

4. Manipulating the consequences for the display of inappropriate behaviors and alternative, acceptable behaviors, so that the alternative behaviors more effectively produce desired outcomes

Acceptable responses to targeted behavior may include, but are not limited to, one or more of the following:

1. The behavior is ignored, but not the student.
2. The student is verbally or verbally and physically redirected to an activity.
3. The student is provided with feedback.
4. The message of the behavior is acknowledged.
5. A brief physical prompt is provided to interrupt or prevent aggression, self-abuse or property destruction.

The behavioral intervention plan shall become a part of the student's IEP and shall be sufficiently detailed so as to direct the plan's implementation.

A copy of the behavioral intervention plan shall be provided to the person or agency responsible for implementation in noneducational settings.

At intervals scheduled by the IEP team, the behavioral intervention case manager, parent/guardian and others as appropriate shall evaluate the effectiveness of the behavioral intervention plan in accordance with law. This review may be conducted in meetings, by telephone conference, or by other means, as agreed upon by the IEP team.

If the IEP team determines that changes in the behavioral intervention plan are necessary, the teacher and behavioral intervention case manager shall conduct additional functional analysis assessments and, based on the outcomes, propose changes to the plan.

The parent/guardian and the behavioral intervention case manager or qualified designee may make minor modifications without an IEP team meeting. The parent/guardian shall be notified of the need for modification and shall be able to review the existing program evaluation data prior to implementing the modification. Parents/guardians shall be informed of their right to question any modification to the plan through the IEP procedures.

The IEP team also may include in the plan contingency schedules for altering specified procedures, their frequency or their duration, without reconvening the IEP team.

Emergency Interventions

Emergency interventions not specified in a student's behavioral intervention plan shall be used only when necessary to control unpredictable, spontaneous behavior which poses clear and present danger of serious physical harm to the student or others and which cannot be immediately prevented by a response less restrictive than the temporary application of a technique used to contain the behavior. Emergency interventions shall not be used as a substitute for systematic behavioral intervention plans.

Only emergency interventions approved by the SELPA may be used. No emergency intervention shall be used for longer than is necessary to contain the behavior. Upon prolonged use of an emergency intervention, staff shall seek assistance of the principal or law enforcement agency, as applicable to the situation.

Parents/guardians shall be notified within one school day whenever emergency intervention is used or serious property damage occurs. A behavior emergency report shall immediately be completed, kept in the student's file, and forwarded to the Superintendent or designee for review. This report shall include:

1. The name and age of the student
2. The setting and location of the incident
3. The name of the staff or other persons involved
4. A description of the incident and the emergency intervention used
5. A statement of whether the student is currently engaged in a systematic behavioral intervention plan
6. Details of any injuries sustained by students or others, including staff, as a result of the incident

If the behavior emergency report is for a student who does not have a behavioral intervention plan, the Superintendent or designee shall, within two days, schedule an IEP team meeting to review the emergency report, determine the necessity for a functional analysis assessment, and determine the necessity for an interim behavioral intervention plan. The IEP team shall document the reasons for not conducting an assessment and/or not developing an interim plan.

If the behavior emergency report is for a student who has a behavioral intervention plan, any incident involving a previously unseen serious behavior problem or where a previously designed intervention is not effective shall be referred to the IEP team. The IEP team shall review the incident and determine whether the student's plan needs to be modified.

Prohibited Interventions

The district prohibits any use of the following:

1. Any intervention designed or likely to cause physical pain
2. Releasing noxious, toxic or otherwise unpleasant sprays, mists or substances near the student's face
3. Any intervention that denies adequate sleep, food, water, shelter, bedding, physical comfort or access to the bathroom
4. Any intervention that subjects the student to verbal abuse, ridicule, humiliation or excessive emotional trauma
5. Use of any material or objects which simultaneously immobilize all hands and feet, except that prone containment or similar techniques may be used by trained staff as a limited emergency intervention
6. Locked seclusion, unless in a facility otherwise licensed or permitted by law to use a locked room
7. Any intervention that precludes adequate supervision of the student
8. Any intervention that deprives the student of one or more of his/her senses
9. Force exceeding what is reasonable and necessary under the circumstances

Legal Reference:

EDUCATION CODE

49001 Prohibition of corporal punishment

56321 Notice of parental rights; consent of parents

56500-56508 Procedural safeguards, including due process rights

56520-56524 Behavioral Interventions

CODE OF REGULATIONS, TITLE 5

3001 Definitions

3052 Designated positive behavioral interventions

UNITED STATES CODE, TITLE 20

1412 State eligibility

1314 Procedural safeguards

CODE OF FEDERAL REGULATIONS, TITLE 34

300.1-300.818 Assistance to states for the education of students with disabilities

Regulation approved: March 21, 2013

EVERGREEN SCHOOL DISTRICT

San Jose, California

Bullying

The Board of Trustees recognizes the harmful effects of bullying on student learning and school attendance and desires to provide safe school environments that protect students from physical and emotional harm, District employees shall establish student safety as a high priority and shall not tolerate bullying of any student.

No student or group of students shall, through physical, written, verbal, or other means, harass, sexually harass, threaten, intimidate, cyberbully, cause bodily injury to, or commit hate violence against any other student or school personnel.

Cyberbullying includes the transmission of harassing communications, direct threats, or other harmful texts, sounds, or images on the Internet, social media, or other technologies using a telephone, computer, or any wireless communication device. Cyberbullying also includes breaking into another person's electronic account and assuming that person's identity in order to damage that person's reputation.

Bullying Prevention

To the extent possible, district and school strategies shall focus on prevention of bullying by establishing clear rules for student conduct and strategies to establish a positive, collaborative school climate. Students shall be informed, through student handbooks

and other appropriate means, of district and school rules related to bullying, mechanisms available for reporting incidents or threats, and the consequences for perpetrators of bullying.

The district may provide students with instruction, in the classroom or other educational settings, that promotes effective communication and conflict resolution skills, social skills, character/values education, respect for cultural and individual differences, self-esteem development, assertiveness skills, and appropriate online behavior.

Intervention

Students are encouraged to notify school staff when they are being bullied or suspect that another student is being victimized. In addition, the Superintendent or designee shall develop means for students to report threats or incidents confidentially and anonymously.

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

As appropriate, the Superintendent or designee shall notify the parents/guardians of victims and perpetrators. He/she also may involve school counselors, mental health counselors, and/or law enforcement.

Complaints and Investigation

Students may submit to a teacher or administrator a verbal or written complaint of conduct they consider to be bullying. Complaints of bullying shall be investigated and resolved in accordance with site-level protocol.

When a student is reported to be engaging in bullying off campus, the Superintendent or designee shall investigate and document the activity and shall identify specific facts or circumstances that explain the impact or potential impact on school activity, school attendance, or the targeted student's educational performance.

When the circumstances involve cyberbullying, individuals with information about the activity shall be encouraged to save and print any electronic or digital messages sent to them that they feel constitute cyberbullying and to notify a teacher, the principal, or other employee so that the matter may be investigated.

If the student is using a social networking site or service that has terms of use that prohibit posting of harmful material, the Superintendent or designee also may file a complaint with the Internet site or service to have the material removed.

Discipline

Any student who engages in bullying on school premises, or off campus in a manner that causes or is likely to cause a substantial disruption of a school activity or school attendance, shall be subject to discipline, which may include suspension or expulsion, in accordance with district policies and regulations.

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

32282 Comprehensive safety plan

35181 Governing board policy on responsibilities of students

35291-35291.5 Rules

48900-48925 Suspension or expulsion

48985 Translation of notices

PENAL CODE

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

UNITED STATES CODE, TITLE 47

254 Universal service discounts (e-rate)

COURT DECISIONS

1.C. v. Beverly Hills Unified School District, (2010) 711 F.Supp.2d 1094

Lavine v. Blaine School District, (2002) 279 F.3d 719

Child Abuse Prevention and Reporting

The Board of Trustees recognizes the district's responsibility to educate students about the dangers of child abuse so that they will acquire the skills and techniques needed to identify unsafe situations and to react appropriately and promptly.

The district's instructional program shall include age-appropriate and culturally sensitive child abuse prevention curriculum. This curriculum shall explain students' right to live free of abuse, inform them of available support resources, and teach them how to obtain help and disclose incidents of abuse. The curriculum also shall include training in self-protection techniques.

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

Child Abuse Reporting

The Board recognizes that child abuse has severe consequences and that the district has a responsibility to protect students by facilitating the prompt reporting of known and suspected incidents of child abuse. The Superintendent or designee shall establish procedures for the identification and reporting of such incidents in accordance with law.

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. Mandated reporters shall not investigate any suspected incidents but rather shall cooperate with agencies responsible for investigating and prosecuting cases of child abuse and neglect. The Superintendent or designee shall provide training regarding the reporting duties of mandated reporters.

In the event that training is not provided to mandated reporters, the Superintendent or designee shall report to the California Department of Education the reasons that such training is not provided.

Legal Reference:

EDUCATION CODE

32280-32288 Comprehensive school safety plans
33308.1 Guidelines on procedure for filing child abuse complaints
44690-44691 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

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
11164-11174.4 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

Definitions

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

1. A physical injury or death inflicted by other than accidental means on a child by another person
2. Sexual abuse of a child, including sexual assault or sexual exploitation, as defined in Penal Code 11165.1 .
3. Neglect of a child as defined in Penal Code 11165.2

4. Willful harming or injuring of a child or the endangering of the person or health of a child as defined in Penal Code 11165.3
5. Unlawful corporal punishment or injury as defined in Penal Code 11165.4

Child abuse or neglect does not include:

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

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

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

Reportable Offenses

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

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

Any district employee who reasonably believes that he/she has observed the commission of a murder, rape, or lewd or lascivious act by use of force, violence, duress, menace, or fear of immediate and unlawful bodily injury against a victim shall notify a peace officer.

Responsibility for Reporting

The reporting duties of mandated reporters are individual and cannot be delegated to another person.

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

No supervisor or administrator shall impede or inhibit a mandated reporter from making a report.

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

Reporting Procedures

1. Initial Telephone Report

Immediately or as soon as practicable after knowing or observing suspected child abuse or neglect, a mandated reporter shall make an initial report by telephone to any police department (excluding a school district police/security department), sheriffs department, county probation department if designated by the county to receive such reports, or county welfare department.

Child Abuse Referral and Reporting Center
373 W. Julian Street
San Jose, CA 95110
(408) 299-2071

When the initial telephone report is made, the mandated reporter shall note the name of the official contacted, the date and time contacted, and any instructions or advice received.

2. Written Report

Within 36 hours of knowing or observing the information concerning the incident, the mandated reporter shall then prepare and either send, fax, or electronically submit to the appropriate agency a written follow-up report, which includes a completed Department of Justice form (SS 8572).

The Department of Justice form may be obtained from the district office or other appropriate agencies, such as the county probation or welfare department or the police or sheriffs department.

Reports of suspected child abuse or neglect shall include, if known:

- a. The name, business address, and telephone number of the person making the report and the capacity that makes the person a mandated reporter
- b. The child's name and address, present location, and, where applicable, school, grade, and class
- c. The names, addresses, and telephone numbers of the child's parents/guardians
- d. The name, address, telephone number, and other relevant personal information about the person who might have abused or neglected the child
- e. The information that gave rise to the reasonable suspicion of child abuse or neglect and the source(s) of that information

The mandated reporter shall make a report even if some of this information is not known or is uncertain to him/her.

The mandated reporter may give to an investigator from an agency investigating the case, including a licensing agency, any information relevant to an incident of child abuse or neglect or to a report made for serious emotional damage pursuant to Penal Code 11166.05.

3. Internal Reporting

The mandated reporter shall not be required to disclose his/her identity to his/her supervisor, the principal, or the Superintendent or designee.

However, employees reporting child abuse or neglect to an appropriate agency are encouraged, but not required, to notify the principal as soon as possible after the initial telephone report to the appropriate agency. When so notified, the principal shall inform the Superintendent or designee. .

The principal so notified shall provide the mandated reporter with any assistance necessary to ensure that reporting procedures are carried out in accordance with law, Board policy, and administrative regulation. At the mandated reporter's request, the principal may assist in completing and filing the necessary forms.

Reporting the information to an employer, supervisor, principal, school counselor, coworker, or other person shall not be a substitute for making a mandated report to the appropriate agency.

Training

Training of mandated reporters shall include identification and mandated reporting of child abuse and neglect.

Training shall also include guidance in the appropriate discipline of students, physical contact with students, and maintenance of ethical relationships with students to avoid actions that may be misinterpreted as child abuse.

Victim Interviews by Social Services

Whenever a representative from the Department of Social Services or another government agency investigating suspected child abuse or neglect deems it necessary, a suspected victim may be interviewed during school hours, on school premises, concerning a report of suspected child abuse or neglect that occurred within the child's home or out-of-home care facility. The child shall be given the choice of being interviewed in private or in the presence of any adult school employee or volunteer aide selected by the child.

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

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

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

Release of Child to Peace Officer

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

Parent/Guardian Complaints

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

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

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

Notifications

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

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

The Superintendent or designee also shall notify all employees that:

1. A mandated reporter who reports a known or suspected instance of child abuse or neglect shall not be held civilly or criminally liable for making a report and this immunity shall apply even if the mandated reporter acquired the knowledge or reasonable suspicion of child abuse or neglect outside of his/her professional capacity or outside the scope of his/her employment. Any other person making a report shall not incur civil or criminal liability unless it can be proven that he/she knowingly made a false report or made a report with reckless disregard of the truth or falsity of the report.
2. If a mandated reporter fails to report an incident of known or reasonably suspected child abuse or neglect, he/she may be guilty of a crime punishable by a fine and/or imprisonment.
3. No employee shall be subject to any sanction by the district for making a report.

Regulation approved: March 21, 2013

EVERGREEN SCHOOL DISTRICT

San Jose, California

Comprehensive Safety Plan

The Board of Trustees recognizes that students and staff have the right to a safe and secure campus where they are free from physical and psychological harm. The Board is fully committed to maximizing school safety and to creating a positive learning environment that includes strategies for violence prevention and high expectations for student conduct, responsible behavior, and respect for others.

The school site council at each district school shall develop a comprehensive school safety plan relevant to the needs and resources of that particular school. New school campuses shall develop a safety plan within one year of initiating operations.

The school safety plan shall take into account the school's staffing, available resources, and building design, as well as other factors unique to the site.

Each school shall forward its comprehensive safety plan to the Board for approval.

The comprehensive safety planes) shall be reviewed and updated by March 1 of each year.

The Board shall review the comprehensive safety planes) in order to ensure compliance with state law, Board policy, and administrative regulation and shall approve the planes) at a regularly scheduled meeting.

By October 15 of each year, the Superintendent or designee shall notify the California Department of Education of any schools that have not complied with the requirements of Education Code 32281.

Tactical Response Plan

Notwithstanding the process described above, any portion of a comprehensive safety plan that includes tactical responses to criminal incidents that may result in death or serious bodily injury at the school site, including steps to be taken to safeguard students and staff, secure the affected school premises, and apprehend the criminal perpetrator(s), shall be developed by district administrators in accordance with Education Code 32281. In developing such strategies, district administrators shall consult with law enforcement officials and with a representative of an employee bargaining unit, if he/she chooses to participate.

When reviewing the tactical response plan, the Board may meet in closed session to confer with law enforcement officials, provided that any vote to approve the tactical response plan is announced in open session following the closed session.

Public Access to Safety Plans

The Superintendent or designee shall ensure that an updated file of all safety-related plans and materials is readily available for inspection by the public.

However, those portions of the comprehensive safety plan that include tactical responses to criminal incidents shall not be publicly disclosed.

Legal Reference:**EDUCATION CODE**

200-262.4 Prohibition of discrimination
32260-32262 Interagency School Safety Demonstration Act of 1985
32270 School safety cadre
32280-32289 School safety plans
32290 Safety devices
35147 School site councils and advisory committees
35183 School dress code; uniforms
35291 Rules
35291.5 School-adopted discipline rules
35294.10-35294.15 School Safety and Violence Prevention Act
41510-41514 School Safety Consolidated Competitive Grant Program
48900-48927 Suspension and expulsion
48950 Speech and other communication
49079 Notification to teacher; student act constituting grounds for suspension or expulsion
67381 Violent crime

PENAL CODE

422.55 Definition of hate crime
626.8 Disruptions
11164-11174.3 Child Abuse and Neglect Reporting Act

CALIFORNIA CONSTITUTION

Article 1, Section 28(c) Right to Safe Schools

CODE OF REGULATIONS, TITLE 5

11987-11987.7 School Community Violence Prevention Program requirements
11992-11993 Definition, persistently dangerous schools

UNITED STATES CODE, TITLE 20

7101-7165 Safe and Drug Free Schools and Communities
7912 Transfers from persistently dangerous schools

UNITED STATES CODE, TITLE 42

12101-12213 Americans with Disabilities Act

Development and Review of Comprehensive School Safety Plan

The school site council shall consult with local law enforcement in writing and developing the comprehensive school safety plan. When practical, the school site council also shall consult with other school site councils and safety committees.

The school site council may delegate the responsibility for developing a comprehensive safety plan to a school safety planning committee. This committee shall be composed of the following members:

1. The principal or designee
2. One teacher who is a representative of the recognized certificated employee organization
3. One parent/guardian whose child attends the school
4. One classified employee who is a representative of the recognized classified employee organization
5. Other members, if desired

Before adopting its comprehensive safety plan, the school site council or school safety planning committee shall hold a public meeting at the school in order to allow members of the public the opportunity to express an opinion about the plan.

The school site council or safety planning committee shall notify, in writing, the following persons and entities of the public meeting:

1. The local mayor
2. A representative of the local school employee organization
3. A representative of each parent organization at the school, including the parent teacher association and parent teacher clubs
- 4.. A representative of each teacher organization at the school
5. A representative of the school's student body government
6. All persons who have indicated that they want to be notified

In addition, the school site council or safety planning committee may notify, in writing, the following entities of the public meeting:

1. Representatives of local religious organizations
2. Local civic leaders
3. Local business organizations

Content of the Safety Plan

Each comprehensive safety plan shall include an assessment of the current status of school crime committed on campus and at school-related functions.

The assessment may include, but not be limited to, data on reports of school crime, suspension and expulsion rates, and surveys of students, parents/guardians, and staff regarding their perceptions of school safety.

The plan also shall identify appropriate strategies and programs that will provide or maintain a high level of school safety and address the school's procedures for complying with existing laws related to school safety, including all of the following:

1. Child abuse reporting procedures consistent with Penal Code 11164
2. Routine and emergency disaster procedures including, but not limited to:
 - a. Adaptations for students with disabilities in accordance with the Americans with Disabilities Act
 - b. An earthquake emergency procedure system in accordance with Education Code 32282
 - c. A procedure to allow public agencies, including the American Red Cross, to use school buildings, grounds, and equipment for mass care and welfare shelters during disasters or other emergencies affecting the public health and welfare
3. Policies pursuant to Education Code 48915(d) for students who commit an act listed in Education Code 48915(c) and other school-designated serious acts which would lead to suspension, expulsion, or mandatory expulsion recommendations
4. Procedures to notify teachers of dangerous students pursuant to Education Code 49079
5. A policy consistent with the prohibition against discrimination, harassment, intimidation, and bullying pursuant to Education Code 200-262.4
6. If the school has adopted a dress code prohibiting students from wearing "gang-related apparel" pursuant to Education Code 35183, the provisions of that dress code and the definition of "gang-related apparel"
7. Procedures for safe ingress and egress of students, parents/guardians, and employees to and from school
8. A safe and orderly school environment conducive to learning
9. The rules and procedures on school discipline adopted pursuant to Education Code 35291 and 35291.5
10. Hate crime reporting procedures

Among the strategies for providing a safe environment, the school safety plan may also include:

1. Development of a positive school climate that promotes respect for diversity, personal and social responsibility, effective interpersonal and communication skills, self-esteem, anger management, and conflict resolution
2. Disciplinary policies and procedures that contain prevention strategies, such as strategies to prevent bullying, hazing, and cyberbullying, as well as behavioral expectations and consequences for violations
3. Curriculum that emphasizes prevention and alternatives to violence, such as multicultural education, character/values education, media analysis skills, conflict resolution, community service learning, and education related to the prevention of dating violence
4. Parent involvement strategies, including strategies to help ensure parent/guardian support and reinforcement of the school's rules and increase the number of adults on campus
5. Prevention and intervention strategies related to the sale or use of drugs and alcohol which shall reflect expectations for drug-free schools and support for recovering students
6. Collaborative relationships among the city, county, community agencies, local law enforcement, the judicial system, and the schools that lead to the development of a set of common goals and community strategies for violence prevention instruction
7. Procedures for responding to the release of a pesticide or other toxic substance from properties located within one-quarter mile of the school
8. Procedures for receiving verification from law enforcement that a violent crime has occurred on school grounds and for promptly notifying parents/guardians and employees of that crime

9. Assessment of the school's physical environment, including a risk management analysis and development of ground security measures such as procedures for the closing campuses to outsiders, installing surveillance systems, securing the campus perimeter, protecting buildings against vandalism, and providing for a law enforcement presence on campus
10. Crisis prevention and intervention strategies, which may include the following:
 - a. Identification of possible crises that may occur, determination of necessary tasks that need to be addressed, and development of procedures relative to each crisis, including the involvement of law enforcement and other public safety agencies as appropriate
 - b. Threat assessment strategies to determine the credibility and seriousness of a threat and provide appropriate interventions for the potential offender(s)
 - c. Assignment of staff members responsible for each identified task and procedure
 - d. Development of an evacuation plan based on an assessment of buildings and grounds and opportunities for students and staff to practice the evacuation plan
 - e. Coordination of communication to schools, Board of Trustees members, parents/guardians, and the media
 - f. Development of a method for the reporting of violent incidents
 - g. Development of follow-up procedures that may be required after a crisis has occurred, such as counseling
11. Staff development in violence prevention and intervention techniques, including preparation to implement the elements of the safety plan

Regulation approved: March 21, 2013

EVERGREEN SCHOOL DISTRICT

San Jose, California

Conduct

The Board of Trustees believes that all students have the right to be educated in a positive learning environment free from disruptions. Students shall be expected to exhibit appropriate conduct that does not infringe upon the rights of others or interfere with the school program while on school grounds, going to or coming from school, at school activities, or using district transportation.

The Superintendent or designee shall ensure that each school develops standards of conduct and discipline consistent with Board policies and administrative regulations. Students and parents/guardians shall be notified of district and school rules related to conduct.

Prohibited student conduct includes, but is not limited to:

1. Conduct that endangers students, staff, or others, including, but not limited to, physical violence, possession of a firearm or other weapon, and terrorist threats
2. Discrimination, harassment, intimidation, or bullying of students or staff, including sexual harassment, hate-motivated behavior, cyberbullying, hazing or initiation activity, extortion, or any other verbal, written, or physical conduct that causes or threatens to cause violence, bodily harm, or substantial disruption
3. Conduct that disrupts the orderly classroom or school environment
4. Willful defiance of staffs authority
5. Damage to or theft of property belonging to students, staff, or the district

The district shall not be responsible for students' personal belongings which are brought on campus or to a school activity and are lost, stolen, or damaged.

6. Obscene acts or use of profane, vulgar, or abusive language
7. Possession, use, or being under the influence of tobacco, alcohol, or other prohibited drugs
8. Possession or use of a laser pointer, unless for a valid instructional or other school related purpose (Penal Code 417.27)

Prior to bringing a laser pointer on school premises for a valid instructional or school-related purpose, a student shall obtain permission from the principal or designee.

9. Use of a cellular/digital telephone, pager, or other mobile communications device during instructional time

Such devices shall be turned off in class, except when being used for a valid instructional or other school-related purpose as determined by the teacher or other district employee, and at any other time directed by a district employee. Any device with camera, video, or voice recording function shall not be used in any manner which infringes on the privacy rights of any other person.

No student shall be prohibited from possessing or using an electronic signaling device that is determined by a licensed physician or surgeon to be essential for the student's health and the use of which is limited to purposes related to the student's health.

(Education Code 48901.5)

10. Plagiarism or dishonesty on school work or tests
11. Inappropriate attire
12. Tardiness or unexcused absence from school
13. Failure to remain on school premises in accordance with school rules

Employees are expected to provide appropriate supervision to enforce standards of conduct and, if they observe or receive a report of a violation of these standards, to immediately intervene or call for assistance. If an employee believes a matter has not been resolved, he/she shall refer the matter to his/her supervisor or an administrator for further investigation.

When a school official suspects that a search of a student or his/her belongings will turn up evidence of the student's violation of the law or school rules, such a search shall be conducted in accordance with BP/AR 5145.12 - Search and Seizure.

When a student uses any prohibited device, or uses a permitted device in any unethical or illegal activity, a district employee may confiscate the device. The employee shall store the item in a secure manner until an appropriate time.

Students who violate district or school rules and regulations may be subject to discipline including, but not limited to, suspension, expulsion, transfer to alternative programs, referral to a student success team or counseling services, or denial of participation in extracurricular or cocurricular activities or other privileges in accordance with Board policy and administrative regulation. The Superintendent or designee shall notify local law enforcement as appropriate.

Students also may be subject to discipline, in accordance with law, Board policy, or administrative regulation, for any off-campus conduct during nonschool hours which poses a threat or danger to the safety of students, staff, or district property, or substantially disrupts school activities.

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination
32280-32289 Comprehensive safety plan
35181 Governing board authority to set policy on responsibilities of students
35291-35291.5 Rules
44807 Duty concerning conduct of students
48900-48925 Suspension and expulsion
51512 Prohibition against electronic listening or recording device in classroom without permission

CIVIL CODE

1714.1 Liability of parents and guardians for willful misconduct of minor

PENAL CODE

288.2 Harmful matter with intent to seduce
313 Harmful matter
417.25-417.27 Laser scope or laser pointer
647 Use of camera or other instrument to invade person's privacy; misdemeanor
653.2 Electronic communication devices, threats to safety

VEHICLE CODE

23123-23124 Prohibitions against use of electronic devices while driving

CODE OF REGULATIONS, TITLE 5

300-307 Duties of students

UNITED STATES CODE, TITLE 42

2000h-2000h6 Title IX, 1972 Education Act Amendments

COURTDECISIONS

L'C. v. Beverly Hills Unified School District, (2010) 711 F.Supp.2d 1094
LaVine v. Blaine School District, (2000, 9th Cir.) 257 F.3d 981
Emmett v. Kent School District No. 415, (2000) 92 F.Supp. 1088
Bethel School District No. 403 v. Fraser, (1986) 478 Us. 675
New Jersey. T.L.O., (1985) 469 US. 325
Tinker v. Des Moines Independent Community School District, (1969) 393 Us. 503

Policy adopted: March 21, 2013

EVERGREEN SCHOOL DISTRICT

San Jose, California

Bus Conduct

In order to help ensure the safety and well-being of students, bus drivers, and others, the Board of Trustees expects students to exhibit appropriate and orderly conduct at all times when using school transportation, including while preparing to ride, riding, or leaving the bus.

The Superintendent or designee shall establish regulations related to student conduct on buses, bus driver authority, and the suspension of riding privileges. He/she shall make these rules available to parents/guardians, students, and other interested parties.

Students found to be in violation of the district's bus conduct rules shall be subject to discipline in accordance with Board policy and administrative regulation.

The Superintendent or designee may deny a student the privilege of using school transportation upon the student's continued disorderly conduct or his/her persistent refusal to submit to the authority of the driver.

Legal Reference:

EDUCATION CODE

35160 Authority of governing boards
39800 Transportation
39839 Transportation of guide dogs, signal dogs, service dogs
44808 Duty to supervise conduct of students
48900 Grounds for suspension and expulsion
48918 Expulsion procedures
49060-49079 Student records
49073-49079 Privacy of student records

GOVERNMENT CODE

6253-6270 California Public Records Act

CODE OF REGULATIONS, TITLE 5

14103 Authority of the driver

CODE OF REGULATIONS, TITLE 13

1200-1228 General provisions, school bus regulations

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 Family Educational Rights and Privacy

Bus Rider Rules

The following rules apply at all times when students are riding a school bus, including when on school activity trips:

1. Riders shall follow the instructions and directions of the bus driver at all times.
2. Riders should arrive at their designated bus stop on time and stand in a safe place at the stop to wait quietly for the bus.
3. Riders shall enter the bus in an orderly manner and go directly to their seats.
4. Riders shall sit down and fasten any passenger restraint systems. Riders shall remain seated while the bus is in motion.
5. Riders shall not block the aisle or emergency exit with their body or personal belongings. Riders may bring large or bulky items, such as class projects or musical instruments, on the bus only if the item does not displace any other rider or obstruct the driver's vision.
6. Riders should be courteous to the driver and to fellow passengers. Vulgarity, rude, or abusive behavior is prohibited.
7. Any noise or behavior that could distract the driver, such as loud talking, scuffling or fighting, throwing objects, or standing or changing seats, is prohibited and may lead to suspension of riding privileges.
8. Riders shall not use tobacco products, eat, or drink while riding the bus.
9. Riders may bring electronic devices onto the bus only if such devices are permitted at school. If the use of cellular telephones or similar devices disrupts the safe operation of the school bus, the bus driver may direct the student to no longer use the device on the bus.
10. Riders shall not put any part of the body out of the window nor throw any item from the bus.
11. Riders shall help keep the bus and the area around the bus stop clean. Riders shall not damage or deface the bus or tamper with bus equipment.
12. Service animals are permitted on school transportation services; all other animals are prohibited.
13. Upon reaching their destination, riders shall remain seated until the bus comes to a complete stop and upon the signal from the driver, unfasten any restraint system, enter the aisle, and go directly to the exit.
14. Riders should be alert for traffic when leaving the bus and shall follow the district's transportation safety plan when crossing the road and exiting the bus.

The driver or any passenger shall report any violation of the district's bus rules to the principal or designee. The principal or designee shall notify the student's parent/guardian of the misbehavior, determine the severity of the misconduct, and take action accordingly. In instances of a severe violation or repeated offenses, the rider may be denied transportation for a period of time determined appropriate by the principal or designee.

Bus drivers shall not deny transportation services except as directed by the principal or designee.

Regulation approved: March 21, 2013

EVERGREEN SCHOOL DISTRICT

San Jose, California

Discipline

The Governing Board desires to provide a safe, supportive, and positive school environment conducive to student learning and to prepare students for responsible citizenship by fostering self-discipline and personal responsibility. The Board believes that high expectations for student behavior, use of effective school and classroom management strategies, and parent involvement can minimize the need for discipline.

The Superintendent or designee shall approve, for each school, a complement of effective, age-appropriate strategies for correcting student behavior. Such strategies may include, but are not limited to, conferences with students and their parents/guardians; use of study, guidance, or other intervention-related teams; enrollment in a program teaching prosocial behavior or anger management; and participation in a restorative justice program. Staff shall use preventative measures and positive conflict resolution techniques whenever possible. Disciplinary measures that may result in loss of instructional time or cause students to be disengaged from school, such as suspension and expulsion, shall be imposed only when required by law and when other means of correction have failed. (Education Code 48900.5)

Board policies and administrative regulations shall outline acceptable student conduct and provide the basis for sound disciplinary practices.

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

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

Persistently disruptive students" may be assigned to alternative programs or removed from school in accordance with law, Board policy, and administrative regulation.

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

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

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

Corporal Punishment

Corporal punishment shall not be used as a disciplinary measure against any student. Corporal punishment includes the willful infliction of, or willfully causing the infliction of, physical pain on a student. (Education Code 49001)

However, corporal punishment does not include any pain or discomfort suffered by a student as a result of his/her voluntary participation in an athletic or other recreational competition or activity. In addition, an employee's use of force that is reasonable and necessary to protect himself/herself, students, staff, or other persons, to prevent damage to property, or to obtain possession of weapons or other dangerous objects within the control of the student is not corporal punishment. (Education Code 49001)

Legal Reference:

EDUCATION CODE

32280-32288 School safety plans

35146 Closed sessions

35291 Rules

35291.5-35291.7 School-adopted discipline rules

37223 Weekend classes

44807.5 Restriction from recess

48900-48926 Suspension and expulsion

48980-48985 Notification ofparent/guardian

49000-49001 Prohibition ofcorporal punishment

49330-49335 Injurious objects

CIVIL CODE

1714.1 Parental liability for child's misconduct

CODE OF REGULATIONS, TITLE 5

307 Participation in school activities until departure ofbus

353 Detention after school

DISCIPLINE

Site-Level Rules

In developing site-level disciplinary rules, the principal or designee shall solicit the participation, views, and advice of one representative selected by each of the following groups: (Education Code 35291.5)

1. Parents/guardians
2. Teachers
3. School administrators
4. School security personnel, if any
5. For junior high schools, students enrolled in the school

Each school shall file a copy of its rules with the Superintendent or designee.

Each school shall review its site-level discipline rules at least every four years.

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

Disciplinary Strategies

To the extent possible, staff shall use disciplinary strategies that keep students in school and participating in the instructional program. Disciplinary strategies may include, but are not limited to:

1. Discussion or conference between school staff and the student and his/her parents/guardians
2. Referral of the student to the school counselor or other school support service personnel for case management and counseling
3. Convening of a study, guidance, resource panel, or other intervention-related team to assess the behavior and develop and implement an individual plan to address the behavior in partnership with the student and his/her parents/guardians
4. When applicable, referral for a comprehensive psychosocial or psycho educational assessment, including for purposes of creating an individualized education program or a Section 504 plan
5. Enrollment in a program for teaching prosocial behavior or anger management
6. Participation in a restorative justice program
7. A positive behavior support approach with tiered interventions that occur during the school day on campus
8. After-school programs that address specific behavioral issues or expose students to positive activities and behaviors, including, but not limited to, those operated in collaboration with local parent and community groups
9. Recess restriction as provided in the section below entitled "Recess Restriction"
10. Detention after school hours as provided in the section below entitled "Detention After School"
11. Community service as provided in the section below entitled "Community Service"
12. In accordance with Board policy and administrative regulation, restriction or disqualification from participation in extracurricular activities
13. Reassignment to an alternative educational environment
14. Suspension and expulsion in accordance with law, Board policy, and administrative Regulation

Recess Restriction

A teacher may restrict a student's recess time only when he/she believes that this action is the most effective way to bring about improved behavior. When recess restriction may involve the withholding of physical activity from a student, the teacher shall try other disciplinary measures before imposing the restriction. Recess restriction shall be subject to the following conditions:

1. The student shall be given adequate time to use the restroom and get a drink: or eat lunch, as appropriate.
2. The student shall remain under a certificated employee's supervision during the period' of restriction.
3. Teachers shall inform the principal of any recess restrictions they impose.

Detention After School

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

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

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

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

Students may be offered the choice of serving their detention on Friday/Saturday rather than after school.

School Investigations and Authority To Detain Students

The principal or other district administrator/designee is responsible for conducting investigations to ensure that student actions are in accordance with district Policy and Regulations. In accordance with Education Code 48902, personnel are required to make appropriate referrals to law enforcement agencies when potential criminal misconduct is suspected.

Parents/guardians shall have the opportunity to work with schools in a mutually supportive and respectful partnership to help their children succeed in school (BP 5020(a) and Education Code 51100). As such, school administrators, to the greatest extent possible, shall include parents/guardians in any investigation and/or disciplinary proceeding. When conducting an investigation that may extend after the close of the school day, school administrators shall make every reasonable effort to notify parents.

The district works cooperatively with peace officers to ensure a safe and orderly school environment. Students may be detained after the close of the school day for a reasonable length of time depending on the nature of the investigation as long as the parent/guardian has been notified. In situations where the investigation has been completed and there is no perceived or imminent danger to the student or other students, a student will only be detained after school at the direct request of a peace officer.

Students may be offered the choice of serving their detention on Friday/Saturday rather than after school.

Community Service

As part of or instead of disciplinary action, the Board, Superintendent, principal, or principal's designee may, at his/her discretion, require a student to perform community service during nonschool hours on school grounds, or, with written permission of the student's parent/guardian, off school grounds. Such service may include, but is not limited to, community or school outdoor beautification, campus betterment, and teacher, peer, or youth assistance programs. (Education Code 48900.6) –

This community service option is not available for a student who has been suspended, pending expulsion, pursuant to Education Code 48915. However, if the recommended expulsion is not implemented or the expulsion itself is suspended, then a student may be required to perform community service for the resulting suspension. (Education Code 48900.6)

Notice to Parents/Guardians and Students

At the beginning of the school year, the Superintendent or designee shall notify parents/guardians, in writing, about the availability of district rules related to discipline. (Education Code 35291,48980)

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

Regulation approved: March 21,2013

EVERGREEN SCHOOL DISTRICT

San Jose, California

Emergencies and Disaster Preparedness Plan

The Board of Trustees recognizes that all district staff and students must be prepared to respond quickly and responsibly to emergencies, disasters, and threats of disaster.

The Superintendent or designee shall develop and maintain a disaster preparedness plan which details provisions for handling emergencies and disasters and which shall be included in the district's comprehensive school safety plan.

The Superintendent or designee shall also develop and maintain emergency plans for each school site.

In developing the district and school emergency plans, the Superintendent or designee shall collaborate with city and county emergency responders, including local public health administrators.

The Superintendent or designee shall use state-approved Standardized Emergency Management System guidelines and the National Incident Command System when updating district and site-level emergency and disaster preparedness plans.

The Board shall grant the use of school buildings, grounds, and equipment to public agencies, including the American Red Cross, for mass care and welfare shelters during disasters or other emergencies affecting the public health and welfare. The Board shall cooperate with such agencies in furnishing and maintaining whatever services they deem necessary to meet the community's needs.

School employees are considered disaster service workers and are subject to disaster service activities assigned to them.

Legal Reference:

EDUCATION CODE

32001 Fire alarms and drills

32049 Duty to equip school with first aid kit

32280-32289 School safety plans

32290 Safety devices

39834 Operating overloaded bus

46390-46392 Emergency average daily attendance in case of disaster

49505 Natural disaster; meals for homeless students; reimbursement

GOVERNMENT CODE

3100 Public employees as disaster service workers

8607 Standardized emergency management system

CODE OF REGULATIONS, TITLE 5

550 Fire drills

560 Civil defense and disaster preparedness plans

CODE OF REGULATIONS, TITLE 19

2400-2450 Standardized emergency management system

UNITED STATES CODE, TITLE 42

12101-12213 Americans with Disabilities Act

Components of the Plan

The Superintendent or designee shall ensure that district and school site plans address, at a minimum, the following types of emergencies and disasters:

1. Fire on or off school grounds which endangers students and staff
2. Earthquake or other natural disasters
3. Environmental hazards
4. Attack or disturbance, or threat of attack or disturbance, by an individual or group
5. Bomb threat or actual detonation
6. Biological, radiological, chemical, and other activities, or heightened warning of such activities
7. Medical emergencies and quarantines, such as a pandemic influenza outbreak

The Superintendent or designee shall ensure that the district's procedures include strategies and actions for prevention/mitigation, preparedness, response, and recovery, including, but not limited to, the following:

1. Regular inspection of school facilities and equipment and identification of risks
2. Instruction and practice for students and employees regarding emergency plans, including:
 - a. Training of staff in first aid and cardiopulmonary resuscitation
 - b. Regular practice of emergency procedures by students and staff
3. Specific determination of roles and responsibilities of staff during a disaster or other emergency, including determination of:
 - a. The appropriate chain of command at the district and, if communication between the district and site is not possible, at each site
 - b. Individuals responsible for specific duties
 - c. Designation of the principal or designee for the overall control and supervision of activities at each school during the emergency, including authorization to use his/her discretion in situations which do not permit execution of prearranged plans
 - d. Identification of at least one person at each site who holds a valid certificate in first aid and cardiopulmonary resuscitation
 - e. Assignment of responsibility for identification of injured persons and administration of first aid

4. Personal safety and security, including:
 - a. Identification of areas of responsibility for supervision of students
 - b. Procedures for evacuation of students and staff, including posting. Of evacuation routes
 - c. Procedures for release of students, including a procedure to release students when reference to the emergency card is not feasible
 - d. Identification of transportation needs, including a plan which allows bus seating capacity limits to be exceeded when a disaster or hazard requires students to be moved immediately to ensure their safety
 - e. Provision of a first aid kit to each classroom
 - f. Arrangements for students and staff with special needs
 - g. Upon notification that a pandemic situation exists, adjustment of attendance policies for students and sick leave policies for staff with known or suspected pandemic influenza or other infectious disease
5. Closure of schools, including an analysis of:
 - a. The impact on student learning and methods to ensure continuity of instruction
 - b. How to provide for continuity of operations for essential central office functions, such as payroll and ongoing communication with students and parents/guardians
6. Communication among staff, parents/guardians, the Board of Trustees, other governmental agencies, and the media during an emergency, including:
 - a. Identification of spokesperson(s)
 - b. Development and testing of communication platforms, such as hotlines, telephone trees, and web sites
 - c. Development of methods to ensure that communications are, to the extent practicable, in a language and format that is easy for parents/guardians to understand
 - d. Distribution of information about district and school site emergency procedures to staff, students, and parents/guardians
7. Cooperation with other state and local agencies, including:
 - a. Development of guidelines for law enforcement involvement and intervention
 - b. Collaboration with the local health department, including development of a tracking system to alert the local health department to a substantial increase of student or staff absenteeism as indicative of a potential outbreak of an infectious disease
8. Steps to be taken after the disaster or emergency, including:
 - a. Inspection of school facilities
 - b. Provision of mental health services for students and staff, as needed

Fire Drills and Fires

Fire Drills

The principal shall cause the fire alarm signal to be sounded at least once every month.

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

1. The principal shall notify staff as to the schedule for fire drills.
2. Whenever a fire drill is held, all students, teachers and other employees shall be directed to leave the building.
3. Teachers shall ascertain that no student remains in the building.
4. Teachers shall be prepared to select alternate exits and shall direct their classes to these exits whenever the designated escape route is blocked.
5. The principal or designee shall keep a record of each fire drill conducted and file a copy of this record with the office of the Superintendent or designee.

Fires

When a fire is discovered in any part of the school, the following actions shall be taken:

1. The principal or designee shall sound fire signals, unless the school and/or building is equipped with an automatic fire detection and alarm system.
2. The principal or designee shall call 911.
3. All persons shall be directed to leave the building and shall proceed outside to designated assembly areas.
4. Staff shall give students clear direction and supervision and help maintain a calm and orderly response.
5. In outside assembly areas, teachers shall take roll, report missing students, and provide assistance to any injured students.

6. In outside assembly areas, the principal, designee and/or each department head shall account for their staff, report missing staff, and provide assistance to any injured staff.
7. If the fire is extensive, students shall be taken to an alternate location for protective custody until parents/guardians can pick them up or until they can be safely transported to their homes.

Legal Reference:

EDUCATION CODE

17074.50-17074.56 Automatic fire detection, alarm and sprinkler systems

32001 Uniform fire signals

32040 Duty to equip school with first aid kit

CODE OF REGULATIONS, TITLE 5

550 Fire drills

Regulation approved: March 21, 2013

EVERGREEN SCHOOL DISTRICT

San Jose, California

Bomb Threats

To maintain a safe and secure environment for district students and staff, the Superintendent or designee shall ensure that the district's emergency and disaster preparedness plan and/or each school's comprehensive safety plan includes procedures for dealing with bomb threats. He/she also shall provide training regarding the procedures to site administrators, safety personnel, and staff members who customarily handle mail, telephone calls, or email.

Receiving Threats

Any staff member receiving a telephoned bomb threat shall try to keep the caller on the line in order to gather information about the location and timing of the bomb and the person(s) responsible. To the extent possible, the staff member should also take note of the caller's gender, age, any distinctive features of voice or speech, and any background noises such as music, traffic, machinery, or voices.

If the bomb threat is received through the mail system or in writing, the staff member who receives it should handle the letter, note, or package as minimally as possible. If the threat is received through electronic means, such as email or text messaging, the staff member should not delete the message.

Response Procedure

The following procedure shall be followed when a bomb threat is received:

1. Any employee who receives a bomb threat shall immediately call 911 and also report the threat to the Superintendent or designee. If the threat is in writing, the employee shall place the message in an envelope and take note of where and by whom it was found.
2. Any student or employee who sees a suspicious package shall promptly notify the Superintendent or designee.
3. The Superintendent or designee shall immediately use fire drill signals and initiate standard evacuation procedures as specified in the emergency plan.
4. The Superintendent or designee shall turn off any two-way radio equipment which is located in a threatened building.

Law enforcement and/or fire department staff shall conduct the bomb search. No school staff shall search for or handle any explosive or incendiary device.

No one shall reenter the threatened building(s) until the Superintendent or designee declares that reentry is safe based on law enforcement and/or fire department clearance.

To the extent possible, the Superintendent or designee shall maintain communications with staff, parents/guardians, the Board of Trustees, other governmental agencies, and the media during the period of the incident.

Following the incident, the Superintendent or designee shall provide crisis counseling for students and/or staff as needed.

Any employee or student found to have made a bomb threat shall be subject to disciplinary procedures and/or criminal prosecution.

Legal Reference:

EDUCATION CODE

44810 Willful interference with classroom conduct

48900 Grounds for suspension or expulsion

51202 Instruction in personal and public health and safety

PENAL CODE

17 Felony, misdemeanor, classification of offenses

148.1 False report of explosive or facsimile bomb

245 Assault with deadly weapon or force likely to produce great bodily injury; punishment

594 Vandalism; penalty

Earthquake Emergency Procedure System

Earthquake Preparedness

Earthquake emergency procedures shall be established in every school building having an occupant capacity of 50 or more students, or more than one classroom, and shall be incorporated into the comprehensive safety plan. .

Earthquake emergency procedures shall be aligned with the Standardized Emergency Management System and the National Incident Management System.

The Superintendent or designee may work with the California Emergency Management Agency and the Seismic Safety Commission to develop and establish the earthquake emergency procedures.

Earthquake emergency procedures shall outline the roles and responsibilities of students and staff during and after an earthquake.

Earthquake emergency procedures shall include, but not be limited to, all of the following:

1. A school building disaster plan, ready for implementation at any time, for maintaining the safety and care of students and staff
2. A drop procedure whereby each student and staff member takes cover under a table or desk; dropping to his/her knees, with the head protected by the arms and the back to the windows

Drop procedures shall be practiced at least once each school quarter in elementary schools and at least once each semester in secondary schools.

3. Protective measures to be taken before, during, and following an earthquake
4. A program to ensure that students and staff are aware of and properly trained in the earthquake emergency procedure system

Staff and students shall be informed of the dangers to expect in an earthquake and procedures to be followed. Students shall be instructed to remain silent and follow directions given by staff in such an emergency. Staff and students also shall be taught safety precautions to take if they are in the open or on the way to or from school when an earthquake occurs.

Earthquake emergency procedures shall designate primary and alternative locations outside of buildings, which may include areas off campus if necessary, where individuals on a school site will assemble following evacuation. In designating such areas, the Superintendent or designee shall consider potential post-earthquake hazards outside school buildings including, but not limited to, power lines, trees, covered walkways, chain link fences that may be an electric shock hazard, and areas near buildings that may have debris.

Earthquake emergency procedures also shall outline primary and alternative evacuation routes that avoid areas with potential hazards to the extent possible. The needs of students with disabilities shall be considered when planning evacuation routes.

The Superintendent or designee shall identify at least one individual within each building to determine if an evacuation is necessary, the best evacuation location, and the best route to that location when an earthquake occurs.

The Superintendent or designee shall identify potential earthquake hazards in classrooms and other district facilities, including, but not limited to, areas where the main gas supply or electric current enters the building, suspended ceilings, pendant light fixtures, large windows, stairwells, science laboratories, storage areas for hazardous materials, shop areas, and unsecured furniture and equipment. To the extent possible, dangers presented by such potential hazards shall be minimized by securing equipment and furnishings and removing heavy objects from high shelves.

Earthquake While Indoors at School

When an earthquake occurs, the following actions shall be taken inside buildings and classrooms:

1. Staff shall have students perform the drop procedure. Students should stay in the drop position until the emergency is over or until further instructions are given.
2. In laboratories, burners should be extinguished, if possible, before taking cover.
3. As soon as possible, staff shall move students away from windows, shelves, and heavy objects or furniture that may fall.
4. After the earthquake, the principal or designee shall determine whether planned evacuation routes and assembly locations are safe and shall communicate with teachers and other staff.
5. When directed by the principal or designee to evacuate, or if classrooms or other facilities present dangerous hazards that require immediate evacuation, staff shall account for all students under their supervision and shall evacuate the building in an orderly manner.

Earthquake While Outdoors on School Grounds

When an earthquake occurs, the following actions shall be taken by staff or other persons in authority who are outdoors on school grounds:

1. Staff shall direct students to walk away from buildings, trees, overhead power lines, power poles, or exposed wires.
2. Staff shall have students perform the drop procedure.
3. Staff shall have students stay in the open until the earthquake is over or until further directions are given.

Earthquake While on the Bus

If students are on the school bus when an earthquake occurs, the bus driver shall take proper precautions to ensure student safety, which may include pulling over to the side of the road or driving to a location away from outside hazards, if possible. Following the earthquake, the driver shall contact the Superintendent or designee for instructions before proceeding on the route or, if such contact is not possible, drive to an evacuation or assembly location.

Subsequent Emergency Procedures

After an earthquake episode has subsided, the following actions shall be taken:

1. Staff shall extinguish small fires if safe.
2. Staff shall provide first aid to any injured students, take roll, and report missing students to the principal or designee.
3. Staff and students shall refrain from lighting any stoves or burners or operating any electrical switches until the area is declared safe.
4. All buildings shall be inspected for water and gas leaks, electrical breakages, and large cracks or earth slippage affecting buildings.
5. The principal or designee shall post staff at safe distances from all building entrances and instruct staff and students to remain outside the buildings until they are declared safe.
6. The principal or designee shall request assistance as needed from the county or city civil defense office, fire and police departments, city and county building inspectors, and utility companies and shall confer with them regarding the advisability of closing the school.
7. The principal or designee shall contact the Superintendent or designee and request further instructions after assessing the earthquake damage.
8. The Superintendent or designee shall provide updates to parents/guardians of district students and members of the community about the incident, any safety issues, and follow-up directions.

Legal Reference: EDUCATION CODE

32280-32289 School safety plans

GOVERNMENT CODE

3100 Public employees as disaster service workers

8607 Standardized Emergency Management System

CODE OF REGULATIONS. TITLE 19

2400-2450 Standardized Emergency Management System

Regulation approved: March 21, 2013

EVERGREEN SCHOOL DISTRICT

San Jose, California

Emergency Schedules

In order to provide for the safety of students and staff, the Board of Trustees authorizes the Superintendent or designee to close a school site, change the regular school day schedule, or take any necessary action when hazardous environmental or weather conditions or other emergencies warrant.

When an emergency condition causes a school closure, reduction in attendance, or change in schedule pursuant to Education Code 41422 or 46392, thereby preventing the district from complying with the minimum number of instructional days or minutes required by law, the Superintendent or designee shall complete and submit to the Superintendent of Public Instruction the necessary forms for obtaining approval of the days of the closure, reduction in attendance, or change in schedule. The Superintendent or designee shall submit other relevant district records as may be required.

The Superintendent or designee shall establish a system for informing students and parents/guardians when school buses are not operating as scheduled, the school day schedule is changed, or the school is closed. The district's notification system shall include, but is not limited to, notifying local television and radio stations, posting on district web site(s), sending email and text messages, and/or making telephone calls.

Whenever the school day schedule changes after students have arrived at school, the Superintendent or designee shall ensure that students are supervised in accordance with the procedures specified in the district's emergency and disaster preparedness plan.

The Superintendent or designee may provide a means to make up lost instructional time later during the year. Students and parents/guardians shall receive timely advanced notice of any resulting changes in the school calendar or school day schedule.

Legal Reference:

EDUCATION CODE

41420 Required length of school term

41422 Schools not maintained for 175 days

46010 Total days of attendance

46100-46192 Attendance; maximum credit; minimum day

46390 Calculation of ADA in emergency

46391 Lost or destroyed ADA records

46392 Decreased attendance in emergency situation

VEHICLE CODE

34501.6 School buses; reduced visibility

Policy adopted: March 21, 2013

EVERGREEN SCHOOL DISTRICT

San Jose, California

Employee Security

The Board of Trustees desires to provide a safe and orderly work environment for all employees. As part of the district's comprehensive safety plan, the Superintendent or designee shall develop strategies for protecting employees from potentially dangerous persons and situations and for providing them with necessary assistance and support when emergency situations occur.

Any employee against whom violence or any threat of violence has been directed in the workplace shall notify the Superintendent or designee immediately. The Superintendent or designee shall initiate legal and security measures to protect the employee and others in the workplace. In addition, the Superintendent or designee may initiate legal proceedings against any individual to recover damages for injury caused by the willful misconduct of that individual to the person or property of an employee or another person on district premises.

The Superintendent or designee shall ensure that employees are trained in crisis prevention and intervention techniques in order to protect themselves and students. Staff development may include training in classroom management, effective communication techniques, and crisis resolution.

An employee may use reasonable force as is necessary to protect himself/herself from attack, to protect another person or property, to quell a disturbance threatening physical injury to others, or to obtain possession of weapons or other dangerous objects upon the person or within control of a pupil.

The Superintendent or designee also shall ensure that employees are informed, in accordance with law, of crimes and offenses committed by students who may pose a danger in the classroom.

The Superintendent or designee may make available at appropriate locations, including, but not limited to, district and school offices, gyms, and classrooms, communication devices that would enable two-way communication with law enforcement and others when emergencies occur.

Legal Reference:

EDUCATION CODE

32210-32212 Willful disturbance, public schools or meetings

32225-32226 Communication devices

35208 Liability insurance

35213 Reimbursement for loss, destruction or damage of school property

44014 Report of assault by pupil against school employee

44807 Duty concerning conduct of students

48201 Transfer of student records

48900-48926 Suspension or expulsion

49079 Notification to teacher; student who has engaged in acts re: grounds suspension or expulsion

49330-49335 Injurious objects

CIVIL CODE

51.7 Freedom from violence or intimidation

CODE OF CIVIL PROCEDURE

527.8 Workplace violence safety

GOVERNMENT CODE

995-996.4 Defense of public employees

3543.2 Scope of representation

PENAL CODE

71 Threatening public officers and employees and school officials

240-246.3 Assault and battery, including:

241.3 Assault against school bus drivers

241.6 Assault on school employee includes board member

243.3 Battery against school bus drivers

243.6 Battery against school employee includes board member

245.5 Assault with deadly weapon; school employee includes board member

290 Registration of sex offenders

601 Trespass by person making credible threat

626-626.11 School crimes

646.9 Stalking
12403.7 Weapons approved for self defense
WELFARE AND INSTITUTIONS CODE
827 Juvenile court proceedings; reports; confidentiality
828.1 District police or security department, disclosure of juvenile records

COURT DECISIONS

City of San Jose v. William Garbett, (2010) 190 Cal. App. 4th 526

Policy adopted: March 21, 2013

EVERGREEN SCHOOL DISTRICT

San Jose, California

Hate-Motivated Behavior

In order to create a safe learning environment for all students, the Board of Trustees desires to protect the right of every student to be free from hate-motivated behavior and will promote harmonious relationships among students so as to enable them to gain a true understanding of the civil rights and social responsibilities of people in society. The district prohibits discriminatory behavior or statements that degrade an individual on the basis of his/her actual or perceived race, ethnicity, culture, heritage, gender, sex, sexual orientation, physical/mental attributes, or religious beliefs or practices.

The Superintendent or designee shall collaborate with regional programs and community organizations to promote safe environments for youth. These efforts shall be focused on providing an efficient use of district and community resources.

The district shall provide age-appropriate instruction to help promote an understanding of and respect for human rights, diversity, and tolerance in a multicultural society and to provide strategies to manage conflicts constructively.

The Superintendent or designee shall ensure that staff receive training on recognizing hate motivated behavior and on strategies to help respond appropriately to such behavior.

Grievance Procedures

Any student who believes he/she is a victim of hate-motivated behavior shall immediately contact the Principal. Upon receiving such a complaint, the Principal shall immediately investigate the complaint in accordance with school-level complaint process/grievance procedures as described in AR 5145.7 - Sexual Harassment. A student who has been found to have demonstrated hate-motivated behavior shall be subject to discipline in accordance with law, Board policy, and administrative regulation.

Staff who receive notice of hate-motivated behavior or personally observe such behavior shall notify the Principal, Superintendent or designee, and/or law enforcement, as appropriate.

As necessary, the district shall provide counseling, guidance, and support to students who are victims of hate-motivated behavior and to students who exhibit such behavior.

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination
32282 School safety plans
48900.3 Suspension for hate violence
48900.4 Suspension or expulsion for threats or harassment

PENAL CODE

422.55 Definition of hate crime
422.6 Crimes, harassment

CODE OF REGULATIONS, TITLE 5

4600-4687 Uniform Complaint Procedures
4900-4965 Nondiscrimination in elementary and secondary education programs

Policy adopted: March 21, 2013

EVERGREEN SCHOOL DISTRICT

San Jose, California

HIV/Aids Prevention Instruction

The Board of Trustees recognizes that accurate information about family life and human sexuality may contribute to a decreased risk for sexually transmitted diseases or unintended pregnancies. The Board also recognizes that Human Immunodeficiency Virus (RN) and Acquired Immune Deficiency Syndrome (AIDS) pose a public health crisis and that education is a necessary component for helping to slow the spread of this disease. The Board therefore desires to provide a well-planned sequence of instruction on comprehensive sexual health and mv/AIDS prevention.

The district's curriculum shall be based on medically accurate and factual information and shall help students understand the biological, psychological and social aspects of human sexuality. The district's program shall comply with the requirements of law and administrative regulation and shall respect the rights of parents/guardians to supervise their children's education on these subjects and parents/guardians to impart values regarding human sexuality to their children.

Parent/Guardian Notification and Excuse

At the beginning of each school year, or at the time of a student's enrollment, parents/guardians shall be notified about instruction in comprehensive sexual health education and liN/AIDS prevention education, as well as research on student health behaviors and risks, planned for the coming year. The notice shall advise parents/guardian: (Education Code 48980,51938)

1. That written and audiovisual educational materials to be used in comprehensive sexual health and liN/AIDS prevention education are available for inspection.
2. That parents/guardians may request in writing that their child not receive comprehensive sexual health or HIV/AIDS prevention education.
3. That parents/guardians have a right to request a copy of Education Code 51930-51938.
4. Whether the comprehensive sexual health or mV/AIDS prevention education will be taught by district personnel or outside consultants.

If the district chooses to use outside consultants or to hold an assembly with guest speakers to teach the comprehensive sexual health or HIV/AIDS prevention education, the notification shall include: (Education Code 51938)

1. The date of the instruction.
2. The name of the organization or affiliation of each guest speaker.
3. Information stating the right of the parent/guardian to request a copy of Education Code 51933-51934.

If the arrangements for instruction by outside consultants or guest speakers are made after the beginning of the school year, the district shall notify parents/guardians by mail or another commonly used method of notification no fewer than 14 days before the instruction is given. (Education Code 51938)

Upon written request, a parent/guardian may excuse his/her child from participating in comprehensive sexual health or HIV/AIDS prevention education or from participating in questionnaires or surveys regarding health behaviors and risks. Students so excused by their parents/guardians shall be given an alternative educational activity. (Education Code 51240, 51939)

A student shall not be subject to disciplinary action, academic penalty, or other sanction if the student's parent/guardian declines to permit the student to receive the instruction. (Education Code 51939)

Legal Reference:

EDUCATION CODE

220 Prohibition of discrimination

48980 Notice at beginning of term

51202 Instruction in personal and public health and safety

51210.8 Health education curriculum

51240 Excuse from instruction due to religious beliefs

51513 Materials containing questions about beliefs or practices

51930-51939 Comprehensive Sexual Health and HIV/AIDS Prevention Education Act

HEALTH AND SAFETY CODE

Comprehensive School Safety Plan

1255.7 Parents surrendering physical custody of a baby

PENAL CODE

243.4 Sexual battery

261.5 Unlawful sexual intercourse

271.5 Parents voluntarily surrendering custody of a baby

UNITED STATES CODE, TITLE 20

1232h Protection of student rights

7906 Sex education

Instruction and Materials

The Superintendent or designee shall ensure that the district's sexual health and HIV/AIDS prevention instruction and materials are: (Education Code 51933, 51934):

1. Age appropriate
Age appropriate refers to topics, messages, and teaching methods suitable to particular ages or age groups of children and adolescents, based on developing cognitive, emotional, and behavioral capacity typical for the age or age group.
2. Factually and medically accurate and objective
Medically accurate means verified or supported by research conducted in compliance with scientific methods and published in peer-reviewed journals, where appropriate, and recognized as accurate and objective by professional organizations and agencies with expertise in the relevant field, such as the federal Centers for Disease Control and Prevention, the American Public Health Association, the American Academy of Pediatrics, and the American College of Obstetricians and Gynecologists.
3. Available on an equal basis to a student who is an English learner, consistent with the existing curriculum and alternative options for an English learner, as otherwise provided in the Education Code
4. Appropriate for use with students of all races, genders, sexual orientations, and ethnic and cultural backgrounds, and students with disabilities
5. Accessible to students with disabilities, including, but not limited to, the provision of a modified curriculum, materials, and instruction in alternative formats and auxiliary aids
6. Not teaching or promoting religious doctrine
7. Not reflecting bias or promoting prejudice against students in protected categories of discrimination pursuant to Education Code 220

Other district courses that may include subject matter related to that which is presented in either HIV/AIDS prevention or comprehensive sexual health instruction, shall not be subject to the requirements of Education Code 51930-51939 pertaining to instructional content, teacher training, and parental notification and consent, if such courses contain: (Education Code 51932)

1. Solely a description or illustration of human reproductive organs that may appear in a textbook adopted pursuant to law on physiology, biology, zoology, general science, personal hygiene, or health
2. Instruction or materials that discuss gender, sexual orientation, or family life and do not discuss human reproductive organs and their function

Additional Requirements for HIV/AIDS Prevention Instruction

HIV/AIDS prevention instruction shall be offered at least once in junior high or middle school and once in high school. (Education Code 51934)

Instruction shall accurately reflect the latest information and recommendations from the United States Surgeon General, the federal Centers for Disease Control and Prevention, and the National Academy of Sciences. The district's curriculum shall satisfy the criteria listed in items #1-7 in the section entitled "Instruction and Materials" above and shall also include: (Education Code 51931, 51934)

1. Information on the nature of HIV/AIDS and its effects on the human body
2. Information on the manner in which HIV is and is not transmitted, including information on activities that present the highest risk of HIV infection
3. Discussion of methods to reduce the risk of HIV infection, including:
 - a. Emphasis that sexual abstinence, monogamy, the avoidance of multiple sexual partners, and abstinence from intravenous drug use are the most effective means for HIV/AIDS prevention
 - b. Statistics based upon the latest medical information citing the failure and success rates of condoms and other contraceptives in preventing sexually transmitted HIV infection

- c. Information on other methods that may reduce the risk of HIV transmission from intravenous drug use
4. Discussion of the public health issues associated with HIV/AIDS
5. Information on local resources for HIV testing and medical care
6. Development of refusal skills to assist students in overcoming peer pressure and using effective decision-making skills to avoid high-risk activities
7. Discussion about societal views on HIV/AIDS, including stereotypes and myths regarding persons with HIV/AIDS and emphasizing compassion for persons living with HIV/AIDS

Additional Requirements for Sexual Health Instruction

The district's sexual health education curriculum shall satisfy the criteria listed in items #1-7 in the section entitled "Instruction and Materials" above as well as the following criteria: (Education Code 51931, 51933)

1. Instruction and materials shall encourage a student to communicate with his/her parents/guardians about human sexuality.
2. Instruction and materials shall teach respect for marriage and committed relationships.
3. Beginning in grade 7, instruction and materials shall teach that abstinence from sexual intercourse is the only certain way to prevent unintended pregnancy, teach that abstinence from sexual activity is the only certain way to prevent sexually transmitted diseases, and provide information about the value of abstinence while also providing medically accurate information on other methods of preventing pregnancy and sexually transmitted diseases.
4. Beginning in grade 7, instruction and materials shall provide information about sexually transmitted diseases. This instruction shall include how sexually transmitted diseases are and are not transmitted, the effectiveness and safety of all federal Food and Drug Administration (FDA) approved methods of reducing the risk of contracting sexually transmitted diseases, and information on local resources for testing and medical care for sexually transmitted diseases.
5. Beginning in grade 7, instruction and materials shall provide information about the effectiveness and safety of all FDA-approved contraceptive methods in preventing pregnancy, including, but not limited to, emergency contraception.
6. Beginning in grade 7, instruction and materials shall provide students with skills for making and implementing responsible decisions about sexual conduct.
7. Beginning in grade 7, instruction and materials shall provide students with information on the law concerning surrendering physical custody of a minor child 72 hours or younger, pursuant to Health and Safety Code 1255.7 and Penal Code 271.5.

Professional Development

The district's instruction shall be provided by instructors trained in the appropriate courses who are knowledgeable of the most recent medically accurate research on human sexuality, pregnancy, and sexually transmitted diseases. (Education Code 51932, 51933, 51934)

The Superintendent or designee shall cooperatively plan and conduct in-service training for all district personnel who provide HIV/AIDS prevention education, through regional planning, joint powers agreements, or contract services. (Education Code 51935)

In developing and providing in-service training, the Superintendent or designee shall cooperate and collaborate with the teachers who provide HIV/AIDS prevention education and with the California Department of Education (CDE). (Education Code 51935)

The district shall periodically conduct in-service training to enable district personnel to learn new developments in the scientific understanding of HIV/AIDS. In-service training shall be voluntary for district personnel who have demonstrated expertise or received in-service training from the CDE or federal Centers for Disease Control and Prevention. (Education Code 51935)

The Superintendent or designee may expand HIV/AIDS in-service training to cover the topic of comprehensive sexual health education for district personnel teaching sexual health education to learn new developments in the scientific understanding of sexual health. (Education Code 51935)

Use of Consultants or Guest Speakers

The Superintendent or designee may contract with outside consultants with expertise in comprehensive sexual health or HIV/AIDS prevention education, including those who have developed multilingual curricula or curricula accessible to persons with disabilities, to deliver the instruction or to provide training for district personnel. The Superintendent or designee shall ensure that any instruction provided by an outside speaker or consultant complies with Board policy, administrative regulation, and Education Code 51930-51939. (Education Code 51933, 51934, 51936)

Parent/Guardian Notification

At the beginning of each school year, or at the time of a student's enrollment, parents/guardians shall be notified about instruction in comprehensive sexual health education and HIV/AIDS prevention education, as well as research on student health behaviors and risks, planned for the coming year. The notice shall advise parents/guardians: (Education Code 48980,51938)

1. That written and audiovisual educational materials to be used in comprehensive sexual health and HIV/AIDS prevention education are available for inspection
2. That parents/guardians may request in writing that their child not receive comprehensive sexual health or HIV/AIDS prevention education
3. That parents/guardians have a right to request a copy of Education Code 51930-51939
4. Whether the comprehensive sexual health or HIV/AIDS prevention education will be taught by district personnel or outside consultants

If the district chooses to use outside consultants or to hold an assembly with guest speakers to teach the comprehensive sexual health or HIV/AIDS prevention education; the notification shall include: (Education Code 51938)

- a. The date of the instruction
- b. The name of the organization or affiliation of each guest speaker
- c. Information stating the right of the parent/guardian to request a copy of Education Code 51933-51934

If the arrangements for instruction by outside consultants or guest speakers are made after the beginning of the school year, the district shall notify parents/guardians by mail or another commonly used method of notification no fewer than 14 days before the instruction is given. (Education Code 51938)

Parents/guardians shall be asked to sign and return to the school an acknowledgment that they have received the notification. If a parent/guardian wishes to excuse his/her child from instruction, he/she must provide a separate written request, as specified in Board policy.

Regulation adopted: March 21,2013

EVERGREEN SCHOOL DISTRICT

San Jose, California

Married/Pregnant/Parenting Students

Cautionary Notice: As added and amended by SBX3 4 (Ch. 12, Third Extraordinary Session, Statutes of 2009), ABX4 2 (Ch. 2, Fourth Extraordinary Session, Statutes of 2009), and SB 70 (Ch. 7, Statutes of 2011), Education Code 42605 grants districts flexibility in "Tier 3" categorical programs. The Evergreen School District has accepted this flexibility and thus is deemed in compliance with the statutory or regulatory program and funding requirements for these programs for the 2008-09 through 2014-15 fiscal years. As a result, the district may temporarily suspend certain provisions of the following policy or regulation that reflect these requirements. For further information, please contact the Superintendent or designee.

The Board of Trustees recognizes that early marriage, pregnancy or parenting may disrupt a student's education and increase the chance of a student dropping out of school. The Board therefore desires to provide instruction and services designed to assist in pregnancy prevention. The Board also desires to support male and female expectant and parenting students to attain strong academic and parenting skills and to promote the healthy development of their children.

Married, expectant and parenting students shall have the same educational and extracurricular opportunities as all students. Participation in special programs or schools shall be voluntary.

For school-related purposes, married students under the age of 18 are emancipated minors and have all the rights and privileges of students who are 18, even if the marriage has been dissolved.

Expectant and Parenting Students

The Board is committed to providing to expectant and parenting students and their children a comprehensive, continuous, community-linked program that reflects the cultural and linguistic diversity of the community.

The Superintendent or designee shall collaborate with the County Superintendent of Schools and other community agencies and organizations to ensure that appropriate educational and related support services are available to meet the needs of expectant and parenting students their children.

Expectant and parenting students retain the right to participate in any comprehensive school or educational alternative programs. School placement and instructional strategies for participating students shall be based on the needs and learning styles of individual students. The classroom setting shall be the preferred instructional strategy unless an alternative is necessary to meet the needs of the individual student and/or child.

In addition to providing a quality education program for expectant and parenting students, the district's program shall provide parenting education and life skills instruction, special school nutrition supplements for pregnant and lactating students, and a child care and development program on or near the school site for the children of enrolled students. The district's program may provide other support services authorized by Education Code 54746 as necessary to meet the needs of students and their children.

Legal Reference:

EDUCATION CODE

2551.3 Determination of state aid for pregnant minors program
17293 School facilities for pregnant/parenting teen programs
48220 Compulsory education requirement
48410 Persons exempted from continuation classes
49553 Nutrition supplements for pregnant/lactating students
49558 Confidentiality of applications and records for free or reduced price meals
51220.5 Parenting skills and education
51745 Independent study
52610.5 Enrollment of pregnant and parenting students in adult education
54740-54749.5 California School Age Families Education Program (Cal-SAFE)

FAMILY CODE

7002 Description of emancipated minor
7050 Purposes for which emancipated minor considered an adult

HEALTH AND SAFETY CODE

124175-124200 Adolescent and Family Life Act
UNITED STATES CODE, TITLE 20
1681-1688 Title IX, Education Act Amendments

CODE OF FEDERAL REGULATIONS, TITLE 34

106.40 Marital or parental status

The Superintendent or designee may grant a student a leave of absence due to pregnancy, childbirth or abortion for as long as it is deemed medically necessary. At the conclusion of the leave, the student shall be reinstated to the status she held when the leave began.

A pregnant or parenting student also may request exemption from attendance because of a physical or mental condition or because of personal services that must be rendered to a dependent. (Education Code 48410)

Regulation approved: March 21, 2013

EVERGREEN SCHOOL DISTRICT

San Jose, California

Nondiscrimination/Harassment

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

Prohibited discrimination, harassment, intimidation, or bullying includes physical, verbal, nonverbal, or written conduct based on one of the categories listed above that is so severe and 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.

The Board also prohibits any form of retaliation against any student who files a complaint or report regarding an incident of discrimination, harassment, intimidation, or bullying.

The Superintendent or designee may provide age-appropriate training and information to students, parents/guardians, and employees regarding discrimination, harassment, intimidation, and bullying, including, but not limited to, the district's nondiscrimination policy, what constitutes prohibited behavior, how to report incidents, and to whom such reports should be made.

In providing instruction, guidance, supervision, or other services to district students, employees and volunteers shall carefully guard against segregating or stereotyping students.

The principal or designee shall develop a plan to provide students with appropriate accommodations when necessary for their protection from threatened or potentially harassing or discriminatory behavior.

Students who engage in discrimination, harassment, intimidation, bullying, or retaliation in violation of law, Board policy, or administrative regulation shall be subject to appropriate discipline, up to and including counseling, suspension, and/or expulsion. Any employee who permits or engages in prohibited discrimination, harassment, intimidation, bullying, or retaliation shall be subject to disciplinary action, up to and including dismissal.

Grievance Procedures

The following position is designated Coordinator for Nondiscrimination to handle complaints regarding discrimination, harassment, intimidation, or bullying, and to answer inquiries regarding the district's nondiscrimination policies:

Director, Educational Services
3188 Quimby Road
San Jose, CA 95148
(408) 270-6800

Any student who feels that he/she has been subjected to discrimination, harassment, intimidation, or bullying should immediately contact the Coordinator, the principal, or any other staff member. In addition, any student who observes any such incident should report the incident to the Coordinator or principal, whether or not the victim files a complaint.

Any school employee who observes an incident of discrimination, harassment, intimidation, or bullying shall report the incident to the Coordinator or principal, whether or not the victim files a complaint.

In addition, the employee shall immediately intervene when safe to do so. (Education Code 234.1)

Upon receiving a complaint of discrimination, harassment, intimidation, or bullying, the Coordinator shall immediately investigate the complaint in accordance with the site-level grievance procedures specified in AR 5145.7 - Sexual Harassment.

Within 30 days of receiving the district's report, the complainant may appeal to the Board if he/she disagrees with the resolution of the complaint. The Board shall make a decision at its next regular meeting and its decision shall be [mal.

The district's policy shall also be posted on the district web site or any other location that is easily accessible to students.

When required pursuant to Education Code 48985, complaint forms shall be translated into the student's primary language.

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
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

PENAL CODE

422.55 Definition of hate crime

422.6 Crimes, harassment

CODE OF REGULATIONS, TITLE 5

4600-4687 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 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

CODE OF FEDERAL REGULATIONS, TITLE 34

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

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

Procedures

1. The principal or designee shall promptly investigate all complaints of discrimination/harassment. In so doing, he/she shall talk individually with:
 - a. The student who is complaining.
 - b. The person accused of discrimination/harassment.
 - c. Anyone who saw the discrimination/harassment take place.
 - d. Anyone mentioned as having related information.
2. The student who is complaining shall have an opportunity to describe the incident, present witnesses and other evidence of the discrimination/harassment, and put his/her complaint in writing.
3. The principal or designee shall discuss the complaint only with the people described above. When necessary to carry out his/her investigation or for other good reasons that apply to the particular situation, the principal or designee also may discuss the complaint with the following persons:
 - a. The Superintendent or designee.
 - b. The parent/guardian of the student who complained.
 - c. The parent/guardian of the person accused of discriminating/harassing someone.
 - d. A teacher or staff member whose knowledge of the students involved may help in determining who is telling the truth.
 - e. Child protective agencies responsible for investigating child abuse reports.
 - f. Legal counsel for the district.
4. When the student who complained and the person accused of discrimination/harassment so agree, the principal or designee may arrange for them to resolve the complaint informally with the help of a counselor, teacher, administrator or

trained mediator. The student who complained shall never be asked to work out the problem directly with the accused person unless such help is provided.

5. The principal or designee shall tell the student who complained that he/she has the right to file a fon

Regulation approved: March 21, 2013 July 2003

EVERGREEN SCHOOL DISTRICT

San Jose, California

Safe Routes To School Program

District strategies to improve student safety along routes to school and to promote walking, bicycling, and other forms of active transport to school by students may include:

1. Education activities that promote safety and awareness, such as:
 - a. Instructing students about pedestrian, bicycle, and personal safety
 - b. Instructing students about the health and environmental benefits of walking, bicycling, and other forms of active transport to school
2. Encouragement strategies designed to generate interest in active transport to school, such as:
 - a. Organizing or facilitating "walking school buses" and/or "bicycle trains" whereby students walk: or bike to school in groups escorted by parents/guardians or other volunteers as needed
 - b. Organizing special events and activities, such as Walk: or Bike to School Day, International Walk: to School Month, or year-round competitions
 - c. Publicizing the district's efforts in order to build support of parents/guardians and the community, including providing information about the district's safe routes to school program in parent/guardian communications and in any notifications about transportation options
3. Enforcement strategies to, deter unsafe behaviors of drivers, pedestrians, and bicyclists, such as:
 - a. Partnering with local law enforcement to help ensure that traffic laws are obeyed in the vicinity of schools and to implement appropriate measures such as placement of speed feedback monitors, ticketing, and/or driver safety campaigns
 - b. Monitoring to ensure that students who bicycle to school or who use skateboards, skates, or nonmotorized scooters wear helmets in accordance with Vehicle Code 21212
4. Engineering strategies that address the design, implementation, operation, and maintenance of traffic control devices or physical measures, such as:
 - a. Working with local government agencies, parents/guardians, school staff, and others as appropriate to gather data about environmental conditions and hazards along routes to school
 - b. Working with local government agencies to make operational and physical improvements that reduce or eliminate hazards, such as reducing motor vehicle traffic speeds in the area and establishing safer and fully accessible crosswalks, walkways, trails, and bikeways
 - c. Assessing the adequacy, accessibility, and safety of bicycle parking at schools and making modifications as needed, such as increasing the number of or relocating bicycle racks and/or equipment storage areas
 - d. Considering safe routes to school when making decisions about siting and designing of new schools

Legal Reference:

EDUCATION CODE

32283 Comprehensive safety plan

45450-45451 Crossing guards

GOVERNMENT CODE

65352.2 General planning; communication between cities, counties and school districts

STREETS AND HIGHWAYS CODE

2333.5 Safe routes to schools construction program

VEHICLE CODE

21200-21212 Operation of bicycles, especially:

21212 Helmet required for bicycle, nonmotorized scooter, skateboard, skates

21949-21971 Pedestrian rights and duties

UNITED STATES CODE, TITLE 23

148 Highway safety improvement program

UNITED STATES CODE, TITLE 42

1751 Note Local wellness policy

Regulation approved: March 21, 2013

EVERGREEN SCHOOL DISTRICT

San Jose, California

Safety

The Board of Trustees recognizes the importance of providing a safe school environment that is conducive to learning and helps ensure student safety and the prevention of student injury. The Superintendent or designee shall implement appropriate practices to minimize the risk of harm to students, including, but not limited to, practices relative to school facilities and equipment, the outdoor environment, educational programs, and school-sponsored activities.

Staff shall be responsible for the proper supervision of students during school hours, during school-sponsored activities, and while students are using district transportation to and from school

The Superintendent or designee shall ensure that students receive appropriate instruction on topics related to safety, as well as injury and disease prevention.

Crossing Guards/Safety Patrol

To assist students in safely crossing streets adjacent to or near school sites, the Board may employ crossing guards and/or establish a safety patrol at any district school. The Superintendent or designee shall periodically examine traffic patterns within school attendance areas in order to identify locations where crossing assistance may be needed.

Legal Reference:

EDUCATION CODE

8482-8484.6 After School Education and Safety Program

17280-17317 Building approvals (Field Act)

17365-17374 Fitness of school facilities for occupancy

32001 Fire alarms and drills

32020 School gates; entrances for emergency vehicles

32030-32034 Eye safety

32040 First aid equipment

32225-32226 Two-way communication devices in classrooms

32240-32245 Lead-free schools

32250-32254 CDE school safety and security resources unit

32280-32289 Safety plans

44807 Duty of teachers concerning conduct of students

44808 Exemption from liability when students are not on school property

44808.5 Permission for students to leave school grounds; notice (high school)

45450-45451 Crossing guards
48900 Hazing
49300-49307 School safety patrol
49330-49335 Injurious objects
49341 Hazardous materials in school science laboratories
51202 Instruction in personal and public health and safety

GOVERNMENT CODE

810-996.6 California Tort Claims Act

HEALTH AND SAFETY CODE

115725-115735 Playground safety
115775-115800 Wooden playground equipment
115810-115816 Playground safety and recycling grants

PENAL CODE

245.6 Hazing

PUBLIC RESOURCES CODE

5411 Purchase of equipment usable by physically disabled persons

VEHICLE CODE

21100 Rules and regulations; crossing guards
21212 Use of helmets
42200 Fines and forfeitures, disposition by cities
42201 Fines and forfeitures, disposition by counties

CODE OF REGULATIONS, TITLE 5

202 Exclusion of students with a contagious disease
570-576 School safety patrols
5531 Supervision of social activities
5552 Playground supervision
5570 When school shall be open and teachers present
14103 Bus driver; authority over pupils

COURT DECISIONS

Wiener v. Southcoast Childcare Centers, (2004) 32 Cal.4th 1138
Kahn v. East Side Union High School District, (2003) 31 Cal.4th 990
Hoyem v. Manhattan Beach City School District, (1978) 22 Cal. 3d 508
Dailey v. Los Angeles Unified School District, (1970) 2 Cal 3d 741

Each principal or designee shall establish school rules for the safe and appropriate use of school equipment and materials and for student conduct consistent with law, Board policy, and administrative regulation. Copies of the rules shall be distributed to parents/guardians and shall be readily available at the school at all times.

Release of Students

Students shall be released during the school day only to the custody of an adult if:

1. The adult is the student's custodial parent/guardian.
2. The adult has been authorized on the student's emergency card as someone to whom the student may be released when the custodial parent/guardian cannot be reached, and the principal or designee verifies the adult's identity.
3. The adult is an authorized law enforcement officer acting in accordance with law.
4. The adult is taking the student to emergency medical care at the request of the principal or designee.

Supervision of Students

Every teacher shall hold students accountable for their conduct on the way to and from school, on the playgrounds, and during recess.

The principal or designee shall require all individuals supervising students to remain alert in spotting dangerous conditions, promptly report any such conditions to the principal or designee, and file a written report on such conditions as appropriate.

In arranging for appropriate supervision on playgrounds, the principal or designee shall:

1. Where playground supervision is not otherwise provided, provide for certificated employees to supervise the conduct and safety, and direct the play, of students who are on school grounds before and after school and during recess and other intermissions (5 CCR 5552)
2. Clearly identify supervision zones on the playground and require all playground supervisors to remain outside at a location from which they can observe their entire zone of supervision .
3. Consider the size of the playground area, the number of areas that are not immediately visible, and the age of the students to determine the ratio of playground supervisors to students

The Superintendent or designee shall ensure that teachers, teacher aides, playground supervisors, yard aides, and volunteers who supervise students receive training in safety practices and in supervisory techniques that will help them to forestall problems and resolve conflicts. Such training shall be documented and kept on file.

Student Safety Patrols

School safety patrols shall be used only at those locations where the nature of traffic will permit their safe operation. The locations where school safety patrols are used should be determined jointly with the local law enforcement agency.

A school safety patrol shall be composed of students of the school who are selected by the principal and shall serve only with written consent from their parent/guardian. Patrol members shall be at least 10 years old and at least in the fifth grade.

Patrol members shall be under the supervision and control of the principal or designee and shall receive training in proper procedures, including, but not limited to, the operations specified in 5 CCR 573-574. Whenever on duty, patrol members shall wear the standard uniform required by 5 CCR 576.

Playground Safety

Any new playground or any replacement of equipment or modification of components inside an existing playground shall conform to standards set forth by the American Society for Testing and Materials and the guidelines set forth by the U.S. Consumer Product Safety Commission.

Any playground installed between January 1, 1994, and December 31, 1999, shall conform to these standards not later than 15 years after the date of installation.

Laboratory Safety

The principal of each school offering laboratory work shall develop procedures for laboratory safety and designate a trained certificated employee to implement and regularly review these procedures.

Eye Safety Devices

The Superintendent or designee shall provide schools with eye safety devices for use whenever students, teachers, or visitors are engaged in or observing an activity or using hazardous substances likely to cause injury to the eyes. Eye safety devices may be sold to students for an amount not to exceed their actual cost to the district.

Protection Against Insect Bites

To help protect students against insect bites or stings that may spread disease or cause allergic reactions, students shall be allowed to apply insect repellent provided by their parents/guardians, under the supervision of school personnel, and in accordance with the manufacturer's directions, when engaging in outdoor activities.

Regulation approved: March 21, 2013

EVERGREEN SCHOOL DISTRICT

San Jose, California

Students

Sexual Harassment

The Board of Trustees is committed to maintaining a safe school environment that is free from harassment and discrimination. The Board prohibits sexual harassment of students at school or at school-sponsored or school-related activities. The Board also prohibits

retaliatory behavior or action against any person who files a complaint, testifies, or otherwise participates in district complaint processes.

Instruction/Information

The Superintendent or designee shall ensure that all district students receive age-appropriate instruction and 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
3. Encouragement to report observed instances of sexual harassment, even where the victim of the harassment has not complained
4. Information about the district's procedure for investigating complaints and the person(s) to whom a report of sexual harassment should be made
5. Information about the rights of students and parents/guardians to file a criminal complaint, as applicable

Complaint Process

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 (e.g., by a visiting athlete or coach) shall immediately contact his/her teacher or any other employee. An employee who receives such a complaint shall report it in accordance with administrative regulation.

The Superintendent or designee shall ensure that any complaints regarding sexual harassment are immediately investigated in accordance with administrative regulation. When the Superintendent or designee has determined that harassment has occurred, he/she shall take prompt, appropriate action to end the harassment and to address its effects on the victim.

Disciplinary Actions

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

Confidentiality and Record-Keeping

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

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 the schools.

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

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

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

Prohibited sexual harassment includes, but is not limited to, unwelcome sexual advances, unwanted requests for sexual favors, or other unwanted verbal, visual, or physical conduct of a sexual nature made against another person of the same or opposite sex in the educational setting, when made on the basis of sex and under any of the following conditions: (Education Code 212.5; 5 CCR4916)

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

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

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

School-Level Complaint Process/Grievance Procedure

Complaints of sexual harassment, or any behavior prohibited by the district's Nondiscrimination/Harassment policy - BP 5145.3, shall be handled in accordance with the following procedure:

1. **Notice and Receipt of Complaint:** Any student who believes he/she has been subjected to sexual harassment or who has witnessed sexual harassment may file a complaint with any school employee. Within 24 hours of receiving a complaint, the school employee shall report it to the district Coordinator for Nondiscrimination/Principal. In addition, any school employee who observes any incident of sexual harassment involving a student shall, within 24 hours, report this observation to the Coordinator/Principal, whether or not the victim files a complaint.

In any case of sexual harassment involving the Coordinator/Principal to whom the complaint would ordinarily be made, the employee who receives the student's report or who observes the incident shall instead report to the Superintendent or designee.

2. **Initiation of Investigation:** The Coordinator/Principal shall initiate an impartial investigation of an allegation of sexual harassment within five school days of receiving notice of the harassing behavior, regardless of whether a formal complaint has been filed. The district shall be considered to have "notice" of the need for an investigation upon receipt of information from a student who believes he/she has been subjected to harassment, the student's parent/guardian, an employee who received a complaint from a student, or any employee or student who witnessed the behavior.

If the Coordinator/Principal receives an anonymous complaint or media report about alleged sexual harassment, he/she shall determine whether it is reasonable to pursue an investigation considering the specificity and reliability of the information, the seriousness of the alleged incident, and whether any individuals can be identified who were subjected to the alleged harassment.

3. **Initial Interview with Student:** When a student or parent/guardian has complained or provided information about sexual harassment, the Coordinator/Principal shall describe the district's grievance procedure and discuss what actions are being sought by the student in response to the complaint. The student who is complaining shall have an opportunity to describe the incident, identify witnesses who may have relevant information, provide other evidence of the harassment, and put his/her complaint in writing. If the student requests confidentiality, he/she shall be informed that such a request may limit the district's ability to investigate.
4. **Investigation Process:** The Coordinator/Principal shall keep the complaint and allegation confidential, except as necessary to carry out the investigation or take other subsequent necessary action. (5 CCR 4964)

The Coordinator/Principal shall interview individuals who are relevant to the investigation, including, but not limited to, the student who is complaining, the person accused of harassment, anyone who witnessed the reported harassment, and anyone mentioned as having relevant information. The Coordinator/Principal may take other steps such as reviewing any records, notes, or statements related to the harassment or visiting the location where the harassment is alleged to have taken place.

When necessary to carry out his/her investigation or to protect student safety, the Coordinator/Principal also may discuss the complaint with the Superintendent or designee, the parent/guardian of the student who complained, the parent/guardian of the alleged harasser if the alleged harasser is a student, a teacher or staff member whose knowledge of the students involved may help in determining who is telling the truth, law enforcement and/or child protective services, and district legal counsel or the district's risk manager.

5. **Interim Measures:** The Coordinator/Principal shall determine whether interim measures are necessary during and pending the results of the investigation, such as placing students in separate classes or transferring a student to a class taught by a different teacher.
6. **Optional Mediation:** In cases of student-on-student harassment, when the student who complained and the alleged harasser so agree, the Coordinator/Principal may arrange for them to resolve the complaint informally with the help of a counselor, teacher, administrator, or trained mediator. The student who complained shall never be asked to work out the problem directly with the accused person unless such help is provided and both parties agree, and he/she shall be advised of the right to end the informal process at any time.
7. **Factors in Reaching a Determination:** In reaching a decision about the complaint, the Coordinator/Principal may take into account:
 - a. Statements made by the persons identified above
 - b. The details and consistency of each person's account
 - c. Evidence of how the complaining student reacted to the incident
 - d. Evidence of any past instances of harassment by the alleged harasser
 - e. Evidence of any past harassment complaints that were found to be untrue

To judge the severity of the harassment, the Coordinator/Principal may take into consideration:

- a. How the misconduct affected one or more students' education
- b. The type, frequency, and duration of the misconduct
- c. The identity, age, and sex of the harasser and the student who complained, and the relationship between them

- d. The number of persons engaged in the harassing conduct and at whom the harassment was directed
- e. The size of the school, location of the incidents, and context in which they occurred
- f. Other incidents at the school involving different students

8. **Written Report on Findings and Follow-Up:** No more than 30 days after receiving the complaint, the Coordinator/Principal shall conclude the investigation and prepare a written report of his/her findings. This timeline may be extended for good cause. If an extension is needed, the Coordinator/Principal shall notify the student who complained and explain the reasons for the extension.

The report shall include the decision and the reasons for the decision and shall summarize the steps taken during the investigation. If it is determined that harassment occurred, the report shall also include any corrective actions that have or will be taken to address the harassment and prevent any retaliation or further harassment. This report shall be presented to the student who complained, the person accused, the parents/guardians of the student who complained and the student who was accused, and the Superintendent or designee.

In addition, the Coordinator/Principal shall ensure that the harassed student and his/her parent/guardian are informed of the procedures for reporting any subsequent problems. The Coordinator/Principal shall make follow-up inquiries to see if there have been any new incidents or retaliation and shall keep a record of this information.

Enforcement of District Policy

The Superintendent or designee shall take appropriate actions to reinforce the district's sexual harassment policy. As needed, these actions may include any of the following:

- 1. Removing vulgar or offending graffiti
- 2. Providing training to students, staff, and parents/guardians about how to recognize harassment and how to respond
- 3. Disseminating and/or summarizing the district's policy and regulation regarding sexual harassment
- 4. Consistent with the laws regarding the confidentiality of student and personnel records, communicating the school's response to parents/guardians and the community
- 5. Taking appropriate disciplinary action

In addition, disciplinary measures may be taken against any person who is found to have made a complaint of sexual harassment which he/she knew was not true.

Notifications

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

- 1. Be included in the notifications that are sent to parents/guardians at the beginning of each school year (Education Code 48980; 5CCR 4917)
- 2. Be displayed in a prominent location in the main administrative building or other area where notices of district rules, regulations, procedures, and standards of conduct are posted, including school web sites (Education Code 231.5)
- 3. Be provided as part of any orientation program conducted for new students at the beginning of each quarter, semester, or summer session (Education Code 231.5)
- 4. Appear in any school or district publication that sets forth the school's or district's comprehensive rules, regulations, procedures, and standards of conduct (Education Code 231.5)

Regulation approved: March 21, 2013

EVERGREEN SCHOOL DISTRICT

San Jose, California

The Board of Trustees prohibits sexual harassment of district employees and job applicants. The Board also prohibits retaliatory behavior or action against district employees or other persons who complain, testify or otherwise participate in the complaint process established pursuant to this policy and administrative regulation.

The Superintendent or designee shall take all actions necessary to ensure the prevention, investigation, and correction of sexual harassment, including but not limited to:

- 1. Providing training to employees in accordance with law and administrative regulation
- 2. Publicizing and disseminating the district's sexual harassment policy to staff
- 3. Ensuring prompt, thorough, and fair investigation of complaints

4. Taking timely and appropriate corrective/remedial action(s), which may require interim separation of the complainant and the alleged harasser and subsequent monitoring of developments

All complaints and allegations of sexual harassment shall be kept confidential to the extent necessary to carry out the investigation or to take other subsequent necessary actions. (5 CCR4964)

Any district employee or job applicant who feels that he/she has been sexually harassed or who has knowledge of any incident of sexual harassment by or against another employee, a job applicant or a student, shall immediately report the incident to his/her supervisor, the principal, district administrator or Superintendent.

A supervisor, principal or other district administrator who receives a harassment complaint shall promptly notify the Superintendent or designee.

Complaints of sexual harassment shall be filed in accordance with AR 4031 – Complaints Concerning Discrimination in Employment. An employee may bypass his/her supervisor in filing a complaint where the supervisor is the subject of the complaint.

Any district employee who engages or participates in sexual harassment or who aids, abets, incites, compels, or coerces another to commit sexual harassment against a district employee, job applicant, or student is in violation of this policy and is subject to disciplinary action, up to and including dismissal.

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex

GOVERNMENT CODE

12900-12996 Fair Employment and Housing Act, especially:

12940 Prohibited discrimination

12950.1 Sexual harassment training

LABOR CODE

1101 Political activities of employees

1102.1 Discrimination: sexual orientation

CODE OF REGULATIONS, TITLE 2

7287.8 Retaliation

7288.0 Sexual harassment training and education

CODE OF REGULATIONS, TITLE 5

4900-4965 Nondiscrimination in elementary and secondary education programs receiving state financial assistance

UNITED STATES CODE, TITLE 42

2000d-2000d-7 Title VI, Civil Rights Act of 1964

2000e-2000e-17 Title VII, Civil Rights Act of 1964, as amended

2000h-2-2000h-6 Title IX, 1972 Education Act Amendments

CODE OF FEDERAL REGULATIONS, TITLE 34

106.9 Dissemination of policy

COURT DECISIONS

Department of Health Services v. Superior Court of California, (2003) 31 Cal.4/h 1026

Faragher v. City of Boca Raton, (1998) 118 S.Ct. 2275

Burlington Industries v. Ellreth (1998) 118 S.O. 2257

Gebser v. Lago Vista Independent School District, (1998) 118 S.Ct. 1989

Oncale v. Sundowner Offshore Servo Inc., (1998) 118 S.Ct. 998

Meritor Savings Bank, FSB V. Vinson et al., (1986) 447 U.S. 57

Definitions

Prohibited sexual harassment includes, but is not limited to, unwelcome sexual advances, unwanted requests for sexual favors, or other unwanted verbal, visual, or physical conduct of a sexual nature made against another person of the same or opposite sex in the work or educational setting when: (Education Code 212.5; 5 CCR 4916)

1. Submission to the conduct is made explicitly or implicitly a term or condition of the individual's employment.

2. Submission to or rejection of such conduct by the individual is used as the basis for an employment decision affecting him/her.
3. The conduct has the purpose or effect of having a negative impact upon the individual's work or has the purpose or effect of creating an intimidating, hostile, or offensive work environment. The conduct is sufficiently severe, persistent, pervasive, or objectively offensive so as to create a hostile or abusive working environment or to limit the individual's ability to participate in or benefit from an education program or activity.
4. Submission to or rejection of the conduct by the other individual is used as the basis for any decision affecting him/her regarding benefits, services, honors, programs, or activities available at or through the district.

Other examples of actions that might constitute sexual harassment, whether committed by a supervisor, a co-worker, or a non-employee, in the work or educational setting, include, but are not limited to:

1. Unwelcome verbal conduct such as sexual flirtations or propositions; graphic comments about an individual's body; overly personal conversations or pressure for sexual activity; sexual jokes or stories; unwelcome sexual slurs, epithets, threats, innuendoes, derogatory comments, sexually degrading descriptions, or the spreading of sexual rumors
2. Unwelcome visual conduct such as drawings, pictures, graffiti, or gestures; sexually explicit emails; displaying sexually suggestive objects
3. Unwelcome physical conduct such as massaging, grabbing, fondling, stroking, or brushing the body; touching an individual's body or clothes in a sexual way; cornering, blocking, leaning over, or impeding normal movements

Prohibited sexual harassment may also include any act of retaliation against an individual who reports a violation of the district's sexual harassment policy or who participates in the investigation of a sexual harassment complaint.

Training

Every two years, the Superintendent or designee shall ensure that supervisory employees receive at least two hours of classroom or other effective interactive training and education regarding sexual harassment. All newly hired or promoted supervisory employees shall receive training within six months of their assumption of the supervisory position. (Government Code 12950.1)

The district's training and education program for supervisory employees shall include information and practical guidance regarding the federal and state laws on the prohibition against and the prevention and correction of sexual harassment, and the remedies available to the victims of sexual harassment in employment. The training shall also include all of the content specified in 2 CCR 7288.0 and practical examples aimed at instructing supervisors in the prevention of harassment, discrimination, and retaliation. (Government Code 12950.1; 2 CCR 7288.0)

In addition, the Superintendent or designee shall ensure that all employees receive periodic training regarding the district's sexual harassment policy, particularly the procedures for filing complaints and employees' duty to use the district's complaint procedures.

Notifications

A copy of the Board policy and this administrative regulation shall: (Education Code 231.5)

1. Be displayed in a prominent location in the main administrative building, district office, or other area of the school where notices of district rules, regulations, procedures, and standards of conduct are posted
2. Be provided to each faculty member, all members of the administrative staff, and all members of the support staff at the beginning of the first quarter or semester of the school year or whenever a new employee is hired
3. Appear in any school or district publication that sets forth the school's or district's comprehensive rules, regulations, procedures, and standards of conduct

All employees shall receive either a copy of information sheets prepared by the California Department of Fair Employment and Housing (DFEH) or a copy of district information sheets that contain, at a minimum, components on: (Government Code 12950)

1. The illegality of sexual harassment
2. The definition of sexual harassment under applicable state and federal law
3. A description of sexual harassment, with examples
4. The district's complaint process available to the employee
5. The legal remedies and complaint process available through DFEH and the Equal Employment Opportunity Commission (EEOC)
6. Directions on how to contact DFEH and the EEOC

7. The protection against retaliation provided by 2 CCR 7287.8 for opposing harassment prohibited by law or for filing a complaint with or otherwise participating in an investigation, proceeding, or hearing conducted by DFEH and the EEOC

In addition, the district shall post, in a prominent and accessible location, DFEH's poster on discrimination in employment and the illegality of sexual harassment. (Government Code 12950)

Regulation approved: March 21, 2013

EVERGREEN SCHOOL DISTRICT

San Jose, California

Student Disturbances

The Board of Trustees desires to provide orderly campuses that create a positive school environment and are conducive to learning. When students initiate or are involved in a campus disturbance that has the potential to threaten the safety of students or staff, the Superintendent or designee may request law enforcement assistance.

The Superintendent or designee and the principal of each school shall establish a school disturbance response plan that is intended to curb disruptions which may lead to riots, violence, or vandalism at school or at school-sponsored events. In developing each school's plan, the Superintendent or designee shall consult with local law enforcement authorities to create guidelines for law enforcement support and intervention.

Staff are encouraged to be alert to conditions at school that may lead to a disturbance, such as racial or cultural conflict, student protests, or gang intimidation and confrontations. Staff who believe that a disturbance is imminent, or who see a disturbance occurring, shall immediately contact the principal and invoke the school disturbance response plan.

Students who participate in a campus disturbance shall be subject to disciplinary action in accordance with Board policy and administrative regulations.

Legal Reference:

EDUCATION CODE

32210 Willful disturbance of public school or meeting
32211 Threatened disruption or interference with classes
32280-32288 School safety plans
35160 Authority of governing boards
38000-38005 Security patrols
44810 Willful interference with classroom conduct
44811 Disruption of classwork or extracurricular activities
48900 Grounds for suspension or expulsion
48907 Student exercise of free expression
51512 Prohibited use of electronic listening or recording device

PENAL CODE

243.5 Assault or battery on school property
403-420 Crimes against the public peace, especially:
415 Fighting; noise; offensive words
415.5 Disturbance of peace of school
416 Assembly to disturb peace; refusal to disperse
626-626.10 Crimes on school grounds
627-627.7 Access to school premises
653b Loitering about schools or public places

Prohibited Activities

A student involved or attempting to be involved in any of the following prohibited activities shall be subject to discipline:

1. Disturbing the peace, including, but not limited to, causing or attempting to cause a riot, burning or destroying property, fighting, challenging another to fight, or using offensive words likely to provoke a fight

2. Disrupting school operations, including, but not limited to, exercising free expression which is obscene, libelous, or slanderous or so incites students as to create a clear and present danger of the commission of unlawful acts on school premises or the violation of lawful school regulations, or substantially disrupting the orderly operation of the school (Education Code 48907)

Other examples of activities that may be considered disrupting school operations include, but are not limited to:

- a. Organizing or participating in unauthorized assemblies on school premises
 - b. Participating in sit-ins or stand-ins which deny students or employees normal access to school premises
 - c. Interfering with or unauthorized use of the district's computer system
3. Refusing to disperse, including, but not limited to, assembling for the purpose of causing a disruption and refusing to disperse upon the direction of school personnel
 4. Boycotting school, including, but not limited to, participating in any protest that involves nonattendance where attendance is required at school, class, or at a school activity

Any student who participates in a boycott shall be given an unexcused absence and may be classified as truant, regardless of any parent/guardian approval of the absence.

Extension of Class Period and/or Dismissal of School

During any disturbance in which additional students might become involved while changing classes, the principal or designee may notify all staff that any class currently in session will be extended until further notice. Upon receiving this notification, staff shall ensure that all students in their charge remain in one location under their supervision and shall ask all students who are in the halls to return to their classes immediately.

The principal may also request that the Superintendent dismiss school in accordance with the school disturbance response plan.

Vandalism and Graffiti

The Board of Trustees desires to enhance student learning by striving to provide an environment where students and staff can feel safe and secure and can take pride in their school. To that end, the Superintendent or designee shall develop strategies for preventing graffiti and vandalism on school grounds, including collaborating with local law enforcement and city and county officials, as appropriate, to help develop a coordinated response to graffiti and vandalism in the community.

Students and staff are encouraged to report any graffiti or vandalism to the principal or designee for investigation. The principal or designee shall determine whether the incident necessitates an investigation pursuant to the district's sexual harassment, hate-motivated behavior, or nondiscrimination grievance procedure.

As appropriate, the principal or designee may contact local law enforcement in instances when the graffiti is repetitive, identifies particular targets or groups, identifies the perpetrator, and/or contains incitements to violence, threats, or intimidation. Photographs or other evidence of the vandalism or graffiti shall be preserved as necessary for investigation by the district or law enforcement and as evidence in any district disciplinary proceedings.

The principal or designee shall ensure that graffiti on school grounds is removed and covered as soon as possible, and if practicable before the beginning of the school day.

A student who commits an act of vandalism or graffiti on school grounds shall be subject to disciplinary action, including, but not limited to, suspension or expulsion in accordance with Board policy and administrative regulation. If reparation for damages is not made, the district also may withhold the student's grades, diploma, and/or transcripts in accordance with law.

Legal Reference:

EDUCATION CODE

48900 Grounds for suspension or expulsion

48904 Willful misconduct, limit of liability of parent or guardian

48904.3 Withholding grades, diplomas, or transcripts of pupils causing property damage or injury

CIVIL CODE

51.7 Right to be free from violence

52.1 Discrimination liability

1714.1 Liability of parent or guardian for act of willful misconduct by a minor

GOVERNMENT CODE

53069.5 Reward for information

PENAL CODE

594 Vandalism

594.1 Aerosol containers of paint

594.2 Intent to commit vandalism or graffiti

594.6 Vandalism or graffiti, community service

640.5 Graffiti; facilities or vehicles of governmental entity

640.6 Graffiti

CODE OF REGULATIONS, TITLE 5

305 Student responsible for care of property

Policy adopted: March 21, 2013

EVERGREEN SCHOOL DISTRICT

San Jose, California

Supplemental School Counseling Program for Students in Grades 7-8

The Board has adopted the Supplemental School Counseling Program in order to provide supplemental counseling services to all students in grades 7-8 delivered by personnel who hold a valid pupil personnel services credential. In accordance with law and as specified in administrative regulations, the district's program shall provide for an individualized review of student records, an opportunity for a counselor to meet with students to discuss educational and vocational options, and specialized counseling services for students identified as at risk of not passing the high school exit examination.

Personal Counseling

Counseling staff may identify and work with students whose personal problems may prevent them from reaching their potential. As appropriate, students shall be informed about agencies that offer qualified professional assistance with substance abuse, physical or emotional problems, or other personal problems.

Counselors shall respect student confidentiality as appropriate and shall consult with the Superintendent or designee or with the district's legal counsel whenever unsure of how to respond to a student's personal problem. Parent/guardian consultation and consent shall be obtained as appropriate.

Legal Reference:**EDUCATION CODE**

221.5 Prohibited sex discrimination

37254 Supplemental instruction based on failure to pass exit exam by end of grade 12

41505-41508 Pupil Retention Block Grant

48431 Establishing and maintaining high school guidance and placement program

49600-49604 Educational counseling

51250 School age military dependents

51513 Personal beliefs

52378-52380 Supplemental School Counseling Program

REPEALED EDUCATION CODE FOR CATEGORICAL PROGRAMS

48431.6 Tenth grade counseling program

PENAL CODE

11166-11170 Reporting known or suspected cases of child abuse

CODE OF REGULATIONS, TITLE 5

4930-4931 Counseling

UNITED STATES CODE, TITLE 10

503 Military recruiter access to directory information

UNITED STATES CODE. TITLE 20

1232g Family Educational Rights and Privacy Act

7908 Armed forces recruiter access to students and student recruiting information

CODE OF FEDERAL REGULATIONS. TITLE 34

99.1-99.67 Family educational rights and privacy

A counselor shall review the academic and behavior record of qualified students in grades 7-8, and meet with each student and, if practicable, his/her parent/guardian to explain the records. At the meeting, the counselor shall also explain the student's educational options, the coursework and academic progress needed for satisfactory completion of middle school or high school and passage of the high school exit examination, and the availability of career technical education. If such services are available to district students, the educational options discussed shall include college preparatory and vocational programs, including regional occupational centers and programs and any other available alternatives. (Education Code 53278)

The Superintendent or designee shall identify students in grades 7-8 (Education Code 53278)

1. Who are at risk of not graduating with the rest of their class
2. Who are not earning credits at a rate that will enable them to pass the high school exit examination
3. Who do not have sufficient training to allow them to fully engage in their chosen career
4. Other students who could benefit from, or are in need of, such services.

The district shall provide the following services:

1. For students in grade 7 who are deemed to be at the far below basic level in English language arts or mathematics pursuant to the California Standards Test administered in grade 6, the district shall provide a list of coursework and experience necessary to assist them to successfully transition to high school and to meet all graduation requirements, including passing the high school exit examination. (Education Code 53278)
2. For students in grade 7 detailed in item #1 above, a copy of the list of coursework and experience shall be provided to the student and his/her parent/guardian. The list shall also be included in the student's cumulative record. (Education Code 53278)
3. Individual Conference: For students in grade 7 who have been provided the list of coursework and experience detailed in item #1 above, the district shall offer and schedule an individual conference with each student, his/her parent/guardian, and the school. During the conference, the counselor shall apprise the student and his/her parent/guardian of the following: (Education Code 53278)
 - a. Consequences of not passing the high school exit examination
 - b. Available programs, courses, and career technical education options needed for satisfactory completion of middle or high school
 - c. The student's cumulative records and transcripts
 - d. The student's performance on standardized and diagnostic assessments
 - e. Available remediation strategies, high school courses, and alternative education options
 - f. Information about postsecondary education and training
 - g. As applicable, the student's score on the English language arts or mathematics portion of the California Standards Test administered in grade 6

The individual conference shall be scheduled, to the extent feasible, within the following timeline: (Education Code 53278)

For students in grade 7, the conference shall occur before January of that year in which the student is in grade 7.

The Superintendent or designee shall annually submit reports to the California Department of Education describing the number and percentage of students receiving various program services. (Education Code 52380)

Notifications

Beginning with grade 7, parents/guardians shall be notified at least once before career counseling and course selection so that they may participate in the counseling sessions and decisions. (Education Code 221.5)

Nondiscrimination

No counselor shall unlawfully discriminate against any student. In addition, when exploring the possibility of careers and courses leading to such careers, counseling staff shall not differentiate career, vocational, or higher education opportunities on the basis of the sex of the student. (Education Code 221.5; 5 CCR 4930)

For appraising or counseling students, the district shall not use testing or other materials that permit or require impermissible or unlawful differential treatment of students. (5 CCR 4931)

Regulation approved: March 21, 2013

EVERGREEN SCHOOL DISTRICT

San Jose, California

Suspension and Expulsion/due Process

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.

To correct the behavior of any student who is subject to discipline, the Superintendent or designee shall, to the extent allowed by law, first use alternative disciplinary strategies specified in AR 5144.1 - Discipline. (Education Code 48900.5)

Alternatives to suspension or expulsion also shall be used with students who are truant, tardy, or otherwise absent from assigned school activities.

Except for single acts of a grave nature or offenses for which suspension or expulsion is required by law, suspension or expulsion shall be used only when other means of correction have failed to bring about proper conduct or the student's presence causes a continuing danger to himself/herself or others.

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

District staff shall enforce the rules concerning suspension and expulsion of students fairly, consistently, and in accordance with the district's nondiscrimination policies.

Due Process

The Board shall provide for the fair and equitable treatment of students facing suspension and 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)

Removal from Class by a Teacher and Parental Attendance

When suspending a student from class for committing an obscene act, engaging in habitual profanity or vulgarity, disrupting school activities, or otherwise willfully defying valid staff authority, the teacher of the class may require any parent/guardian who lives with the student to attend a portion of the school day in the class from which the student is being suspended, to assist in resolving the classroom behavior problems. (Education Code 48900.1)

Teachers should reserve the option of required parental attendance for cases in which they have determined that it is the best strategy to promote positive interaction between the teacher and the student and his/her parents/guardians and to improve the student's behavior.

Any teacher requiring parental attendance pursuant to this policy shall apply the policy uniformly to all students within the classroom. (Education Code 48900.1)

When a teacher requires parental attendance, the principal shall send a written notice to the parent/guardian stating that his/her attendance is required pursuant to law. (Education Code 48900.1)

A parent/guardian who has received a written notice shall attend class as specified in the notice. After completing the classroom visit and before leaving school premises, the parent/guardian also shall meet with the principal or designee. (Education Code 48900.1)

At the meeting with the student's parent/guardian, the principal or designee shall explain the district's and school's discipline policies, including the disciplinary strategies that may be used to achieve proper student conduct.

When a parent/guardian does not respond to the request to attend school, the principal or designee shall contact him/her by telephone, mail, or other method that maintains the confidentiality of the student's records.

District regulations and school-site rules for student discipline shall include procedures for implementing parental attendance requirements. Parents/guardians shall be notified of this policy prior to its implementation. (Education Code 48900.1)

Supervised Suspension Classroom

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 may 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)

Decision Not to Enforce Expulsion Order

On a case-by-case basis, the enforcement of an expulsion order may be suspended by the Board pursuant to the requirements of law and administrative regulation. (Education Code 48917)

Legal Reference:

EDUCATION CODE

212.5 Sexual harassment

233 Hate violence

1981 Enrollment of students in community school

17292.5 Program for expelled students

32261 Interagency School Safety Demonstration Act of 1985

35145 Open board meetings

35146 Closed sessions (regarding suspensions)

35291 Rules (for government and discipline of schools)

35291.5 Rules and procedures on school discipline

48645.5 Readmission; contact with juvenile justice system

48660-48667 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

CIVIL CODE

47 Privileged communication

48.8 Defamation liability

CODE OF CIVIL PROCEDURE

1985-1997 Subpoenas; means of production

GOVERNMENT CODE

11455.20 Contempt

54950-54963 Ralph M Brown Act

HEALTH AND SAFETY CODE

11014.5 Drug paraphernalia

11053-11058 Standards and schedules

LABOR CODE

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

PENAL CODE

31 Principal of a crime, defined

240 Assault defined

241.2 Assault fines

242 Battery defined

243.2 Battery on school property

243.4 Sexual battery

245 Assault with deadly weapon

245.6 Hazing

261 Rape defined

266c Unlawful sexual intercourse

286 Sodomy defined

288 Lewd or lascivious acts with child under age 14

288a Oral copulation

289 Penetration of genital or anal openings

417.27 Laser pointers

422.55 Hate crime defined

422.6 Interference with exercise of civil rights

422.7 Aggravating factors for punishment

422.75 Enhanced penalties for hate crimes

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

626.9 Gun-Free School Zone Act of 1995

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

868.5 Supporting person; attendance during testimony of witness

WELFARE AND INSTITUTIONS CODE

729.6 Counseling

UNITED STATES CODE, TITLE 18

921 Definitions, firearm

UNITED STATES CODE, TITLE 20

1314(K) Placement in alternative educational setting

7151 Gun-free schools

COURT DECISIONS

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

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

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

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

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

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

ATTORNEY GENERAL OPINIONS

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

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

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

Definitions

Suspension from school 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 Board of Trustees 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. Removal from a particular class shall not occur more than once every five school days.

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

Day means a calendar day unless otherwise specifically provided.. (Education Code 48925)

School day means a day upon which the schools of the district are in session or weekdays during the summer recess. (Education Code 48925)

Student includes a student's parent/guardian or legal counsel. (Education Code 48925)

Principal's designee means one or more administrators or, if there is not a second administrator at one school site, a certificated person specifically designated by the principal, in writing, to assist with disciplinary procedures. Only one such person may be designated at any time as the principal's primary designee and only one such person may be designated as secondary designee for the school year. The names of such persons shall be on file in the principal's office. (Education Code 48911)

School property, for the purposes described in Education Code 48900, includes, but is not limited to, electronic files and databases. (Education Code 48900(u))

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)

Grounds for Suspension and Expulsion

Any student, including a student with disabilities, may be subject to suspension or expulsion when it is determined that he/she:

1. Caused, attempted to cause, or threatened to cause physical injury to another person or willfully used force or violence upon another person, except in self-defense. (Education Code 48900(a))

A student who aids or abets the infliction or attempted infliction of physical injury on another person, as defined in Penal Code 31, may be suspended, but not expelled. However, such a student may be suspended or expelled pursuant to Education Code 48900(a) when he/she has been adjudged by a juvenile court to have committed, as an aider or abettor, a crime of physical violence in which the victim suffered great or serious bodily injury. (Education Code 48900(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))
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))
4. Unlawfully offered, arranged, or negotiated to sell any controlled substance as defined in Health and Safety Code 11053-11058, alcoholic beverage, or intoxicant of any kind, and then sold, delivered, or otherwise furnished to any person another liquid, substance, or material and represented same as such controlled substance, alcoholic beverage, or intoxicant. (Education Code 48900(d))
5. Committed or attempted to commit robbery or extortion. (Education Code 48900(e))
6. Caused or attempted to cause damage to school property or private property. (Education Code 48900(f))
7. Stole or attempted to steal school property or private property. (Education Code 48900(g))
8. Possessed or used tobacco or products containing tobacco or nicotine products, including, but not limited to, cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel, except that this restriction shall not prohibit a student from using or possessing his/her own prescription products. (Education Code 48900(h))

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 489000))
11. Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, other school officials, or other school personnel engaged in the performance of their duties. (Education Code 48900(k))
12. Knowingly received stolen school property or private property. (Education Code 48900(1))
13. 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))
14. 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))
15. 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))
16. Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma. (Education Code 48900(P))
17. 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.

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

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

Bullying shall include any act of sexual harassment, hate violence, or harassment, threat, or intimidation, as defined in Education Code 48900.2, 48900.3, or 48900.4 (items #20-22 below), that has any of the effects described above on a reasonable student.

Electronic act means the transmission of a communication, including, but not limited to, a message, text, sound, image, or post on a social network Internet web site, by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager. A post on a social network Internet web site shall include, but is not limited to, the posting or creation of a bum page or the creation of a credible impersonation or false profile for the purpose of causing a reasonable student any of the effects of bullying described above.

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

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)

A student in grades 4-8 is also subject to suspension or recommendation for expulsion when it is determined that he/she:

20. 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)

21. 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)

22. 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)

A student may be suspended or expelled for any of the acts listed above if the act is related to school activity or school attendance occurring at any district school or within any other school district, at any time, including, but not limited to, the following: (Education Code 48900)

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

Removal from Class by a Teacher and Parental Attendance A teacher may suspend any student from his/her class for the remainder of the day and the following day for any act listed in "Grounds for Suspension and Expulsion" above. (Education Code 48910)

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

As soon as possible, the teacher shall ask the student's parent/guardian to attend a parent teacher conference regarding the removal. 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 removed from class shall not be returned to class during the period of removal without the approval of the teacher of the class and the principal (Education Code 48910)

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

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

Pursuant to Board policy, a teacher may require the parent/guardian of a student whom the teacher has removed to attend a portion of a school day in his/her child's classroom. When a teacher makes this request, the principal shall send the parent/guardian a written notice that the parent/guardian's attendance is requested pursuant to law. (Education Code 48900.1)

The notice shall specify that the attendance may be on either the date the student is scheduled to return to class or within one week thereafter.

This notice shall also:

1. Inform the parent/guardian when his/her presence is expected and by what means he/she may arrange an alternate date
2. State that if the parent/guardian does not have a means of transportation to school, he/she may ride the school bus with the student
3. Ask the parent/guardian to meet with the principal after the visit and before leaving school, as required by Education Code 48900.1

Suspension by Superintendent, Principal, or Designee

The Superintendent, principal, or designee may suspend a student for any of the acts listed in "Grounds for Suspension and Expulsion" above. A student may be suspended only when the Superintendent or principal has determined that other means of correction have failed to bring about proper conduct in the student. (Education Code 48900.5)

However, the Superintendent, principal, or designee may impose a suspension upon a first offense if he/she determines that the student violated items #1-5 listed in "Grounds for Suspension and Expulsion" above or if the student's presence causes a danger to persons or property or threatens to disrupt the instructional process. (Education Code 48900.5)

In addition, the Superintendent, principal, or designee shall immediately suspend any student found at school or at a school activity to be: (Education Code 48915)

1. Possessing, as verified by a district employee, selling, or otherwise furnishing a firearm, unless the student had obtained prior written permission to possess the item from a certificated school employee, with the principal or designee's concurrence
2. Brandishing a knife as defined in Education Code 48915(g)
3. Unlawfully selling a controlled substance listed in Health and Safety Code 1105311058
4. Committing or attempting to commit a sexual assault or committing a sexual battery as defined in item #14 under "Grounds for Suspension and Expulsion" above
5. Possessing an explosive as defined in 18 USC 921

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

A student may be suspended from school for not more than 20 school days in any school year unless, for purposes of adjustment, the student enrolls in or is transferred to another regular school, an opportunity school, or continuation school or class, in which case suspension shall not exceed 30 days in any school year. However, this restriction on the number of days of suspension does not apply when the suspension is extended pending an expulsion. (Education Code 48903, 48911, 48912)

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)

Suspensions shall be initiated according to the following procedures:

1. **Informal Conference:** Suspension shall be preceded by an informal conference conducted by the Superintendent, principal, or designee with the student and, whenever practicable, the teacher, supervisor, or school employee who referred the student to the principal. At the conference, the student shall be informed of the reason for the disciplinary action, presented with the evidence against him/her, and given the opportunity to present his/her version and evidence in support of his/her defense. (Education Code 48911)

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

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 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. If school officials wish to ask the parent/guardian to confer regarding matters pertinent to the suspension, the notice may add that state law requires the parent/guardian to respond to such requests without delay.

4. **Parent/Guardian Conference:** Whenever a student is suspended, school officials may meet 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)

Although the parent/guardian is required to respond without delay to a request for a Conference about his/her child's behavior, 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 readmission 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. (Education Code 48911)

Any extension of the original period of suspension shall be 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. Extension of the suspension may be made only if 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)

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)

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

Suspension by the Board

The Board may suspend a student for any of the acts listed in "Grounds for Suspension and Expulsion" above and within the limits specified in "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 if any of the acts listed in "Grounds for Suspension and Expulsion" occurred. 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 closed sessions if a public hearing would lead to disclosure of information violating a student's right to privacy under Education Code 4907349079. (Education Code 35146, 48912)

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

Supervised Suspension Classroom

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

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

At the time a student is assigned to a supervised 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 shall be made in writing. . (Education Code 48911.1)

Authority to Expel

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

The Board shall expel, as required by law, any student found to have committed any offense listed below under "Mandatory Recommendation and Mandatory Expulsion." (Education Code 48915)

For all other grounds listed above under "Grounds for Suspension and Expulsion," the Board shall order a student expelled upon the recommendation of the Superintendent, principal, or designee, only if the Board 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

Mandatory Recommendation for Expulsion

Unless the Superintendent, principal, or designee determines that expulsion should not be recommended under the circumstances or that an alternative means of correction would address the conduct, he/she shall recommend a student's expulsion for any of the following acts: (Education Code 48915(a))

1. Causing serious physical injury to another person, except in self-defense
2. Possession of any knife as defined in Education Code 48915(g), explosive, or other dangerous object of no reasonable use to the student
3. Unlawful possession of any controlled substance as listed in Health and Safety Code 11053-11058, except for (a) the first offense for the possession of not more than one ounce of marijuana, other than concentrated cannabis, or (b) the student's possession of over-the-counter medication for his/her use or other medication prescribed for him/her by a physician
4. Robbery or extortion
5. Assault or battery, as defined in Penal Code 240 and 242, upon any school employee

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

Mandatory Recommendation and Mandatory Expulsion

The Superintendent, principal, or designee shall recommend that the Board expel any student found at school or at a school activity to be: (Education Code 48915(c))

1. Possessing, as verified by a district employee, selling, or otherwise furnishing a firearm, unless the student had obtained prior written permission to possess the firearm from a certificated school employee, with the principal or designee's concurrence

However, possession of an imitation firearm, as defined in Education Code 48900(m), shall not be regarded as an offense requiring a mandatory recommendation of expulsion and mandatory expulsion.
2. Brandishing a knife as defined in Education Code 48915(g) at another person
3. Unlawfully selling a controlled substance listed in Health and Safety Code 1105311058
4. 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
5. Possessing an explosive as defined in 18 USC 921

Upon finding that the student committed any of the above acts, the Board shall expel the student. (Education Code 48915)

Student's Right to Expulsion Hearing

Any student recommended for expulsion shall be entitled to a hearing to determine whether he/she should be expelled. The hearing shall be held within 30 school days after the Superintendent, principal, or designee determines that the student has committed one of the acts listed under "Grounds for Suspension and Expulsion." (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))

After a determination that one of the grounds listed above under "Grounds for Suspension and Expulsion" has occurred, the Superintendent, principal, or designee shall offer the student and his/her parent/guardian the option to waive a hearing and stipulate to the expulsion. The stipulation agreement shall be in writing and shall be signed by the student and his/her parent/guardian.

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, he/she shall give the complaining witness a copy of the district's suspension and expulsion policy and regulation and shall advise the witness of his/her right to: (Education Code 48918.5)

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

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

Written Notice of the Expulsion Hearing

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

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 advisor 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

At least 10 days prior to a hearing to determine if a student who is a foster youth as defined under Education Code 48853.5 should be expelled for an offense not requiring a mandatory recommendation for expulsion, the Superintendent or designee shall notify the student's attorney and a representative of an appropriate county child welfare agency. If the hearing is pursuant to an offense requiring a mandatory expulsion recommendation, the Superintendent or designee may provide the same notification. The notice shall be provided by the most costeffective method possible, including by email or a telephone call. (Education Code 48918.1)

Conduct of Expulsion Hearing

1. **Closed Session:** Notwithstanding the provisions of Government Code 54953 and 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 unless another student's privacy rights would be violated. (Education Code 48918(c))

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 have his/her testimony heard in closed session when testifying in public would threaten serious psychological harm to the witness and when there are no alternative procedures to avoid the threatened harm, including, but not limited to, videotaped deposition or contemporaneous examination in another place communicated to the hearing room by closed-circuit television. (Education Code 48918(c))

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

Findings of fact shall be based solely on the evidence at the hearing. While 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 hearings involve allegations of sexual assault or sexual battery by a student: (Education Code 48918, 48918.5)
 - a. Any complaining witness shall be given five days' notice before being called to testify.
 - b. Any complaining witness shall be entitled to have up to two adult support persons, including, but not limited to, a parent/guardian or legal counsel; present during his/her testimony.
 - c. Before a complaining witness testifies, support persons shall be admonished that the hearing is confidential.
 - d. The person presiding over the hearing may remove a support person whom he/she finds is disrupting the hearing.

- e. If one or both support persons are also witnesses, the hearing shall be conducted in accordance with Penal Code 868.5.
 - f. Evidence of specific instances of prior sexual conduct of a complaining witness shall be presumed inadmissible and shall not be heard unless the person conducting the hearing determines that extraordinary circumstances require the evidence to be heard. Before such a determination is made, the complaining witness shall be given notice and an opportunity to oppose the introduction of this evidence. In the hearing on the admissibility of this evidence, the complaining witness shall be entitled to be represented by a parent/guardian, legal counsel, or other support person. Reputation or opinion evidence regarding the sexual behavior of a complaining witness shall not be admissible for any purpose.
 - g. In order to facilitate a free and accurate statement of the experiences of the complaining witness and to prevent discouragement of complaints, the district shall provide a nonthreatening environment.
 - (1) The district shall provide a room separate from the hearing room for the use of the complaining witness before and during breaks in testimony.
 - (2) At the discretion of the person conducting the hearing, the complaining witness shall be allowed reasonable periods of relief from examination and cross-examination during which he/she may leave the hearing room.
 - (3) The person conducting the hearing may:
 - (a) Arrange the seating within the hearing room so as to facilitate a less intimidating environment for the complaining witness
 - (b) Limit the time for taking the testimony of a complaining witness to the hours he/she is normally in school, if there is no good cause to take the testimony during other hours
 - (c) Permit one of the support persons to accompany the complaining witness to the witness stand
6. Decision: The Board's decision as to whether to expel a student shall be made within 40 school days after the student is removed from his/her school of attendance, unless the student requests in writing that the decision be postponed. (Education Code 48918(a))

Alternative Expulsion Hearing: Hearing Officer or Administrative Panel

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. Alternatively, the Board may 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(d))

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 its 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. The Superintendent or designee shall place the student in a classroom instructional program, any other instructional program, a rehabilitation program, or any combination of these programs after consulting with district staff, including the student's teachers, and with the student's parent/guardian. 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 for a period of one year. (Education Code 48917, 48918)

Final Action by the Board

Whether the expulsion hearing is conducted in closed or public session by the Board, a hearing officer, or an administrative panel, the final action to expel shall be taken by the Board at a public meeting. (Education Code 489180))

If the Board conducts the hearing and reaches a decision not to expel, this decision shall be final and the student shall be reinstated immediately.

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

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

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

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

Written Notice to Expel

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

1. The specific offense committed by the student for any of the causes for suspension or expulsion listed above under "Grounds for Suspension and Expulsion" (Education Code 48900.8)
2. The fact that a description of readmission procedures will be made available to the student and his/her parent/guardian (Education Code 48916)
3. Notice of the right to appeal the expulsion to the County Board of Education (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 Not to Enforce 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 his/her willingness to follow a rehabilitation program

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

1. The Board may, as a condition of the suspension of enforcement, assign the student to a school, class, or program appropriate for the student's rehabilitation. This rehabilitation program may provide for the involvement of the student's parent/guardian in the student's education. However, a parent/guardian's refusal to participate in the rehabilitation program shall not be considered in the Board's determination as to whether the student has satisfactorily completed the rehabilitation program. (Education Code 48917)
2. During the period when enforcement of the expulsion order is suspended, the student shall be on probationary status. (Education Code 48917)
3. The suspension of the enforcement of an expulsion order may be revoked by the Board if the student commits any of the acts listed under "Grounds for Suspension and Expulsion" above or violates any of the district's rules and regulations governing student conduct. (Education Code 48917)
4. When the suspension of enforcement of an expulsion order is revoked, a student may be expelled under the terms of the original expulsion order. (Education Code 48917)
5. Upon satisfactory completion of the rehabilitation assignment, the Board shall reinstate the student in a district school. Upon reinstatement, the Board may order the expunging of any or all records of the expulsion proceedings. (Education Code 48917)
6. The Superintendent or designee shall send written notice of any decision to suspend the enforcement of an expulsion order during a period of probation to the student or parent/guardian. The notice shall inform the parent/guardian of the right to appeal the expulsion to the County Board, the alternative educational placement to be provided to the student during the period of expulsion, and the student's or parent/guardian's obligation to inform any new district in which the student seeks to enroll of his/her status with the expelling district, pursuant to Education Code 48915.1(b). (Education Code 489180))
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)

Right to 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)

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

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

Post-Expulsion Placements

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 such a site
3. Not housed at the school site attended by the student at the time of suspension

When the placement described above is not available and when the County Superintendent so certifies, students expelled for acts described in items #6-13 and #20-22 under "Grounds for Suspension and Expulsion" 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

Readmission procedures shall be as follows:

1. On the date set by the Board when it ordered the expulsion, the district shall consider readmission of the student. (Education Code 48916)
2. 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.
3. The Superintendent or designee shall transmit to the Board his/her recommendation regarding readmission. The Board shall consider this recommendation in closed session if information would be disclosed in violation of Education Code 4907349079. If a written request for open session is received from the parent/guardian or adult student, it shall be honored.
4. 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.
5. 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)
6. 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. (Education Code 48916)
7. 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)

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)

Outcome Data

The Superintendent or designee shall maintain the following data: (Education Code 48900.8, 48916.1)

1. The number of students recommended for expulsion
2. The specific grounds for each recommended expulsion
3. Whether the student was subsequently expelled
4. Whether the expulsion order was suspended
5. The type of referral made after the expulsion
6. The disposition of the student after the end of the expulsion period

In addition, the Superintendent or designee shall disaggregate student data collected based on race, color, nationality, religion, disability, and other categories protected from discrimination under the law.

Suspension and Expulsion/due Process (Students With Disabilities)

A student identified as an individual with a disability pursuant to the Individuals with Disabilities Education Act (IDEA), 20 USC 1400-1482, is subject to the same grounds and procedures for suspension and expulsion which apply to students without disabilities, except as otherwise specified in this administrative regulation.

Suspension

The Superintendent or designee may suspend a student with a disability for up to 10 consecutive school days for a single incident of misconduct, and for up to 20 school days in a school year, as long as the suspension(s) does not constitute a change in placement pursuant to 34 CFR 300.536.

The principal or designee shall monitor the number of days, including portions of days, in which a student with a valid individualized education program (IEP) has been suspended during the school year.

The Superintendent or designee shall determine, on a case-by-case basis, whether a pattern of removals of a student from his/her current educational placement for disciplinary reasons constitutes a change of placement. A change of placement shall be deemed to have occurred under either of the following circumstances:

1. The removal is for more than 10 consecutive school days.
2. The student has been subjected to a series of removals that constitute a pattern because of all of the following:
 - a. The series of removals total more than 10 school days in a school year.
 - b. The student's behavior is substantially similar to his/her behavior in previous incidents that resulted in the series of removals.
 - c. Additional factors, such as the length of each removal, the total amount of time the student has been removed, and the proximity of the removals to one another, indicate a change of placement.

If a student's removal is determined to be a change of placement as specified in items #1-2 above, or the student is suspended for more than 10 school days in the same school year, the student's IEP team shall determine the appropriate educational services. Such services shall be designed to enable the student to continue to participate in the general education curriculum in another setting, to progress toward meeting the goals set out in his/her IEP, and to address the student's behavior violation so that it does not recur.

If the IEP of a student with a disability requires the district to provide the student with transportation, the district shall provide the student with an alternative form of transportation at no cost to him/her or to his/her parent/guardian when he/she is to be excluded from school bus transportation.

Interim Alternative Educational Placement Due to Dangerous Behavior

The district may unilaterally place a student with a disability in an appropriate interim alternative educational setting for up to 45 school days, without regard to whether the behavior is a manifestation of the student's disability, when the student commits one of the following acts while at school, going to or from school, or at a school-related function:

1. Carries or possesses a weapon, as defined in 18 USC 930
2. Knowingly possesses or uses illegal drugs
3. Sells or solicits the sale of a controlled substance as identified in 21 USC 812(c), Schedules I-V
4. Inflicts serious bodily injury upon another person as defined in 18 USC 1365

The student's interim alternative educational setting shall be determined by his/her IEP team.

On the date the decision to take disciplinary action is made, the student's parent/guardian shall be notified of the decision and provided the procedural safeguards notice pursuant to 34 CFR 300.504.

A student who has been removed from his/her current placement because of dangerous behavior shall receive services, although in another setting, to the extent necessary to allow him/her to participate in the general education curriculum and to progress toward meeting the goals set out in his/her IEP. As appropriate, the student shall also receive a functional behavioral assessment and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur. (20 USC 1314(k)(1)(D); 34 CFR 300.530)

Manifestation Determination

The following procedural safeguards shall apply when a student with a disability is suspended for more than 10 consecutive school days, when a series of removals of a student constitutes a pattern, or when a change of placement of a student is contemplated due to a violation of the district's code of conduct:

1. **Notice:** On the date the decision to take disciplinary action is made, the student's parent/guardian shall be notified of the decision and provided the procedural safeguards notice pursuant to 34 CFR 300.504.
2. **Manifestation Determination Review:** Immediately if possible, but in no case later than 10 school days after the date the decision to take disciplinary action is made, a manifestation determination review shall be made of the relationship between the student's disability and the behavior subject to the disciplinary action.

At the manifestation determination review, the district, the student's parent/guardian, and relevant members of the IEP team (as determined by the district and parent/guardian) shall review all relevant information in the student's file, including the student's IEP, any teacher observations, and any relevant information provided by the parents/guardians, to determine whether the conduct in question was either of the following:

- a. Caused by or had a direct and substantial relationship to the student's disability
- b. A direct result of the district's failure to implement the student's IEP, in which case the district shall take immediate steps to remedy those deficiencies

If the manifestation review team determines that either of the above conditions applies, the student's conduct shall then be determined to be a manifestation of his/her disability.

3. **Determination that Behavior is a Manifestation of the Student's Disability:** When the student's conduct has been determined to be a manifestation of his/her disability, the IEP team shall conduct a functional behavioral assessment, unless one had been conducted before the occurrence of the behavior that resulted in the change of placement, and shall implement a behavioral intervention plan for the student. If a behavioral intervention plan has already been developed, the IEP team shall review the behavioral intervention plan and modify it as necessary to address the behavior.

The student shall be returned to the placement from which he/she was removed, unless the parent/guardian and Superintendent or designee agree to a change of placement as part of the modification of the behavioral intervention plan.

4. **Determination that Behavior is Not a Manifestation of the Student's Disability:** When it has been determined that the student's conduct was not a manifestation of his/her disability, the student may be disciplined in accordance with the procedures for students without disabilities. However, the student's IEP team shall determine services necessary to enable him/her to participate in the general education curriculum in another setting and to allow him/her to progress toward meeting the goals set out in his/her IEP.

As appropriate, the student also shall receive a functional behavioral assessment and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur.

Due Process Appeals

If the parent/guardian disagrees with any district decision regarding placement under 34 CFR 300.530 (suspension and removal for dangerous circumstances) or 34 CFR 300.531 (interim alternative placement), or the manifestation determination under 34 CFR 300.530(e), he/she may appeal the decision by requesting a hearing. The district may request a hearing if the district believes that maintaining the student's current placement is substantially likely to result in injury to the student or others. In order to request a due process hearing, the requesting party shall file a complaint pursuant to 34 CFR 300.507 and 300.508(a) and (b).

Whenever a hearing is requested as specified above, the parent/guardian or the district shall have an opportunity for an expedited due process hearing consistent with requirements specified in 34 CFR 300.507, 300.508 (a)-(c), and 300.510-300.514.

If the student's parent/guardian or the district has initiated a due process hearing under 34 CFR 300.532 as detailed above, the student shall remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the 45-day time period, whichever occurs first, unless the parent/guardian and district agree otherwise.

Readmission

Readmission procedures for students with disabilities shall be the same as those adopted for students without disabilities. Upon readmission of a student with disabilities, an IEP team meeting shall be convened to review and, as necessary, modify the student's IEP.

Decision Not to Enforce Expulsion Order

The Board of Trustees' criteria for suspending the enforcement of an expulsion order shall be applied to students with disabilities in the same manner as they are applied to all other students.

Notification to Law Enforcement Authorities

Law enforcement notification requirements involving students with disabilities shall be the same as those specified for all students in AR 5144.1 - Suspension and Expulsion/Due Process.

When giving any required notification concerning a student with disabilities to any law enforcement official, the principal or designee shall require the law enforcement official to certify in writing that he/she will not disclose the student's information or records to any other person without the prior written consent of the student's parent/guardian.

Report to County Superintendent of Schools

The Superintendent or designee shall report to the County Superintendent of Schools when any special education student has been expelled or suspended for more than 10 school days. The report shall include the student's name, last known address, and the reason for the action.

Procedures for Students Not Yet Eligible for Special Education Services

A student who has not been determined to be eligible for special education and related services and who has violated the district's code of student conduct may nevertheless assert any of the protections under IDEA, if the district had knowledge of the student's disability.

Knowledge means that, before the occurrence of the behavior that precipitated the disciplinary action, one of the following occurred:

1. The parent/guardian, in writing, has expressed concern to district supervisory or administrative personnel, or to a teacher of the student, that the student is in need of special education or related services.
2. The parent/guardian has requested an evaluation of the student for special education pursuant to 20 USC 1414(a)(1)(B) or 34 CFR 300.300-300.311.
3. The teacher of the student or other district personnel has expressed specific concerns directly to the district's director of special education or other supervisory district personnel about a pattern of behavior demonstrated by the student.

However, the district shall not be deemed to have knowledge of a student's disability if the student's parent/guardian has not allowed him/her to be evaluated for special education services or has refused services or, after evaluating the student pursuant to 34 CFR 300.300-300.311, the district determined that he/she was not an individual with a disability.

When the district is deemed to not have knowledge of a student's disability, the student shall be disciplined in accordance with procedures established for students without disabilities who engage in comparable behavior.

If a request is made for an evaluation of a student during the time period in which the student is subject to disciplinary measures pursuant to 34 CFR 300.530, the evaluation shall be conducted in an expedited manner. Until the evaluation is completed, the student shall remain in the educational placement determined by school authorities.

Legal Reference:

EDUCATION CODE

35146 Closed sessions re: suspensions
35291 Rules of governing board
48203 Reports of severance of attendance of disabled students
48900-48925 Suspension and expulsion
49076 Access to student records
56000 Special education; legislative findings and declarations
56320 Educational needs; requirements
56321 Development or revision of individualized education program
56329 Independent educational assessment
56340-56347 Individualized education program teams
56505 State hearing

PENAL CODE

245 Assault with deadly weapon
626.2 Entry upon campus after written notice of suspension or dismissal without permission
626.9 Gun-Free School Zone Act
626.10 Dirks, daggers, knives, razors, or stun guns

UNITED STATES CODE. TITLE 18

930 Weapons
1365 Serious bodily injury

UNITED STATES CODE. TITLE 20

1412 State eligibility
1314 Procedural safeguards

UNITED STATES CODE. TITLE 21

812 Controlled substances

UNITED STATES CODE. TITLE 29

706 Definitions
794 Rehabilitation Act of 1973, Section 504

CODE OF FEDERAL REGULATIONS. TITLE 34

104.35 Evaluation and placement
104.36 Procedural safeguards
300.1-300.818 Assistance to states for the education of students with disabilities, especially:
300.530-300.537 Discipline procedures

COURT DECISIONS

Schaffer v. Weast, (2005) 546 U.S. 549
Parents of Student W. v. Puyallup School District, (1994) 9th Cir. 31 F.3d 1489
MP. v. Governing Board of Grossmont Union High School District, (1994) 858 F.Supp. 1044
Honig v. Doe, (1988) 484 U.S. 305

Regulation approved: March 21, 2013

EVERGREEN SCHOOL DISTRICT

San Jose, California

Uniform Complaint Procedures

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 district shall investigate and seek to resolve any complaints

alleging failure to comply with such laws and/or alleging unlawful discrimination, harassment, intimidation, or bullying in accordance with the uniform complaint procedures:

The district shall use the uniform complaint procedures to resolve any complaint alleging unlawful discrimination, harassment, intimidation, or bullying in district programs and activities based on actual or perceived characteristics of race or ethnicity, color, ancestry, nationality, national origin, ethnic group identification, age, religion, marital or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, gender expression, or genetic information, or any other characteristic identified in Education Code 200 or 220, Penal Code 422.55, or Government Code 11135, or based on association with a person or group with one or more of these actual or perceived characteristics.

Uniform complaint procedures shall also be used to address any complaint alleging the district's failure to comply with the prohibition against requiring students to pay fees, deposits, or other charges for participation in educational activities, the requirements for the development and adoption of a school safety plan, and state and/or federal laws in adult education programs, consolidated categorical aid programs, migrant education, career technical and technical education and training programs, child care and development programs, child nutrition programs, and special education programs.

The Board prohibits any form of retaliation against any complainant in the complaint process. Participation in the complaint process shall not in any way affect the status, grades, or work assignments of the complainant.

The Board encourages the early, informal resolution of complaints at the site level whenever possible.

The Board recognizes that a neutral mediator can often suggest a compromise that is agreeable to all parties in a dispute. In accordance with the uniform complaint procedures, whenever all parties to a complaint agree to try resolving the problem through mediation, the Superintendent or designee shall initiate that process. The Superintendent or designee shall ensure that the results are consistent with state and federal laws and regulations.

In investigating complaints, the confidentiality of the parties involved and the integrity of the process shall be protected. As appropriate for any complaint alleging discrimination, harassment, intimidation, or bullying, the Superintendent or designee may keep the identity of a complainant confidential to the extent that the investigation of the complaint is not obstructed.

The district's Williams uniform complaint procedures, AR 1312.4, shall be used to investigate and resolve any complaint related to the following:

1. Sufficiency of textbooks or instructional materials
2. Emergency or urgent facilities conditions that pose a threat to the health or safety of students or staff
3. Teacher vacancies and misassignments

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

32289 School safety plan, uniform complaint procedures

35186 Williams uniform complaint procedures

37254 Intensive instruction and services for students who have not passed exit exam

41500-41513 Categorical education block grants

48985 Notices in language other than English

49010-49013 Student fees

49060-49079 Student records

49490-49590 Child nutrition programs

52160-52178 Bilingual education programs

52300-52490 Career technical education

52500-52616.24 Adult schools

52800-52870 School-based program coordination

54000-54028 Economic impact aid programs

54100-54145 Miller-Unruh' Basic Reading Act
54400-54425 Compensatory education programs
54440-54445 Migrant education
54460-54529 Compensatory education programs
56000-56867 Special education programs
59000-59300 Special schools and centers
64000-64001 Consolidated application process

GOVERNMENT CODE

11135 Nondiscrimination in programs or activities funded by state
12900-12996 Fair Employment and Housing Act

PENAL CODE

422.55 Hate crime; definition
422.6 Interference with constitutional right or privilege

CODE OF REGULATIONS, TITLE 5

3080 Application of section
4600-4687 Uniform complaint procedures
4900-4965 Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 20

6301-6577 Title 1 basic programs
6601-6777 Title 11 preparing and recruiting high quality teachers and principals
6801-6871 Title 111 language instruction for limited English proficient and immigrant students
7101-7184 Safe and Drug-Free Schools and Communities Act
7201-7283g Title V promoting informed parental choice and innovative programs
7301-7372 Title V rural and low-income school programs

Except as the Governing Board may otherwise specifically provide in other Board policies, the uniform complaint procedures shall be used only to investigate and resolve complaints alleging violations of federal or state laws or regulations governing specific educational programs, the prohibition against requiring students to pay fees, deposits, or other charges for participating in educational activities, and unlawful discrimination, harassment, intimidation, or bullying, as specified in accompanying Board policy.

The district's uniform complaint procedures policy and administrative regulation shall be posted in all district schools and offices, including staff lounges and student government meeting rooms. If 15 percent or more of students enrolled in a particular district school speak a single primary language other than English, the district's policy, regulation, forms, and notices concerning uniform complaint procedures shall be translated into that language. (Education Code 234.1, 48985)

Compliance Officers

The following compliance officer(s) shall receive and investigate complaints and shall ensure district compliance with law:

Director, Educational Services
3188 Quimby Rd
San Jose, CA 95148
408-270-6800

The Superintendent or designee shall ensure that employees designated to investigate complaints are knowledgeable about the laws and programs for which they are responsible. Designated employees may have access to legal counsel as determined by the Superintendent or designee.

Notifications

The Superintendent or designee shall annually provide written notification of the district's uniform complaint procedures to students, employees, parents/guardians, the district advisory committee, school advisory committees, appropriate private school officials or representatives, and other interested parties. (5 CCR 4622)

The notice shall:

1. Identify the person(s), position(s), or unit(s) responsible for receiving complaints

2. Advise the complainant of any civil law remedies that may be available to him/her under state or federal discrimination laws, if applicable
3. Advise the complainant of the appeal process, including, if applicable, the complainant's right to take a complaint directly to the California Department of Education (CDE) or to pursue remedies before civil courts or other public agencies
4. Include statements that:
 - a. The district has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs.
 - b. The complaint review shall be completed within 60 calendar days from the date of receipt of the complaint unless the complainant agrees in writing to an extension of the timeline.
 - c. A complaint alleging unlawful discrimination, harassment, intimidation, or bullying must be filed not later than six months from the date it occurred, or six months from the date the complainant first obtained knowledge of the facts of the alleged discrimination, harassment, intimidation, or bullying.
 - d. The complainant has a right to appeal the district's decision to the CDE by filing a written appeal within 15 days of receiving the district's decision.
 - e. The appeal to the CDE must include a copy of the complaint filed with the district and a copy of the district's decision.
 - f. Copies of the district's uniform complaint procedures are available free of charge.

Procedures

The following procedures shall be used to address all complaints which allege that the district has violated federal or state laws or regulations governing educational programs or has committed unlawful discrimination.

All complaints shall be investigated and resolved within 60 days of the district's receipt of the complaint. Compliance officers shall maintain a record of each complaint and subsequent related actions, including all information required for compliance with 5 CCR 4631 and 4633.

All parties involved in allegations shall be notified when a complaint is filed, when a complaint meeting or hearing is scheduled, and when a decision or ruling is made.

Step 1: Filing of Complaint

Any individual, public agency, or organization may file a written complaint of the district's alleged noncompliance with federal or state laws or regulations governing educational programs. (5 CCR 4630)

A complaint concerning unlawful discrimination, harassment, intimidation, or bullying may be filed only by a person who alleges that he/she personally suffered unlawful discrimination, harassment, intimidation, or bullying or by a person who believes that an individual or any specific class of individuals has been subjected to it. The complaint shall be initiated no later than six months from the date when the alleged discrimination, harassment, intimidation, or bullying occurred, or six months from the date when the complainant first obtained knowledge of the facts of the alleged discrimination, harassment, intimidation, or bullying. However, upon written request by the complainant, the Superintendent or designee may extend the filing period for up to 90 calendar days. (5 CCR 4630)

A complaint alleging noncompliance with the law regarding the prohibition against requiring students to pay student fees, deposits, and charges maybe filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance. (Education Code 49013)

The complaint shall be presented to the compliance officer who shall maintain a log of complaints received, providing each with a code number and a date stamp.

If a complainant is unable to put a complaint in writing due to conditions such as a disability or illiteracy, district staff shall assist him/her in the filing of the complaint. (5 CCR 4600)

Step 2: Mediation

Within three days of receiving the complaint, the compliance officer may informally discuss with all the parties the possibility of using mediation. If the parties agree to mediation, the compliance officer shall make all arrangements for this process.

Before initiating the mediation of a complaint alleging discrimination, harassment, intimidation, or bullying, the compliance officer shall ensure that all parties agree to make the mediator a party to related confidential information.

If the mediation process does not resolve the problem within the parameters of law, the compliance officer shall proceed with his/her investigation of the complaint.

The use of mediation shall not extend the district's timelines for investigating and resolving the complaint unless the complainant agrees in writing to such an extension of time. (5 CCR 4631)

Step 3: Investigation of Complaint

Within 10 days of receiving the complaint, the compliance officer shall provide the complainant and/or his/her representative an opportunity to present the complaint and any evidence, or information leading to evidence, to support the allegations in the complaint. The compliance officer also shall collect all documents and interview all witnesses with information pertinent to the complaint.

A complainant's refusal to provide the district's investigator with documents or other evidence related to the allegations in the complaint, failure or refusal to cooperate in the investigation, or engagement in any other obstruction of the investigation may result in the dismissal of the complaint because of a lack of evidence to support the allegation. (5 CCR 4631)

In accordance with law, the district shall provide the investigator with access to records and other information related to the allegation in the complaint and shall not in any way obstruct the investigation. Failure or refusal of the district to cooperate in the investigation may result in a finding based on evidence collected that a violation has occurred and in the imposition of a remedy in favor of the complainant. (5 CCR 4631)

Step 4: Response

Unless extended by written agreement with the complainant, the compliance officer shall prepare and send to the complainant a written report of the district's investigation and decision, as described in Step #5 below, within 60 days of the district's receipt of the complaint. (5 CCR 4631)

Step 5: Final Written Decision

The district's decision shall be in writing and sent to the complainant. (5 CCR 4631)

The district's decision shall be written in English and, when required by Education Code 48985, in the complainant's primary language.

For all complaints, the decision shall include: (5 CCR 4631)

1. The findings of fact based on the evidence gathered
2. The conclusion(s) of law
3. Disposition of the complaint
4. Rationale for such disposition
5. Corrective actions, if any are warranted
6. Notice of the complainant's right to appeal the district's decision within 15 days to the CDE and procedures to be followed for initiating such an appeal

In addition, any decision concerning a discrimination, harassment, intimidation, or bullying complaint based on state law shall include a notice that the complainant must wait until 60 calendar days have elapsed from the filing of an appeal with the CDE before pursuing civil law remedies. (Education Code 262.3)

If investigation of a complaint results in discipline to a student or an employee, the decision shall simply state that effective action was taken and that the student or employee was informed of district expectations. The report shall not give any further information as to the nature of the disciplinary action.

If a complaint alleging noncompliance with the laws regarding student fees, deposits, and other charges is found to have merit, the district shall provide a remedy to all affected students and parents/guardians, which, where applicable, shall include reasonable efforts to ensure full reimbursement to them. (Education Code 49013)

Appeals to the California Department of Education

If dissatisfied with the district's decision, the complainant may appeal in writing to the CDE. (Education Code 49013; 5 CCR 4632)

The complainant shall file his/her appeal within 15 calendar days of receiving the district's decision and the appeal shall specify the basis for the appeal of the decision and whether the facts are incorrect and/or the law has been misapplied. The appeal shall be accompanied by a copy of the locally filed complaint and a copy of the district's decision. (5 CCR 4632)

Upon notification by the CDE that the complainant has appealed the district's decision, the Superintendent or designee shall forward the following documents to the CDE: (5 CCR 4633)

1. A copy of the original complaint
2. A copy of the decision
3. A summary of the nature and extent of the investigation conducted by the district, if not covered by the decision
4. A copy of the investigation file including, but not limited to, all notes, interviews, and documents submitted by the parties and gathered by the investigator
5. A report of any action taken to resolve the complaint
6. A copy of the district's uniform complaint procedures
7. Other relevant information requested by the CDE

The CDE may directly intervene in a complaint without waiting for action by the district when one of the conditions listed in 5 CCR 4650 exists, including when the district has not taken action within 60 calendar days of the date the complaint was filed with the district.

Civil Law Remedies

A complainant may pursue available civil law remedies outside of the district's complaint procedures. Complainants may seek assistance from mediation centers or public/private interest attorneys. Civil law remedies that may be imposed by a court include, but are not limited to, injunctions and restraining orders.

For complaints alleging discrimination, harassment, intimidation, and bullying based on state law, a complainant shall wait until 60 calendar days have elapsed from the filing of an appeal with the CDE before pursuing civil law remedies, provided the district has appropriately and in a timely manner apprised the complainant of his/her right to file a complaint in accordance with 5 CCR 4622. The moratorium does not apply to injunctive relief and to discrimination complaints based on federal law. (Education Code 262.3)

Board approved: November 14, 2013

Regulation revised: June 13, 2013, July 1, 2013, September 20, 2013

Regulation approved: March 21, 2013

EVERGREEN SCHOOL DISTRICT

San Jose, California

Weapons and Dangerous Instruments

The Board of Trustees recognizes that students and staff have the right to a safe and secure campus free from physical and psychological harm and desires to protect them from the dangers presented by firearms and other weapons.

Possession of Weapons

The Board prohibits any student from possessing weapons, imitation firearms, or other dangerous instruments, as defined in law and administrative regulation, in school buildings, on school grounds or buses, at school-related or school-sponsored activities away from school, or while going to or coming from school.

Under the power granted to the Board to protect the safety of students, staff, and others on district property and to maintain order and discipline in the schools, any school employee is authorized to confiscate any prohibited weapon, imitation firearm, or dangerous instrument from any student on school grounds.

Unless he/she has obtained prior written permission as specified below, a student possessing or threatening others with any weapon, dangerous instrument, or imitation firearm shall be subject to suspension and/or expulsion in accordance with law, Board policy, and administrative regulations.

The principal or designee shall notify law enforcement authorities when any student possesses a firearm, explosive, or other prohibited weapon or dangerous instrument without permission, sells or furnishes a firearm, or commits any act of assault with a firearm or other weapon. (Education Code 48902; Penal Code 245,626.9,626.10; 20 USC 7151)

Advance Permission for Possession of a Weapon for Educational Purposes

When the principal or designee grants permission, he/she shall take all necessary precautions to ensure the safety of all persons on school grounds, including, but not limited to, inspecting a firearm to verify that no live ammunition is present. Any weapon allowed shall be stored in a locked vehicle or in an appropriate, locked container before and after its authorized use.

A student granted permission to possess a weapon may be suspended and/or expelled if he/she possesses or uses the weapon inappropriately.

Possession of Pepper Spray

To prevent potential misuse that may harm students or staff, students are prohibited from carrying tear gas or tear gas weapons such as pepper spray on campus or at school activities.

Reporting of Dangerous Objects

The Board encourages students to promptly report the presence of weapons, injurious objects, or other suspicious activity to school authorities. The identity of a student who reports such activity shall remain confidential to the extent permitted by law.

The Superintendent or designee shall develop strategies designed to facilitate student reporting of the presence of injurious objects on school grounds, such as tip hotlines, electronic transmissions, or other methods that preserve the student's anonymity. Incident reports and records shall not identify the student who reported the possession. The Superintendent or designee also shall inform staff, students, and parents/guardians that students who report the presence of injurious objects on school campuses are to be protected and their identity shielded.

Legal Reference:

EDUCATION CODE

35291 Governing board to prescribe rules for discipline of the schools
48900 Grounds for suspension/expulsion
48902 Notification of law enforcement authorities
48915 Required recommendation for expulsions
48916 Readmission
49330-49335 Injurious objects

PENAL CODE

245 Assault with deadly weapon
417.4 Imitation firearm; drawing or exhibiting
626.9 Gun-Free School Zone Act of 1995
626.10 Dirks, daggers, knives, razor or stun gun; bringing or possessing in school
653k Switchblade knife
16100-17350 Definitions
22810-23025 Tear gas weapon (pepper spray)
25200-25225 Firearms, access to children
30310 Prohibition against ammunition on school grounds

UNITED STATES CODE, TITLE 20

6301-7941 No Child Left Behind Act, especially:
7151 Gun-Free Schools Act

Prohibited weapons and dangerous instruments include, but are not limited to: (Education Code 48915, 49330; Penal Code 626.10, 16100-17350, 30310)

1. Firearms: pistols, revolvers, shotguns, rifles, "zip guns," "stun guns," tasers, and any other device capable of propelling a projectile by the force of an explosion or other form of combustion
2. Ammunition or reloaded ammunition
3. Knives, razor blades, and box cutters: any dirks, daggers, ice picks, or other weapons with a fixed, sharpened blade fitted primarily for stabbing, weapons with a blade fitted primarily for stabbing, weapons with a blade longer than 2-1/2 inches, folding knives with a blade that locks into place, and razors with an unguarded blade
4. Explosive and/or incendiary devices: pipe bombs, time bombs, cap guns, containers of inflammable fluids, and other hazardous devices
5. Any instrument that expels a metallic projectile, such as a BB or a pellet, through the force of air pressure, carbon dioxide pressure, or spring action, or any spot marker gun
6. Any other dangerous device, instrument, or weapon, including those defined in Penal Code 12020, including a blackjack, slingshot, billy, nunchaku, sandclub, sandbag, metal knuckles, or any metal plate with three or more radiating points with one or more sharp edges designed for use as a weapon
7. Any imitation firearm, defined as a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm

Any employee may take any weapon or dangerous instrument from the personal possession of a student while the student is on school premises or under the authority of the district. (Education Code 49331, 49332)

In determining whether to take possession of the weapon or dangerous instrument, the employee shall use his/her own judgment as to the dangerousness of the situation and, based upon this analysis, shall take one of the following actions:

1. Confiscate the object and deliver it to the principal immediately
2. Immediately notify the principal, who shall take appropriate action
3. Immediately notify the local law enforcement agency and the principal

When informing the principal about the possession of a weapon or dangerous instrument, the employee shall report the name(s) of persons involved, witnesses, location, and the circumstances of the possession.

The principal shall report any possession of a weapon or dangerous instrument to the student's parents/guardians by telephone or in person, and shall follow this notification with a letter.

The employee shall retain possession of the instrument until the risk of its use as a weapon has dissipated or, upon the request of the student's parent/guardian, until the parent/guardian appears and personally takes possession. (Education Code 49331, 49332)

Regulation approved: March 21, 2013

EVERGREEN SCHOOL DISTRICT

San Jose, California

Additional Site Attachments

**Evergreen School District
2021-2022 School Year
CAMPUS EMERGENCY ASSIGNMENT SHEET**

This will help you ensure that you have coverage for all critical positions during a school emergency. Ensure that each position is assigned as early as possible in the school year and that all positions are assigned, even if you think that it will not be necessary to fill the positions during an actual emergency. To guard against the absence of key personnel when an emergency threatens, it is strongly recommended that backup personnel also be assigned and that key personnel are cross-trained in critical job requirements.

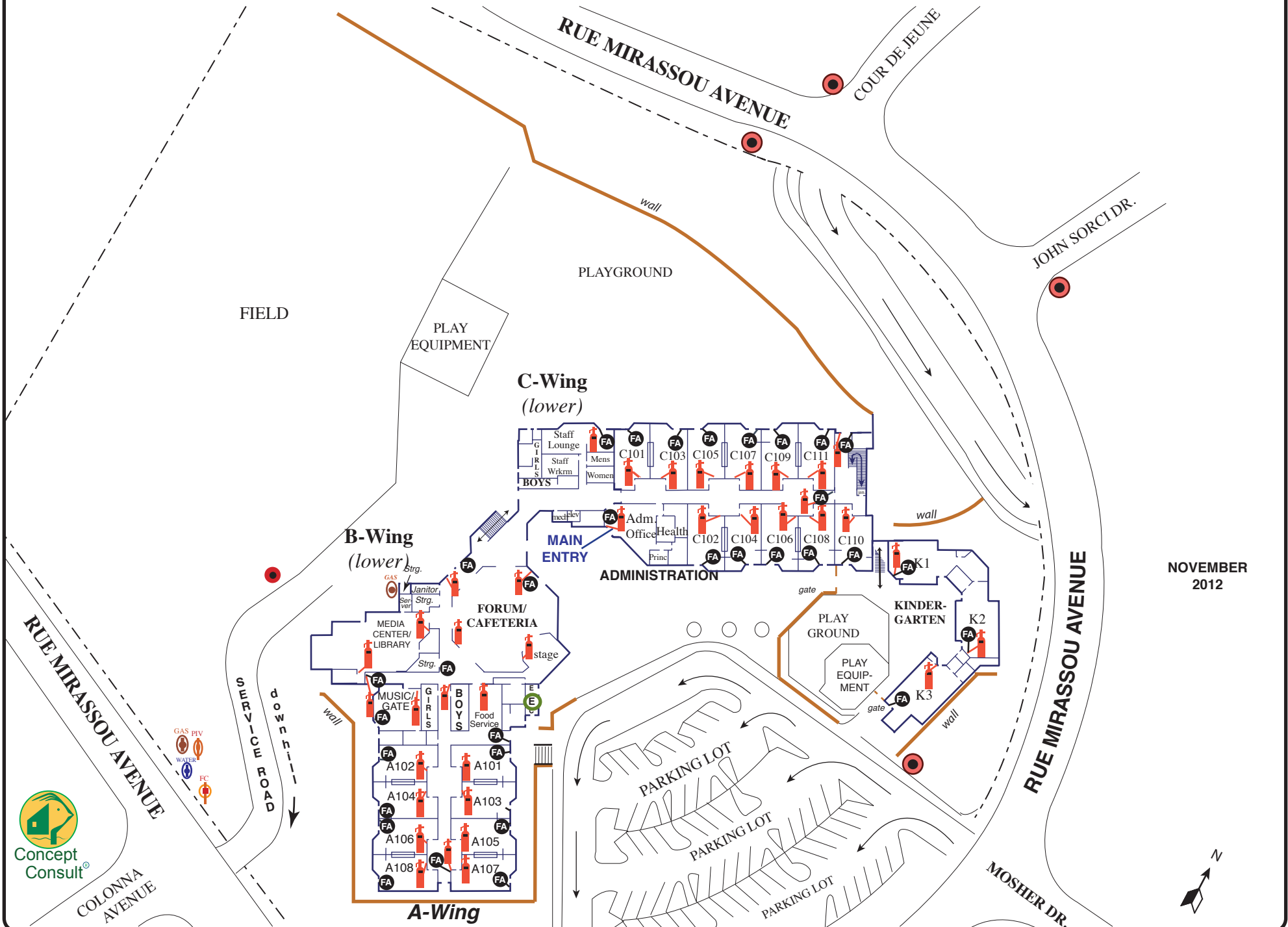
Position	Staff Assigned	Backup Personnel
Incident Commander	Gina Fierro	1. Zusy Zamora 2. Kirk Pleasant
Safety Officer	*Allison Sutton	1. Kirk Pleasant 2. Sabrina Cuevas (Ayesha Azhar)
Public Information Officer	Michelle Rojas	1. Margaret Hoang 2. Jennifer Pang
Liaison Officer	Cheryl Connolly*	1. Allison Sutton* 2. Michelle Rojas
Operations Section Chief	Kirk Pleasant	1. Dimitrie Milinovich* 2. Bernadette Marcias
Site Facility Check/Security	Dimitrie Milinovich*	1. Jennifer Pang 2. Olga Sandoval
Search & Rescue Team Leader	Jennifer Pang	1. Phung Hang 2. Debbie Oliva
S&R Team #1	Mary Ann Cave*	1. Jenny Clark 2. Bernadette Marcias
S&R Team #2	Margaret Hoang	1. Denise Braun 2. Debbie Oliva
Medical Team Leader	Debbie Oliva	1. Olga Sandoval 2. Julie Cabrera
Triage	Julie Cabrera	1. Sue Gresch 2. Karen Acosta
Treatment	Jennifer Clark	1. Tami Compton 2. Kristina Davidson
Psychological First Aid	Zoe Rodigari	1. Audrey Larsen 2. Julie Cabrera
Morgue	Susan Noda	1. Michelle Rojas 2. Diane Hobbs
Student Care Director	Diane Hobbs*	1. MaryAnn Cave 2. Susan Noda
Student Release Coordinator	Zusy Zamora	1. MaryAnn Cave 2. Tami Compton

Evergreen School District
CAMPUS EMERGENCY ASSIGNMENT SHEET (continued)

Position	Staff Assigned	Backup Personnel
Planning Section Chief	Olga Sandoval	1. Cheryl Connolly* 2. Allison Sutton
Documentation	Denise Braun	1. Emily Wu 2. Sabrina Cuevas
Situation Analysis	Phung Hang	1. Karen Acosta 2. Dimitrie Milinovich
Logistics Section Chief	Bernadette Marcias	1. Debbie Oliva 2. Phung Hang
Supplies/Facilities	Eric Delgado	1. Diane Hobbs 2. Denise Braun
Staffing	Susan Kitrosser*	1. Bernadette Marcias 2. Dimitrie Milinovich*
Communications	Tami Compton*	1. Kerry Principi 2. Emilie Wu
Finance/Administration Section Chief	Sue Gresch	1. Allison Sutton* 2. Maryann Cave*
Timekeeping	Karen Acosta	1. Susan Kitrosser* 2. Jenny Clark
Purchasing	Emilie Wu	1. Susan Noda 2. Kerry Principi

***Bldg Leaders**

3701 RUE MIRASSOU AVENUE
SAN JOSE, CA



COVID+ CASE AND CLOSE CONTACT CHECKLIST

Use one per incident/case. Make a copy and share the document with front office and site leader(s).

Today's date:

COVID+ case name, grade, class:

☐ **INTERVIEW case and/or parent/guardian**

☐ Date of onset of symptom:

☐ Date of COVID+ test taken:

☐ Last day on campus:

☐ Close contacts (RSP, aides, bus driver, etc):

☐ Identify student close contacts (classroom, lunch, carpool, extra curricular, etc):

☐ Identify household contacts/siblings (if any):

☐ After school/extra curricular:

☐ Independent study requested?

☐ **INTERVIEW Staff/teacher**

☐ Teacher/staff name(s):

☐ Masks worn by students/staff?
YES or NO (UNSURE)

☐ Verify vaccination status

☐ Identify student close contacts (whole class, use of seating chart etc.)

☐ Identify staff close contacts (RSP, aide, bus driver, prep teacher, etc):

- ☐ Action steps
 - ☐ Notify Aaron Brengard, COVID Designee
 - ☐ Cal (x6838)l, text or email (abrengard@eesd.org)
 - ☐ Share this document
 - ☐ Email or call assigned school nurse of the positive case
 - ☐ Verify attendance for date of exposure to others and log the roster for all **close contacts** in order to follow-up on testing results and quarantine dates.
 - ☐ Calculate the dates for **COVID Positive** case (which may be different than the close contact exposure timeline) :

Day 0 (COVID+ result OR onset of symptoms)	Day 1 (first day of isolation - the day after day 0)	Day 10 (end of quarantine)	Day 11 (return to school symptom free)

- ☐ Calculate the school setting **close contact** quarantine: [Quarantine Calculator](#)

-48 hours (exposure date is up to two days before Day 0- used to identify close contacts)	Day 0 (the last date of possible exposure)	Day 1 (first day of close contact quarantine - may enter modified return with negative test and no symptoms)	Day 5 (Professional test required for close contacts)	Day 7 (shortened quarantine for close contacts with COVID negative result on/after Day 5)	Day 11 (end of quarantine - return to school symptom free)

- ☐ Send Exposure Letters & Notifications
 - ☐ COVID+ Student Letter ([TEMPLATE](#))
 - ☐ Send Close Contact Letter ([TEMPLATE](#))
 - ☐ Send electronic and/or hard copy
 - ☐ Ensure all families have been contacted (call, if needed)
 - ☐ Non-Close Contact Notice ([TEMPLATE](#))
 - ☐ Send electronic copy to the entire school community with Parent Square
 - ☐ Forward the electronic copy to your site staff to be sure to include

ancillary staff not in Parent Square (<site>all@eesd.org)

☐ Health Clerk/Front Office

- ☐ Log the COVID+ name on the tracking sheet [[CLICK HERE TO FIND YOUR COVID+ TRACKING SHEET](#)]
- ☐ Log & track class close contact test initial and DAY 5 results results [[CLICK HERE TO FIND YOUR CLOSE CONTACT TRACKING SHEET](#)].
- ☐ Send DAY 5 testing reminder and log results. Alert site admin if no test received by DAY 7.

☐ Human Resources

- ☐ Fill out [Positive COVID Case Information for HR](#)
- ☐ Contact Human Resource (aquevado@eesd.org) to get CALOSHA letters (Employee leave options & testing information) sent to employees
 - ☐ Close Contact Letter (Any employees identified as close contact)
 - ☐ Non Close Contact (All other employees at a site)

- ☐ Assign custodial staff to deep clean/sanitize the room(s) (within 24 hours)

- ☐ Take a deep breath and pat yourself on the back for keeping your students safe



Evergreen School District

COVID-19 Site Safety Checklist

Site: _____ Admin: _____ Date: _____

Complete this checklist monthly. Refer to [CDPH guidelines](#) and [Safety MOU](#) for details.
Make a copy of this checklist [here](#) and share with COVID-19 Designee Aaron Brengard.

- | |
|--|
| <ul style="list-style-type: none"><input type="checkbox"/> Masks/PPE<ul style="list-style-type: none"><input type="checkbox"/> Mask required signage posted<ul style="list-style-type: none"><input type="checkbox"/> All entrances (sandwich board and/or signage)<input type="checkbox"/> All classrooms doors (this or similar posted)<input type="checkbox"/> Common space (this or similar posted)<input type="checkbox"/> PPE available in all classrooms (hand sanitation, gloves, soap, extra masks, etc)<input type="checkbox"/> Additional PPE on hand (masks, gloves, isolation PPE, as needed)
Order additional PPE by emailing ppe@eesd.org |
| <ul style="list-style-type: none"><input type="checkbox"/> Ventilation<ul style="list-style-type: none"><input type="checkbox"/> Ventilation: Verify HVAC systems are operational and fans scheduled on during school/site hours of use<input type="checkbox"/> Communicate process for requesting HVAC maintenance with staff<input type="checkbox"/> Verify HVAC systems have proper access to allow for filter quarterly replacement |
| <ul style="list-style-type: none"><input type="checkbox"/> Cleaning and disinfecting<ul style="list-style-type: none"><input type="checkbox"/> Verify approved supplies in classrooms and common spaces<ul style="list-style-type: none"><input type="checkbox"/> Disinfectant<input type="checkbox"/> Paper towels<input type="checkbox"/> Verify all cleaning equipment functioning properly (w/ custodian)<input type="checkbox"/> Cleaning schedule established, revise as needed |
| <ul style="list-style-type: none"><input type="checkbox"/> Handwashing hygiene<ul style="list-style-type: none"><input type="checkbox"/> Signage (this or similar) posted<ul style="list-style-type: none"><input type="checkbox"/> All classroom/office sinks<input type="checkbox"/> A bathroom sinks<input type="checkbox"/> Hand sanitations available in all classrooms and other common spaces<input type="checkbox"/> Six portable hand washing stations stocked and fully functional |
| <ul style="list-style-type: none"><input type="checkbox"/> Communication<ul style="list-style-type: none"><input type="checkbox"/> Visitor/volunteer policy<ul style="list-style-type: none"><input type="checkbox"/> Post volunteer/visitor site policy, revise as needed.<input type="checkbox"/> Communicate visitor and spectator/social gathering policy with |

Revised 11.28.21

staff and parents.

- | |
|--|
| <ul style="list-style-type: none"><input type="checkbox"/> Review modified quarantine substitute limits with staff, especially office staff (no modified quarantine class can be split) |
| <ul style="list-style-type: none"><input type="checkbox"/> COVID-19 Testing<ul style="list-style-type: none"><input type="checkbox"/> Create and implement a rotating testing schedule (elementary and middle)<input type="checkbox"/> Order testing supplies as needed from Concentric (elementary)<input type="checkbox"/> Establish a system for verification of unvaccinated employees every 7 days |

EVERGREEN SCHOOL DISTRICT



Name of School/School Year Carolyn Clark School 2021 - 2022

Month	Date	Hour	Number of Students	Time Required for Complete Egress Minutes & Seconds	Activities During Drill (i.e. class, assembly, recess)	Conducted By
July	-					
August	8/26/21	9:10 am	511	4:27.91	Instruction	Gina Fierro
September	-					
October	10/21/21	10:21 am	548	30 mins	Instruction	District
November	11/30/21	9:35 am	523	6:30.40	Instruction	Kerry Principi
December	12/15/21	9:15 am	532	3:40.74	Instruction	Gina Fierro
January	1/31/22	8:45am	563	4 mins	Instruction	Gina Fierro
February						
March						
April						
May						
June						

*This Sheet Must Be Posted At All Times, For 3 Years

RS 9/24/10

Evergreen School District

Procedure for EARTHQUAKE- Minor Seismic Activity

Site Staff will notify school office of any seismic activity.

Announcement made to “Drop, Cover and Hold on” (if on the playground: drop to the ground, place heads between their knees, and cover their heads with their arms and hands).

Site administration to “assess” the event to determine the next step(s):

- Announce all-clear
- Announce to remain in “Drop, Cover and Hold on” until further instructions
- Convene the site Emergency Team

The site administration/Emergency Team will “assess” to determine if:

- Announce all-clear
- Announce to remain in “Drop, Cover and Hold on” until further instructions
- Move students that are on the playground to designated safe area
- Follow District Earthquake Procedures

Please notify the Superintendent’s office of the minor event and the actions that were taken.

Reminder: If the telephone system is down, please use your emergency walkie to communicate.

Hello Parents,

We want to be ready for any emergency that may arise at school and we are asking for your help. In this 1 gallon plastic bag, we are asking you to place the following items:

- one 16 oz. water bottle,
- 2 non-perishable HEALTHY food items; goldfish crackers, pretzels, granola bars things your child will eat. Please make sure all food items are individually wrapped.
- completed student emergency index card (it's in the gallon bag)
- a note from home
- a family picture.

Please return the bag by September 18th. The gallon bags will be stored in class until the end of the year. At the end of the year, if it has not been needed, we will send it back home.

Thank you very much for your support.

Clark Teachers and Staff

Hello Parents,

We want to be ready for any emergency that may arise at school and we are asking for your help. In this 1 gallon plastic bag, we are asking you to place the following items:

- One 16 oz. water bottle,
- Two non-perishable HEALTHY food items; goldfish crackers, pretzels, granola bars things your child will eat. Please make sure all food items are individually wrapped.
- Completed student emergency index card (it's in the gallon bag)
- A note from home
- A family picture.

Please return the bag by September 18th. The gallon bags will be stored in class until the end of the year. At the end of the year, if it has not been needed, we will send it back home.

Thank you very much for your support.

Clark Teachers and Staff

Evergreen School District
2021-2022 School Year

Emergency Response Contact Information

School Name: **Carolyn Clark Elementary**
Address: **3701 Rue Mirassou**
San Jose, CA 95148
Phone #: **(408) 223-4560**

Principal Name: **Gina Fierro**
Cell #: **(408) 712-1990**
Email: **gfierro@eesd.org**

School Secretary: **Zusy Zamora**
Cell #: **(408) 893-6841**
Email: **zzamora@eesd.org**

Primary Contact and phone #'s
1. Gina Fierro (408) 712-1990

Secondary Contact and phone #'s
2. Kirk Pleasant (408) 921-6267

Safety Alert Email Address: **gfierro@eesd.org**

Alarm Company name: **Advantage Security**
Monitoring (Fire
System)
1-800-458-4519
Grand Central Station
PSS Electronics (Security)
1-510-888-9010



Learn, Explore and Create!



Art classes to express your creativity

Vaidehi Creative Arts is excited to offer art classes to students at Carolyn Clark. Ms Vaidehi Parekh, the lead instructor, is an accomplished artist who has been teaching art for over 20 years.

Students will work on a variety of interesting art projects like creating emojis, coin art, lettering, ... For samples of art and additional information visit

www.vaidehcreativearts.com

A maximum of 20 students, per class, may register for this 8 week course, beginning October 7.

All Materials will be provided (students must pick up the art kit from Vaidehi Creative Arts studio)

Grades 1 and 2: 2-2:50 pm

Grades 3 and 4: 3-3:50pm

Grades 5 and 6: 4-4:50pm

Students will need access to a computer with audio and video setup and a good internet connection.



CODE 4 TOMORROW

COURSES OFFERED

JAVA

Learn a popular Object-Oriented Programming language!

PYTHON

Begin coding in one of one of the fastest growing languages used in machine learning!

WEB DEV

Gain web design experience and build your very own webpage using HTML and CSS!

SCRATCH

Get introduced to a popular block-based coding language! Great for beginners!



ALL CLASSES
ARE FREE,
ONLINE, AND
ALLOW FOR
FLEXIBLE
LEARNING!

Questions? Go to
<https://linktr.ee/code4tomorrow>

@code4tomorrow



Evergreen School District

Evacuate

Evacuate is in response to a credible bomb threat. If the school is in lockdown, using evacuate over the intercom system will help to evacuate classrooms or buildings quicker, versus door to door.

1. Get everyone outside immediately.
2. Exit in a safe and timely manner.
3. **IMPORTANT-** Everyone must stay outside until the “all clear” is sounded by the administration.



Carolyn A. Clark Elementary School

3701 Rue Mirassou San Jose, CA 95148
Ph. 408-223-4560 Fax 408-223-4567 cc.schoolloop.com

September 2021

Dear Parent/Guardian,

Your child, _____, has been selected to participate in our After School Homework Program. Homework assistance will be provided to students in the library on Mondays, Tuesdays, and Wednesdays from 2:30 to 3:30 PM

Homework Club provides a quiet place for doing homework. A credentialed teacher will be there to give assistance to students who need it.

If you would like your child to participate in the Homework Club, please complete the permission slip below and return it to your child's teacher or the front office by Friday, October 8, 2021. Homework Club will begin on Monday, October 11, 2021 and will run through May, 2021.

Sincerely,
Gina Fierro
Principal, Carolyn Clark Elementary

Teacher _____ Grade _____ Rm. _____

- ☐ Yes! My child, _____, may participate in the Homework Club on Mondays, Tuesdays, and Wednesdays from 2:30 to 3:30 PM.
- ☐ My child is able to walk home at dismissal from Homework Club.
- ☐ I will pick my child up from Homework Club.
- ☐ No. My child, _____, may not participate in the Homework Club.

Parent/Guardian Signature

Phone #

Date

You are invited to a public meeting for review of our Comprehensive School Safety Plan at Carolyn Clark Elementary School on Wednesday, January 26th at 2:00 pm, in room C213, as per Education Code 32288(b)(1).

Our school will be updating and revising the Comprehensive School Safety Plan. A couple of the key elements in our plan include the following:

- Goals, strategies, and activities for ensuring a safe and orderly school environment
- Emergency disaster procedures

We are seeking input to our plan and hope that you can attend. If you have any questions regarding this public meeting of the Comprehensive School Safety Plan, please contact me at (408) 223-4560 or gfierro@eesd.org.

NOON DUTY SCHEDULE 2021-22 (updated 9/21/2021)

Week of:					
	8/19, 9/20, 10/25, 12/6, 1/24, 3/7, 4/11, 5/23	8/23, 9/27, 11/1, 12/13, 1/31, 3/14, 4/25, 5/31	8/30, 10/4, 11/8, 1/3, 2/7, 3/21, 5/2, 6/6	9/7, 10/11, 11/15, 1/10, 2/14, 3/28, 5/9	9/13, 10/18, 11/29, 1/18, 2/28, 4/4, 5/16
Recess	Francisca	Mina	Crystal (MT) Angela (WTh) Brandon (F)	Carol	Zusy
Recess	Carol	Zusy	Francisca	Mina	Crystal (MT) Angela (WTh) Brandon (F)
Lunch Room	Mina	Crystal (MT) Angela (WTh) Brandon (F)	Carol	Zusy	Francisca
Hallway	Zusy	Francisca	Mina	Crystal (MT) Angela (WTh) Brandon (F)	Carol
Kitchen	Crystal (MT) Angela (WTh) Brandon (F)	Carol	Zusy	Francisca	Mina

REGULAR DAY	
First Lunch:	
11:10-11:30	Kinder/1st Grade Lunch
11:30-11:50	Recess (Kinder playground)
Second Lunch:	
11:55-12:15	2nd-3rd Grade Lunch
12:15-12:35	Recess
Third Lunch:	
12:40-1:00	4th-6th Grade Lunch
1:00-1:20	Recess
1:25-1:45	1st-3rd Grade Recess

MINIMUM DAY (Thursdays)	
11:05-11:20	First Lunch
11:20-11:35	Recess
11:40-11:55	Second Lunch
11:55-12:10	Recess
12:15-12:30	Third Lunch
12:30-12:45	Recess

RAINY DAY	
First Lunch:	
11:10-11:40	Kinder/1st Lunch
Second Lunch:	
11:55-12:25	2nd-3rd Grade Lunch
Third Lunch:	
12:40-1:10	4th-6th Grade Lunch

Team 1:	Francisca M-F
Team 2:	Carol M-F
Team 3:	Mina M-F
Team 4:	Zusy M-F
Team 5:	Crystal MT/Angela WTh/Brandon F



Carolyn A. Clark Elementary School

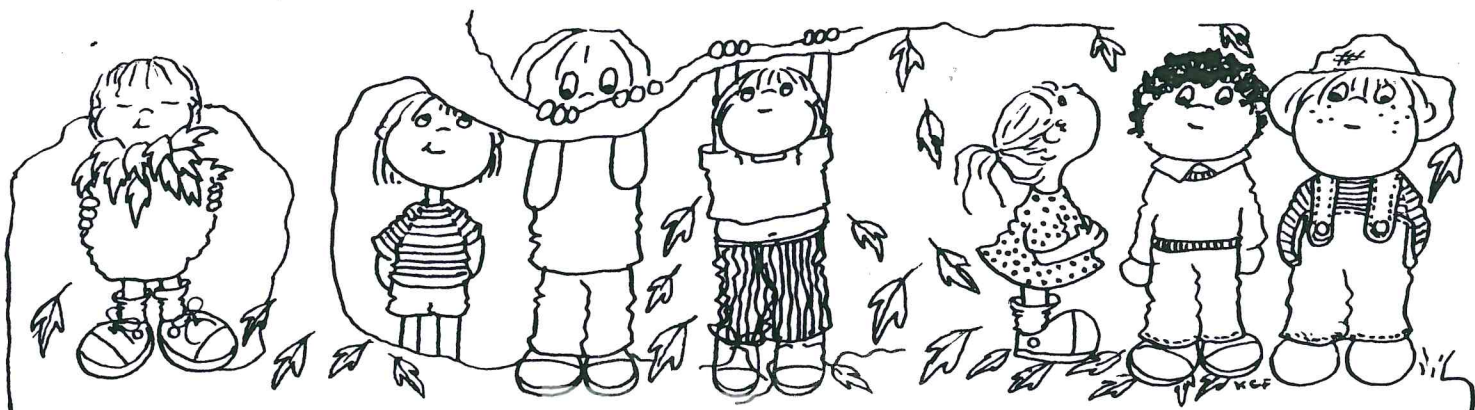
Student Safety Guidelines for Parents:

Before an Emergency Occurs:

- 🔊 All visitors and volunteers **MUST** sign in at the office and wear a name tag. This is for the safety of all the children. Please do not visit the campus unless you have pre-registered as a volunteer. In case of an emergency the sign - in sheet will be used to account for ALL other persons on campus. If you do not sign in and there is an emergency you could potentially hamper rescue efforts by emergency personnel. The children's safety is our #1 concern. Please keep that in mind.
- 🔊 Make certain that your children's school emergency card is accurately and completely filled out and returned to the school. Please contact the school office promptly to correct any information.
- 🔊 If your child needs regular medication at school, assure there is always a 3 - 4 day supply maintained at all times.
- 🔊 Formulate your own home emergency plans and teach your children what they should do as part of it. Instruct them as to whom they should go for adult supervision if you are not available and as to what they should do if an emergency occurs when they are walking to or from school.
- 🔊 Discuss with your children the emergency training they have received at school, give your support by stressing its importance, and encourage them to cooperate with school staff members, both in practice drill and in the event of a real emergency.

During an Emergency:

- 🔊 During an emergency, we can expect that phone lines into the school will be unavailable. To prevent interfering with emergency responders, we ask that parents wait to receive important information from school officials before going to the school or scene of an emergency.
- 🔊 During an emergency it is natural for parents to want to be reunited with their children immediately. The first priority of school and emergency staff, on the other hand, will be to secure the area, protect the children and tend to the injured. For a response effort to be successful, it is vital that parents not interfere. Your patience and cooperation during such a crisis can save children's lives.
- 🔊 During an emergency please keep your cars away from the school so that emergency vehicles can have immediate and clear access to the school.
- 🔊 Please do not call your children on their cell phones so that emergency personnel can have open phone lines to communicate & to keep children safe if they are sheltering in place or hiding.
- 🔊 Please keep clear of the school until reunification procedures begin.
- 🔊 Please allow evacuations to proceed without interference. You will be instructed as to the location of the reunification center.
- 🔊 Tune in to the local television and radio for news alerts.
- 🔊 Check the Evergreen School District website (www.eesd.org) or call the District Office at (408) 270 - 6800 for information.
- 🔊 You will be notified by the Evergreen School District if & when an emergency occurs. The information you provide on your child's emergency cards will be used to contact you.
- 🔊 Please follow the reunification procedures.

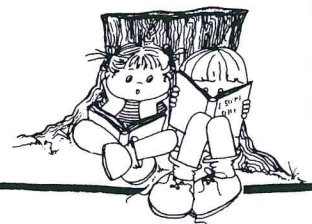


Carolyn Clark Code of Conduct

Be Respectful

Be Responsible

Be Safe



Carolyn Clark Elementary School

POSITIVE BEHAVIORAL INTERVENTIONS AND SUPPORTS (PBIS)

PARENT/STUDENT HANDBOOK



BE RESPONSIBLE ★ BE RESPECTFUL ★ BE SAFE

PBIS TEAM MEMBERS

Our PBIS team consists of an administrator, a parent, classified staff, teachers and specialists. The members on this team are dedicated to establishing and maintaining behavioral supports and positive school culture.

OVERVIEW

The Carolyn Clark PBIS team believes that schools can only be successful when they help children to grow academically, socially and emotionally. In order for this to happen, it is important that we establish a safe environment. It is our goal to create an atmosphere for learning by setting clear expectations and directly teaching students about our expectations. Using the PBIS program helps us to create a happy and safe environment for all our students.

CAROLYN CLARK'S CUB CODE OF CONDUCT

Our Code of Conduct allows for students to connect their behavior to our school-wide behavior matrix. Our code of conduct is:

- Be Responsible.
- Be Respectful.
- Be Safe.

BEHAVIOR MATRIX

Carolyn Clark has developed a behavior matrix which includes our Code of Conduct (Be Responsible, Be Respectful, and Be Safe). Each expectation is broken down into different categories along with an explanation of how each expectation should look in a specific setting (see pages 6-9).

HOW EXPECTATIONS ARE TAUGHT

The staff teaches the school's expected behaviors through lessons that are designed around our school-wide Behavior Matrix. During the first weeks of school, these expectations are taught through school tours and rotations using examples from classroom and non-classroom situations. Staff members model and role-play in order to teach the expected behaviors. We also provide students with practice opportunities. Expectations are reinforced throughout the year at school rallies, lunch time activities, and in the classroom.

CAROLYN CLARK'S STARS (REWARD SYSTEM)

Another part of the PBIS system is the use of consistent positive reinforcement when observing desired behaviors. Staff members who observe students following the school's behavioral expectations will issue Clark STAR cards (Safety, Taking responsibility And Respecting others). All students can earn STAR cards for demonstrating good behavior in every area of the school (classroom, lunchroom, playground, etc.) and from any staff member including teachers, classified staff, lunch supervisors, and substitute teachers. The colorful card will indicate a description of the rewarded behavior. Students will then be able to use these cards to earn rewards from the PBIS student store. Students who act safely, respectfully and responsibly can select meaningful items such as pins, medals, lanyards, pencils, and erasers featuring the theme for which the student was awarded.

An important goal of an acknowledgment system is to increase the number of positive interactions between school staff and students. Research shows us that positive reinforcement is one of the best ways to not only change unexpected behaviors, but also to maintain appropriate and positive behavior. In fact, research on effective teaching has found that teachers should engage in a rate of four positive interactions with students to every one negative interaction. The Carolyn Clark staff is committed to making sure that all students who demonstrate positive behaviors will receive STAR cards. It is not enough just to teach expected behavior, we also need to regularly recognize and reward students for engaging in these desired behaviors.

By supporting the positive behavior programs at Carolyn Clark, we are reminding our children their positive behavior matters as it creates a better learning environment for all.

RALLIES

Monthly rallies will be planned to celebrate our PBIS progress and reinforce Carolyn Clark's Cub Code of Conduct. Monthly rallies will also recognize students for positive behavior. The recognition rallies are a chance for the school to celebrate behavior successes, acknowledge the students who earned STAR cards, and regularly re-teach students the school-wide expectations. Not only will these rallies promote school spirit, but they will also build community among our students and staff.

CAROLYN CLARK CHEER

We will be reciting Carolyn Clark's school cheer at every rally. Our school-wide cheer is:

I said the mighty Cubs are lookin' so fine.

I said the Clark School Cubs are awesome all the time.

With safety, respect and responsibility,

Our school is #1; we all agree!

DOCUMENTING BEHAVIOR

Behavior documentation allows all of us to have ongoing communication about students' progress toward following expectations. Through the documentation, we are able to target lessons for students, classrooms, and building school-wide expectations. (See pages 10-11)

- Minors - Students receiving a referral for minor behaviors will:
 - 1st Incident: Redirection, reteaching and verbal warning.
 - 2nd & 3rd Incidents: Redirection and classroom consequence. Teacher will fill out the Classroom/Office Referral Form and send it home for a signature.
 - 4th Incident: If a student receives 3 Classroom/Office Referral forms, the student will be directed to administration.
- Majors - Students receiving a referral for a major behavior will:
 - Be directed to administration.
 - Administrator will contact parent and fill out a Classroom/Office Referral Form. A consequence will be assigned for inappropriate behavior.

PARENTAL INVOLVEMENT


In order for PBIS to be successful at Carolyn Clark, we need your help. Below is a list of suggestions on how you can help support PBIS:

- Remind your child of the Carolyn Clark's expectations on a daily basis (before leaving for school is a great time to review these): Be Responsible, Be Respectful, Be Safe!
- Use the same language that is being used at school with your child. Develop a behavior matrix at home using the Carolyn Clark's Expectations. List all the routines in your home and then write the behaviors you want to see in that setting. Remember to keep it positive. A blank matrix is in this handbook for you to use!
- Ask your child if he/she received any Carolyn Clark STARS each week and how he/she earned them. Reinforce the positive behaviors that your child is showing at school.
- If you are contacted because your child has not followed Clark's Code of Conduct, please review the behavior expectations at home.
- Attend Principal Coffees where the topics will be centered around PBIS.
- Please be aware of the weekly PBIS updates and information in the Clark newsletter and on our school website.
- Please read the Code of Conduct Pledge with your child. Sign and return the pledge to your child's teacher.

HOME BEHAVIOR MATRIX FORM

	Be Responsible	Be Respectful	Be Safe

Carolyn Clark's Cub Code of Conduct Behavior Matrix


	BE RESPECTFUL	BE RESPONSIBLE	BE SAFE
GENERAL EXPECTATIONS	<ul style="list-style-type: none"> -Actively listen to others. -THINK before speaking and use appropriate language. -Follow the directions of all adults. -Work together to solve problems. 	<ul style="list-style-type: none"> -Clean up after yourself. -Put forth your best effort. -Take all items with you at the end of the day; you may not come back for forgotten items. 	<ul style="list-style-type: none"> -Walk in the building. -Keep personal belongings put away.
HALLWAY	<ul style="list-style-type: none"> -Be observant of the people around you and in the classrooms. -Be considerate of others. -Use appropriate voice level. 	<ul style="list-style-type: none"> -Clean up after yourself. -Eat in designated areas. -Keep your hands, feet, and objects off the walls. 	<ul style="list-style-type: none"> -Walk in an orderly fashion. -Be observant of your rolling backpack while walking. -Have permission to be in the hall.
FORUM (for Lunch)	<ul style="list-style-type: none"> -Follow the directions of the adults. -Wait to be excused. -Use good table manners. -Use "inside" voice. 	<ul style="list-style-type: none"> -Keep tables and floor clean. -Take all of your belongings when you leave. -Stay in lunch time order and a straight line. 	<ul style="list-style-type: none"> -Walk. -Only eat your own food. -Alert someone if there is a spill.
FORUM (class activity/PE)	<ul style="list-style-type: none"> -Honor your space and the space of others. -Be ready to follow directions. -Monitor the noise level. 	<ul style="list-style-type: none"> -Clean up after yourself. 	<ul style="list-style-type: none"> -Walk unless the activity requires something different. -Sit properly. -Honor your space.
RESTROOM	<ul style="list-style-type: none"> -Keep privacy in mind. -Use appropriate restroom. 	<ul style="list-style-type: none"> -Flush the toilet and wash your hands. -Use the restroom appropriately. -Report when supplies are needed. 	<ul style="list-style-type: none"> -Report spills and messes. -Walk.

	BE RESPECTFUL	BE RESPONSIBLE	BE SAFE
PLAYGROUND (Blacktop)	<ul style="list-style-type: none"> -Follow the rules of the games. -Follow the equipment check out procedures. 	<ul style="list-style-type: none"> -Eat in the “snack area.” -Throw away your trash. -Freeze when the first freezeball rings. 	<ul style="list-style-type: none"> -Walk on the blacktop. -Only eat your own snack. -Stay within the boundaries
PLAYGROUND (Grass)	<ul style="list-style-type: none"> -Follow the rules of the games. -Be respectful of the environment. 	<ul style="list-style-type: none"> -Take care of all equipment. -Walk to the blacktop when the first freeze bell rings. 	<ul style="list-style-type: none"> -Stay within the recess boundaries. -Keep hands and feet to yourself. -Play safely.
PLAYGROUND (Play Structure)	<ul style="list-style-type: none"> -Be understanding of all abilities. -Take turns on the play structure. 	<ul style="list-style-type: none"> -Use the play structure equipment appropriately. -Walk to the edge of the play area when the first freeze bell rings. 	<ul style="list-style-type: none"> -Walk on and around the play structure. -Slide down the slide feet first. -Hang from the monkey bars by your hands.
SCHOOL EVENTS (assemblies, field trips)	<ul style="list-style-type: none"> -Actively listen to presenters, chaperones, docents, etc. -Sit flat on your bottom. -Respect your surroundings. 	<ul style="list-style-type: none"> -Be prepared. (lunch, jacket, etc.) -Be on time. -Stay with your group or your class. 	<ul style="list-style-type: none"> -Follow school, bus, and venue rules. -Use indoor voices when appropriate to be able to hear directions. -Stay with your chaperone on field trips.
PARKING LOT	<ul style="list-style-type: none"> -Listen to and follow the directions given by teachers and parents. -Be timely. -Stay in designated areas. 	<ul style="list-style-type: none"> -Actively look for your ride. -Clean up after yourself. -Collect all your belongings. 	<ul style="list-style-type: none"> -Use the crosswalk. -Get in and out of your car on the curb side. -Stay behind the safety line. -#PYBO
AFTER HOURS (after school clubs, PTA events, etc)	<ul style="list-style-type: none"> -Follow school rules (ex. Walk in halls, use inside voices) -Don't touch other people's belongings. 	<ul style="list-style-type: none"> -Notify your supervising adult of where you are going. -Stay in designated areas. -Clean up after yourself. 	<ul style="list-style-type: none"> -Stay within adult supervision. -Follow all adult directions.

	BE RESPECTFUL	BE RESPONSIBLE	BE SAFE
OFFICE	<ul style="list-style-type: none"> -Use indoor voices. -Wait patiently. -State your business. 	<ul style="list-style-type: none"> -Bring a pass from the teacher or adult who sent you to the office. -Keep your hands to yourself. 	<ul style="list-style-type: none"> -Check in with the office staff before entering Health Office. -If possible, have kleenex to control the bleeding before coming to the office.
LIBRARY	<ul style="list-style-type: none"> -Walk at all times -Always use a shelf marker when looking at books. -Wait your turn to take an AR test. -Use indoor voices. 	<ul style="list-style-type: none"> -Return your library books on time. -Treat your books with kindness. -Keep books away from liquids. 	<ul style="list-style-type: none"> -The library is closed when the lights are off or the library clerk is not there. -Know where the proper exits are in case of emergency.

Carolyn Clark's Transitional Kindergarten and Kindergarten Cub Code of Conduct

*These expectations are specific to the Kindergarten and Transitional Kindergarten classrooms and playground.

	BE RESPECTFUL	BE RESPONSIBLE	BE SAFE
KINDER/TK RESTROOM	-One at a time. -Unlock the door when you are done. -Use your inside voice.	-Flush the toilet. -Clean up after yourself.	-Wash your hands. -Walk.
WHEEL TOYS	-Stand in line to wait for your turn. -Take turns.	-Wait at the stop sign.	-Follow the path.
SAND TABLE	-Share the sand toys.	-Only 4-6 students may be at the table at a time.	-Keep the sand in the table.
PLAY STRUCTURE	-Keep your hands to yourself.	-Walk on and around the play structure.	-Slide down the slide feet first.
SNACK	-Sit while eating. -Ask for permission to be excused.	-Clean up after yourself.	-Only eat your own food.

Classroom/Office Referral Form

Name: _____ Date: _____ Time: _____ Teacher: _____ Grade: TK K 1 2 3 4 5 6 Referring Staff: _____	<div style="text-align: center;">Location</div> <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input type="checkbox"/> Classroom <input type="checkbox"/> Playground <input type="checkbox"/> Bathroom <input type="checkbox"/> Other _____ </div> <div style="width: 45%;"> <input type="checkbox"/> Hallway <input type="checkbox"/> Forum <input type="checkbox"/> Library </div> </div>
---	--

Minor Problem Behavior	Major Problem Behavior	Possible Motivation
<input type="checkbox"/> Defiance <input type="checkbox"/> Disruption <input type="checkbox"/> Disrespect <input type="checkbox"/> Physical Contact <input type="checkbox"/> Inappropriate Language <input type="checkbox"/> Property Misuse <input type="checkbox"/> Dress Code <input type="checkbox"/> Electronic/Tech. Violation <input type="checkbox"/> Other _____	<input type="checkbox"/> Defiance <input type="checkbox"/> Disruption <input type="checkbox"/> Disrespect <input type="checkbox"/> Abusive Language <input type="checkbox"/> Harassment <input type="checkbox"/> Fighting <input type="checkbox"/> Electronic/Tech. Violation <input type="checkbox"/> Property Damage <input type="checkbox"/> Lying/ Cheating <input type="checkbox"/> Other _____	Get: <input type="checkbox"/> Peer Attention <input type="checkbox"/> Adult Attention <input type="checkbox"/> Item/Activity Avoid: <input type="checkbox"/> Peer Attention <input type="checkbox"/> Adult Attention <input type="checkbox"/> Item/Activity
Action Taken		
<input type="checkbox"/> Time Out <input type="checkbox"/> Conference with Student/Reflection Sheet <input type="checkbox"/> Clean Up Duty <input type="checkbox"/> Loss of Privilege: _____ <input type="checkbox"/> Parent Contact <input type="checkbox"/> Individualized Instruction	<input type="checkbox"/> Behavior Contract <input type="checkbox"/> In-School Suspension (____hours/days) <input type="checkbox"/> Out-of-School Suspension (____hours/days) <input type="checkbox"/> Action Pending <input type="checkbox"/> Restraint <input type="checkbox"/> Seclusion <input type="checkbox"/> Restraint & Seclusion <input type="checkbox"/> Other _____	

Others involved in incident: ☐ None ☐ Teacher ☐ Substitute ☐ Unknown
 ☐ Peers ☐ Staff ☐ Other _____

Staff Comments:

Parent Signature: _____ **Date:** _____

☐ I need to talk to my student's teacher. ☐ I need to talk to the administrator.

CODE OF CONDUCT PLEDGE

Dear Carolyn Clark Students,

At Carolyn Clark, you will aim for excellence! By using the Positive Behavior Intervention Support approach, we will create a safe and more productive school. By following Carolyn Clark's Code of Conduct everywhere you go, everyone will show their Carolyn Clark pride.

This year, we will learn, practice, and teach others respectful, responsible and safe behavior for all school activities. Students who make good choices will be recognized throughout the year. Take special care of this book and use it as a reminder of our expectations. This will help you to make good choices and show your Carolyn Clark pride.

My Pledge

The expectations in our student handbook have been explained to me and I have received my PBIS handbook. As a good citizen of Carolyn Clark Elementary School, I understand that I am responsible for showing Carolyn Clark's Code of Conduct:

- Be responsible.
- Be respectful.
- Be safe.

Teacher: _____ Grade: _____

Student's Signature:

Parent's Signature:

***Please return this pledge to your teacher by September 15.**

Playground Expectations

AREA	BE SAFE	BE RESPECTFUL	BE RESPONSIBLE
General	<i>Keep hands and feet to self</i> <i>Avoid fighting or play fighting</i> <i>What's on the ground stays on the ground</i> <i>Stay within playground boundaries</i> <i>Notify adult if stranger is present</i>	<i>Follow adult directions</i> <i>Include everyone</i> <i>Use kind words to others</i> <i>Touch others only when helping</i> <i>Use appropriate language</i> <i>Share and take turns</i> <i>Demonstrate good sportsmanship</i>	<i>Use problem solving skills to solve conflicts</i> <i>Line up when adult signals end of recess</i> <i>Notify adult in case of injury</i> <i>Follow game rules- have agreement before starting game</i> <i>Let players entering game know rules</i> <i>Put equipment away</i> <i>Use a pass to enter building</i>
Big Toy	Go down slide/pole feet first One person on slide/pole at a time Walk on bridge areas	Share and take turns	Line up & wait patiently for turn Use areas appropriately
Bars	2 per bar Flip only on lower bar Look before you flip or swing on bars Keep appropriate space between students and bars Be aware of students twirling on bars	Share and take turns	Line up and wait patiently for turn Use areas appropriately
Blacktop	Be aware of on-going games Play tag in appropriate areas not on blacktop Play in designated play areas	Share and take turns	Wait quietly for adult
Jump Ropes	Use for jumping only Each end of rope needs to be held when twirling it	Share and take turns	Jump rope on blacktop Put ropes away when done
Tetherball	Follow tetherball rules Stay off pole and ball Two play at a time	Share and take turns Encourage others equally	Follow tetherball rules When called out- take outs Be honest
Field	Avoid muddy areas Stay away from fences	Stay away from area that PE classes are using	

Playground Expectations

AREA	BE SAFE	BE RESPECTFUL	BE RESPONSIBLE
Balls	Kicking balls and are kickballs and soccer balls Non kicking balls are all other balls Kick balls in grassy areas away from building & blacktop If ball goes out of play area report to an adult	Follow adult directions Share and take turns	Use in appropriate areas Use balls for appropriate activity Put equipment away
Soccer	Body contacts ball only Hands don't touch ball	Follow soccer rules Be honest Give encouraging words Choose teams fairly	Be honest about line calls Follow school rules for soccer
Four Square	Follow Four Square rules	Share and take turns Give encouraging words	Follow rules Be honest
Funnel Ball	Stay off pole Ask for adult help if ball gets stuck	Share and take turns	Use correct size ball Keep score accurately

Classroom/Office Referral Form

Name: _____ Date: _____ Time: _____ Teacher: _____ Grade: TK K 1 2 3 4 5 6 Referring Staff: _____	<b style="text-align: center;">Location <div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> Classroom <input type="checkbox"/> Playground <input type="checkbox"/> Bathroom <input type="checkbox"/> Other _____ </div> <div> <input type="checkbox"/> Hallway <input type="checkbox"/> Forum <input type="checkbox"/> Library </div> </div>
---	--

Minor Problem Behavior	Major Problem Behavior	Possible Motivation
<input type="checkbox"/> Defiance <input type="checkbox"/> Disruption <input type="checkbox"/> Disrespect <input type="checkbox"/> Physical Contact <input type="checkbox"/> Inappropriate Language <input type="checkbox"/> Property Misuse <input type="checkbox"/> Dress Code <input type="checkbox"/> Electronic/Tech. Violation <input type="checkbox"/> Other _____	<input type="checkbox"/> Defiance <input type="checkbox"/> Disruption <input type="checkbox"/> Disrespect <input type="checkbox"/> Abusive Language <input type="checkbox"/> Harassment <input type="checkbox"/> Fighting <input type="checkbox"/> Electronic/Tech. Violation <input type="checkbox"/> Property Damage <input type="checkbox"/> Lying/ Cheating <input type="checkbox"/> Other _____	Get: <input type="checkbox"/> Peer Attention <input type="checkbox"/> Adult Attention <input type="checkbox"/> Item/Activity Avoid: <input type="checkbox"/> Peer Attention <input type="checkbox"/> Adult Attention <input type="checkbox"/> Item/Activity
Action Taken		
<input type="checkbox"/> Time Out <input type="checkbox"/> Conference with Student/Reflection Sheet <input type="checkbox"/> Clean Up Duty <input type="checkbox"/> Loss of Privilege: _____ <input type="checkbox"/> Parent Contact <input type="checkbox"/> Individualized Instruction	<input type="checkbox"/> Behavior Contract <input type="checkbox"/> In-School Suspension (____hours/days) <input type="checkbox"/> Out-of-School Suspension (____hours/days) <input type="checkbox"/> Action Pending <input type="checkbox"/> Restraint <input type="checkbox"/> Seclusion <input type="checkbox"/> Restraint & Seclusion <input type="checkbox"/> Other _____	

Others involved in incident:

- ☐ None ☐ Teacher ☐ Substitute ☐ Unknown
☐ Peers ☐ Staff ☐ Other _____

Staff Comments:

Parent Signature: _____ **Date:** _____

- ☐ I need to talk to my student's teacher.
☐ I need to talk to the administrator.

REFLECTION FORM

Name: _____

Date: _____

Did I Follow Directions Appropriately?

Yes _____ No _____

What Happened (Who and How)? _____

What did I want? (put a check next to the appropriate statement)

_____ I wanted attention from others.

_____ I wanted to be in control.

_____ I wanted to avoid doing my homework.

_____ I wanted to 'cause problems' because I am mad.

_____ I wanted to 'cause others problems' because they don't like me.

_____ I wanted _____

Did I get what I wanted?

Yes _____

No _____

What could I have Done to Solve the Problem Differently? (List at Least Two Better Choices) _____

Will I be able to return to class calmly?

Yes _____ No _____

Student Signature _____ Teacher Signature _____

--

Think Sheet

Name:

Date:

Tex

Text

What did I
choose to do?

Why did I make
this choice?

Who did I bother
or disrespect?

Two things I
could have done
instead

My Signature

My Parent's Signature

Safe Ingress/Egress Procedures

In the morning, students either enter the school campus through the forum doors that are opened by the custodian at 8:30 am, or behind the school to the blacktop area, through the service gate, or the busloop entrance. The front gate is opened for parents to access the office, and the bus gate is opened for the special education buses. All other gates are locked. When school starts, teachers close the bus gate, and the custodian locks the service-gate. At dismissal, parents wait in front of the school, or behind the school. The gates are opened, and the bus gate is unlocked.

Supervision of Students

School administration and teaching staff place a high priority on providing adequate adult supervision on campus before, during, and after school. As students arrive on campus each morning, supervisors are strategically assigned to designated entrance areas, and to do parking-lot duty. During recess, teachers supervise playground activity. Teachers, noon-duty supervisors, and para-educators monitor lunch-time activities in the cafeteria and on the playground. At the end of the day when students are dismissed, the principal and teachers monitor student behavior to ensure a safe and orderly departure.

Visitors

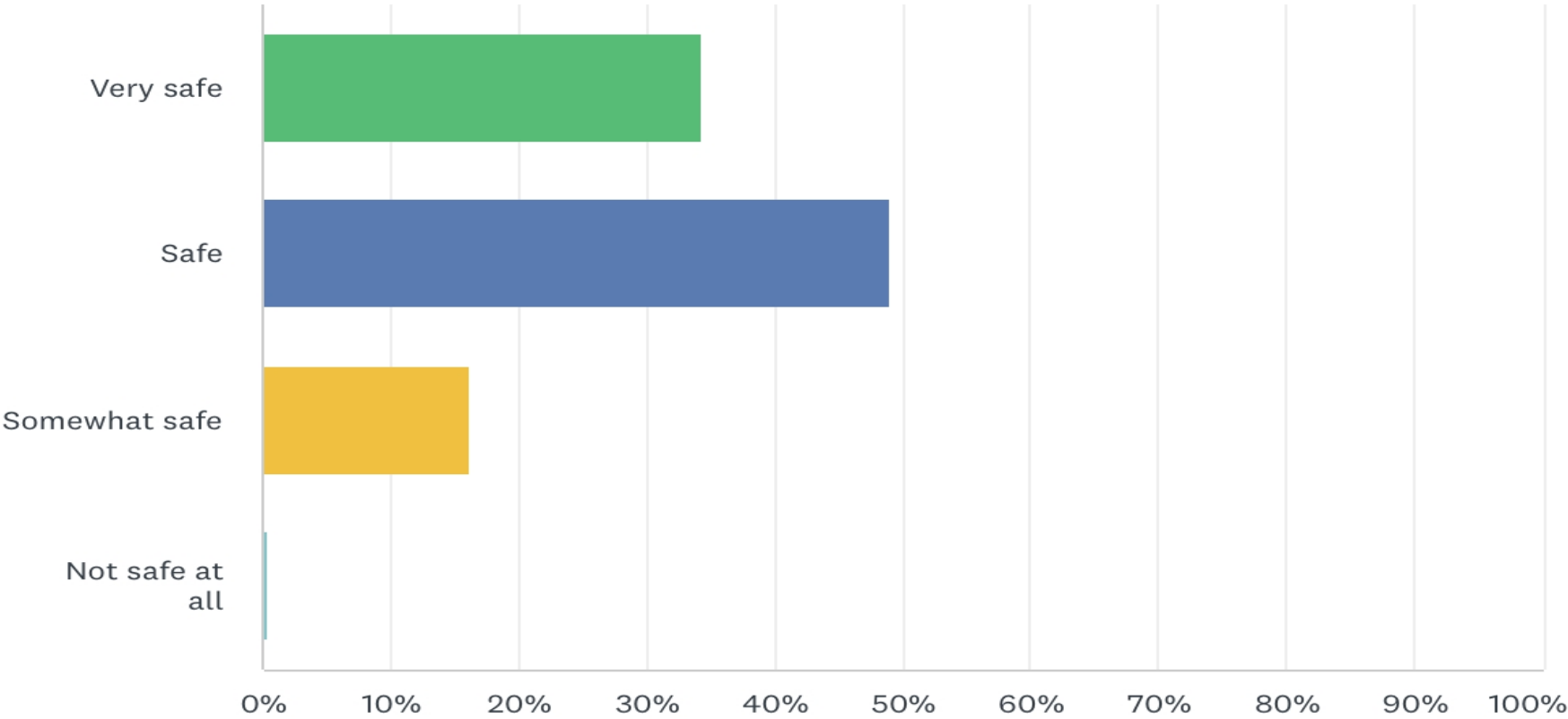
Carolyn Clark Elementary School is a closed campus. During school hours, all visitors must sign in at the school's office and wear identification badges while on school grounds.

Q2



How safe do you feel at school?

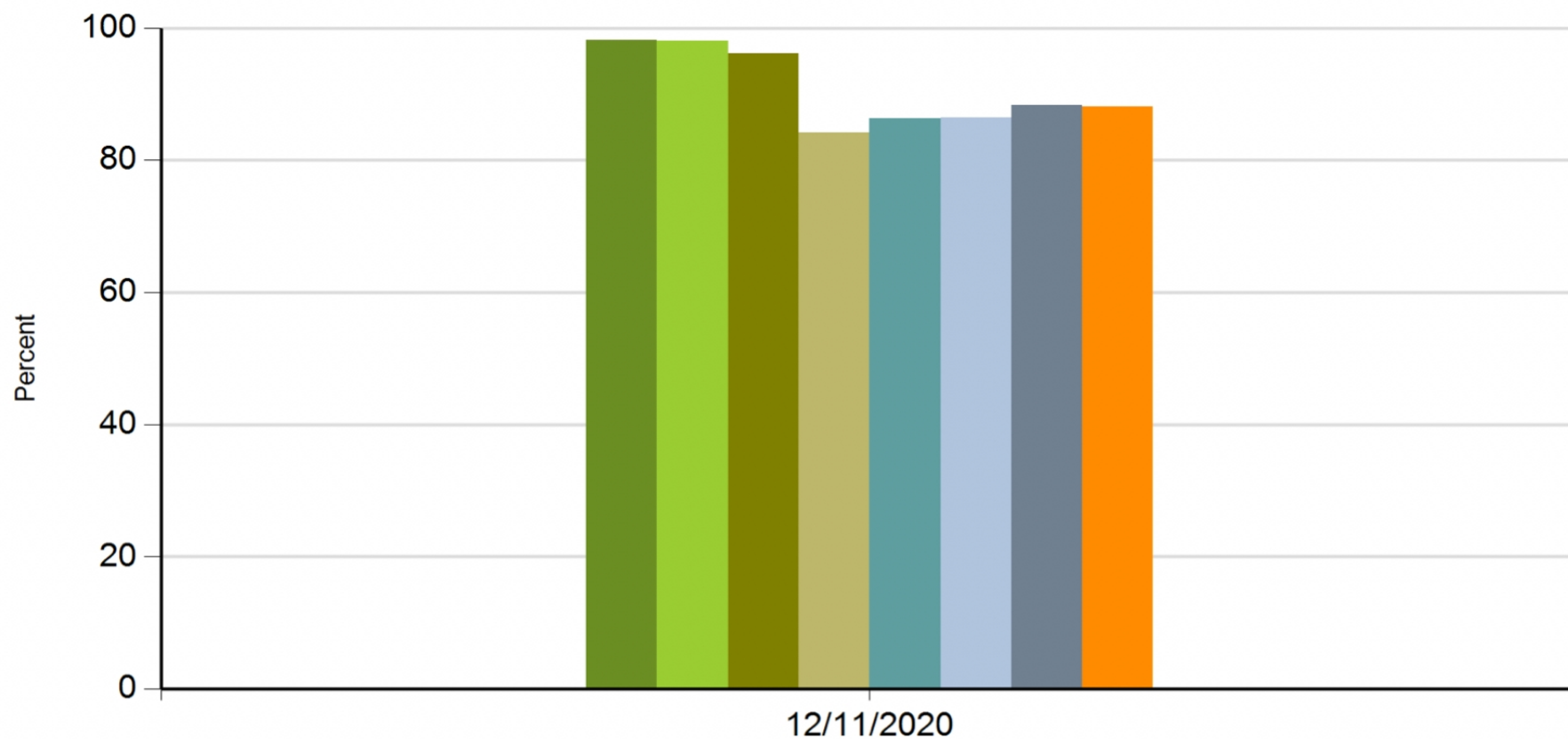
Answered: 277 Skipped: 3



ANSWER CHOICES	RESPONSES
Very safe	34.30%95

	I SEE THIS HAPPENING A LOT AT MY SCHOOL.	I SEE THIS HAPPENING SOMETIMES AT MY SCHOOL.	I HEAR OTHER STUDENTS TALK ABOUT THIS HAPPENING AT MY SCHOOL.	I NEVER HEAR OR SEE THIS HAPPENING AT MY SCHOOL.	I DON'T KNOW	TOTAL	WEIGHTED AVERAGE
Bullying	0.00% 0	23.21% 13	12.50% 7	51.79% 29	12.50% 7	56	3.54
Harassment, and intimidation	0.00% 0	12.50% 7	7.14% 4	66.07% 37	14.29% 8	56	3.82
Fights and assault	0.00% 0	5.36% 3	3.57% 2	73.21% 41	17.86% 10	56	4.04
Student interest in gangs	0.00% 0	0.00% 0	0.00% 0	87.50% 49	12.50% 7	56	4.13
Illegal weapons	0.00% 0	0.00% 0	0.00% 0	89.29% 50	10.71% 6	56	4.11
Graffiti and vandalism	0.00% 0	7.14% 4	0.00% 0	80.36% 45	12.50% 7	56	3.98
People trespassing on campus	0.00% 0	9.09% 5	1.82% 1	69.09% 38	20.00% 11	55	4.00
Drug use	0.00% 0	0.00% 0	1.79% 1	85.71% 48	12.50% 7	56	4.11
Alcohol use	0.00% 0	0.00% 0	0.00% 0	85.71% 48	14.29% 8	56	4.14

SAS School-wide System Subscale
Carolyn A. Clark Elementary
12/11/2020



Expectations Defined
 Reward System
 Monitoring
 District Support

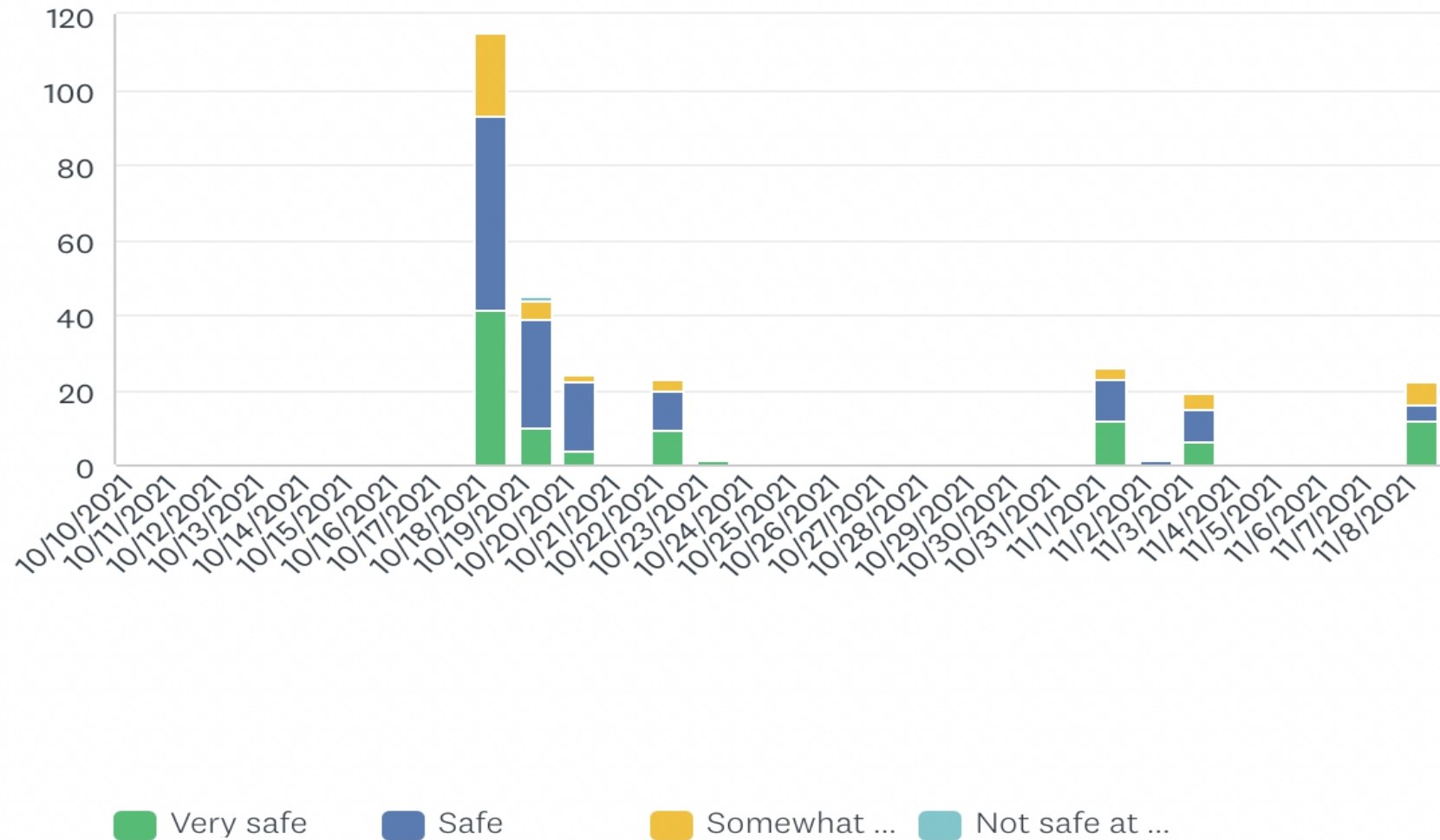
Expectations Taught
 Violations System
 Management
 Implementation Average

	Expectations Defined	Expectations Taught	Reward System	Violations System	Monitoring	Management	District Support	Implementation Average
12/11/2020	98%	98%	96%	84%	86%	86%	88%	88%

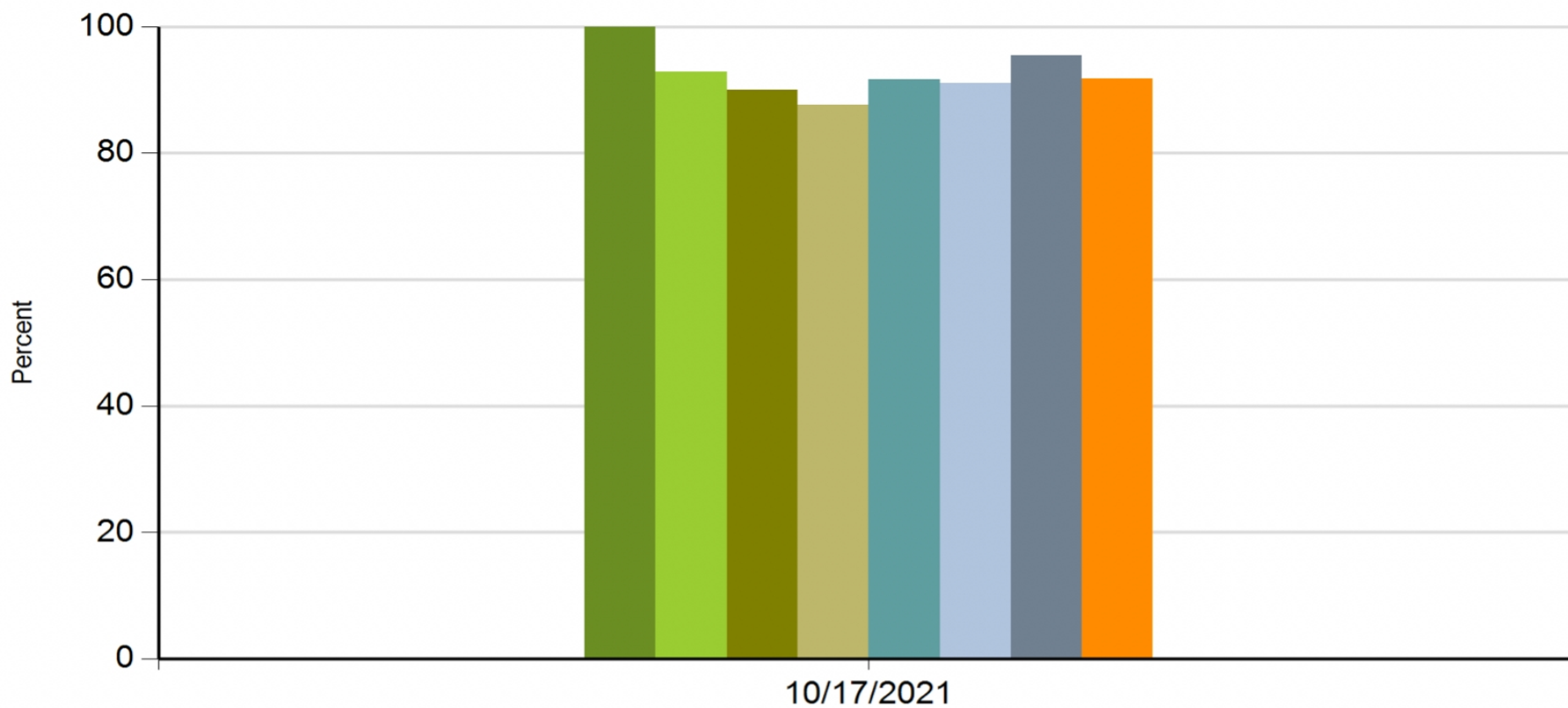
Q2 (by day)

How safe do you feel at school?

Answered: 277 Skipped: 3 First: 10/18/2021 Zoom: 10/10/2021 to 11/8/2021



SAS School-wide System Subscale
Carolyn A. Clark Elementary
10/17/2021



Expectations Defined Reward System Monitoring District Support
 Expectations Taught Violations System Management Implementation Average

	Expectations Defined	Expectations Taught	Reward System	Violations System	Monitoring	Management	District Support	Implementation Average
10/17/2021	100%	93%	90%	88%	92%	91%	95%	92%

Self-Assessment Survey Total Score

Carolyn A. Clark Elementary

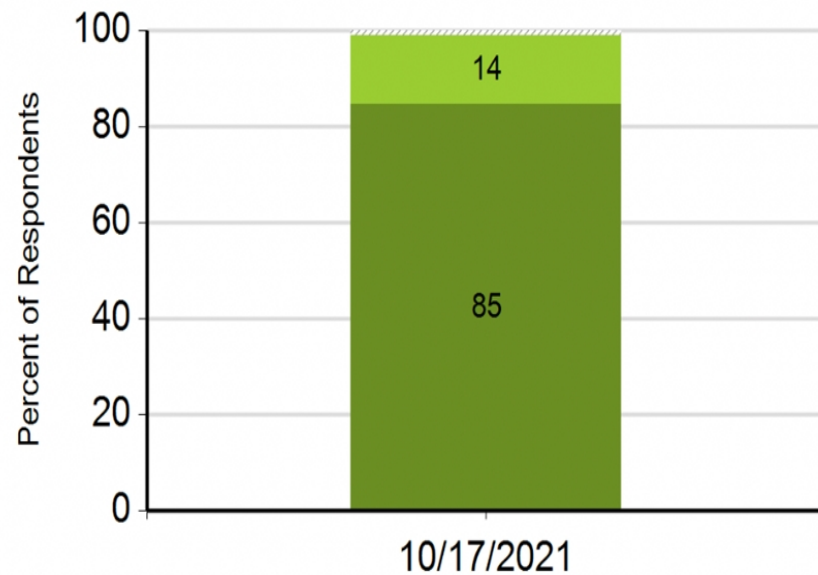
NCES ID: 061314011451

San Jose, California

Evergreen School District

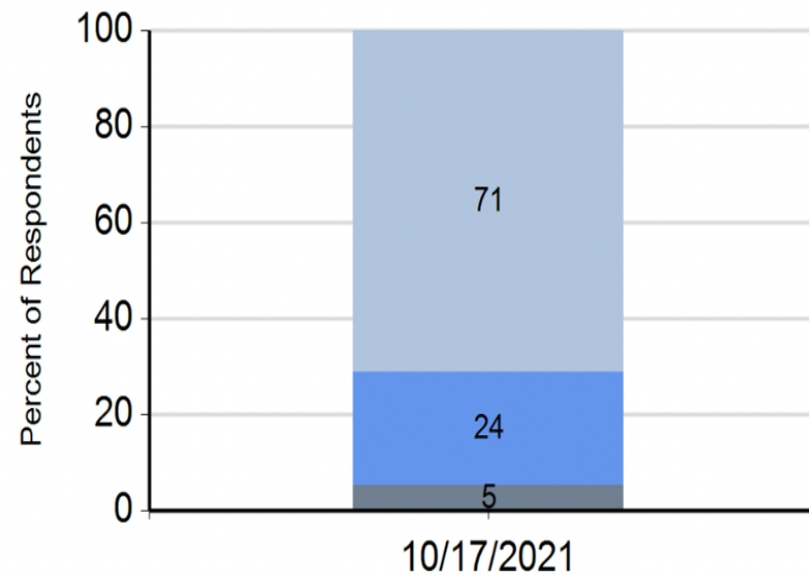
NCES ID: 0613140

School-Wide Current Status
Carolyn A. Clark Elementary
10/17/2021



	In Place	Partial	Not
10/17/2021	85%	14%	1%

School-Wide Improvement Priority
Carolyn A. Clark Elementary
10/17/2021



	High	Medium	Low
10/17/2021	5%	24%	71%

Self-Assessment Survey Items

Carolyn A. Clark Elementary

NCES ID: 061314011451

San Jose, California

Evergreen School

District

NCES ID: 0613140

School Year			Number of Responses	Date Completed		
2021-22			22	10/17/2021		
Current Status			Feature	Improvement Priority		
In Place	Partial	Not	System: School-Wide	High	Medium	Low
100 %	0 %	0 %	1. A small number (e.g. 3-5) of positively and clearly stated student expectations or rules are defined.	7 %	7 %	86 %
86 %	14 %	0 %	2. Expected student behaviors are taught directly.	8 %	31 %	62 %
80 %	20 %	0 %	3. Expected student behaviors are rewarded regularly.	7 %	14 %	79 %
90 %	10 %	0 %	4. Problem behaviors (failure to meet expected student behaviors) are defined clearly.	0 %	31 %	69 %
75 %	25 %	0 %	5. Consequences for problem behaviors are defined clearly.	0 %	42 %	58 %
74 %	26 %	0 %	6. Distinctions between office v. classroom managed problem behaviors are clear.	0 %	31 %	69 %
63 %	32 %	5 %	7. Options exist to allow classroom instruction to continue when problem behavior occurs.	7 %	21 %	71 %
79 %	21 %	0 %	8. Procedures are in place to address emergency/dangerous situations.	8 %	15 %	77 %
90 %	10 %	0 %	9. A team exists for behavior support planning & problem solving.	0 %	15 %	85 %
100 %	0 %	0 %	10. School administrator is an active participant on the behavior support team.	8 %	8 %	85 %
90 %	5 %	5 %	11. Data on problem behavior patterns are collected and summarized within an on-going system.	8 %	23 %	69 %
68 %	26 %	5 %	12. Patterns of student problem behavior are reported to teams and faculty for active decision-making on a regular basis (e.g. monthly).	7 %	33 %	60 %
100 %	0 %	0 %	13. School has formal strategies for informing families about expected student behaviors at school.	17 %	8 %	75 %
59 %	35 %	6 %	14. Booster training activities for students are developed, modified, & conducted based on school data.	0 %	43 %	57 %
88 %	12 %	0 %	15. School-wide behavior support team has a budget for (a) teaching students, (b) on-going rewards, and (c) annual staff planning.	8 %	25 %	67 %
95 %	5 %	0 %	16. All staff are involved directly and/or indirectly in school-wide interventions.	0 %	38 %	62 %
82 %	18 %	0 %	17. The school team has access to on-going training and support from district personnel.	8 %	25 %	67 %
100 %	0 %	0 %	18. The school is required by the district to report on the social climate, discipline level or student behavior at least annually.	0 %	11 %	89 %
In Place	Partial	Not	System: Nonclassroom Setting	High	Medium	Low
91 %	9 %	0 %	1. School-wide expected student behaviors apply to non-classroom settings.	8 %	23 %	69 %
95 %	5 %	0 %	2. School-wide expected student behaviors are taught in non-classroom settings.	8 %	25 %	67 %
75 %	25 %	0 %	3. Supervisors actively supervise (move, scan, & interact) students in non-classroom settings.	15 %	23 %	62 %
86 %	14 %	0 %	4. Rewards exist for meeting expected student behaviors in non-classroom settings.	15 %	23 %	62 %
83 %	17 %	0 %	5. Physical/architectural features are modified to limit (a) unsupervised settings, (b) unclear traffic patterns, and (c) inappropriate access to & exit from school grounds.	8 %	17 %	75 %

Self-Assessment Survey Items

77 %	23 %	0 %	6. Scheduling of student movement ensures appropriate numbers of students in non-classroom spaces.	8 %	15 %	77 %
56 %	33 %	11 %	7. Staff receives regular opportunities for developing and improving active supervision skills.	7 %	43 %	50 %
56 %	38 %	6 %	8. Status of student behavior and management practices are evaluated quarterly from data.	17 %	25 %	58 %
80 %	20 %	0 %	9. All staff are involved directly or indirectly in management of non-classroom settings.	7 %	20 %	73 %

In Place	Partial	Not	System: Classroom	High	Medium	Low
95 %	5 %	0 %	1. Expected student behavior & routines in classrooms are stated positively & defined clearly.	14 %	14 %	71 %
90 %	10 %	0 %	2. Problem behaviors are defined clearly.	15 %	15 %	69 %
91 %	9 %	0 %	3. Expected student behavior & routines in classrooms are taught directly.	14 %	14 %	71 %
95 %	5 %	0 %	4. Expected student behaviors are acknowledged regularly (positively reinforced) (>4 positives to 1 negative).	20 %	20 %	60 %
76 %	24 %	0 %	5. Problem behaviors receive consistent consequences.	23 %	15 %	62 %
95 %	5 %	0 %	6. Procedures for expected & problem behaviors are consistent with school-wide procedures.	23 %	15 %	62 %
73 %	27 %	0 %	7. Classroom-based options exist to allow classroom instruction to continue when problem behavior occurs.	13 %	19 %	69 %
77 %	23 %	0 %	8. Instruction & curriculum materials are matched to student ability (math, reading, language).	6 %	13 %	81 %
94 %	6 %	0 %	9. Students experience high rates of academic success (> 75% correct).	7 %	7 %	86 %
50 %	50 %	0 %	10. Teachers have regular opportunities for access to assistance & recommendations (observation, instruction, & coaching).	6 %	31 %	63 %
89 %	11 %	0 %	11. Transitions between instructional & non-instructional activities are efficient & orderly.	13 %	7 %	80 %

In Place	Partial	Not	System: Individual Student	High	Medium	Low
69 %	25 %	6 %	1. Assessments are conducted regularly to identify students with chronic problem behaviors.	19 %	19 %	63 %
65 %	25 %	10 %	2. A simple process exists for teachers to request assistance.	6 %	47 %	47 %
69 %	25 %	6 %	3. A behavior support team responds promptly (within 2 working days) to students who present chronic problem behaviors.	19 %	31 %	50 %
88 %	13 %	0 %	4. Behavioral support team includes an individual skilled at conducting functional behavioral assessment.	13 %	25 %	63 %
75 %	13 %	13 %	5. Local resources are used to conduct functional assessment-based behavior support planning (~10 hrs/week/student).	20 %	20 %	60 %
88 %	13 %	0 %	6. Significant family &/or community members are involved when appropriate & possible.	8 %	15 %	77 %
67 %	33 %	0 %	7. School includes formal opportunities for families to receive training on behavioral support/positive parenting strategies.	7 %	36 %	57 %
65 %	35 %	0 %	8. Behavior is monitored & feedback provided regularly to the behavior support team & relevant staff.	13 %	27 %	60 %



Carolyn A. Clark Elementary School

3701 Rue Mirassou San Jose, CA 95148
Ph. 408-223-4560 Fax 408-223-4567 cc.schoolloop.com

SCHOOL-WIDE RULES

SAFETY:

- Always walk and use a quiet voice inside the building
- Keep your hands and feet and other objects to yourself
- Follow all playground rules

RESPECT:

- Listen and follow the directions of **all** Staff members
- Use appropriate language at all times (no put-downs, swearing or threats)
- Use common language to solve conflicts
- Remove hats/hoods inside the building
- Dress according to Carolyn Clark dress code
- Vandalism or destruction of school or personal property is not allowed

RESPONSIBILITY:

- A hall pass is required to be in the hallways
- Pick up your trash and put it in the trashcan
- Only put plastic bottles and cans in the recycling bins
- Make sure you pack everything you will need for homework (no returning to the classroom for any forgotten items)
- Respect other people's property

CAROLYN CLARK ELEMENTARY TUTORING



CAROLYN A. CLARK
ELEMENTARY SCHOOL

FOR CLARK VIA ZOOM

MONDAYS, TUESDAYS, THURSDAYS?

(TBD)

3:00-4:00 PM? (TBD)

WHAT/WHO IS EASY A?

We are a group of students from *Evergreen Valley High School* that share the same goal of taking **education to another level.**

In the past, we worked with staff members at both Quimby and Chaboya to offer middle school students after school tutoring and **academic support** through **1-on-1 Zoom breakout room meetings.**

Education is a significant problem in our world since many can not afford a quality education. As a organization, we **strive to aid education across our community.**

WHO ARE THE TUTORS?

TUTORING

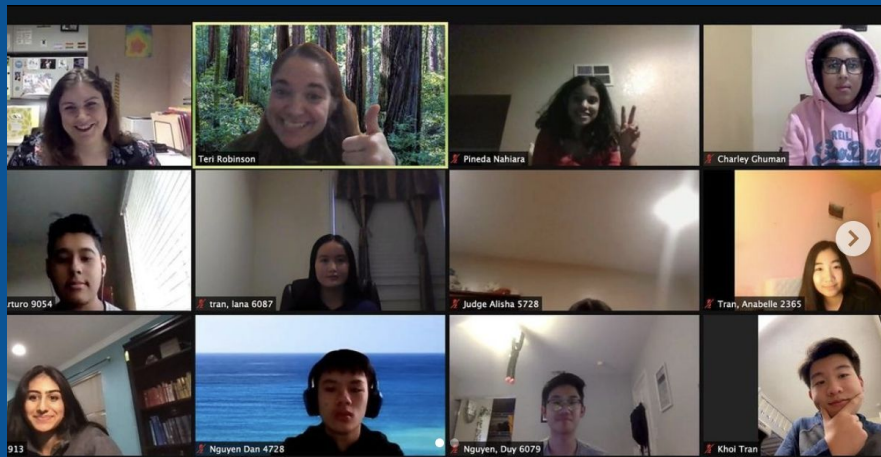


Photo of the Lobo Ignite Program (at Quimby)

What is provided:

- After school **academic support** through **1-on-1 Zoom meetings**
- We have many **passionate students** from EVHS who are looking forward to helping younger students and to give back to their community.

Who are the tutors: Our tutors consist of mainly EVHS students and some other different high schools.

- 38% of our tutors are Quimby alumni
- 57% of our tutors are Chaboya alumni
- 5% of tutors are other alumni
- Many of our tutors have taken rigorous courses in high school and have **strong experience** in the topics they teach/tutor.

HOW WOULD THE TUTORING WORK?

-One staff member(s) from Evergreen Elementary School District will each host a zoom meeting.

-The host will provide the students with a zoom link public to 4th-6th (TBD) graders.

-On designated days the host be in the zoom meeting from 3:00-4:00 P.M (TBD) to supervise, help out, and let students into the meeting.

-The host will also create breakout rooms to put our tutors & students together.



TUTOR TRAINING



Each one of our tutors go through training with us and a school staff member, before they are able to tutor at any school. It starts on the following slide and can be adjusted to best fit school guidelines.

WHO ARE WE TUTORING?

- 4th to 6th graders
- Any Evergreen Elementary student is allowed to drop in ask for help via our program (TBD)
- Evergreen Elementary students have a permission slip form to fill out, and the teacher on duty (TBD) will make sure they have it before getting drop in homework help (TBD)

EXPECTATIONS

- Be punctual
- Stay for the entire time unless pre-arranged with Dougy or Einsjames
- Please Dress appropriately! We are all role models during this time.
- Always use appropriate language, even if Evergreen students aren't present.
- Have your first and last name for username
- Have your video on, and appropriate background

WHAT TO DO IF YOU FEEL UNCOMFORTABLE...

If the Evergreen student is doing anything inappropriate, such as: uncomfortable and/or inappropriate language, gestures or actions... You need to remind them of the homework center rules. If it's very serious and uncomfortable, leave the breakout room to inform the teacher on duty

If they keep up the inappropriate behavior, or if you are uncomfortable in any way then leave the breakout room, rejoin the main room and report to the teacher on duty

You can do this by private chatting or by talking out loud to the teacher on duty .

We may ask you to make a report of what happened.

If you see or hear something that makes you believe that the student is in danger, leave the breakout immediately and report to the teacher on duty .

TIPS & TRICKS

- *Be friendly, take a moment to make a connection with your student*
 - *Get to know them a bit*
 - *Figure out what they already know and try to fill in the gaps*
- *Teach don't tell*
 - *Ask good questions*
 - *Make sure you're not doing ALL of the homework/worksheet with them, help them pick specific things to work on to see where they need help*
- *Positive reinforcement*
 - *Give frequent compliment and show excitement when they get it*
 - *Build their confidence with encouragement*
- *Remember that the kids will reflect the effort and passionate you put in, so be as enthusiastic as you can*
- *If you get stumped or overwhelmed, rejoin the main room and let the teacher on duty know the situation*

DAYS & TIMINGS

*Monday-Thursday
(To be determined
by Evergreen
staff members)*

3:00-4:00 P.M

What if you can't make it?

Email:

easyafoundation@gmail.com

Or Call:

669-255-7516

408-360-7740

BREAKOUT ROOMS

- We will go into breakout rooms based on subject.
- Please rename your username to include the number corresponding to a single subject you would be interested in tutoring for.
- If you signed up for more than one, choose the one subject you are most specialized in.

In the Breakout Rooms:

1. Two Truths and A Lie
2. Favorite topic of the subject
3. Have you ever tutored Before?
4. How do you feel about the tutoring/Do you have any Ideas?

-History (1)

-Science (2)

-Math (3)

-English Language Arts (4)

-Electives (5)

WALK n' ROLL

City of San José

We're still "open!" Come to Coffee with the Principal and find out what we have for you!

- YouTube playlist
- Walk n' Roll challenges
- Task Force – we need you!
- Zoom assemblies
- Safety concern contact list

When: December 16 @ 8:30am

Where: Clark Elementary Zoom

<https://zoom.us/j/97909333249?pwd=ZGs5bFpQMEdXVExyYmRLQ1lsVVR2dz09>

SEE YOU THERE!



	TEAM "A" OFF	TEAM "B" OFF	TEAM "C" OFF	TEAM "D" OFF
WEEKS OF:	8/18, 9/13, 10/11, 11/8,	8/23, 9/20, 10/18, 11/15,	8/30, 9/27, 10/25, 11/29,	9/6, 10/4, 11/1, 12/ 6,
	12/13, 1/24, 2/28, 3/28	1/03,1/31, 3/7, 4/04	1/10, 2/7, 3/14, 4/11	1/17, 2/14, 3/21, 4/25
	5/2, 5/30	5/9, 6/06	5/16,	5/23,
8AM- 815AM				
AM BUS LOOP DROP OFF	MILINOVICH	MILINOVICH	MARCIAS	PLEASANT
AM PARKING LOT	CLARK, OLIVA	DINH, PLEASANT	HANG, HOANG	MARCIAS, ROJAS
AM PLAYGROUND	BRAUN, HANG, ROJAS	CLARK, CONNOLLY, NODA	COMPTON, NODA, MATSUMOTO	CUEVAS, KITROSSER, SUTTON
AM RECESSES				
1ST/ 2ND 9:40-10am	KITROSSER, SUTTON	BRAUN, HANG	DINH, SUTTON	COMPTON, NODA
3RD/ 4TH 10:05am- 10:25am	CONNOLLY, DAVIDSON	CUEVAS, PANG	ROJAS, DAVIDSON	HOANG, MILINOVICH
5TH/ 6TH 10:30am-1050am	CAVE, MARCIAS	MATSUMOTO, OLIVA	CAVE, PLEASANT	CLARK, OLIVA
PM RECESS				
1ST-3RD. 1:15pm- 130pm	NOON DUTIES	NOON DUTIES	NOON DUTIES	NOON DUTIES
PM PARKING LOT	CUEVAS, DINH, PANG	CAVE, COMPTON, HOANG	CONNOLLY, KITROSSER, PANG	BRAUN, DAVIDSON, MATSUMOTO
	TEAM A	TEAM B	TEAM C	TEAM D
	Noda, Susan/ 1	Sutton, Allison/ 1	Braun, Denise/ 2	Hang, Phung/ 1
	Compton, Tami/ 2	Kitrosser, Susan/ 2	Cuevas, Sabrina/ 3	Dinh, Loan/ 2
	Hoang, Margaret/ 3	Rojas, Michelle/ 3	Milinovich, Dimitrie/ 4	Connolly, Cheryl/ 3
	Matsumoto, Mandi/ 5	Davidson, Kristina/ 4	Clark, Jenny/ 5	Pang, Jennifer/ 4
	Pleasant, Kirk/ 6	Marcias, Bernadette/ 6	Oliva, Debbie/ 6	Cave, Mary Ann/ 5