

Oakdale  
Joint  
Unified  
School  
District

# **Comprehensive School Site Safety Plan**

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*Cloverland Elementary School*  
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# **Oakdale Joint Unified School District Board of Education**

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Tina Shatswell

## **Board Clerk**

Barbara Shook

## **Members**

Michael House

Dian Gilbert

Larry Betschart

# **Oakdale Joint Unified School District Cabinet**

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<b>Kristi Rapinchuk</b>	- Asst. Sup. of C/I & Technology
<b>Terri Taylor</b>	- Asst. Sup. of HR & Interim Facilities
<b>Larry Mendonca</b>	- Asst. Sup. of Pupil Services & Spec. Ed.
<b>Susan Dyke</b>	- Interim Chief Business Official
<b>Armida Colon</b>	- Director of Categorical Programs
<b>Tracey Jakubowski</b>	- Program Specialist, Spec. Ed.

# **Oakdale Joint Unified School District**

## **VISION**

*Teach, Learn, Every Day, No Excuses!*

# **Oakdale Joint Unified School District**

## **MISSION**

*All OJUSD staff and students strive for improvement and excellence every day.*

### **CORE VALUES**

We believe all students and staff should . . .

- Achieve Excellence in All School Endeavors
- Lead Courageously
- Enact Justice on Behalf of Others
- Accept Responsibility for Their Actions
- Maintain Safe Schools and Positive Learning Environments for All

### **STUDENT GOALS**

Every student will . . .

- Demonstrate academic growth as measured by the local Common Formative Assessment System and CAASPP (California Assessment of Student Performance and Progress).
- Improve his/her academic performance each year.
- Be able to read at grade level by the end of 3rd grade.
- Demonstrate K-8 math fluency and proficiency in critical areas of focus to prepare students for increased rigor of Integrated Common Core Math in high school.
- Identify a career interest and develop an action plan for pursuing that career by the end of the 8th grade.
- Meet the District's rigorous and relevant standards for graduation.

## **Cloverland Elementary School Mission Statement**

At Cloverland, we are committed to providing a learning environment that promotes high expectations for academic achievement at appropriate student learning levels, aligned with State Standards. Staff members collaborate to provide ample and varied intervention opportunities. All students participate in a challenging, problem-solving, integrated, multi-modality instructional program, enhanced with technology, to ensure their academic and social success.

Cloverland staff creates and supports a school environment in which all children and adults feel trusted, welcomed, respected, and an important part of our school. Students are accepted, appreciated, nurtured, and challenged according to their individual abilities and needs. This child-centered learning environment empowers all participants to become lifelong learners.

Cloverland promotes parent growth in the role as a facilitator of learning at home. Clear, collaborative communication is valued. Students, parents, staff, and community work in cooperation to help develop responsible, concerned, confident, and productive citizens whose continual self-motivation to learn and grow will greatly contribute to our society.

# INTRODUCTION - SCHOOL PROFILE

Cloverland Elementary School (CES) is one of ten schools in the Oakdale Joint Unified School District. Cloverland Elementary School has a current enrollment of 532 students and is served by a dedicated staff. Both staff and parents comment on the positive changes that are ongoing in our school.

Cloverland Elementary School faces challenges in maintaining a safe school. This section of the Comprehensive School Safety Plan will describe programs in place at our school as well as strategies and programs of our school site council for continued improvement in providing a safe, orderly, school environment conducive to learning.

## School Crime Status and Reporting Comparison

Student Discipline Report - May 2015 Year to Date and Previous Two Year Comparison

	Cloverland		
	# Students Suspended		
	2014-15	2013-14	2012-13
	YTD	YTD	YTD
48900(a)(1) Physical Injury	5	5	24
48900(a)(2) Willful Use of Force, etc.	0	0	0
48900(b) Possession of Knife, Explosive, etc.	0	0	0
48900(c) Unlawful Possession, etc.	0	0	0
48900(d) Selling/Delivering Controlled Substance	0	0	0
48900(e) Robbery or Extortion	0	0	0
48900(f) Damage to Property, etc.	3	1	1
48900(g) Theft/Attempted Theft	3	0	5
48900(h) Possession/Use of Nicotine Product	0	0	0
48900(i) Obscene Acts/Habitual Profanity	0	4	0
48900(j) Drug Paraphernalia Activity	0	0	0
48900(k) Disruption/Defiance, etc.	12	24	5
48900(l) Knowing Receipt of Stolen Property	1	0	1
48900(m) Possession of Imitation Firearm	0	0	1
48900(n) Sexual Assault	0	0	0
48900(o) Harassment of Pupil/Witness	0	0	0
48900[r] Bullying	2	1	0
Other: 48900.2 Sexual Harassment	0	0	0
Other: 48900.3 Act of Hate Violence	0	0	0
Other: 48900.4 Harassment/Threats/Intimidation	1	1	0
Other: 48900.5 Danger to Person/Property	0	0	0
Other: 48900.7 Terrorist Act Against School	0	0	0
Other: 48915a2 Possession - Dangerous Object	0	0	0
Other: 48915a5 Assault or Battery	0	0	0
Other: BP 5132/AR 5132.1 Gang Activity/Dress	0	0	0
<b>Total:</b>	<b>27</b>	<b>36</b>	<b>37</b>

## Personal Characteristics of Pupil & Staff

Cloverland Elementary School has an enrollment of 532 pupils in grades K-6. Pupils from this school come from families with average family mobility. Approximately 55% of the pupils are in families

receiving Aid to Families with Dependent Children that are eligible for free/reduce lunches. The ethnic makeup of the pupil population is 35.5% Hispanic, 1.5% Black, 53.2% Caucasian and 9.8% Other.

### **Curriculum and Educational Activities**

The course of study includes the basic core K-6 curriculum, enrichment classes such as music and art, as well as Primary Special Day class, Intermediate Special Day class, library, computer instruction, speech/language services, resource services, and our after school program, ASPIRE.

Pupils have the opportunity to participate in noon and after-school activities. These include enrichment activities, student clubs, and after-school intervention classes.

Staff provides opportunities and additional activities open to pupils in the areas of spelling bees, student council, conflict resolution, participation in various community events and activities, safety patrol, talent shows, and service learning opportunities.

# **PHYSICAL ENVIRONMENT**

## **The Schools' Location and Physical Environment**

Cloverland Elementary School is located in the city of Oakdale which experiences a low crime rate and an average poverty level. The immediate area round the school includes single family homes, apartments, commercial buildings and parks. Heavy traffic in the immediate vicinity is a safety hazard that we continue to monitor.

## **Description of School Ground**

The school site encompasses ten (10) acres. Cloverland Elementary School is a “closed” campus and is completely enclosed by a fence with gates which are kept locked during school hours. There are twenty (20) permanent classrooms and ten (10) portable classrooms. Other ancillary structures include a main office, cafeteria, restrooms, and library.

During the school day, staff members and administrators shall provide campus supervision. Identified problem areas receive increased supervision to reduce discipline, crime, or other school safety concerns.

It shall be the practice of Cloverland Elementary School to remove all graffiti from school property before pupils arrive to begin their school day. Other acts of vandalism are promptly addressed.

## **Maintenance of School Buildings/Classrooms**

The school's physical facility is well maintained and generally looks neat and clean. The school was most recently renovated and painted during the 2006 school year. District personnel periodically examine the school's physical facility and help eliminate obstacles to school safety. Additionally, health and fire department inspectors contribute to school safety.

The classrooms are monitored for safety and appearance by the administration and individual classroom teachers. The pupils take pride in the appearance of the school.

## **Internal Security Procedures**

Cloverland Elementary School has established procedures for suspension and expulsion and maintaining control of our inventory. Cloverland Elementary School's discipline report reflects the total number of students suspended during the school year (see page 13).

Keeping reportable crimes at a minimum requires constant vigilance. The following strategies will be utilized in achieving this goal:

- Identify areas of high crime activity
- Restrict pupil access to high crime activity areas
- Provide effective school supervision

Cloverland Elementary School maintains a copy of the district's sexual harassment policy in the main office, classrooms, the parent information center, as well as each parent and pupil receive a copy of the policy at the beginning of each school year. The District's Sexual Harassment Policy contains dissemination plans, applicable definitions, reporting requirements, investigation procedures, enforcement regulations, and information related to suspension and/or expulsion for sexual harassment of or by pupils.



As part of this Comprehensive School Site Safety Plan, a school map has been established and approved by the School Site Council indicating safe entrance and exit areas for pupils, parents and school employees.

To ensure the safety of pupils and staff, all visitors to the campus, except pupils of the school and staff members, shall register immediately upon entering any school building or grounds when school is in session.

Discipline procedures shall focus on finding the cause of problems and working with all concerned to reach the proper, lawful solutions. The school's discipline plan begins at the classroom level. Teachers shall use a visible classroom management plan to communicate classroom rules, promote positive pupil conduct, and reduce unacceptable conduct. Appropriate consequences are administered based on the seriousness of the pupil's misbehavior.

Pupil conduct standards and consequences for Cloverland Elementary School are specifically described in this Comprehensive Schools Safety Plan including: (a) the adopted school discipline rules and procedures, (b) District Disciplinary Guidelines, and (c) the adopted school-wide dress code.

Students may be suspended, transferred to another school, or recommended for expulsion for certain acts. For specific student violations, a mandatory expulsion recommendation shall be submitted by the administration of Cloverland Elementary School.

Site administrators contribute to a positive school climate, promote positive pupil behavior, and help reduce inappropriate conduct. The principal/designee uses available district and other appropriate records to inform teachers of each pupil identified under E.C. 49079.

Law enforcement is contacted and consulted to help maintain and to promote a safe and orderly school environment. Cloverland Elementary School employees comply with all legal mandates, regulations, and reporting requirements for all instances of suspected child abuse.

Additional internal security procedures affecting the integrity of the school facility include our security system being operational during non-school hours and the utilization of a School Resource Officer on our campus from the Oakdale Police Department.

Community involvement is also encouraged to help increase school safety.

### **Inventory System – Engraved ID, Security Storage**

Cloverland Elementary has measures in place to keep track of school-site equipment. Most school-site equipment has either been engraved, has a metal ID tag or a bar code sticker adhered to its surface. These items are inventoried annually and there is an established accountability system. Office and classroom supplies are secured.

# **SCHOOL CLIMATE**

## **The School's Social Environment**

Leadership at Cloverland Elementary School is a shared process. A proactive role is assumed in all phases of the school operation. The current management team is committed to developing Cloverland Elementary School toward excellence in the areas of academic and social behavior.

The principal sets a positive tone for the school, guides the staff and works closely with them on curriculum and school safety issues. The school site's organizational structure is open and flexible contributing to sensitivity concerning school safety issues and promoting a safe, orderly school environment conducive to learning.

## **Disaster Procedures, Routine and Emergency**

A contingency plan for emergencies is contained in a flipchart provided to each staff member. The District's Emergency Response Plan (ERP) is updated annually and is maintained separately from this Comprehensive School Site Safety Plan to maintain confidentiality of information. This plan also contains available district and outside agency resources, emergency disaster procedures and information on Standardized Emergency Management System (SEMS).

## **Classroom Organization and Structure**

Cloverland Elementary School teachers provide a varied learning environment in their classrooms. Our teachers are highly qualified, with many teachers holding advanced degrees. The staff is united in their desire to provide quality education for all pupils. Classrooms and teachers provide safe, orderly learning environment, enhance the experience of learning, and promote positive interactions amongst pupil and staff. Instructional time is maximized and disruptions are minimized.

## **The School's Cultural Environment**

There is a high level of cohesiveness among the staff members at Cloverland Elementary School. Cooperation and support between teachers and the administration is evident. Efforts are made by the administration and staff to show concern for all pupils.

All pupils are expected to behave in a manner that promotes safety and order. Pupils are encouraged to bring problems to the principal, assistant principal, counselor, teacher or other staff members. The everyday goal is for the staff to be proactive rather than reactive in all situations of concern.

The academic and behavior efforts of pupils are recognized and rewarded.

Cultural diversity is celebrated throughout the year by recognizing Black History Month and Cinco de Mayo.

## **Action Plan**

### **“Physical Environment”**

*GOAL 1: To ensure that all school buildings and classroom doors are clearly marked to guide emergency responders, in the event of an emergency.*

#### **I. Areas of Pride and Desired Improvements**

##### **a. Pride**

- i. We desire Cloverland to be a safe and secure campus with easily identifiable buildings and classrooms.

##### **b. Areas of Desired Improvement**

- i. All classroom doors and school buildings

#### **II. Desired Change — Mount signs on all buildings in high traffic areas.**

##### **a. Resources Required**

- i. Plastic signs identifying the building
- ii. Plastic door number signs on both doors

##### **b. Personnel Assignments**

- i. District maintenance team installs all signs

##### **c. Timeframe for completion**

- i. May 2016

##### **d. Budget**

- i. Maintenance and Operations

##### **e. Evaluation criteria**

- i. Completion of the numbering and labeling of all school areas.

*GOAL 2: Replace all staff analog radios with digital radios.*

#### **I. Areas of Pride and Desired Improvements**

##### **a. Pride**

- i. Digital radios will provide a level of communication that is clear and consistent.

##### **b. Areas of Desired Improvement**

- i. School-wide; radio carrying personnel

#### **II. Desired Change — Replace obsolete analog radios with digital radios**

##### **a. Resources Required**

- i. Financial commitment from all stakeholders

##### **b. Personnel Assignments**

- i. Vice Principal to lead the change-over

##### **c. Timeframe for completion**

- i. January 2016

##### **d. Budget**

- i. Variety (Site, PTC, ASPIRE, District, Food Service, Maintenance

##### **e. Evaluation criteria**

- i. Complete removal of analog signals; conversion to all digital contact

## **Action Plan**

### **“Physical Environment”**

*GOAL 3: To maintain a secure, supervised campus at all times of the day*

- I. Areas of Pride and Desired Improvements**
  - a. Pride**
    - i. Cloverland is a campus that is secured and supervised.
  - b. Areas of Desired Improvement**
    - i. Install more security cameras and move an existing camera to increase security surveillance ability.
    - ii. Install PA speakers on the East side of the campus and the new MPR that can be heard during busy, loud times (recess, lunch)
- II. Desired Change #1—Installation of additional security cameras and relocation of an existing camera**
  - a. Related Strategies and Activities**
    - i. Purchase and installation of additional security cameras
    - ii. Change location of one existing security camera
    - iii. Adjust the alignment of 2 cameras for better security camera coverage
  - b. Resources Required**
    - i. Security cameras, cabling, and technician time for adjustments
  - c. Personnel Assignments**
    - i. Site administration to coordinate with the installers and the movement of and adjustments to the cameras.
  - d. Timeframe for completion**
    - i. May 2015
  - e. Budget**
    - i. District/Site Funding Sources
  - f. Evaluation criteria**
    - i. Observation of installed/moved cameras.
- III. Desired Change #2—Require all visitors (parents, family, community, delivery drivers, etc.) to check in through the front office.**
  - a. Related Strategies and Activities**
    - i. Train staff to approach people without visitor’s passes.
    - ii. Monitor all (7) security cameras, particularly the ones that monitor off campus locations.
  - b. Resources Required**
    - i. Security cameras and visitor’s passes readily available in the office
  - c. Personnel Assignments**
    - i. Site administrators to remind/train staff to monitor adults who come on campus; to always look for the visitor’s pass.
    - ii. School staff being vigilant in monitoring adults on campus.
  - d. Timeframe for completion**
    - i. Ongoing
  - e. Budget**
    - i. Site Funding Sources

**IV. Desired Change #3—Installation of PA loudspeakers on the east sides of the buildings and in the new MPR pointed eastward.**

**a. Related Strategies and Activities**

- i. This need was realized during a lockdown drill at recess time. Students and staff on the yard were unable to hear the lockdown warning message.

**b. Resources Required**

- i. Loudspeakers placed on the east sides of the buildings

**c. Timeframe for completion**

- i. July 2016

**d. Budget**

- i. Site Funding Sources
- ii. District Maintenance

## **Cloverland Safety Goals Long Term**

- Level and resurface of the staff parking lot
- Lighting for North East bicycle/walking path
- Safety awareness and training of Cloverland Student Safety Patrol; investigate the option of dissolving safety patrol and replacing students with adults
- Educate students about wearing a helmet while riding a bicycle or scooter

## **Cloverland Safety Goals Short Term**

- Conduct Lunch Lockdown exercises to allow staff to practice for crisis situations
- Noon Yard Duty Trainings on changes in procedures with the new cafeteria
- Radio change-over to digital

# **SAFETY STRATEGIES**

## **Introduction**

Safe Schools are orderly and purposeful places where students and staff are free to learn and teach without the threat of physical and psychological harm. Cloverland Elementary School promotes educationally and psychologically healthy environments for all children and youth. Cloverland Elementary School recognizes there are comprehensive, broad factors directly related to a safe school environment such as the school facility, school programs, staff, parents and the community. Cloverland Elementary School further recognizes that safe school practices make major contributions to academic and school improvement efforts.

Although keeping children safe requires a community-wide effort, schools are an important piece of the undertaking to keep children safe. Cloverland Elementary School's efforts are illustrated below which broaden the safety planning and incorporate an expansive range of strategies and programs in the school safety plan.

**SCHOOL SAFETY STRATEGY #1:** *Positive pupil interpersonal relations are fostered by teaching social-personal skills, encouraging pupils to feel comfortable assisting others to get help when needed and teaching pupils alternative, socially appropriate replacement responses to violence, including, but not limited to problem solving and anger control skills. When appropriate, staff members shall make referrals to recognized community agencies and/or counseling and mental health resources in the community to assist parents/student with issues prevention and intervention. The school uses a variety of methods to communicate to pupils, parents, and the greater community that all children are valued and respected.*

## **Preventing and Intervening: Pupil Aggressive Behavior**

Creating a safe school requires having in place many preventive measures for children's mental and emotional problems. Schools can reduce the risk of violence by teaching children appropriate strategies for dealing with feelings, expressing anger in appropriate ways and resolving conflicts.

Staff members at Cloverland Elementary School have received training in conflict resolution and confrontation skills. Cloverland Elementary School uses a comprehensive approach to school violence prevention. Pupils are identified in their school career using measures shown to be highly effective in identifying student with antisocial and aggressive tendencies. These measures include: (a) number of disciplinary referrals to office, (b) observed aggressive behavior, and (c) teacher observation.

## **Mental Health Programs**

Assigned to Cloverland Elementary School is a school psychologist. District programs contributing to mental health goals include the SMART training program. Cloverland Elementary School shall identify students in need and bring forth the student and the family to the school's student study team, which includes the site administrator, the school psychologist, the teacher, the Resource Specialist, parents, and district personnel as needed. The staff of Cloverland Elementary School is prepared for an Incident Crisis Response Plan for "suicide" in cases where a student exhibits specific characteristics. In incidences of possible suicide, school/district psychologist or police crisis response units shall be contacted.

## **Professional Development**

The Oakdale Joint Unified School District provides professional development for teachers, parents, and community members. Amongst the goals of such programs are to help others establish and nurture a healthy sense of self confidence and self-control, to develop personal and social responsibility and to enhance academic success.

**Student Recognition Programs.** Cloverland Elementary School offers several recognition and award programs such as Student of the Month Award, President's Education Awards Program, Physical Fitness awards, character awards, perfect attendance awards, reading awards for reading lists and Accelerated Reader goal, math awards for the timed Principal's Math Test and the Gold Star Math Test, Safety Patrol awards, spirit awards, Honor Roll, citizenship awards, and all A's and B's awards.

**SCHOOL SAFETY STRATEGY #2:** *Procedures, programs and strategies used to help eliminate problems of bias or unfair treatment of pupils by staff and by peers because of ethnic group, gender, race, national origin, social class, religion, disability, sexual orientation, physical appearance, color, ancestry, parental status, or other relevant characteristics. The school provides a way for each pupil to safely report and, be protected after reporting, troubling behaviors that the pupil thinks may lead to dangerous situations, such as potential school violence.*

## **Nondiscrimination and Fair Treatment of Pupils**

A major source of conflict in many schools is the perceived or real problem of bias and unfair treatment of students because of ethnicity, gender, race, social class, religion, disability, nationality, sexual orientation, physical appearance, or some other factor. Effective schools convey the attitude that all children can achieve academically and behave appropriately, while at the same time appreciating individual differences. Effective schools communicate to students and the greater community that all children are valued and respected.

In order to maximize the successful education of all students and help them become productive citizens and lifelong learners in a diverse society, all individuals including student, parents, staff and community members:

- ☐ Shall be treated with dignity, respect and fairness;
- ☐ Shall encourage and maintain high expectations;
- ☐ Shall model an appreciation for socio-economic, cultural, ethnic, gender and religious diversity;
- and
- ☐ Shall contribute to an environment of mutual respect, caring and cooperation.

Students, parents, staff and community members shall join together to share a sense of belonging and take pride in our schools, facilities and programs through participation and cooperation in support of the education of all students.

A copy of the "Parent Student Handbook" is provided to each parent/student annually or upon enrollment. This handbook includes information pertaining to student rights to physical safety, to the protection of personal property, to respect from adults, and to be free of discrimination on the basis of gender, race, color, religion, ancestry, national origin, ethnic group, marital or parental status, physical or mental disability, sexual orientation or the perception of one or more of such characteristics. The District's policies on nondiscrimination and sexual harassment support these protections and serve to



promote the fair treatment of all children. This information goes home in students' first-day informational packets.

**Discipline Policy and Code** Effective and safe schools, develop, and consistently enforce, school-wide rules that are clear, broad-based, and fair. School safety can be enhanced by the development of a school-wide disciplinary policy that includes a code of conduct, specific rules and consequences that can accommodate student differences on a case-by-case basis when necessary. Discipline consequences should be commensurate with the offense, should be written, applied in a nondiscriminatory manner, and accommodate cultural diversity. Direct teaching and social problem solving and social decision-making is now a standard feature of effective drug and violence prevention programs.

Cloverland Elementary School uses both classroom and school-wide discipline codes that clearly communicate the behavioral expectancies and consequences for pupils. Cloverland Elementary School has developed plans to promote positive behaviors in the playground, lunchroom, hallways, and assembly areas.

**SCHOOL SAFETY STRATEGY #3:** *Cloverland Elementary School's administrators, teachers, families, pupils, support staff, and community members recognize and make appropriate use of the early warning signs related to violence, substance abuse, and other at-risk concerns.*

### **Crisis Intervention and Disaster Planning**

The staff of Cloverland Elementary School shall increase school safety by evaluating and addressing serious behavioral and academic concerns. Weapons on campus and in the community, bomb threats, explosives, fights, natural disasters, accidents, and suicides call for immediate, planned action, and long-term, post-crisis intervention. Planning for such contingencies reduces chaos and trauma.

Cloverland Elementary School benefits from the District's Emergency and Crisis Response plan in case of an earthquake. The plan includes information on how to respond to a crisis. Risk factors, response and contingency plans, quick response designs, parent contacts, debriefing, suicide/threat response, violence/aggression response and training/drills to become aware of warning signs are among the areas addressed.

### **Teacher Notice of Disciplinary History**

The Pupil Services Department shall provide to the administration of Cloverland Elementary School information on each pupil who has: (1) during the previous three school years, engaged in any suspendable or expellable act (except E.C. 48900 (h)) or (b) committed a crime reported to the District by a family member, local law enforcement, Probation Department or social services. This information is provided to administrators and teachers through the Aeries Student Information System. This information is used to develop awareness, assigning appropriate discipline consequences, help in allocating resources, and is a factor in determining which services are provided to the pupil or recommended to the parent/guardian.

### **Gang Affiliation**

Gang affiliation and gang activity will not be tolerated at Cloverland Elementary School. The staff at Cloverland Elementary School shall work closely with the local law enforcement regarding all issues and matters that are gang related. Information from the school and the community shall be communicated to the student's parents, if the pupil begins to make gang affiliations. Appropriate

prevention and intervention strategies and programs shall be offered to the families. Cloverland Elementary School uses its links with the City of Oakdale to enhance its effort to curb gang influence.

### **Alternative Programs**

Research has shown that effective alternative programs can have long-term positive results by reducing expulsions and court referrals. Cloverland students have access to an Independent Study Program, a "Home-Hospital Study Program" and may make a referral to the Office of Child Welfare and Attendance for placement in one of the programs offered through the Stanislaus County Department of Education. These alternative programs, when matched to a pupil's needs, can produce positive outcomes.

### **Drug and Violence Prevention Programs**

The goals of the district's Power of One Program and other related community programs include providing all K-12 pupils with a comprehensive drug and violence prevention program.

### **Truancy Learning Center/District Attorney Referral**

Cloverland Elementary School recognizes the importance of punctuality and regular attendance. The staff of Cloverland Elementary School shall accurately record the attendance record for all students. Parents of students with poor attendance will be contacted. Students with poor attendance due to medical issues will be referred to the school nurse. Should attendance problems continue, official action is to be taken, which could result in a referral to the School Attendance Review Board.

### **Megan's Law Notification**

The staff of Cloverland Elementary School shall receive Megan's Law Sex Offender Information from local law enforcement and that information shall be communicated with the public so that the information can be used to protect students and families. Megan's Law provides the public with photographs and descriptive information on serious or high risk sex offenders residing in California who have been convicted of committing sex crimes and are required to register.

**SCHOOL SAFETY STRATEGY #4:** *Plan(s) and method(s) are available to identify isolated and troubled pupils, help foster positive relationships between school staff and pupils, and promote meaningful parental and community involvement.*

### **Parent/Guardian Involvement**

Staff members in effective and safe schools make persistent efforts to involve parents/guardian by: Informing them about discipline policies, procedures, and rules, and about their children's behavior, desirable and undesirable; involving them in making decisions concerning school-wide disciplinary policies and procedures; and encouraging them to participate in prevention programs, intervention programs and crisis planning.

Cloverland Elementary School:

- Effectively uses the School Site Council
- Notifies parents about, and encourages participation in parenting programs.
- Has established a school visitation procedure.
- Provides a newsletter to parents.
- Provides several opportunities for Teacher-Parent Conferences.
- Maintains an effective Homework Policy

Each classroom is arranged to help prevent aggressive behavior. High traffic areas are free of congestion. Pupils are in full view of the teacher so the teacher can easily monitor students' behavior. Teaching materials and student supplies are readily accessible to minimize student-waiting time. Seats are arranged so students can easily see instructional presentations and to reduce the opportunity for off-task behavior.

### **Parent Training: Promoting the Use of Community Resources**

Cloverland Elementary School advocates for the provision of community resources to help maximize the development of positive behavior and the suppression of antisocial behavior. Such training promises to maximize the parent's contribution to academic excellence and noteworthy social-development.

### **Problem Solving Teams**

School communities can enhance their effectiveness by identifying factors that result in violence and other problem behaviors. In-building, collaborative problem-solving teams are viewed as essential to successful prevention and intervention with aggressive behavior. Cloverland Elementary School utilizes a student study team to help address issues of problem behavior. These problem-solving efforts bring together school staff, parents, and when appropriate, involved community-based agencies and the pupil. The goal is to help identify, clarify, analyze and resolve issues concerning pupil, educational and familial concerns. The student study team is flexible enough to address individual problems and school-wide matters.

### **Community Linkages**

When working with parents and students with specific issues, the staff at Cloverland Elementary School will provide information to the families regarding available community resources. The staff of Cloverland Elementary School shall work closely with recognized local city, county and state agencies.

## **SCHOOL SAFETY STRATEGY #5: *Specific employees use unique strategies to promote school safety.***

### **Campus Supervisor and Administrative Positions**

Schools can enhance physical safety by monitoring the surrounding school grounds-including landscaping, parking lots, and bus stops. Pupils can also be a good source of information. Peers often are the most likely group to know in advance about potential school violence.

Cloverland Elementary School employs a principal whose job is designed to help increase school safety, prevent prohibited offenses, and promote positive student relationships. The principal **has** developed procedures to monitor the school campus, the surrounding areas, and has designated the safe entrance and exit routes to school. Furthermore, recognizing that pupils are often the first to know of dangerous plans or actions, the principal at Cloverland Elementary School makes herself available for a pupil to safely report troubling behaviors that may lead to dangerous situations.

When it comes to school safety, pupils are taught not to keep secrets. Effective relationships between the principal and pupils help initiate appropriate investigations, help staff learn of suspects in school offenses, and help collect important knowledge about community conflicts that may have an impact on school safety.

## **Campus Disturbances and Crimes**

Cloverland Elementary School recognizes that campus disturbances and crimes may be committed by visitors and outsiders to the campus. Several steps have been taken to protect the school, staff, and pupils from safety threats by individuals visiting the campus area. In addition, disputes often occur because of parental custody disputes. The staff of Cloverland Elementary School will maintain in the student's record custody documentation provided by families and will request assistance from local law enforcement and the Office of Child Welfare and Attendance as needed.

## **Visitors and Disruptions to Educational Process**

Cloverland Elementary School is aware of the laws, policies and procedures, which govern the conduct of visitors to the school campus. Cloverland Elementary School uses continuing efforts to minimize the number of campus entrance and exit points used daily. Access to school grounds is limited and supervised on a regular basis by individuals, such as the campus supervisor; staff familiar with the student body. Campus traffic, both pedestrian and vehicular, flows through areas that can be easily and naturally supervised. Delivery entrances used by vendors are also checked regularly. The campus has perimeter fencing.

To ensure the safety of pupils and staff and avoid potential disruptions, all visitors to the campus, except pupils of the school and staff members, must register immediately upon entering any school building or grounds when school is in session.

Cloverland Elementary School has established a visible means of identification for visitors while on school premises (i.e. tag). Furthermore, the principal, designee or campus supervisor may direct an individual to leave school grounds if he/she has a reasonable basis for concluding that the person is committing an act that is likely to interfere with the peaceful conduct of school activities or that the person has entered the campus with the purpose of committing such an act.

Cloverland Elementary School has developed a notice for disruptive individuals and, when appropriate, exercises the authority to remove a visitor or outsider from the campus. Law enforcement is immediately contacted for individuals engaging in threatening conduct, including disturbing the peace.

Cloverland Elementary School's notice and removal system establishes sufficient documentation for civil law remedies as needed. For continuing disruptive behavior by a visitor or outsider, Cloverland Elementary School shall contact the district office to determine whether to file for a temporary restraining order and injunction.

**SCHOOL SAFETY STRATEGY #6:** *At Cloverland Elementary School, effective procedures will followed to maintain a safe physical plant and school site.*

## **Enhancing Physical Safety Practices**

Schools can enhance physical safety by adjusting traffic flow patterns to limit potential for conflicts or altercations. Schools can enhance physical safety by having adults visibly present throughout the school building. This includes encouraging parents to visit the school.

Our school can continue to enhance physical safety by conducting a building safety audit in consultation with the Office of Child Welfare and Attendance and/or law enforcement. Recent safety audits of Cloverland Elementary School, has identified the following:

- Cloverland Elementary School operates a closed campus, where pupils must have permission to leave the campus during school hours.
- Cloverland Elementary School has minimized blind spots around the school facility.
- Cloverland Elementary School has installed an alarm system.
- Cloverland Elementary School has set a priority to keep buildings clean and maintained.
- Cloverland Elementary School has located its playground equipment where it is easily observed.
- Cloverland Elementary School has limited roof access by keeping dumpsters away from building walls.
- Cloverland Elementary School has designed its parking lots to discourage through traffic and to slow vehicles proceeding through the parking lot.
- Cloverland Elementary School ensures vehicle access around the building(s) for night surveillance and emergency vehicles.
- Cloverland Elementary School keeps a complete list of staff members who have keys to building(s).
- Cloverland Elementary School does not allow graffiti to remain on walls.
- Cloverland Elementary School has established two-way communication between the front office and each classroom.

**SCHOOL SAFETY STRATEGY #7: At Cloverland Elementary, staff, students, and parents will be educated regarding the 40 Developmental Assets and will work together on building assets for our students.**

- Developmental Asset informational posters are displayed in school hallways and in each classroom.
- Developmental Assets are featured in the weekly school bulletin and emphasized by teachers.
- The Developmental Asset of the week is posted in the hallway.
- Informational sheets went home in English and Spanish explaining each Developmental Asset.
- Staff meeting discussions encourage the building of developmental assets in students.

**Closing Statement:**

Cloverland Elementary School is committed to providing a safe and secure learning environment and facility for our students. It is the goal of our school to apply best practices, continue regular drills and practices, and create community awareness of our Safety Plan. The Safety Plan will be reviewed at the first School Site Council Meeting of the school year.

## **Board Policies**

**BULLYING**

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

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

*(cf. 5131 - Conduct)*

*(cf. 5136 - Gangs)*

*(cf. 5145.3 - Nondiscrimination/Harassment)*

*(cf. 5145.7 - Sexual Harassment)*

*(cf. 5145.9 - Hate-Motivated Behavior)*

*Bullying* includes any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, as defined, including, but not limited to, sexual harassment, hate violence, or harassment, threats, or intimidation, that has the effect or can reasonably be predicted to have the effect of placing a reasonable pupil, as defined, in fear of harm to that pupil's or those pupils' person or property, causing a reasonable pupil to experience a substantially detrimental effect on his or her physical or mental health, causing a reasonable pupil to experience substantial interference with his or her academic performance, or causing a reasonable pupil to experience substantial interference with his or her ability to participate in or benefit from the services, activities, or privileges provided by a school.

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

*(cf. 5145.2 - Freedom of Speech/Expression)*

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

*(cf. 0420 - School Plans/Site Councils)*

*(cf. 0450 - Comprehensive Safety Plan)*

*(cf. 0460 - Local Control and Accountability Plan)*

*(cf. 1220 - Citizen Advisory Committees)*

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

*(cf. 6020 - Parent Involvement)*

**BULLYING** (continued)**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, student Conduct Code, 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.

*(cf. 5137 - Positive School Climate)*

*(cf. 6164.2 - Guidance/Counseling Services)*

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.

*(cf. 6163.4 - Student Use of Technology)*

*(cf. 6142.8 - Comprehensive Health Education)*

*(cf. 6142.94 - History-Social Science Instruction)*

School staff shall receive related professional development, including information about early warning signs of harassing/intimidating behaviors and effective prevention and intervention strategies.

*(cf. 4131 - Staff Development)*

*(cf. 4231 - Staff Development)*

*(cf. 4331 - Staff Development)*

**Intervention**

Students are encouraged to notify school staff when they are being bullied or suspect that another student is being victimized.

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

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

**Complaints and Investigation**

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



**BULLYING** (continued)

Any student, parent/guardian, or other individual who believes that a student has been subjected to bullying or who has witnessed bullying may report the incident to a teacher, the principal, a compliance officer, or any other available school employee. The staff member shall notify the principal of the report, whether or not a uniform complaint is filed. The principal shall notify a district compliance officer identified in AR 1312.3.

When the circumstances involve cyberbullying, individuals with information about the activity shall be encouraged to save and print any electronic or digital messages 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. When a student uses a social networking site or service to bully or harass another student, the Superintendent or designee may file a request with the networking site or service to suspend the privileges of the student and to have the material removed.

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

**Discipline**

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

(cf. 5138 - Conflict Resolution/Peer Mediation)

(cf. 5144 - Discipline)

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

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

(cf. 6159.4 - Behavioral Interventions for Special Education Students)

*Legal Reference:*EDUCATION CODE

200-262.4 Prohibition of discrimination

32282 Comprehensive safety plan

32283.5 Bullying; online training

35181 Governing board policy on responsibilities of students

35291-35291.5 Rules

48900-48925 Suspension or expulsion

48985 Translation of notices

52060-52077 Local control and accountability plan

PENAL CODE

422.55 Definition of hate crime

647 Use of camera or other instrument to invade person's privacy; misdemeanor

647.7 Use of camera or other instrument to invade person's privacy; punishment

653.2 Electronic communication devices, threats to safety

CODE OF REGULATIONS, TITLE 5

BP 5131.2 (d)

## **BULLYING (continued)**

*4600-4687 Uniform complaint procedures*

UNITED STATES CODE, TITLE 47

*254 Universal service discounts (e-rate)*

CODE OF FEDERAL REGULATIONS, TITLE 28

*35.107 Nondiscrimination on basis of disability; complaints*

CODE OF FEDERAL REGULATIONS, TITLE 34

*104.7 Designation of responsible employee for Section 504*

*106.8 Designation of responsible employee for Title IX*

*110.25 Notification of nondiscrimination on the basis of age*

COURT DECISIONS

*Wynar v. Douglas County School District, (2013) 728 F.3d 1062*

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

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

### *Management Resources:*

CSBA PUBLICATIONS

*Final Guidance: AB 1266, Transgender and Gender Nonconforming Students, Privacy, Programs, Activities & Facilities, Legal Guidance, March 2014*

*Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014*  
*Addressing the Conditions of Children: Focus on Bullying, Governance Brief, December 2012*

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

*Building Healthy Communities: A School Leaders Guide to Collaboration and Community Engagement, 2009*

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

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

*Health Education Content Standards for California Public Schools: Kindergarten Through Grade Twelve, 2008*

*Bullying at School, 2003*

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

*Dear Colleague Letter: Bullying of Students with Disabilities, August 2013*

*Dear Colleague Letter: Harassment and Bullying, October 2010*

WEB SITES

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

California Cybersafety for Children: <http://www.cybersafety.ca.gov>

California Department of Education, Safe Schools Office: <http://www.cde.ca.gov/lss/>

Common Sense Media: <http://www.common sense media.org>

National School Boards Association: <http://www.nsba.org>

National School Safety Center: <http://www.schoolsafety.us>

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

### **Policy OAKDALE JOINT UNIFIED SCHOOL DISTRICT**

Adopted: August 13, 2012

Revised: February 2, 2015

**CHILD ABUSE PREVENTION AND REPORTING****Child Abuse Prevention**

The Board of Education 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.

*(cf. 6143 - Courses of Study)*

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.

*(cf. 1020 - Youth Services)*

**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.

*(cf. 0450 - Comprehensive Safety Plan)*

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. (Penal Code 11165.7)

## **CHILD ABUSE PREVENTION AND REPORTING (continued)**

### *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

### *Management Resources:*

#### CDE LEGAL ADVISORIES

0514.93 Guidelines for parents to report suspected child abuse

#### WEB SITES

California Attorney General's Office, Crime and Violence Prevention Center: <http://safestate.org>

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

California Department of Social Services, Children and Family Services Division: <http://www.childsworld.ca.gov>

U.S. Department of Health and Human Services, National Clearinghouse on Child Abuse and Neglect Information:  
<http://nccanch.acf.hhs.gov>

Policy **OAKDALE JOINT UNIFIED SCHOOL DISTRICT**

adopted: March 8, 2010      Oakdale, California

**CHILD ABUSE PREVENTION AND REPORTING**

**Definitions**

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

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

*Child abuse or neglect* does not include:

1. A mutual affray between minors (Penal Code 11165.6)
2. An injury caused by reasonable and necessary force used by a peace officer acting within the course and scope of his/her employment (Penal Code 11165.6)

(cf. 3515.3 - District Police/Security Department)

3. An injury resulting from the exercise by a teacher, vice principal, principal, or other certificated employee of the same degree of physical control over a student that a parent/guardian would be privileged to exercise, not exceeding the amount of physical control reasonably necessary to maintain order, protect property, protect the health and safety of students, or maintain proper and appropriate conditions conducive to learning (Education Code 44807)
4. An injury caused by a school employee's use of force that is reasonable and necessary to quell a disturbance threatening physical injury to persons or damage to property, to protect himself/herself, or to obtain weapons or other dangerous objects within the control of the student (Education Code 49001)

(cf. 5144 - Discipline)

5. Physical pain or discomfort caused by athletic competition or other such recreational activity voluntarily engaged in by the student (Education Code 49001)

**CHILD ABUSE PREVENTION AND REPORTING** (continued)

*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 nurse or health care provider; and administrators, presenters, and counselors of a child abuse prevention program. (Penal Code 11165.7)

*Reasonable suspicion* means that it is objectively reasonable for a person to entertain a suspicion, based upon facts that could cause a reasonable person in a like position, drawing when appropriate on his/her training and experience, to suspect child abuse or neglect. (Penal Code 11166)

**Reportable Offenses**

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

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

Any person shall notify a peace officer if he/she 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, where the victim is a child under age 14. (Penal Code 152.3, 288)

**Responsibility for Reporting**

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

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

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

**CHILD ABUSE PREVENTION AND REPORTING** (continued)

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

**Reporting Procedures****1. Initial Telephone Report**

Immediately or as soon as practicably possible after knowing or observing suspected child abuse or neglect, a mandated reporter shall make an initial report by telephone to any police department (excluding a school district police/security department), sheriff's department, county probation department if designated by the county to receive such reports, or county welfare department. (Penal Code 11166)

**2. Written Report**

Within 36 hours of knowing or observing the information concerning the incident, the mandated reporter shall then prepare and either send, fax, or electronically submit to the appropriate agency a written follow-up report, which includes a completed Department of Justice form (SS 8572). (Penal Code 11166, 11168)

Reports of suspected child abuse or neglect shall include, if known: (Penal Code 11167)

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

The mandated reporter shall make a report even if some of this information is not known or is uncertain to him/her. (Penal Code 11167)

**CHILD ABUSE PREVENTION AND REPORTING** (continued)

Information relevant to the incident of child abuse or neglect may also be given to an investigator from an agency that is investigating the case. (Penal Code 11167)

**3. Internal Reporting**

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.

The mandated reporter shall not be required to disclose his/her identity to the principal. (Penal Code 11166)

He/she may provide or mail a copy of the written report to the principal or Superintendent or designee without his/her signature or name.

Reporting the information to an employer, supervisor, principal, school counselor, co-worker, or other person shall not be a substitute for making a mandated report to the appropriate agency. (Penal Code 11166)

**Training**

Training of mandated reporters shall include child abuse and neglect identification and mandated reporting. (Penal Code 11165.7)

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.

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

*(cf. 4131 - Staff Development)*

*(cf. 4231 - Staff Development)*

*(cf. 4331 - Staff Development)*

*(cf. 5145.7 - Sexual Harassment)*



**CHILD ABUSE PREVENTION AND REPORTING** (continued)**Victim Interviews**

Whenever a representative of a government agency investigating suspected child abuse or neglect or the state Department of Social Services 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. (Penal Code 11174.3)

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

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

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

**Release of Child to Peace Officer**

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

Peace officers shall be asked to sign an appropriate release or acceptance of responsibility form.

(cf. 5145.11 - *Questioning and Apprehension*)

**CHILD ABUSE PREVENTION AND REPORTING** (continued)**Parent/Guardian Complaints**

Upon request, the Superintendent or designee shall provide parents/guardians with a copy of the district's administrative regulation that describes how to report suspected child abuse occurring at a school site to appropriate agencies. For parents/guardians whose primary language is other than 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.

*(cf. 1312.1 - Complaints Concerning District Employees)*

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.

*(cf. 1312.3 - Uniform Complaint Procedures)*

**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, of their reporting obligations under Penal Code 11166, and of their confidentiality rights under Penal Code 11167. The district shall also provide these new employees with a copy of Penal Code 11165.7, 11166, and 11167. (Penal Code 11165.7, 11166.5)

Before beginning employment, employees shall sign the statement indicating that they have knowledge of the reporting obligations under Penal Code 11166 and that they will comply with those provisions. The signed statements shall be retained by the Superintendent or designee. (Penal Code 11166.5)

*(cf. 4112.9/4212.9/4312.9 - Employee Notifications)*

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

Regulation  
approved: March 8, 2010

**OAKDALE JOINT UNIFIED SCHOOL DISTRICT**  
Oakdale, California

## **SUSPECTED CHILD ABUSE REPORTING PROCEDURES (CPS PROCEDURES)**

### **PROCEED AS FOLLOWS**

#### **If abuse is currently taking place in the home:**

- Call CPS (558-3665) and OPD (847-2231 or 845-3502), if in the city limits.
- Call Sheriff's Department (525-7114) and CPS (558-3665), if in the County.

#### **If child reports abuse at school:**

- Call CPS.

#### **If allegations are against Staff:**

- A. Coordinator of Pupil Services (848-4884), shall be called regarding child abuse reporting requirements.
- B. Assistant Superintendent Human Resources (848-4884) shall be called regarding personnel issues immediately.
  1. Sexual Abuse – There is to be no investigation by school personnel if sexual abuse allegations are made. Call OPD or Sheriff's Department to review circumstances and reporting requirements.
  2. Physical Abuse – Do preliminary investigation to determine if staff member was exerting physical control reasonably necessary to defend himself, to maintain order, to protect property, to protect the health and safety of the pupil or maintain proper and appropriate conditions conducive to learning. (E.C. 44807, 49001, P.C. 11165.4)
  3. If there is reasonable suspicion of child abuse:
    - Call OPD in city limits.
    - Call Sheriff's Department if in the County.
- C. Advise staff member that law enforcement has been contacted and a report has been filed.

#### **Conferences with Staff:**

When the nature of the allegations against staff are such that it is reasonable to believe they could lead to possible criminal prosecution or disciplinary action by outside agencies, the staff member should be advised of the specific allegations at the outset of the meeting.

It is not the responsibility of the administrator to advise a staff member of the potential consequences or the right to association representation.

If a staff member requests to terminate the meeting until he can secure representation, the request should be granted and the meeting rescheduled after a reasonable interval.

## **OTHER REQUIREMENTS**

1. Questions about child abuse reporting requirements (for children under age of 18 years) should be referred to the Coordinator of Pupil Services.
2. You must contact a Child Protective Agency by telephone, immediately or as soon as possible when child abuse is known or suspected.
3. Written reports must be submitted to a Child Protective Agency (the Police Department, the Sheriff's Department, or Child Protective Services) within 36 hours. (See addresses below)

Oakdale Police Department	Child Protective Services
245 N. 2 <sup>nd</sup> Ave.	P.O. Box 42
Oakdale, CA 95361	Modesto, CA 95353-0042
847-2231	558-3665

Stanislaus County Sheriff's Department  
Crimes Against Children Unit (Mon.-Fri. 8:00 a.m.- 5:00 p.m.)  
P.O. Box 858  
Modesto, CA 95353-0858  
525-7078

Office of Pupil Services (2007)

**DISCIPLINE**

The Board of Education desires to prepare students for responsible citizenship by fostering self-discipline and personal responsibility. The Board believes that high expectations for student behavior, effective classroom management and parent involvement can minimize the need for discipline. Staff shall use preventative measures and positive conflict resolution techniques whenever possible.

*(cf. 5020 - Parent Rights and Responsibilities)*  
*(cf. 5137 - Positive School Climate)*  
*(cf. 5145.3 - Nondiscrimination/Harassment)*  
*(cf. 5145.9 - Hate-Motivated Behavior)*  
*(cf. 6020 - Parent Involvement)*

Board policies and regulations shall delineate acceptable student conduct and provide the basis for sound disciplinary practices. Each school shall develop disciplinary rules to meet the school's individual needs.

*(cf. 5131 - Conduct)*  
*(cf. 5131.1 - Bus Conduct)*

When misconduct occurs, staff shall implement appropriate discipline and attempt to identify and address the causes of the student's behavior. Continually disruptive students may be assigned to alternative programs or removed from school in accordance with law, Board policy and administrative regulation. At all times, the safety of students and staff and the maintenance of an orderly school environment shall be priorities in determining appropriate discipline.

*(cf. 0450 - Comprehensive Safety Plan)*  
*(cf. 3515 - Campus Security)*  
*(cf. 3515.3 - District Police/Security Department)*  
*(cf. 3515.4 - Recovery for Property Loss or Damage)*  
*(cf. 4158/4258/4358 - Employee Security)*  
*(cf. 5136 - Gangs)*  
*(cf. 5144.1 - Suspension and Expulsion/Due Process)*  
*(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))*  
*(cf. 6164.5 - Student Success Teams)*  
*(cf. 6159.4 - Behavioral Interventions for Special Education Students)*  
*(cf. 6184 - Continuation Education)*  
*(cf. 6185 - Community Day School)*

Staff shall enforce disciplinary rules fairly, consistently and without discrimination.

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

The Superintendent or designee shall provide professional development as necessary to assist staff in developing classroom management skills and implementing effective disciplinary techniques.

**DISCIPLINE** (continued)

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

*Legal Reference:*

CIVIL CODE

1714.1 Parental liability for child's misconduct

EDUCATION CODE

32280-32288 School safety plans

35146 Closed sessions

35291 Rules

35291.5-35291.7 School-adopted discipline rules

37223 Weekend classes

44807.5 Restriction from recess

48900-48926 Suspension and expulsion

48980-48985 Notification of parents or guardians

49000-49001 Prohibition of corporal punishment

49330-49335 Injurious objects

CODE OF REGULATIONS, TITLE 5

307 Participation in school activities until departure of bus

353 Detention after school

*Management Resources:*

CSBA PUBLICATIONS

Protecting Our Schools: Board of Education Strategies to Combat School Violence, 1999

CDE PROGRAM ADVISORIES

1010.89 Physical Exercise as Corporal Punishment, CIL 89/9-3

1223.88 Corporal Punishment, CIL: 88/9-5

WEB SITES

CDE: <http://www.cde.ca.gov>

USDOE: <http://www.ed.gov>

**DISCIPLINE****Site-Level Rules**

The final version of the rules shall be adopted by a panel comprised of the principal or designee and a representative selected by classroom teachers employed at the school. Each school shall file a copy of its rules with the Superintendent or designee.

The rules shall be consistent with law, Board policy and district regulations. The Board of Education may review, at an open meeting, the approved school discipline rules for consistency with Board policy and state law. (Education Code 35291.5)

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 provided in Board policy, regulation and law may be used in developing site-level rules. These strategies include but are not limited to:

1. Referral of the student for advice and counseling

*(cf. 6164.2 - Guidance/Counseling Services)*

2. Discussion or conference with parents/guardians

*(cf. 5020 - Parent Rights and Responsibilities)*

*(cf. 6020 - Parent Involvement)*

3. Recess restriction

4. Detention during and after school hours

5. Community service

6. Reassignment to an alternative educational environment

*(cf. 6158 - Independent Study)*

*(cf. 6181 - Alternative Schools)*

*(cf. 6184 - Continuation Education)*

*(cf. 6185 - Community Day School)*

7. Removal from the class in accordance with Board policy, administrative regulation and law

8. Suspension and expulsion

**DISCIPLINE** (continued)

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

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

**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)

For purposes of this policy, corporal punishment does not include an employee's use of force that is reasonable and necessary to protect the employee, students, staff or other persons or to prevent damage to property or to obtain possession of weapons or other dangerous objects within the control of the student. (Education Code 49001)

*(cf. 4158/4258/4358 - Employee Security)*

*(cf. 5131.7 - Weapons and Dangerous Instruments)*

**Recess Restriction**

A teacher may restrict a student's recess time when he/she believes that this action is the most effective way to bring about improved behavior, 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)



**DISCIPLINE** (continued)

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

tudents may be offered the choice of serving their detention on Saturday rather than after school if a Saturday program is offered.

*(cf. 6176 - Weekend/Saturday Classes)*

**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 on school grounds, or with written permission of the student's parent/guardian off school grounds, during nonschool hours. 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 pursuant to this section. (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 48980)

*(cf. 5145.6 - Parental Notifications)*

**SUSPENSION AND EXPULSION/DUE PROCESS**

The Board of Education has established policies and standards of behavior in order to promote learning and protect the safety and well-being of all students. When these policies and standards are violated, it may be necessary to suspend or expel a student from regular classroom instruction.

*(cf. 5144 - Discipline)*

Suspended or expelled students shall be denied the privilege of participation in all extracurricular activities during the period of suspension or expulsion.

*(cf. 6145 - Extracurricular and Cocurricular Activities)*

Except where suspension for a first offense is warranted in accordance with law, suspension shall be imposed only when other means of correction fail to bring about proper conduct. (Education Code 48900.5)

Expulsion is an action taken by the Board for severe or prolonged breaches of discipline by a student. Except for single acts of a grave nature, expulsion shall be used only when there is a history of misconduct, when other forms of discipline, including suspension, have failed to bring about proper conduct, or when the student's presence causes a continuing danger to self 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/or administrative regulation.

**Zero Tolerance**

The Board supports a zero tolerance approach to serious offenses in accordance with state and federal law. This approach makes the removal of potentially dangerous students from the classroom a top priority and ensures the standardized treatment of all students. Staff shall immediately report to the Superintendent or designee any incidence of offenses specified in law, Board policy, and administrative regulation as cause for suspension or expulsion.

**Student 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 and appeals as specified in administrative regulation and/or law. (Education Code 48911, 48915, 48915.5)

*(cf. 5119 - Students Expelled from Other Districts)*

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

**SUSPENSION AND EXPULSION/DUE PROCESS** (continued)**Required Parental Attendance**

The Board believes that parental involvement plays an important role in the resolution of classroom behavior problems. The Board expects that teachers will communicate with parents/guardians when behavior problems arise.

Whenever a student is suspended from class by a teacher because he/she committed an obscene act, engaged in habitual profanity or vulgarity, disrupted school activities, or otherwise willfully defied valid staff authority, the teacher of the class from which the student was removed may provide that the student's parent/guardian attend a portion of a school day in the class from which the student was suspended. (Education Code 48900.1)

Before requiring parental attendance, the teacher shall make reasonable efforts to have the parent/guardian visit the class voluntarily. The teacher also may inform the parent/guardian about available resources and parent education opportunities. 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 student and the parent/guardian and to improve classroom behavior.

The teacher shall apply this policy uniformly to all students within the classroom. This policy shall apply only to a parent/guardian who lives with the student. (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 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.

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)

The principal or designee shall contact a parent/guardian who does not respond to the request to attend school. The Board recognizes that parent/guardian compliance with this policy may be delayed, modified, or prevented for reasons such as serious illness/injury/disability, absence from town, or inability to get release time from work.

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)

**SUSPENSION AND EXPULSION/DUE PROCESS (continued)****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.

*Legal Reference:***EDUCATION CODE***212.5 Sexual harassment**1981 Enrollment of students in community school**17292.5 Program for expelled students**35146 Closed sessions (re suspensions)**35291 Rules (for government and discipline of schools)**35291.5 Rules and procedures on school discipline**48660-48667 Community day schools**48900-48927 Suspension and expulsion**48950 Speech and other communication**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*

*Legal Reference continued: (see next page)*

## **SUSPENSION AND EXPULSION/DUE PROCESS (continued)**

### *Legal Reference: (continued)*

#### PENAL CODE (continued)

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

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

7151 Gun free schools

#### COURT DECISIONS

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

Woodbury v. Dempsey (2003) 108 Cal. App. 4<sup>th</sup> 421

Board of Education of Sacramento City Unified School District v. Sacramento County Board of Education and Kenneth H., (2001) 85 Cal.App.4<sup>th</sup> 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)

### *Management Resources:*

#### WEB SITES

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

California Attorney General's Office: <http://www.caag.state.ca.us>

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

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

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

Policy  
adopted: April 12, 2010

**OAKDALE JOINT UNIFIED SCHOOL DISTRICT**  
Oakdale, California

## **Students**

### **SUSPENSION AND EXPULSION/DUE PROCESS**

AR 5144.1(a)

#### **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 Education 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(s))

#### **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, suspension and expulsion. (Education Code 48900.1, 48980)

(cf. 5144 - Discipline)

(cf. 5145.6 - Parental Notifications)

## **SUSPENSION AND EXPULSION/DUE PROCESS (continued)**

### **Grounds for Suspension and Expulsion**

A student 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 the person of another, 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, a student may be suspended or expelled pursuant to Education Code 48900(a) once 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(s))

2. Possessed, sold, or otherwise furnished any firearm, knife, explosive, or other dangerous object unless, in the case of possession of any object of this type, the student had obtained written permission to possess the item from a certificated school employee, with the principal or designee's concurrence. (Education Code 48900(b))

*(cf. 5131 - Conduct)*

*(cf. 5131.7 - Weapons and Dangerous Instruments)*

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

*(cf. 5131.6 - Alcohol and Other Drugs)*

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

**SUSPENSION AND EXPULSION/DUE PROCESS** (continued)

8. Possessed or used tobacco or any products containing tobacco or nicotine products, including but not limited to cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel. This restriction shall not prohibit a student from using or possessing his/her own prescription products. (Education Code 48900(h))
9. Committed an obscene act or engaged in habitual profanity or vulgarity. (Education Code 48900(i))
10. Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code 11014.5. (Education Code 48900(j))
11. Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, other school officials, or other school personnel engaged in the performance of their duties. (Education Code 48900(k))
12. Knowingly received stolen school property or private property. (Education Code 48900(l))
13. Possessed an imitation firearm, i.e., 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 as defined in Education Code 48900(q). (Education Code 48900(q))
18. Made terrorist threats against school officials and/or school property. (Education Code 48900.7)

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



**SUSPENSION AND EXPULSION/DUE PROCESS** (continued)

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

*(cf. 5145.7 - Sexual Harassment)*

20. 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)

*(cf. 5145.9 - Hate-Motivated Behavior)*

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

*(cf. 5145.3 - Nondiscrimination/Harassment)*

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 under the jurisdiction of the Superintendent or principal or within any other school district, including but not limited to the following circumstances: (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

The Superintendent or principal may use his/her discretion to provide alternatives to suspension or expulsion for a student subject to discipline under this administrative regulation, including, but not limited to, counseling and an anger management program. (Education Code 48900(r))

*(cf. 5138 - Conflict Resolution/Peer Mediation)*

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

*(cf. 5113 - Absences and Excuses)*

*(cf. 5113.1 - Truancy)*

## **SUSPENSION AND EXPULSION/DUE PROCESS (continued)**

### **Removal from Class by a Teacher/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)

A teacher also may refer a student to the principal or designee for consideration of suspension from school. (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. The student 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 provide that the parent/guardian of a student whom the teacher has removed 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)

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

**SUSPENSION AND EXPULSION/DUE PROCESS (continued)**

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 Principal's Designee**

The Superintendent, principal or principal's 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)

The Superintendent 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), at another person
3. Unlawfully selling a controlled substance listed in Health and Safety Code 11053-11058
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. Possession of an explosive as defined in 18 USC 921

Suspension also may be imposed upon a first offense if the Superintendent, principal or designee 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)

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 Superintendent or designee 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)

**SUSPENSION AND EXPULSION/DUE PROCESS** (continued)

Suspensions shall be initiated according to the following procedures:

1. **Informal Conference:** Suspension shall be preceded by an informal conference conducted by the principal, designee, or the Superintendent 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 and the evidence against him/her; the student shall be 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 principal, designee, or the Superintendent determines that an emergency situation exists. An emergency situation involves 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 a 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 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 of the school in which the student is enrolled at the time of the misbehavior. A school employee shall report the suspension, including the name of the student and the cause for the suspension, to the Superintendent or designee.
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 causes and duration of the suspension, the school policy involved and any other pertinent matter. (Education Code 48914)

## **SUSPENSION AND EXPULSION/DUE PROCESS (continued)**

While the parent/guardian is required to respond without delay to a request for a conference about a student'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. (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(g))

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)

### **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 Principal's 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 49073-49079. (Education Code 35146, 48912)

*(cf. 9321 - Closed Session Purposes and Agendas)*

The Board shall provide the student and his/her parent/guardian with written notice of the closed session by certified mail. 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)

## **SUSPENSION AND EXPULSION/DUE PROCESS (continued)**

### **Supervised Suspension Classroom**

Students for whom an expulsion action has not been initiated and who pose no imminent danger or threat to the school may be assigned to a separate, supervised suspension classroom 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. The Board shall expel, as required by law, any student found to have committed any offense listed below under "Mandatory Recommendation and Mandatory Expulsion."

The Board may also order a student expelled for any of the acts listed above under "Grounds for Suspension and Expulsion" upon recommendation by the principal, Superintendent, hearing officer or administrative panel, based on either or both of the following finding(s): (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

**SUSPENSION AND EXPULSION/DUE PROCESS (continued)**

**Mandatory Recommendation for Expulsion**

Unless the principal, Superintendent or designee finds that expulsion is inappropriate due to particular circumstances, the principal or the Superintendent or designee 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 the first offense for the possession of not more than one ounce of marijuana, other than concentrated cannabis
4. Robbery or extortion
5. Assault or battery, as defined in Penal Code 240 and 242, upon any school employee

**Mandatory Recommendation and Mandatory Expulsion**

The principal, Superintendent 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, or 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) at another person
3. Unlawfully selling a controlled substance listed in Health and Safety Code 11053-11058
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

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

## **SUSPENSION AND EXPULSION/DUE PROCESS (continued)**

### **Student's Right to Expulsion Hearing**

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

### **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 in the hearing at the time he/she testifies



### **SUSPENSION AND EXPULSION/DUE PROCESS (continued)**

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).

*(cf. 5119 - Students Expelled from Other Districts)*

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

**SUSPENSION AND EXPULSION/DUE PROCESS** (continued)

8. The opportunity to question all evidence presented and to present oral and documentary evidence on the student's behalf, including witnesses.

**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 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 shall also 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))
2. 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))

**SUSPENSION AND EXPULSION/DUE PROCESS** (continued)

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.

**SUSPENSION AND EXPULSION/DUE PROCESS** (continued)

- 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 according to 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 Within 10 School Days:** The Board's decision on whether to expel a student shall be made within 10 school days after the conclusion of the hearing, unless the student requests in writing that the decision be postponed. (Education Code 48918(a))

## **SUSPENSION AND EXPULSION/DUE PROCESS (continued)**

7. **Decision Within 40 School Days:** If the Board does not meet on a weekly basis, its decision on 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 as apply to a hearing conducted by the Board as specified above in "Conduct of Expulsion Hearing." (Education Code 48918(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 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. (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)

The Board shall make its decision about the student's expulsion within 40 school days after the date of the student's removal from school unless the student requests in writing that the decision be postponed. (Education Code 48918(a))

**SUSPENSION AND EXPULSION/DUE PROCESS** (continued)**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 48918(j))

*(cf. 9321.1 - Closed Session Actions and Reports)*

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 an 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 the 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 of the student at the time of review for readmission
2. Recommendations for improved academic performance, tutoring, special education assessments, job training, counseling, employment, community service, and 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 in Education Code 48900, 48900.2, 48900.3, 48900.4, 48900.7, or 48915 (Education Code 48900.8)

**SUSPENSION AND EXPULSION/DUE PROCESS** (continued)

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, 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: (Education Code 48917)

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.
2. During the period when enforcement of the expulsion order is suspended, the student shall be on probationary status.
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.

**SUSPENSION AND EXPULSION/DUE PROCESS** (continued)

4. When the suspension of the enforcement of an expulsion order is revoked, a student may be expelled under the terms of the original expulsion order.
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.
6. 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 of Education.
7. 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 also inform the parent/guardian of the right to appeal the expulsion to the County Board of Education. (Education Code 48918(j)).

**Right to Appeal**

The student or parent/guardian is entitled to file an appeal of the Board's decision with the County Board of Education. The appeal must be filed within 30 days of the Board's decision to expel, even if the expulsion action 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 of Education. The district shall provide the student with these documents within 10 school days following the student's written request. (Education Code 48919)

**Notifications 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 or possession of weapons or firearms in violation of 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)



**SUSPENSION AND EXPULSION/DUE PROCESS** (continued)**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

*(cf. 6185 - Community Day School)*

When the placement described above is not available, and when the County Superintendent of Schools so certifies, students expelled for acts described in items #6-13 and #18-21 under "Grounds for Suspension and Expulsion" above may be instead 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 49073-49079. If a written request for open session is received from the parent/guardian or adult student, it shall be honored.

**SUSPENSION AND EXPULSION/DUE PROCESS** (continued)

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 re-admission.
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 Board shall maintain a record of each expulsion, including the specific cause of the expulsion. The expulsion record shall be maintained in the student's mandatory interim record and sent to any school in which the student subsequently enrolls upon receipt of a written request by the admitting school. (Education Code 48900.8, 48918(k))

The Superintendent or designee shall, within five working days, honor any other district's request for information about an expulsion from this district. (Education Code 48915.1)

*(cf. 5119 - Students Expelled from Other Districts)*  
*(cf. 5125 - Student Records)*

**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
3. Whether the expulsion order was suspended

**SUSPENSION AND EXPULSION/DUE PROCESS (continued)**

5. The type of referral made after the expulsion
6. The disposition of the student after the end of the expulsion period

Regulation  
approved: April 12, 2010

**OAKDALE JOINT UNIFIED SCHOOL DISTRICT**  
Oakdale, California

**Students**

AR 5144.2(a)

**SUSPENSION AND EXPULSION/DUE PROCESS (STUDENTS WITH DISABILITIES)**

A student identified as an individual with disabilities pursuant to the Individuals with Disabilities Education Act (IDEA) is subject to the same grounds for suspension and expulsion which apply to students without disabilities.

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

**Procedures for Students Not Yet Eligible for Special Education Services**

A student who has not been officially identified as a student with disabilities pursuant to IDEA and who has engaged in behavior that violated the district's code of student conduct may assert any of the protections under IDEA only if the district *had knowledge* that the student is disabled before the behavior that precipitated the disciplinary action occurred. (20 USC 1415(k)(5); 34 CFR 300.534)

The district shall be deemed to *have knowledge* that the student has a disability if one of the following conditions exists: (20 USC 1415(k)(5); 34 CFR 300.534)

1. The parent/guardian has expressed concern to district supervisory or administrative personnel in writing, 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 34 CFR 300.300-300.311.

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

3. The teacher of the student or other district personnel has expressed specific concerns directly to the district's director of special education or to other supervisory district personnel about a pattern of behavior demonstrated by the student.

The district would be deemed to *not have knowledge* that a student is disabled if the parent/guardian has not allowed the student to be evaluated for special education services or has refused services. In addition, the district would be deemed to *not have knowledge* if the district conducted an evaluation pursuant to 34 CFR 300.300-300.311 and determined that the student was not an individual with a disability. When the district is deemed to not have knowledge of the disability, the student shall be disciplined in accordance with procedures established for students without disabilities who engage in comparable behavior. (20 USC 1415(k)(5); 34 CFR 300.534)

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. (20 USC 1415(k)(5); 34 CFR 300.534)

AR 5144.2(b)

## **SUSPENSION AND EXPULSION/DUE PROCESS (STUDENTS WITH DISABILITIES)** (continued)

### **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. (Education Code 48903; 34 CFR 300.530)

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.

(cf. 6159 - Individualized Education Program)

The district 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 any of the following circumstances: (34 CFR 300.536)

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 the removal has been determined to be a *change of placement* as specified in items #1-2 above, the student's IEP team shall determine the appropriate educational services. (34 CFR 300.530)

### **Services During Suspension**

Any student suspended for more than 10 school days in the same school year shall continue to receive services during the term of the suspension. School personnel, in consultation with at least one of the student's teachers, shall determine the extent to which services are needed as provided in 34 CFR 300.101(a), so as to enable the student to continue to participate in the general education curriculum in another setting and to progress toward meeting the goals as set out in his/her IEP. (20 USC 1412(a)(1)(A); 34 CFR 300.530)

AR 5144.2(c)

### **SUSPENSION AND EXPULSION/DUE PROCESS (STUDENTS WITH DISABILITIES)** (continued)

If a student with disabilities is excluded from school bus transportation, the student shall be provided with an alternative form of transportation at no cost to the student or his/her parent/guardian, provided that transportation is specified in his/her IEP. (Education Code 48915.5)

(cf. 3541.2 - *Transportation for Students with Disabilities*)

### **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: (20 USC 1415(k)(1)(G); 34 CFR 300.530)

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. (20 USC 1415(k)(1)(G); 34 CFR 300.531)

On the date the decision to take disciplinary action is made, the parents/guardians of the student shall be notified of the decision and provided the procedural safeguards notice pursuant to 34 CFR 300.504. (20 USC 1415(k)(1)(H); 34 CFR 300.530)

A student who has been removed from his/her current placement because of dangerous behavior shall receive services 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 1415(k)(1)(D); 34 CFR 300.530)

AR 5144.2(d)

## **SUSPENSION AND EXPULSION/DUE PROCESS (STUDENTS WITH DISABILITIES)** (continued)

### **Manifestation Determination**

The following procedural safeguards shall apply when a student 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 parents/guardians of the student shall be notified of the decision and provided the procedural safeguards notice pursuant to 34 CFR 300.504. (20 USC 1415(k)(1)(H); 34 CFR 300.530)

*(cf. 5145.6 - Parental Notifications)*

*(cf. 6159.1 - Procedural Safeguards and Complaints for Special Education)*

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. (20 USC 1415(k)(1)(E); 34 CFR 300.530)

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: (20 USC 1415(k)(1)(E); 34 CFR 300.530)

- 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 a condition in either #a or #b above was met, the conduct shall then be determined to be a manifestation of the student's disability. (20 USC 1415(k)(1)(E); 34 CFR 300.530)

AR 5144.2(e)

### **SUSPENSION AND EXPULSION/DUE PROCESS (STUDENTS WITH DISABILITIES)** (continued)

3. **Determination that Behavior is a Manifestation of the Student's Disability:** When the conduct has been determined to be a manifestation of the student's disability, the IEP team shall conduct a functional behavioral assessment, unless a functional behavioral assessment 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 behavior intervention plan has already been developed, the IEP team shall review the behavioral intervention plan and modify it as necessary to address the behavior. (20 USC 1415(k)(1)(F); 34 CFR 300.530)

The student shall be returned to the placement from which he/she was removed, unless the parent/guardian and district agree to a change of placement as part of the modification of the behavioral intervention plan. (20 USC 1415(k)(1)(F); 34 CFR 300.530)

*(cf. 6159.4 - Behavioral Interventions for Special Education Students)*

4. **Determination that Behavior is Not a Manifestation of the Student's Disability:** If the manifestation determination review team determines that the student's behavior was not a manifestation of his/her disability, the student may be disciplined in accordance with the procedures for students without disabilities. (20 USC 1415(k)(1)(D); 34 CFR 300.530)

The student shall receive services to the extent necessary 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 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 1415(k)(1)(D); 34 CFR 300.530)

*(cf. 6158 - Independent Study)*

*(cf. 6185 - Community Day School)*

### **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 hearing, the requesting party shall file a complaint pursuant to 34 CFR 300.507 and 300.508(a) and (b). (20 USC 1415(k)(3); 34 CFR 300.532)

## **SUSPENSION AND EXPULSION/DUE PROCESS (STUDENTS WITH DISABILITIES) (continued)**

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. (20 USC 1415(k)(4); 34 CFR 300.533)

### **Readmission**

Readmission procedures for students with disabilities shall be the same as those used for all students. Upon readmission, an IEP team meeting shall be convened.

### **Suspension of Expulsion**

The Board of Education's 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. (Education Code 48917)

### **Notification to Law Enforcement Authorities**

Prior to the suspension or expulsion of any student with a disability, the principal or designee shall notify appropriate city or county law enforcement authorities of any act of assault with a deadly weapon 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 acts by any student with a disability which may involve the possession or sale of narcotics or of a controlled substance or possession of weapons or firearms in violation of Penal Code 626.9 and 626.10. (Education Code 48902)

Within one school day after a suspension or expulsion of a student with disabilities, the principal or designee shall notify appropriate city or county law enforcement authorities, by telephone or other appropriate means, of any act by the student 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)

*(cf. 5131.7 - Weapons and Dangerous Instruments)*



**SUSPENSION AND EXPULSION/DUE PROCESS (STUDENTS WITH DISABILITIES)** (continued)

**Report to County Superintendent of Schools**

The Superintendent or designee shall report to the County Superintendent 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. (Education Code 48203)

**SUSPENSION AND EXPULSION/DUE PROCESS (STUDENTS WITH DISABILITIES)** (continued)

*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  
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 Individual 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  
1415 Procedural safeguards

UNITED STATES CODE, TITLE 21

812(c) 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) 125 S. Ct. 528

Parents of Student W. v. Puyallup School District, (1994 9th Cir.) 31 F.3d 1489

M.P. v. Board of Education of Grossmont Union High School District, (1994) 858 F.Supp. 1044

Honig v. Doe, (1988) 484 U.S. 305

*Management Resources:*

**FEDERAL REGISTER**

*Rules and Regulations, August 14, 2006, Vol. 71, Number 156, pages 46539-46845*

**WEB SITES**

*California Department of Education, Special Education: <http://www.cde.ca.gov/sp/se>*

*U.S. Department of Education, Office of Special Education Programs:*

*<http://www.ed.gov/about/offices/list/osers/osep/index.html>*

Regulation

April 12, 2010

**OAKDALE JOINT UNIFIED SCHOOL DISTRICT**

Oakdale, California

**SEXUAL HARASSMENT**

The Board of Education 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.

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

*(cf. 4030 - Nondiscrimination in Employment)*

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

*(cf. 4112.9/4212.9/4312.9 - Employee Notifications)*

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 CCR 4964)

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.

*(cf. 4031 - Complaints Concerning Discrimination in Employment)*

Any district employee who permits, or 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. An employee shall be deemed to have permitted sexual harassment where he/she has knowledge that a student or employee has engaged in sexual harassment and fails to report such student or employee to the appropriate authorities, whether or not the victim makes a complaint.

(cf. 4117.4 - Dismissal)

(cf. 4118 - Suspension/Disciplinary Action)

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

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<sup>th</sup> 1026

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

*Burlington Industries v. Ellreth*, (1998) 118 S.Ct. 2257

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

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

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

Management Resources:

OFFICE OF CIVIL RIGHTS AND NATIONAL ASSOCIATION OF ATTORNEYS GENERAL

*Protecting Students from Harassment and Hate Crime*, January, 1999

WEB SITES

California Department of Fair Employment and Housing: <http://www.dfeh.ca.gov>

Equal Employment Opportunity Commission: <http://www.eeoc.gov>

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

Policy  
adopted: August 10, 2009

**OAKDALE JOINT UNIFIED SCHOOL DISTRICT**  
Oakdale, California

## All Personnel

AR 4119.11 (a)  
4219.11  
4319.11

## SEXUAL HARASSMENT

### 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

*(cf. 4112.9/4212.9/4312.9 - Employee Notifications)*

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

*(cf. 4031 - Complaints Concerning Discrimination in Employment)*

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: August 10, 2009  
**Students**

**OAKDALE JOINT UNIFIED SCHOOL DISTRICT**  
Oakdale, California  
BP 5145.7(a)

## **SEXUAL HARASSMENT**

The Board of Education is committed to maintaining an educational environment that is free from harassment. The Board prohibits sexual harassment of students by other students, employees or other persons, at school or at school-sponsored or school-related activities. The Board also prohibits retaliatory behavior or action against persons who complain, testify, assist or otherwise participate in the complaint process established pursuant to this policy and the administrative regulation.

### **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 gender
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 person(s) to whom a report of sexual harassment should be made

*(cf. 5131.5 - Vandalism, Theft and Graffiti)*

*(cf. 5137 - Positive School Climate)*

*(cf. 5145.3 - Nondiscrimination/Harassment)*

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

## **Complaint Process**

Any student who feels that he/she is being or has been subjected to sexual harassment shall immediately contact his/her teacher or any other employee. A school employee to whom a complaint is made shall, within 24 hours of receiving the complaint, report it to the principal or designee.

Any school employee who observes any incident of sexual harassment involving a student shall report this observation to the principal or designee, whether or not the victim files a complaint.

In any case of sexual harassment involving the principal or any other district employee to whom the complaint would ordinarily be made, the employee who receives the student's report or who observes the incident shall report to the nondiscrimination coordinator or the Superintendent or designee.

BP 5145.7(b)

## **SEXUAL HARASSMENT (continued)**

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

*(cf. 5141.4 - Child Abuse Prevention and Reporting)*

*(cf. 5145.3 - Nondiscrimination/Harassment)*

The principal or designee to whom a complaint of sexual harassment is reported shall immediately investigate the complaint in accordance with administrative regulation. Where the principal or designee finds that sexual harassment occurred, he/she shall take prompt, appropriate action to end the harassment and address its effects on the victim. The principal or designee shall also advise the victim of any other



remedies that may be available. The principal or designee shall file a report with the Superintendent or designee and refer the matter to law enforcement authorities, where required.

*(cf. 1312.1 - Complaints Concerning District Employees)*

### **Disciplinary Measures**

Any student who engages in sexual harassment of anyone at school or at a school-sponsored or school-related activity is in violation of this policy and shall be subject to disciplinary action. For students in grades 4 through 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.

### **Record-Keeping**

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

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)

*(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)*

*Legal Reference: (see next page)*

BP 5145.7(c)

## **SEXUAL HARASSMENT (continued)**

*Legal Reference:*

**EDUCATION CODE**

200-262.4 *Prohibition of discrimination on the basis of sex*

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  
CODE OF REGULATIONS, TITLE 5  
 4900-4965 Nondiscrimination in elementary and secondary education programs receiving state financial assistance  
UNITED STATES CODE, TITLE 20  
 1681-1688 Title IX, Discrimination  
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  
CODE OF FEDERAL REGULATIONS, TITLE 34  
 106.1-106.71 Nondiscrimination on the basis of sex in education programs  
COURT DECISIONS  
Reese v. Jefferson School District, (2001) 208 F.3d 736  
Davis v. Monroe County Board of Education, (1999) 526 U.S. 629  
Gebser v. Lago Vista Independent School District, (1998) 118 S.Ct. 1989  
Nabozny v. Podlesny, (1996, 7th Cir.) 92 F.3d 446  
Doe v. Petaluma City School District, (1995, 9th Cir.) 54 F.3d 1447  
Oona R.-S. etc. v. Santa Rosa City Schools et al., (1995) 890 F.Supp. 1452  
Rosa H. v. San Elizario Ind. School District, (W.D. Tex. 1995) 887 F. Supp. 140, 143  
Clyde K. v. Puyallup School District #3, (1994) 35 F.3d 1396  
Patricia H. v. Berkeley Unified School District, (1993) 830 F.Supp. 1288  
Franklin v. Gwinnet County Schools, (1992) 112 S. Ct. 1028  
Kelson v. City of Springfield, Oregon, (1985, 9th Cir.) 767 F.2d 651

*Management Resources:*

OFFICE OF CIVIL RIGHTS AND NATIONAL ASSOCIATION OF ATTORNEYS GENERAL  
Protecting Students from Harassment and Hate Crime: A Guide for Schools, January 1999  
OFFICE OF CIVIL RIGHTS' PUBLICATIONS  
Revised Sexual Harassment Guidance, January 2001  
Sexual Harassment Guidance, March 1997  
WEB SITES  
 OCR: <http://www.ed.gov/offices/OCR>

Policy  
 adopted: April 12, 2010

**OAKDALE JOINT UNIFIED SCHOOL DISTRICT**  
 Oakdale, California

**SEXUAL HARASSMENT**

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 gender, in the educational setting, when: (Education Code 212.5; 5 CCR 4916)

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

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. 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, notes, stories, drawings, pictures or gestures
5. Spreading sexual rumors
6. Teasing or sexual remarks about students enrolled in a predominantly single-gender class
7. Massaging, grabbing, fondling, stroking or brushing the body
8. Touching an individual's body or clothes in a sexual way
9. Purposefully cornering or blocking normal movements
10. Displaying sexually suggestive objects

**SEXUAL HARASSMENT** (continued)**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; 5 CCR 4917)

*(cf. 5145.6 - Parental Notifications)*

2. Be displayed in a prominent location in the main administrative building or other area where notices of district rules, regulations, procedures and standards of conduct are posted (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)
5. Be provided to employees and employee organizations

**Investigation of Complaints at School (Site-Level Grievance Procedure)**

1. The principal or designee shall promptly investigate all complaints of sexual harassment. In so doing, he/she shall talk individually with:
  - a. The student who is complaining
  - b. The person accused of harassment
  - c. Anyone who witnessed the conduct complained of
  - d. Anyone mentioned as having related information
4. The student who is complaining shall have an opportunity to describe the incident, present witnesses and other evidence of the 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:

**SEXUAL HARASSMENT** (continued)

- a. The Superintendent or designee
- b. The parent/guardian of the student who complained
- c. If the alleged harasser is a student, his/her parent/guardian
- 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

*(cf. 5141.4 - Child Abuse Prevention and Reporting)*

- f. Legal counsel for the district
4. When the student who complained and the alleged harasser 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 and both parties agree.
  5. In reaching a decision about the complaint, the principal or designee 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
  6. To judge the severity of the harassment, the principal or designee 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 number of persons involved

**SEXUAL HARASSMENT** (continued)

- d. The age and gender of the person accused of harassment
  - e. The subject(s) of harassment
  - f. The place and situation where the incident occurred
  - g. Other incidents at the school, including incidents of harassment that were not related to gender
- 7. The principal or designee shall write a report of his/her findings, decision, and reasons for the decision and shall present this report to the student who complained and the person accused.
  - 8. The principal or designee shall give the Superintendent or designee a written report of the complaint and investigation. If the principal or designee verifies that sexual harassment occurred, this report shall describe the actions taken to end the harassment, address the effects of the harassment on the student harassed, and prevent retaliation or further harassment.
  - 9. Within two weeks after receiving the complaint, the principal or designee shall determine whether or not the student who complained has been further harassed. The principal or designee shall keep a record of this information and shall continue this follow-up.

**Enforcement**

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 staff inservice and student instruction or counseling.
- 3. Notifying parents/guardians of the actions taken.
- 4. Notifying child protective services.
- 5. Taking appropriate disciplinary action. In addition, the principal or designee may take disciplinary measures against any person who is found to have made a complaint of sexual harassment which he/she knew was not true.

Regulation  
approved: April 12, 2010

**OAKDALE JOINT UNIFIED SCHOOL DISTRICT**  
Oakdale, California

## **All Personnel**

BP 4158(a)  
4258  
4358

### **EMPLOYEE SECURITY**

The Board of Education desires to provide a safe, orderly working environment for all employees. As part of the district's comprehensive school safety plan, the Superintendent or designee shall develop strategies for protecting employees from potentially dangerous persons and situations and for assisting them in the event of an emergency situation.

*(cf. 0450 - Comprehensive Safety Plan)*  
*(cf. 3515 - Campus Security)*  
*(cf. 5131.4 - Student Disturbances)*

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

When violence is directed against an employee by any individual and the employee so notifies the Superintendent or designee, the Superintendent or designee shall take steps to ensure that appropriate legal measures are instituted. When the employee notifies the Superintendent or designee of a threat of bodily harm, the district shall take appropriate measures to enable the employee to request assistance if a threat occurs on school grounds.

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.

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

The Board recognizes that access to two-way communications devices allows employees to call for assistance from their supervisor or law enforcement in the event of a threat of violence or medical emergency. The district shall provide such communications devices in classrooms to the extent possible.

*(cf. 5141 - Health Care and Emergencies)*

Employees may not carry or possess pepper spray on school property or at school activities. On a case-by-case basis, however, the Superintendent or designee may allow the possession of a pepper spray weapon that meets the requirements of Penal Code 12403.7 when justified by unusual dangerous circumstances. Any employee who is negligent or careless in the possession or handling of pepper spray shall be subject to appropriate disciplinary measures.

*(cf. 4118 - Suspension/Disciplinary Action)*  
*(cf. 4218 - Dismissal/Suspension/Disciplinary Action)*

## **EMPLOYEE SECURITY (continued)**

### **Reporting of Injurious Objects**

The Board requires school employees to take immediate action upon being made aware that any person is in possession of an injurious object on school grounds or at a school-related or school-sponsored activity. The employee shall use his/her own judgment as to the dangerousness of the situation and, based upon this analysis, shall do one of the following:

1. Confiscate the object and deliver it to the principal immediately
2. Immediately notify the principal, who shall take appropriate action
3. Immediately notify the local law enforcement agency and the principal

*(cf. 5131.7 - Weapons and Dangerous Instruments)*

*(cf. 5144. - Discipline)*

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

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

When informing the principal about the possession or seizure of a weapon or dangerous device, the employee shall report the name(s) of persons involved, witnesses, location, and the circumstances of any seizure.

*Legal Reference: (see next page)*



## **EMPLOYEE SECURITY (continued)**

### *Legal Reference:*

#### EDUCATION CODE

32210-32212 Willful disturbance, public schools or meetings

32225-32226 Communication devices

35204 Contract with attorney in private practice or use of administrative advisor

35205 Contract for legal services

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 Grounds for suspension or expulsion

49079 Notification to teacher; student who has engaged in acts constituting grounds for 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 act

#### 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 Definition of assault

241.2 Assault on school or park property against any person

241.3 Assault against school bus drivers

241.6 Assault on school employee includes board member

242 Definition of battery

243 Battery; definition of "injury" and "serious bodily injury"

243.2 Battery on school or park property against any person

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

626.9 Gun-Free School Zone Act of 1995

626.10 Exceptions to bringing weapons on school grounds

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

*Management Resources: (see next page)*

## **EMPLOYEE SECURITY (continued)**

### *Management Resources:*

#### CDE CORRESPONDENCE

*0401.01 Protecting Student Identification in Reporting Injurious Objects*

#### WEB SITES

*CDE, Safe Schools and Violence Prevention Office: <http://www.cde.ca.gov/spbranch/safety/safetyhome>*

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

## **All Personnel**

AR 4158(a)

4258

4358

### **EMPLOYEE SECURITY**

An employee may use reasonable and necessary force when necessary for self-defense, 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 on or within the control of a student. (Education Code 44807, 49001)

*(cf. 5131.7 - Weapons and Dangerous Instruments)*

*(cf. 5144 - Discipline)*

Employees shall promptly report to their principal or other immediate supervisor any attack, assault or physical threat made against them by a student.

Both the employee and the principal or other immediate supervisor shall promptly report such instances to the appropriate local law enforcement agency. (Education Code 44014)

In addition, employees shall promptly report to their principal or supervisor, and may report to law enforcement, any attack, assault or threat made against them on school grounds by any other individual.

*(cf. 3515.2 - Disruptions)*

Reports of attack, assault or threat also shall be forwarded immediately to the Superintendent or designee.

An employee whose person or property is injured or damaged by willful misconduct of a student may ask the district to pursue legal action against the student or the student's parent/guardian. (Education Code 48905)

*(cf. 3515.4 - Recovery for Property Loss or Damage)*

### **Notice Regarding Student Offenses Committed While Under School Jurisdiction**

The Superintendent or designee shall inform the teacher of each student who has engaged in, or is reasonably suspected of, any act during the previous three school years which could constitute grounds for suspension or expulsion under Education Code 48900, with the exception of the possession or use of tobacco products, or Education Code 48900.2, 48900.3, 48900.4, or 48900.7. This information shall be based upon district records maintained in the ordinary course of business or records received from a law enforcement agency. (Education Code 49079)

*(cf. 5125 - Student Records)*

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

Upon receiving a transfer student's record regarding acts committed by the student that resulted in his/her suspension or expulsion, the Superintendent or designee shall inform any of the student's teacher(s) that the student was suspended from his/her former district and of the act that resulted in the suspension or expulsion. (Education Code 48201)

**EMPLOYEE SECURITY** (continued)

Information received by teacher(s) shall be received in confidence for the limited purpose for which it was provided and shall not be further disseminated by the teacher. (Education Code 49079)

**Notice Regarding Student Offenses Committed While Outside School Jurisdiction**

When a minor student has been found by a court of competent jurisdiction to have illegally used, sold or possessed a controlled substance or committed specified crimes involving serious acts of violence, the district police or security department may provide written notification to the Superintendent. (Welfare and Institutions Code 828.1)

*(cf. 3515.3 - District Police/Security Department)*

When informed by the court that a minor student has been found by a court to have committed any felony or any misdemeanor involving curfew, gambling, alcohol, drugs, tobacco products, carrying of weapons, a sex offense listed in Penal Code 290, assault or battery, larceny, vandalism or graffiti, the Superintendent or designee shall so inform the school principal. (Welfare and Institution Code 827)

The principal shall disseminate this information to the counselor(s) who directly supervises or reports on the student's behavior or progress. The principal also may inform any teacher or administrator he/she thinks may need the information so as to work with the student appropriately, avoid being needlessly vulnerable, or protect others from vulnerability. (Welfare and Institutions Code 827)

Any court-initiated information that a teacher, counselor or administrator receives shall be kept confidential and used only to rehabilitate the student and protect other students and staff. The information shall be further disseminated only when communication with the student, parent/guardian, law enforcement staff and probation officer is necessary to rehabilitate the student or to protect students and staff. (Welfare and Institutions Code 827)

When a student is removed from school as a result of his/her offense, the Superintendent shall hold the court's information in a separate confidential file until the student is returned to public school. If the student is returned to a different district, the Superintendent shall transmit the information provided by the student's parole or probation officer to the Superintendent of the new district of attendance. (Welfare and Institutions Code 827)

Any confidential file of court-initiated information shall be kept until the student becomes 18, graduates from high school, or is released from juvenile court jurisdiction, whichever occurs first; it shall then be destroyed. (Welfare and Institutions Code 827)

## **EMPLOYEE SECURITY (continued)**

### **Procedures to Maintain Confidentiality of Student Offenses**

In order to maintain confidentiality when providing information about student offenses to counselors and teachers of classes/programs to which a student is assigned, the principal or designee shall send the staff member a written notification requesting him/her to review a student's file in the school office as soon as practicable. This notification shall not name or otherwise identify the student. The staff member shall be asked to initial the notification and return it to the principal or designee.

The staff member shall also initial the student's file when reviewing it in the school office. Once the district has made a good faith effort to comply with the notification requirement of Education Code 49079 and Welfare and Institutions Code 827, an employee's failure to review the file constitutes district compliance with the requirement to provide notice to the teacher.

### **Use of Pepper Spray**

Employees who possess pepper spray on school property shall be notified of the following conditions:

1. The pepper spray shall be used only in self-defense.
2. An employee who uses pepper spray other than in self-defense shall be subject to disciplinary action by the district and, in accordance with law, a fine and/or imprisonment.

*(cf. 4118 - Suspension/Disciplinary Action)*

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

3. The employee shall ensure that the pepper spray is stored in a secure place and not accessible to students or other individuals. An employee who is negligent in the storage of pepper spray may be subject to disciplinary action.

Employees wishing to carry pepper spray on school property or to a school-related activity shall submit to the Superintendent or designee a written request setting forth the need for the pepper spray. Should the Superintendent or designee determine that the employee may not carry pepper spray, the employee shall receive a written statement of the reason for this determination.

Regulation  
approved: October 12, 2009

**OAKDALE JOINT UNIFIED SCHOOL DISTRICT**  
Oakdale, California

## All Personnel

BP 4119.22

4219.22

## DRESS AND GROOMING

4319.22

The Board of Education believes that appropriate dress and grooming by district employees contribute to a productive learning environment and model positive behavior. During school hours and at school activities, employees shall maintain professional standards of dress and grooming that demonstrate their high regard for education, present an image consistent with their job responsibilities and assignment, and not endanger the health or safety of employees or students. All employees shall be held to the same standards unless their assignment provides for modified dress as approved by their supervisor.

(cf. 4118 - Suspension/Disciplinary Action)

(cf. 4119.25/4219.25/4319.25 - Political Activities of Employees)

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

(cf. 5132 - Dress and Grooming)

### Legal Reference:

#### EDUCATION CODE

35160 Authority of governing boards

35160.1 Broad authority of school districts

#### GOVERNMENT CODE

3543.2 Scope of representation

12949 Dress standards, consistency with gender identity

#### COURT DECISIONS

San Mateo City School District v. PERB (1983) 33 Cal. 3d 850

Domico v. Rapides Parish School Board (5th Cir. 1982) 675 F.2d 100

East Hartford Education Assn. v. Board of Education (2d Cir. 1977) 562 F. 2d 856

Finot v. Pasadena Board of Education (1967) 250 Cal.App.2d 189

#### PUBLIC EMPLOYMENT RELATIONS BOARD DECISIONS

Santa Ana Unified School District (1998) 22 PERC P29, 136

Inglewood Unified School District (1985) 10 PERC P17, 000

### Management Resources:

#### WEB SITES

Public Employment Relations Board: <http://www.perb.ca.gov>

Policy

adopted: August 10, 2009

**OAKDALE JOINT UNIFIED SCHOOL DISTRICT**

Oakdale, California

## **Students**

### **DRESS AND GROOMING**

BP 5132(a)

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

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

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

*(cf. 5144 - Discipline)*

### **Gang-Related Apparel**

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

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

### **Uniforms**

In order to promote student safety and discourage theft, peer rivalry and/or gang activity, the principal, staff and parents/guardians at a school may establish a reasonable dress code requiring students to wear uniforms. Such a dress code may be included as part of the school safety plan and must be presented to the Board for approval. The Board shall approve the plan upon determining that it is necessary to protect the health and safety of the school's students.

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

The Superintendent or designee shall ensure that resources are identified to assist economically disadvantaged students in obtaining uniforms.

*Legal Reference: (see next page)*

**DRESS AND GROOMING** (continued)

*Legal Reference:*

EDUCATION CODE

32281 School safety plans

35183 School dress codes; uniforms

35183.5 Sun-protective clothing

48907 Student exercise of free expression

49066 Grades; effect of physical education class apparel

CODE OF REGULATIONS, TITLE 5

302 Pupils to be neat and clean on entering school

COURT DECISIONS

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

827 F.Supp. 1459

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

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

Policy  
adopted: February 8, 2010

**OAKDALE JOINT UNIFIED SCHOOL DISTRICT**  
Oakdale, California



**DRESS AND GROOMING**

Student violations of dress and grooming regulations are termed willful defiance of the valid authority of the school principal, and the Board of Education directs that the principal may administer any appropriate disciplinary action up to and including suspension.

- All students are to attend school and school related activities in a manner which is clean and not hazardous to the health and safety of themselves and of others and does not detract from the educational process.
- Articles of clothing, permanent and temporary tattoos and body markings, and possessions which are known, by previous experience, to be gang-related, display gang symbols, are obscene, or profane, have sexually suggestive expressions or activities, display tobacco, alcohol, drugs or sex; or materially interfere with school work; create disorder or disrupt the educational process are not allowed. Possessions which are determined to be harassing, threatening, or intimidating to others will not be allowed. (For further details on gang-related apparel see BP 5132 and BP/AR 5136)
- Any clothing or apparel that is harassing, threatening, or intimidating to others or advocates violence against a particular person or group of persons will not be allowed. Camouflage clothing is allowed when following the above guidelines and limited to one article of clothing. NO full camouflage will be allowed.
- Any apparel, hairstyle, cosmetic or jewelry, even if not specifically mentioned, which creates a safety concern, draws undue attention to the wearer or tends to detract from the educational process, is prohibited.
- Extreme fashion that draws undue attention to the student will not be allowed.
- Garments shall be sufficient to appropriately conceal undergarments at all times. Beachwear, halter-tops, strapless tops, see-through clothing or clothes that expose the body in a sexually suggestive manner are not appropriate or acceptable. Straps for tops must be at least one inch wide. Straps must be fastened at all times.
- Dresses, skirts, mini-skirts and culottes and like garments are acceptable so long as they extend to a minimum of mid-thigh.
- Walking shorts, defined as shorts, mid-thigh (minimum four inch inseam), hemmed, and not form fitting are acceptable. All bike shorts (spandex), tom shorts, or shorts with holes are unacceptable. Appropriate shorts may be worn for physical education activities and athletic practices. Principals have discretion to suspend the wearing of shorts because of frequent student violations.

**DRESS AND GROOMING** (continued)

- Shoes must be worn by all students. Flip flops are acceptable in grades 7 through 12. Shoes for students in grades K through 6 must have heel guard/ heel strap. No hard steel-toed military type boots or metal-toed footwear will be allowed. Open-toe shoes may NOT be worn in grades K-6.
- Excessively baggy pants are not allowed. Pants must fit and be worn at the natural waist so as not to expose undergarments or skin. The bottom of the pant leg may not be frayed or drag on the ground. Pants must be hemmed or stapled or neatly rolled, and not pinned or taped.
- Headwear shall be worn appropriately, and not be worn inside facilities except for medical or religious reasons. Caps must be worn with the bill forward. Principals have discretion regarding appropriateness and condition of acceptable and unacceptable headwear.
- For secondary students:  
  
Only authorized hats or caps displaying Oakdale school district team/mascot logos, school of attendance club logos, or used for school-related activities may be worn on campus during normal school hours, on school buses, at school authorized bus stops, or at school-related functions such as athletic events, rallies, assemblies. School approved headgear may NOT be altered in any way. Hats or caps include all headgear such as, but not limited to: Hats, caps, beanies, wave caps, stocking caps, bandanas, sweatbands, do-rags, etc. (Education Code 35183.5)
- Only clear or natural colored contact lenses may be worn.
- Hair which causes undue attention is not acceptable; i.e., unusual designs, colors other than natural hair tones, symbols, razor cuts, messages, Mohawks, or unusual razor cuts. Complete razor shaving of the head is allowed.
- Only piercings which will be allowed are explained in the Student Conduct Code. If any of these piercings create a distraction or safety issue, the site administrator will handle the necessary discipline.
- Religious beliefs, when verified, may be grounds for an exemption to a specific portion of the Dress and Grooming policy. A petition for an exemption from enforcement of a specified portion of the Dress Code policy must be submitted to the principal for approval.
- District sports team uniforms may be worn as appropriate. Coaches and teachers may make modifications to accommodate the special needs of certain sports and/or classes with the approval of the site administrator.

**DRESS AND GROOMING** (continued)

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

## **School Uniform Policy**

- The decision to pursue a school uniform policy must be initiated by parents/guardians and approved by the school site committee and the site principal
- A school uniform committee will develop a survey to be sent to all parents/guardians regarding their position on a school uniform policy prior to the implementation of a school uniform policy. Prior to the distribution of the survey, the committee must sponsor at least one parent forum or meeting open to all parents/guardians for the purpose of information and input.
- In order for a school site to further consider a school uniform, at least a majority of the surveys distributed must be returned and 2/3 (two-thirds) of the surveys returned must support a uniform policy. These majorities are considered minimums and school sites have the discretion to establish more stringent standards of returns and support.
- Upon approval of the Board, the principal or designee shall notify parents/guardians of this policy at least six months before a school uniform policy is implemented.
- Parents/guardians shall also be informed of their right to have their child exempted.

**GANGS**

The Board of Education desires to keep district schools free from the threats or harmful influence of any groups or gangs which exhibit drug use, violence or disruptive behavior. The Superintendent or designee shall take steps to deter gang intimidation of students and staff and confrontations between members of different gangs. He/she shall exchange information and establish mutually supportive efforts with local law enforcement authorities.

*(cf. 5131.4 - Student Disturbances)*

*(cf. 5131.7 - Weapons and Dangerous Instruments)*

The Superintendent or designee shall provide inservice training which helps staff to identify gangs and gang symbols, recognize early manifestations of disruptive activities, and respond appropriately to gang behavior. Staff shall be informed about conflict management techniques and alerted to intervention measures and community resources.

The Board realizes that students become involved in gangs for many reasons, such as peer pressure, the need for a sense of belonging, and lack of refusal skills. Age-appropriate gang violence prevention education shall start with students in the early elementary grades and may start in kindergarten.

To further discourage the influence of gangs, the Superintendent or designee shall ensure that school rules of conduct and any school dress code prohibiting gang-related apparel are enforced consistently. If a student exhibits signs of gang affiliation, staff shall so inform the parent/guardian.

*(cf. 0450 - Comprehensive Safety Plan)*

*(cf. 5132 - Dress and Grooming)*

*(cf. 6164.2 - Guidance/Counseling Services)*

*Legal Reference: (see next page)*

BP 5136(b)

**GANGS (continued)**

*Legal Reference:*

EDUCATION CODE

32282 School safety plans

35183 Gang-related apparel

41510-41514 School Safety Consolidated Competitive Grant

48907 Student exercise of free expression

51264 Educational inservice training; CDE guidelines

51265 Gang violence and drug and alcohol abuse prevention inservice training

51266-51266.5 Model gang and substance abuse prevention curriculum

PENAL CODE

186.22 Participation in criminal street gang

13826-13826.7 Gang violence suppression

UNITED STATES CODE, TITLE 20

7101-7184 Safe and Drug-Free Schools and Communities Act

*Management Resources:*

CDE PUBLICATIONS

*On Alert: Gang Prevention in School and Inservice Guidelines, January 1994*

CSBA PUBLICATIONS

*Protecting Our Schools: Board of Education Strategies to Combat School Violence, 1995*

Policy  
adopted: February 8, 2010

**OAKDALE JOINT UNIFIED SCHOOL DISTRICT**  
Oakdale, California

**Students**

AR 5136(a)

**GANGS**

**Prevention and Intervention Measures**

In order to discourage the influence of gangs, school staff shall take the following measures:

1. Any student displaying behavior, gestures, apparel or paraphernalia indicative of gang affiliation shall be referred to the principal or designee.
  - a. The student's parent/guardian shall be contacted and may be asked to meet with school staff.
  - b. The student may be sent home to change clothes if necessary.

*(cf. 5132 - Dress and Grooming)*

2. Staff members shall be provided with the names of known gang members.
3. Students who seek help in rejecting gang associations may be referred to community-based gang suppression and prevention organizations.

*(cf. 1020 - Youth Services)*

4. Any gang graffiti on school premises shall be removed, washed down or painted over as soon as discovered.

- a. Daily checks for graffiti shall be made throughout the campus.
- b. Graffiti shall be photographed before it is removed. These photographs shall be shared with local law enforcement authorities and used in future disciplinary or criminal action against the offenders.

*(cf. 3515 - Campus Security)*

*(cf. 5131.5 - Vandalism, Theft and Graffiti)*

- 5. Classroom and after-school programs at each school shall be designed to enhance individual self-esteem, provide positive reinforcement for acceptable behavior, and foster interest in a variety of constructive activities. These programs shall also:
  - a. Explain the dangers of gang membership
  - b. Provide counseling for targeted at-risk students
  - c. Include lessons or role-playing workshops in gang avoidance skills and nonviolent conflict resolution, including communication skills, anger management, ethnic/cultural tolerance, and mediation skills

AR 5136(b)

## **GANGS (continued)**

- d. Assign individual gang members to cooperative learning groups in which they may work toward common goals with students who are not members of their gang
- e. Provide school-to-career instruction
- f. Provide positive interaction with local law enforcement staff

*(cf. 5137 - Positive School Climate)*

Gang prevention lessons may be taught jointly by teachers and law enforcement staff.

- 6. Staff shall actively promote membership in authorized student organizations which can provide students companionship, safety, and a sense of purpose and belonging, including:
  - a. Positive sports and cultural activities and affiliations with the local community

*(cf. 6145 - Extracurricular and Cocurricular Activities)*

*(cf. 6145.2 - Athletic Competition)*

- b. Structured, goal-oriented community service projects

*(cf. 6142.4 - Service Learning/Community Service Classes)*

## **Community Outreach**

Gang prevention classes or counseling offered for parents/guardians shall address the following topics:

1. The dangers of gang membership
2. Warning signs which may indicate that children are at risk of becoming involved with gangs
3. The nature of local gang apparel and graffiti
4. Effective parenting techniques
5. Conflict resolution techniques

AR 5136(c)

**GANGS** (continued)

Community programs shall address:

1. The scope and nature of local gang problems
2. Strategies by which each segment of the community may alleviate gang problems

## All Personnel

BP 4119.42

4219.42

## EXPOSURE CONTROL PLAN FOR BLOODBORNE PATHOGENS

4319.42

As part of its commitment to provide a safe and healthful work environment, the Board of Education recognizes the importance of developing an exposure control plan. The Superintendent or designee shall establish a written exposure control plan in accordance with state and federal standards for dealing with potentially infectious materials in the workplace to protect employees from possible infection due to contact with bloodborne pathogens, including but not limited to hepatitis B virus, hepatitis C virus and human immunodeficiency virus (HIV).

(cf. 4119.43/4219.43/4319.43 - *Universal Precautions*)

(cf. 4157/4257/4357 - *Employee Safety*)

The Superintendent or designee shall determine which employees have occupational exposure to bloodborne pathogens and other potentially infectious materials. In accordance with the district's exposure control plan, employees having occupational exposure shall be offered the hepatitis B vaccination.

The Superintendent or designee may exempt designated first aid providers from pre-exposure hepatitis B vaccination under the conditions specified by state regulations. (8 CCR 5193(f))

Any employee not identified by the Superintendent or designee as having occupational exposure may submit a request to the Superintendent or designee to be included in the training and hepatitis B vaccination program. The Superintendent or designee may deny a request when there is no reasonable anticipation of contact with any infectious material.

### *Legal Reference:*

#### LABOR CODE

142.3 *Authority of Cal/OSHA to adopt standards*

144.7 *Requirement to amend standards*

#### CODE OF REGULATIONS, TITLE 8

3204 *Access to employee exposure and medical records*

5193 *California bloodborne pathogens standards*

#### CODE OF FEDERAL REGULATIONS, TITLE 29

1910.1030 *OSHA bloodborne pathogens standards*

### *Management Resources:*

#### CDE ADVISORIES

1016.89 *Guidelines for Informing School Employees about Preventing the Spread of Infectious Diseases, including Hepatitis B and AIDS/HIV Infections and Policies for Dealing with HIV-Infected Persons in School Settings*

#### WEB SITES

OSHA: <http://www.osha.gov>

Cal/OSHA: [http://www.dir.ca.gov/occupational\\_safety.html](http://www.dir.ca.gov/occupational_safety.html)

Centers for Disease Control and Prevention: <http://www.cdc.gov>

## Policy

adopted: August 10, 2009

## OAKDALE JOINT UNIFIED SCHOOL DISTRICT

Oakdale, California



## All Personnel

AR 4119.42(a)

4219.42

## EXPOSURE CONTROL PLAN FOR BLOODBORNE PATHOGENS

4319.42

### Definitions

*Occupational exposure* means reasonably anticipated skin, eye, mucous membrane, or parenteral contact with blood or other potentially infectious materials that may result from the performance of an employee's duties. (8 CCR 5193(b))

*Exposure incident* means a specific eye, mouth, other mucous membrane, nonintact skin, or parenteral contact with blood or other potentially infectious materials that result from the performance of an employee's duties. (8 CCR 5193 (b))

*Parenteral contact* means piercing mucous membranes or the skin barrier through such events as needlesticks, human bites, cuts, and abrasions. (8 CCR 5193(b))

A *sharp* is any object that can be reasonably anticipated to penetrate the skin or any other part of the body and to result in an exposure incident. (8 CCR 5193(b))

A *sharps injury* is any injury caused by a sharp, including but not limited to cuts, abrasions or needlesticks. (8 CCR 5193(b))

*Work practice controls* are controls that reduce the likelihood of exposure by defining the manner in which a task is performed. (8 CCR 5193(b))

*Engineering controls* are controls, such as sharps disposal containers, needleless systems, and sharps with engineered sharps injury protection, that isolate or remove the bloodborne pathogens hazard from the workplace. (8 CCR 5193(b))

*Engineered sharps injury protection* is a physical attribute built into a needle device or into a non-needle sharp which effectively reduces the risk of an exposure incident. (8 CCR 5193(b))

### Exposure Control Plan

The district's exposure control plan shall contain at least the following components: (8 CCR 5193(c))

1. A determination of which employees have occupational exposure to blood or other potentially infectious materials

The district's exposure determination shall be made without regard to the use of personal protective equipment and shall include a list of:

- a. All job classifications in which all employees have occupational exposure
- b. Job classifications in which some employees have occupational exposure

**EXPOSURE CONTROL PLAN FOR BLOODBORNE PATHOGENS** (continued)

- c. All tasks and procedures, or groups of closely related tasks and procedures, in which occupational exposure occurs and which are performed by employees listed in item #b above
- 2. The schedule and method of implementing:
  - a. Methods of compliance required by 8 CCR 5193(d), such as universal precautions, general and specific engineering and work practice controls, and personal protective equipment

(cf. 4119.43/4219.43/4319.43 - Universal Precautions)

  - b. Hepatitis B vaccination
  - c. Bloodborne pathogen post-exposure evaluation and follow-up
  - d. Communication of hazards to employees, including labels, signs, information and training
  - e. Recordkeeping
- 3. The district's procedure for evaluating circumstances surrounding exposure incidents
- 4. An effective procedure for gathering information about each exposure incident involving a sharp, as required for the log of sharps injuries
- 5. An effective procedure for periodically determining the frequency of use of the types and brands of sharps involved in exposure incidents documented in the sharps injury log
- 6. An effective procedure for identifying currently available engineering controls and selecting such controls as appropriate for the procedures performed by employees in their work areas or departments
- 7. An effective procedure for documenting instances when a licensed healthcare professional directly involved in a patient's care determines, in the reasonable exercise of clinical judgment, that the use of an engineering control would jeopardize an individual's safety or the success of a medical, dental or nursing procedure involving the individual

## **EXPOSURE CONTROL PLAN FOR BLOODBORNE PATHOGENS (continued)**

8. An effective procedure for obtaining the active involvement of employees in reviewing and updating the exposure control plan with respect to the procedures performed by employees in their respective work areas or departments

The exposure control plan shall be reviewed and updated at least annually and whenever necessary to: (8 CCR 5193(c))

1. Reflect new or modified tasks and procedures affecting occupational exposure
2. To the extent that sharps are used in the district, reflect progress in implementing the use of needleless systems and sharps with engineered sharps injury protection
3. Include new or revised employee positions with occupational exposure
4. Review and evaluate the exposure incidents which occurred since the previous update
5. Review and respond to information indicating that the exposure control plan is deficient in any area

The district's exposure control plan shall be accessible to employees upon request. (8 CCR 3204(e))

### **Preventive Measures**

The Superintendent or designee shall use engineering and work practice controls to eliminate or minimize employee exposure, and shall regularly examine and update controls to ensure their effectiveness. (8 CCR 5193(d))

### **Hepatitis B Vaccination**

The hepatitis B vaccination and vaccination series shall be made available at no cost to all employees who have occupational exposure. The hepatitis B vaccination shall be made available after an employee with occupational exposure has received the required training and within 10 working days of initial assignment, unless the employee has previously received the complete hepatitis B vaccination series, or antibody testing has revealed that the employee is immune, or vaccination is contraindicated by medical reasons. (8 CCR 5193(f))

Employees who decline to accept the vaccination shall sign the hepatitis B declination statement. (8 CCR 5193(f))

## **EXPOSURE CONTROL PLAN FOR BLOODBORNE PATHOGENS (continued)**

The Superintendent or designee may exempt designated first aid providers from the pre-exposure hepatitis B vaccine in accordance with 8 CCR 5193 (f).

### **Information and Training**

The Superintendent or designee shall ensure that all employees with occupational exposure participate in a training program containing the elements required by state regulations, during working hours and at no cost to the employee. This program shall be offered at the time of initial assignment to tasks where occupational exposure may take place, at least annually thereafter, and whenever a change of tasks or procedures affects the employee's exposure. (8 CCR 5193(g))

Designated first aid providers shall receive training that includes the specifics of reporting first-aid incidents which involve blood or body fluids which are potentially infectious. (8 CCR 5193(g))

### **Reporting Incidents**

All exposure incidents shall be reported as soon as possible to the Superintendent or designee.

Unvaccinated designated first aid providers must report any first aid incident involving the presence of blood or other potentially infectious material, regardless of whether an exposure incident occurred, by the end of the work shift. The full hepatitis B vaccination series shall be made available to such employees no later than 24 hours after the first aid incident. (8 CCR 5193(f))

### **Sharps Injury Log**

The Superintendent or designee shall establish and maintain a log recording each exposure incident involving a sharp. The exposure incident shall be recorded within 14 working days of the date the incident is reported to the district. (8 CCR 5193(c))

The information recorded shall include the following, if known or reasonably available: (8 CCR 5193(c))

1. Date and time of the exposure incident
2. Type and brand of sharp involved in the exposure incident
3. A description of the exposure incident, including:

## **EXPOSURE CONTROL PLAN FOR BLOODBORNE PATHOGENS (continued)**

- a. Job classification of the exposed employee
- b. Department or work area where the exposure incident occurred
- c. The procedure that the exposed employee was performing at the time of the incident
- d. How the incident occurred
- e. The body part involved in the incident
- f. If the sharp had engineered sharps injury protection, whether the protective mechanism was activated and whether the injury occurred before, during or after the protective mechanism was activated
- g. If the sharp had no engineered sharps injury protection, the injured employee's opinion as to whether and how such a mechanism could have prevented the injury
- h. The employee's opinion about whether any other engineering, administrative or work practice could have prevented the injury

### **Post-Exposure Evaluation and Follow-up**

Following a report of an exposure incident, the Superintendent or designee shall immediately make available to the exposed employee, at no cost, a confidential medical evaluation, post-exposure evaluation and follow-up. The Superintendent or designee shall, at a minimum: (8 CCR 5193(f))

- 1. Document the route(s) of exposure and the circumstances under which the exposure incident occurred
- 2. Identify and document the source individual, unless that identification is infeasible or prohibited by law
- 3. Provide for the collection and testing of the employee's blood for hepatitis B, hepatitis C and HIV serological status
- 4. Provide for post-exposure prophylaxis, when medically indicated, as recommended by the U.S. Public Health Service
- 5. Provide for counseling and evaluation of reported illnesses

## **EXPOSURE CONTROL PLAN FOR BLOODBORNE PATHOGENS (continued)**

The Superintendent or designee shall provide the health care professional with a copy of 8 CCR 5193; a description of the employee's duties as they relate to the exposure incident; documentation of the route(s) of exposure and circumstances under which exposure occurred; results of the source individual's blood testing, if available; and all medical records maintained by the district relevant to the appropriate treatment of the employee, including vaccination status. (8 CCR 5193(f))

The district shall maintain the confidentiality of the affected employee and the exposure source during all phases of the post-exposure evaluation. (8 CCR 5193(f))

*(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)*  
*(cf. 9011 - Disclosure of Confidential/Privileged Information)*

### **Records**

Upon an employee's initial employment and at least annually thereafter, the Superintendent or designee shall inform employees with occupational exposure of the existence, location and availability of related records; the person responsible for maintaining and providing access to records; and the employee's right of access to these records. (8 CCR 3204)

*(cf. 1340 - Access to District Records)*  
*(cf. 3580 - District Records)*

Medical records for each employee with occupational exposure shall be kept confidential and not disclosed or reported without the employee's written consent to any person within or outside the workplace except as required by law. (8 CCR 5193(h))

Upon request by an employee, or a designated representative with the employee's written consent, the Superintendent or designee shall provide access to a record in a reasonable time, place and manner, no later than 15 days after the request is made. (8 CCR 3204(e))

Records shall be maintained as follows: (8 CCR 3204(d), 5193(h))

1. Medical records shall be maintained for the duration of employment plus 30 years.
2. Training records shall be maintained for three years from the date of training.
3. The sharps injury log shall be maintained five years from the date the exposure incident occurred.
4. Exposure records shall be maintained for at least 30 years.

AR 4119.42(g)  
4219.42  
4319.42

**EXPOSURE CONTROL PLAN FOR BLOODBORNE PATHOGENS** (continued)

5. Each analysis using medical or exposure records shall be maintained for at least 30 years.

Regulation  
approved: August 10, 2009

**OAKDALE JOINT UNIFIED SCHOOL DISTRICT**  
Oakdale, California

## All Personnel

BP 4119.43

4219.43

## UNIVERSAL PRECAUTIONS

4319.43

In order to protect employees from contact with potentially infectious blood or other body fluids, the Board of Education requires that universal precautions be observed throughout the district.

Universal precautions are appropriate for preventing the spread of all infectious diseases and shall be used regardless of whether bloodborne pathogens are known to be present.

*(cf. 4157/4257/4357 - Employee Safety)*

*(cf. 5141 - Health Care and Emergencies)*

*(cf. 5141.22 - Infectious Diseases)*

*(cf. 5141.24 - Specialized Health Care Services)*

*(cf. 5141.6 - Student Health and Social Services)*

*(cf. 6145.2 - Athletic Competition)*

Employees shall immediately report any exposure incident or first aid incident in accordance with the district's exposure control plan or other safety procedures.

*(cf. 4119.42/4219.42/4319.42 - Exposure Control Plan for Bloodborne Pathogens)*

### *Legal Reference:*

#### HEALTH AND SAFETY CODE

*117600-118360 Handling and disposal of regulated waste*

*120875 Providing information to school districts on AIDS, AIDS-related conditions and Hepatitis B*

*120880 Information to employees of school district*

#### CODE OF REGULATIONS, TITLE 8

*5193 California bloodborne pathogens standard*

#### CODE OF FEDERAL REGULATIONS, TITLE 29

*1910.1030 OSHA bloodborne pathogens standards*

### *Management Resources:*

#### CDE PROGRAM ADVISORIES

*1016.89 Guidelines for Informing School Employees about Preventing the Spread of Infectious Diseases, including Hepatitis B and AIDS/HIV Infections and Policies for Dealing with HIV-Infected Persons in School Settings*

#### WEB SITES

*Centers for Disease Control and Prevention: <http://www.cdc.gov>*

Policy

adopted: August 10, 2009

**OAKDALE JOINT UNIFIED SCHOOL DISTRICT**

Oakdale, California



## **All Personnel**

AR 4119.43(a)

4219.43

## **UNIVERSAL PRECAUTIONS**

4319.43

### **Definitions**

Universal precautions are an approach to infection control. All human blood and certain human body fluids, including but not limited to semen, vaginal secretions and any body fluid that is visibly contaminated with blood, are treated as if known to be infectious for human immunodeficiency virus (HIV), hepatitis B virus (HBV), hepatitis C virus (HCV) and other bloodborne pathogens. (8 CCR 5193(b))

Personal protective equipment includes specialized clothing or equipment worn or used for protection against a hazard. General work clothes such as uniforms, pants, shirts or blouses not intended to function as protection against a hazard are not considered to be personal protective equipment. (8 CCR 5193(b))

A sharp is any object that can be reasonably anticipated to penetrate the skin or any other part of the body and to result in an exposure incident. (8 CCR 5193(b))

Engineered sharps injury protection is a physical attribute built into a needle device or into a non-needle sharp which effectively reduces the risk of an exposure incident. (8 CCR 5193(b))

### **Employee Information**

The Superintendent or designee shall distribute to employees information provided by the California Department of Education regarding acquired immune deficiency syndrome (AIDS), AIDS-related conditions, and hepatitis B. This information shall include, but not be limited to, any appropriate methods employees may use to prevent exposure to AIDS and hepatitis B, including information concerning the availability of a vaccine to prevent contraction of hepatitis B, and that the cost of this vaccination may be covered by the health plan benefits of the employees. Information shall be distributed at least annually, or more frequently if there is new information supplied by the California Department of Education. (Health and Safety Code 120875, 120880)

*(cf. 4112.9/4212.9/4312.9 - Employee Notifications)*

*(cf. 4119.42/4219.42/4319.42 - Exposure Control Plan for Bloodborne Pathogens)*

### **Infection Control Practices**

The Superintendent or designee shall ensure that the worksite is effectively maintained in a clean and sanitary condition, and shall implement an appropriate written schedule for cleaning and decontamination of the worksite. (8 CCR 5193(d))

## **UNIVERSAL PRECAUTIONS (continued)**

Where occupational exposure remains after the institution of engineering and work practice controls, the Superintendent or designee shall provide appropriate personal protective equipment at no cost to the employee. Such equipment may include gloves, gowns, masks, eye protection, and other devices that do not permit blood or other potentially infectious materials to pass through or reach the employee's clothes, skin, eyes, mouth or other mucous membranes under normal conditions of use. The Superintendent or designee shall maintain, repair, make accessible and require employees to use and properly handle protective equipment. (8 CCR 5193(d))

The Superintendent or designee shall provide handwashing facilities which are readily accessible to employees. When provision of handwashing facilities is not feasible, the Superintendent or designee shall provide an appropriate antiseptic hand cleanser in conjunction with clean cloth or paper towels, or antiseptic towelettes. (8 CCR 5193(d))

For the prevention of infectious disease, employees shall routinely: (8 CCR 5193(d))

1. Perform all procedures involving blood or other potentially infectious materials in such a manner as to minimize splashing, spraying, spattering, and generating droplets of these substances.
2. Use personal protective equipment as appropriate.
  - a. Appropriate clothing, including but not limited to, gowns, aprons, lab coats, clinic jackets or similar outer garments, shall be worn in occupational exposure situations.

If a garment becomes penetrated by blood or other potentially infectious materials, the employee shall remove the garment immediately or as soon as feasible. All personal protective equipment shall be removed prior to leaving the work area. When removed, it shall be placed in an appropriately designated area or container for storage, washing, decontamination or disposal.

- b. Gloves shall be worn when it can be reasonably anticipated that the employee may have hand contact with blood, other potentially infectious materials, mucous membranes and nonintact skin, and when handling or touching contaminated items or surfaces.

## UNIVERSAL PRECAUTIONS (continued)

Disposable gloves shall be replaced as soon as practical when contaminated, or as soon as feasible if they are torn, punctured, or when their ability to function as a barrier is compromised. They shall not be washed or decontaminated for reuse. Utility gloves may be decontaminated for reuse if the integrity of the gloves is not compromised, but must be discarded if they are cracked, peeling, torn, punctured, or exhibit other signs of deterioration or when their ability to function as a barrier is compromised.

- c. Masks in combination with eye protection devices or face shields shall be worn whenever splashes, spray, spatter, or droplets of blood or other potentially infectious materials may be generated and eye, nose or mouth contamination can be reasonably anticipated.
3. Wash hands and other skin surfaces thoroughly with soap and running water:
- a. Immediately or as soon as feasible following contact of hands or any other skin or mucous membranes with blood or other potentially infectious materials
  - b. Immediately after removing gloves or other personal protective equipment

When handwashing facilities are not available, the employee shall use antiseptic hand cleanser in conjunction with clean cloth or paper towels, or antiseptic towelettes. In such instances, hands shall be washed with soap and running water as soon as feasible.

- 4. Refrain from eating, drinking, smoking, applying cosmetics or lip balm, or handling contact lenses in work areas with a reasonable likelihood of occupational exposure.
- 5. Clean and decontaminate all equipment and environmental and work surfaces after contact with blood or other potentially infectious material, no later than the end of the shift or more frequently as required by state regulations.
- 6. Rather than using the hands directly, use mechanical means such as a brush and dust pan, tongs or forceps to clean up broken glassware which may be contaminated.
- 7. Use effective patient-handling techniques and other methods designed to minimize the risk of a sharps injury in all procedures involving the use of sharps in patient care.

*(cf. 5141.21 - Administering Medication and Monitoring Health Conditions)*  
*(cf. 5141.24 - Specialized Health Care Services)*

**UNIVERSAL PRECAUTIONS** (continued)

- a. Needleless systems shall be used to administer medication or fluids, withdraw body fluids after initial venous or arterial access is established, and conduct any other procedure involving the potential for an exposure incident for which a needleless system is available as an alternative to the use of needle devices. If needleless systems are not used, needles or non-needle sharps with engineered sharps injury protection shall be used.
  - b. Contaminated needles or other sharps shall not be broken, bent, recapped, removed from devices, or stored or processed in a manner that requires employees to reach by hand into the containers where these sharps have been placed.
  - c. Disposable sharps shall not be reused.
8. Handle, store, treat and dispose of regulated waste in accordance with Health and Safety Code 117600-118360 and other applicable state and federal regulations.
- a. Immediately or as soon as possible after use, contaminated sharps shall be placed in containers meeting the requirements of 8 CCR 5193(d)(3)(D). Containers shall be easily accessible, maintained upright throughout use where feasible, and replaced as necessary to avoid overfilling.
  - b. Specimens of blood or other potentially infectious material shall be placed in a container which prevents leakage during collection, handling, processing, storage, transport or shipping.

*(cf. 4157/4257/4357 - Employee Safety)*  
*(cf. 5141 - Health Care and Emergencies)*  
*(cf. 5141.22 - Infectious Diseases)*  
*(cf. 5141.6 - Student Health and Social Services)*  
*(cf. 6145.2 - Athletic Competition)*

**POSITIVE SCHOOL CLIMATE**

The Board of Education desires to enhance student learning by providing an orderly, caring, and nurturing educational and social environment in which all students can feel safe and take pride in their school and their achievements. The school environment should be characterized by positive interpersonal relationships among students and between students and staff.

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

*(cf. 3515 - Campus Security)*

*(cf. 3515.2 - Disruptions)*

*(cf. 5030 - Student Wellness)*

*(cf. 5131.4 - Student Disturbances)*

*(cf. 5142 - Safety)*

*(cf. 5145.3 - Nondiscrimination/Harassment)*

All staff are expected to serve as role models for students by demonstrating positive, professional attitudes and respect toward each student and other staff members. Teachers shall use effective classroom management techniques based on clear expectations for student behavior.

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

Staff shall consistently enforce Board policies and regulations which establish rules for appropriate student conduct, including prohibitions against bullying, cyberbullying, harassment of students, hazing, other violence or threats of violence against students and staff, and drug, alcohol, and tobacco use.

*(cf. 0450 - Comprehensive Safety Plan)*

*(cf. 3513.3 - Tobacco-Free Schools)*

*(cf. 4020 - Drug and Alcohol-Free Workplace)*

*(cf. 5131 - Conduct)*

*(cf. 5131.1 - Bus Conduct)*

*(cf. 5131.6 - Alcohol and Drugs)*

*(cf. 5131.7 - Weapons and Dangerous Instruments)*

*(cf. 5136 - Gangs)*

*(cf. 5144 - Discipline)*

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

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

*(cf. 5145.2 - Freedom of Speech/Expression)*

*(cf. 5145.7 - Sexual Harassment)*

*(cf. 5145.9 - Hate-Motivated Behavior)*

The district's curriculum shall include age-appropriate character education which includes, but is not limited to, the principles of equality, human dignity, mutual respect, fairness, honesty, and citizenship. Teachers are encouraged to employ cooperative learning strategies that foster positive interactions in the classroom among students from diverse backgrounds.

*(cf. 5131.9 - Academic Honesty)*

*(cf. 6141 - Curriculum Development and Evaluation)*

*(cf. 6141.6 - Multicultural Education)*

**POSITIVE SCHOOL CLIMATE** (continued)

*(cf. 6142.3 - Civic Education)*  
*(cf. 6142.4 - Service Learning/Community Service Classes)*  
*(cf. 6161.1 - Selection and Evaluation of Instructional Materials)*

The Superintendent or designee may develop other strategies to enhance students' feelings of connectedness with the schools, such as campus beautification projects, graffiti removal, development of extracurricular activities and after-school programs, pairing of adult mentors with individual students, recognition of student achievement, and encouragement of strong family and community involvement in the schools.

*(cf. 1240 - Volunteer Assistance)*  
*(cf. 5126 - Awards for Achievement)*  
*(cf. 5131.5 - Vandalism, Theft and Graffiti)*  
*(cf. 5148.2 - Before/After School Programs)*  
*(cf. 6020 - Parent Involvement)*  
*(cf. 6145 - Extracurricular and Cocurricular Activities)*  
*(cf. 6145.5 - Student Organizations and Equal Access)*

Students shall have opportunities to voice their concerns about school policies and practices and to share responsibility for solving problems that affect their school.

The schools shall promote nonviolent conflict resolution techniques in order to encourage attitudes and behaviors that foster harmonious relations. As part of this effort, students shall be taught the skills necessary to reduce violence, including communication skills, anger management, bias reduction, and mediation skills.

*(cf. 5138 - Conflict Resolution/Peer Mediation)*  
*(cf. 6164.2 - Guidance/Counseling Services)*

Staff shall receive professional development designed to improve classroom management, conflict resolution techniques, and communications with students and parents/guardians including persons of diverse backgrounds.

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

*Legal Reference: (see next page)*

## **POSITIVE SCHOOL CLIMATE** (continued)

### *Legal Reference:*

#### EDUCATION CODE

233-233.8 *Hate violence prevention*  
32280-32289 *School safety plans*  
32295.5 *Teen court programs*  
35181 *Governing board policy on responsibilities of students*  
35291-35291.5 *Rules*  
44807 *Teachers' duty concerning conduct of students*  
48900-48925 *Suspension and expulsion*

### *Management Resources:*

#### CSBA PUBLICATIONS

*Cyberbullying: Policy Considerations for Boards, Policy Brief, July 2007*  
*Protecting Our Schools: Board of Education Strategies to Combat School Violence, rev. 1999*  
CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS  
*Bullying at School, 2003*

*Creating Safe and Drug-Free Schools: An Action Guide, 1996*

#### U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

*Preventing Bullying: A Manual for Schools and Communities, 1998*

#### WEB SITES

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

California Department of Education, Learning Support: <http://www.cde.ca.gov/ls>

National School Safety Center: <http://www.schoolsafety.us>

U.S. Department of Education, Office of Safe and Drug-Free Schools: <http://www.ed.gov/offices/OESE/SDFS>

**OAKDALE JOINT UNIFIED SCHOOL DISTRICT  
TRANSPORTATION SAFETY PLAN**

**Education Code 39831.3:** Requires a current copy of the Oakdale Joint Unified School District Transportation Safety Plan to be retained by each school site that is subject to the plan and made available upon request to an officer of the Department of the California Highway Patrol.

**Pupils Requiring Escort (Vehicle Code Section 22112)**

All pupils in pre-kindergarten, kindergarten, or any of the grades 1 to 8, inclusive, shall be escorted across the highway or private road.

**For the Transportation Department to maintain consistent route scheduling, and the safety of each student, Rules for Boarding and Exiting the school bus for all pupils will be as followed:**

**At Each P u p i l ' s School Bus Stop**

1. Pupils should be at the bus stop approximately 5 minutes before the bus is scheduled to arrive. The parent or guardian should have students at the bus stop prior to pick up time.
  - State law does not permit care providers (parents/sitters etc.) to escort any pupils across the roadway upon which the bus is stopped.
  - If the student is late getting to the bus stop, or the school bus is in view, the student (pre kindergarten, kindergarten, and 1<sup>st</sup> through 8<sup>th</sup> grade) must wait to be escorted by the school bus driver, before they can cross the road on which the school bus is stopped.
  - If the student is late getting to the bus stop, or the school bus is in view, the student ( 9<sup>th</sup> through 12<sup>th</sup> grades) must wait until the school bus stops, the red light warning system is activated, and the driver has instructed them it is safe, before they cross the road upon which the school bus is stopped.
  - In the afternoon, if the student needs to cross the street, and a care provider is present they will both be escorted by the driver.
2. Pupils should line up and stand in an orderly manner at least ten (12) feet away from the location where the school bus will stop.
  - Pupils shall maintain appropriate conduct at the bus stop, and on the bus, similar to classroom behavior.
  - Pupils are not to be destructive of private property at the bus stop.
3. Pupils should wait until the bus comes to a complete stop and the driver opens the door before moving closer than ten (12) feet to the school bus.
4. After the door has opened, pupils should enter the bus in an orderly manner and should not bring aboard items of injurious or objectionable nature.
  - There is to be no shoving, or scuffling while boarding or waiting for the school bus.
  - Pupils should keep one hand free to use the handrail.
  - Pupils shall be seated promptly, and face the front of the bus.
  - Pupils shall not leave their seat while the bus is in motion.
  - Pupils shall observe and follow the rules of the school bus and comply with the request made by the bus driver.
  - Pupils shall remain seated until the school bus stops, and the door of the school bus has been opened.



5. Pupils should exit the bus in an orderly manner as directed by the driver.
  - Pupils should keep one hand free to use the handrail.
  - Pupils are not to shove, push or cause any unnecessary commotion while exiting the school bus.
  - Pupils are not to loiter around the school bus.
  - Pupils are to move immediately away from the school bus.
6. When exiting the bus, the law requires that all Pre Kindergarten, Kindergarten, and grades 1<sup>st</sup> through 8<sup>th</sup> grade pupils who need to cross the highway or private road upon which the school bus is stopped, must wait to be escorted by the driver.
  - Pupils shall exit the bus after the driver.
  - Pupils shall stand at the curb until the driver has told them that it is safe to cross the street.
  - The driver shall ensure that the flashing red signal system is working and that traffic is clear before escorting all students and instruct them to walk between the front of the bus and driver, and walk directly to the curb.
7. When exiting the bus, all grades 9<sup>th</sup> through 12<sup>th</sup> grade pupils, who need to cross the highway or private road upon which the school bus is stopped shall wait for the driver to instruct students that it is safe and they can walk in front of the bus without an escort as long as the red light warning system on the bus is activated.
8. Where Pre Kindergarten through 12<sup>th</sup> grade students must cross the road together, all students shall be escorted by the driver.
9. **At no time shall any student cross behind the bus.**
  - The driver shall ensure that the area directly in front of the bus, and both sides of the bus, are clear from pupils, pedestrians, and traffic before putting the bus in motion.
  - The driver shall keep current on their routes, to determine which students require an escorted crossing. An escort list shall be maintained by the drivers of the assigned route and copies of the escort list will be kept on file at the Transportation Office.
10. For new students who have enrolled after the start of the year, the drivers shall obtain verification that the student has received rules and regulations for school bus rider's, and the driver shall confirm with the school bus driver instructor if the pupil requires a escorted crossing, which will be communicated to the dispatcher for a route update.
11. **Education Code 39831.3:** The County Superintendent of Schools, Superintendent of a School District, or the owner or operator of a private school that provides transportation to or from a school or school activity is not required to use the services of and onboard school bus monitor, in addition to the driver, to carry out the procedures for loading and unloading of school pupils at a school bus stop or on a school activity trip.

### **At a School or Other Trip Destination**

1. Pupils should line up and stand in an orderly manner at least ten (12) feet away from the location where the bus will stop.

2. Pupils should wait until the bus comes to a complete stop and the driver opens the door before moving closer than ten (12) feet from the bus.
  3. Pupils should enter the bus in an orderly manner and should not bring aboard items of injurious or objectionable nature.
  4. Pupils should exit the bus in an orderly manner as directed by the driver
  5. Pupils should wait outside the bus in an orderly manner as directed by the adult in charge of the trip.
- Responsibilities of the students conduct on activity trips or at a rest area, or at food stops shall be under the supervision of the teacher / coach, or chaperone in charge of the trip.

## **USE OF THE RED LIGHT CROSSOVER SYSTEM**

### **California Vehicle Code Section 22112 Requirements**

- (a) On approach to a school bus stop where pupils are loading or unloading from a school bus:
- The **school bus** driver shall activate an approved **amber warning light system**, if the bus is so equipped, beginning 200 feet before a school bus stop
  - **The school bus driver shall deactivate the amber warning light system after reaching the school bus stop.**
  - The **school bus** driver shall operate the **flashing red light signal system** and **stop signal arm**, as required on the school bus, at all times when the school bus is stopped for the purpose of loading or unloading pupils.
  - The **flashing red light signal system, amber warning lights system, and stop signal arm** shall not be operated at any place where traffic is controlled by a traffic officer **or at any location identified in subdivision (e) of this section.**
  - The school bus **flashing red light signal system, amber warning light system, and stop signal arm** shall not be operated at any other time.
- (b) The **school bus** driver shall stop to load or unload pupils only at a school bus stop designated for pupils by the school district superintendent or authorized by the superintendent for school activity trips.
- (c) When a school bus is stopped on a highway or private road for the purpose of loading or unloading pupils, at a location where traffic is not controlled by a traffic officer, the driver shall, **before opening the door, ensure that the flashing red light signal system and stop signal arm are activated, and that it is safe to enter or exit the school bus.**
- (d) When a school bus is stopped on a highway or private road for the purpose of loading or unloading pupils, at a location where traffic is not controlled by a traffic officer or official traffic control signal, the school bus driver shall do all of the following:
- (1) Escort all pupils in pre-kindergarten, kindergarten, or any of grades 1 to 8, inclusive, who need to cross the highway or private road **upon which the school bus is stopped**. The driver shall use an approved hand-held “STOP” sign while escorting all pupils.
  - (2) Require all pupils **who need to cross the highway or private road upon which**

**the school bus is stopped** to walk in front of the bus as they cross.

(3) Ensure that all pupils who need to cross the highway or private road **upon which the school bus is stopped** have crossed safely, and that all other pupils and pedestrians are a safe distance from the school bus before setting the school bus in motion.

(e) Except at a location where pupils are loading or unloading from a school bus and must cross a highway or private road upon which the school bus is stopped, **the school bus driver may not activate the amber warning light system, the flashing red light signal system and stop signal arm** at any of the following locations:

(1) School bus loading zones on or adjacent to school grounds or during an activity trip, if the school bus is lawfully **stopped or** parked.

(2) Where the school bus is disabled due to mechanical breakdown. **The driver of a relief bus that arrives at the scene to transport pupils from the disabled school bus shall not activate the amber warning light system, the flashing red light system, and stop signal arm.**

(3) Where pupils require **physical** assistance from the driver or authorized attendant to board or leave the school bus **and providing the assistance extends the length of time the school bus is stopped beyond the time required to load or unload a pupil that does not require physical assistance.**

(4) Where the roadway surface on which the bus is stopped is partially or completely covered by snow or ice and requiring traffic to stop would pose a safety hazard **as determined by the school bus motor carrier.**

(5) On a state highway with a posted speed limit of 55 miles per hour or higher where the school bus is completely off the main traveled portion of the highway.

(6) Any location determined by a school district, with the approval of the Department of the California Highway Patrol, to present a traffic or safety hazard.

(f) Notwithstanding subdivisions (a) to (d), inclusive, the Department of the California Highway Patrol may require the activation of an approved flashing **amber warning light system**, if the school bus is so equipped, or the **flashing red light signal system** and stop signal arm, as required on a school bus, at any location where the department determines that the activation is necessary for the safety of school pupils loading or unloading from a school bus.

## **SCHOOL BUS RULES**

- 1. TITLE 5 CCR 14103: DRIVERS AUTHORITY:** Pupils transported in a school bus or in a school pupil activity bus shall be under the authority of, and responsible directly to, the driver of the bus, and the driver shall be held responsible for the orderly conduct of the pupils while they are on the bus or being escorted across the street, highway or road. Continued disorderly conduct or persistent refusal to submit to the authority of the driver shall be sufficient reason for a pupil to be denied transportation.  
A bus driver shall not require any pupil to leave the bus in route between home and school and other destinations.
- 2. AUTHORIZED RIDERS:** Bus Transportation is for authorized riders only.
- 3. BUS STOP ASSIGNMENT:** Students may not get on or off the bus at any location other than their regularly designated stop.
- 4. BUS DEPARTURE TIMES:** Students should be at the bus stops at least 5 minutes prior to bus arrival; buses must operate on a definite schedule and drivers will not wait for late arrivals. Continued late arrival to the bus stop will result in disciplinary action.
- 5. BOARDING THE BUS:** As the bus approaches, pupils must form an orderly single-file line and stand no closer than 12' feet. Students shall not move toward the bus until it has come to a complete stop. Pupils must enter the bus one at a time, with no pushing or shoving in line.
- 6. SEAT ASSIGNMENT:** Pupils are to take the seat indicated by the driver. They may not exchange seats without the driver's permission.
- 7. PUPILS MUST REMAIN SEATED:** Pupils must sit upright, face the front of the bus, keep feet out of the aisle, and in no way obstruct aisles or bar progress of other pupils in or out of the bus. Standing, walking, or any movement out of seats while the bus is in motion is prohibited.
- 8. HANDS/BODY OUT OF WINDOWS:** Pupils may not extend hands, arms, head, or any part of the body out of the window on a school bus. Unauthorized exiting from emergency doors and windows is prohibited.
- 9. TAMPERING WITH BUS EQUIPMENT:** Tampering with bus doors, emergency exits, radio, bus equipment or controls is prohibited.
- 10. PUPILS MAY NOT SMOKE:** Smoking, or the use of tobacco products, or lighting of any material is prohibited.
- 11. EXCESSIVE NOISE/DISORDERLY CONDUCT:** Pupils are prohibited from creating disturbances, such as whistling, playing musical instruments, yelling or

talking loudly, throwing articles, shooting rubber bands, scuffling, etc. Pupils shall quietly converse only with those pupils sitting in the same seat that they occupy. Distractions and noise inside the bus must be kept to a minimum so that the driver can hear or observe approaching emergency vehicles, horns or other impending hazards.

**12. PROFANE LANGUAGE / GESTURES:** Using profane language or obscene gestures is prohibited.

**13. LITTERING:** Littering of any kind is prohibited.

**14. FIGHTING:** Pupils may not interfere with others, nor destroy property of others. Students may not intimidate or threaten anyone on the bus. They must keep their hands to themselves: fighting, slapping, hitting, poking, shoving, pulling hair, etc. in the bus or at the bus stop is prohibited.

**15. EATING/DRINKING:** No chewing gum.

**16. PROHIBITED OBJECTS:** Items such as glass containers, large or dangerous objects are not allowed on the bus. Transporting live animals, fish, reptiles, or insects, is not permitted on the school bus.

**17. RED LIGHT CROSSING:** Pre kindergarten, Kindergarten through 8<sup>th</sup> grade pupils may NOT cross the street once the bus is in view, or when being discharged from the bus, without obtaining assistance from the driver. They must wait until the driver has secured the bus, turned on the red crossover lights, and entered the roadway to ensure that all traffic has come to a complete stop.

**18. RED LIGHT CROSSING:** 9<sup>th</sup> through 12<sup>th</sup> grade pupils may not cross the street once the bus is in view, or when being discharged from the bus until the driver has secured the bus and turned on the red crossover lights to ensure that all traffic has come to a complete stop.

**19. DAMAGE TO SCHOOL BUS OR BUS STOP:** Students may not damage or vandalize the school bus or the bus stop.

## **SCHOOLBUS EMERGENCY PROCEDURES AND PASSENGER SAFETY**

### **EDUCATION CODE SECTION 39831.5**

39831.5. (a) All pupils in pre-kindergarten, kindergarten, and grades 1 to 12, inclusive, in public or private school who are transported in a school bus or school pupil activity bus shall receive instruction in school bus emergency procedures and passenger safety.

The county superintendent of schools, superintendent of the school district, or owner/operator of a private school, as applicable, shall ensure that the instruction is provided as follows:

(1) Upon registration, the parents or guardians of all pupils not previously transported in a school bus or school pupil activity bus and who are in pre-kindergarten, kindergarten, and grades 1 to 6, inclusive, shall be provided with written information on school bus safety. The information shall include, but not be limited to, all of the following.

*(A) A list of school bus stops near each pupil's home.*

*(B) General rules of conduct at school bus loading zones.*

*(C) Red light crossing instructions.*

*(D) School bus danger zone.*

*(E) Walking to and from school bus stops.*

(2) At least once in each school year, all pupils in pre-kindergarten, kindergarten, and grades 1 to 8, inclusive, who receive home-to-school transportation **shall receive safety instruction that includes, but is not limited to, proper loading and unloading procedures, including escorting by the driver, how to safely cross the street, highway, or private road, instruction on the use of passenger restraint systems, as described in paragraph (3), proper passenger conduct, bus evacuation, and location of emergency equipment. Instruction also may include responsibilities of passengers seated next to an emergency exit. As part of the instruction, pupils shall evacuate the school bus through emergency exit doors.**

(3) Instruction on the use of passenger restraint systems shall include, but not be limited to, all of the following:

(A) Proper fastening and release of the passenger restraint system.

(B) Acceptable placement of passenger restraint systems on pupils.

(C) Times at which the passenger restraint systems should be fastened and released.

(D) Acceptable placement of the passenger restraint systems when not in use.

(4) Prior to departure on a school activity trip, all pupils riding on a school bus or school pupil activity bus shall receive safety instruction that includes, but is not limited to, location of emergency exits, and location and use of emergency equipment. Instruction also may include responsibilities of passengers seated next to an emergency exit.

(b) The following information shall be documented each time the instruction required by paragraph, (2) of subdivision (a) is given:

(1) Name of school district, county office of education, or private school.

(2) Name and location of school.

(3) Date of instruction.

(4) Names of supervising adults.

(5) Number of pupils participating.

(6) Grade levels of pupils.

(7) Subjects covered in instruction.

(8) Amount of time taken for instruction.

(9) Bus driver's name.

(10) Bus number.

(11) Additional remarks.

The information recorded pursuant to this subdivision shall remain on file at the district or county office, or at the school, for one year from the date of the instruction, and shall be subject to inspection by the Department of the California Highway Patrol.

Revised May 31, 2007



**Oakdale Joint Unified School District**  
**Cloverland Elementary School**

**COMPREHENSIVE SCHOOLS SAFETY PLAN:**

**School Site Council Evaluation and Public Hearing Certification**

**2015/2016 UPDATE**

California law requires the Comprehensive School Safety Plan of each school to be annually evaluated and amended, as needed, to ensure the plan is being properly implemented (Education Code 35294.2[e]). An updated file of all safety-related plans and materials is maintained by Cloverland Elementary School and is readily available for inspection by the public.

California law also requires notice for public input prior to the adoption of the Comprehensive School Safety Plan. Notice for public comment was provided on November 1, 2012 at Cloverland School. Notice was provided by Public Posting.

Cloverland Elementary School's "school site council" has evaluated our Comprehensive School Safety Plan and has determined the following:

The plan has been properly implemented and no amendments are needed.

**Signatures of Cloverland Elementary  
School Site Council & ELAC Members**

**Action Plan for the Cloverland School Safety Plan - 2015/2016**

(Signature Page)

**Larry Bonds, Principal**

(Signature)

(date)

10-29-15

**Jordan Gausling, Teacher**

(Signature)

(date)

10-29-15

**Shelley Holcomb, Teacher**

(Signature)

(date)

10/29/15

**Nancy Palmer, Teacher**

(Signature)

(date)

10/29/15

**Kacie Conover, ASPIRE Director**

(Signature)

(date)

10-29-15

**Nanci Martinez, ELAC Parent**

(Signature)

(date)

**Alicia Martinez, ELAC Parent**

(Signature)

(date)

10/29/15

**Denise Dessert, Parent**

(Signature)

(date)

10/29/15

**Amanda Douglass, Parent**

(Signature)

(date)

**Summer Griffin, Parent**

(Signature)

(date)

10/29/15