

# Evergreen School District

## Cadwallader Elementary School Comprehensive School Safety Plan

Effective Dates: 2023-2024

Principal/Administrator: Maureen McClintock

<b>Plan Developed By</b>	<b>Title</b>
Katherine Bulman	Speech Language Pathologist
Dilly Bhoot	Secretary
Eunice Fernandez	Parent
Kevin Callahan	Teacher
Jerome Fischer	Parent
Paul Nguyen	Parent
Maureen McClintock	Principal
Craig Krstolic	Parent
Tejashree Savant	Parent
Kris Tamashiro-Leon	Teacher

Public Meeting Date: 10/31/2023

Date Adopted by School Site Council: 11/1/2023

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## Committee Members

Name of Members	Principal	Classified Employee	Teacher Re. of Cert. Employees	Parent or Community Member	Law Enforcement	Secondary Students	Other
Katherine Bulman			X				
Dilly Bhoot		X					
Eunice Fernandez				X			
Kevin Callahan			X				
Jerome Fischer				X			
Officer Eric Calderon					X		
Paul Nguyen				X			
Maureen McClintock	X						
Craig Krstolic				X			
Tejashree Savant				X			
Kris Tamashiro-Leon			X				

## **Vision/Mission Statement**

### **Cadwallader Vision**

At Cadwallader we inspire, excite, and empower all students to become lifelong learners with the knowledge and critical thinking skills to reach their personal goals and have a positive impact in our world.

### **Cadwallader Mission**

Our Cadwallader staff is committed to:

- celebrating and appreciating diversity within our community while establishing integrity, perseverance, respect and empathy.
- ensuring students have a safe environment in which they feel nurtured, valued, and empowered to develop a strong sense of self-worth to fulfill their hopes and dreams and be part of the community.
- modeling for students how to think critically, collaborate, and challenge themselves to have a growth mindset.
- inspiring students to achieve academic excellence in our ever changing world by developing lifelong learners using research-based practices.

## Data Analysis

Data Source	2020-21	2021-22	2022-23
California Health Kids Survey		X	
Suspensions	X	X	X
Expulsions	X	X	X
Local Crime data	X	X	X
Other Community data			
Youth Truth Survey			
School Climate	X	X	X

### Conclusions from Data:

The data analyzed came from our Safety Surveys (75 community responses, 32 staff responses and 204 student responses grades 3rd-6th) and the local crime data. After looking at safety survey data, it is apparent that the majority of staff, parents, and students think Cadwallader School is a safe school, but have concerns about bullying, disrespectful comments to peers, and our physical school grounds. The biggest concern stated by students when replying to "what is something you would like to see improved regarding safety at your school?" was the holes in the fields. Security concerns were second, followed by geese poop on the grass, and less bullying/more kindness/less swearing. Students being put down for their race, gender or gender identification, learning difficulties, clothing or physical appearance, religion or cultural practices is a consistent concern we need to address as a lack of respect for peers. 85% of students feel safe at school. 15% of students stated they felt somewhat safe.

### Conclusions from Parent, Teacher and Student Input:

The safety survey has 37% of students say they often or sometimes hear or see any act of bullying. Students comments reflect disrespectful comments being made to others regarding race, gender or gender identification, learning difficulties, clothing or physical appearance, religion or cultural practices. Overall the majority of students (85%) are stating they feel safe. There was a strong response in requesting that the holes in the grass be fixed for all three grass areas. There is still a concern that visitors on campus have free roam of the school. Currently visitors and community members go through the office prior to entering the interior campus by choice, but have the ability to directly access classroom doors. Fixing the holes in the field and installing interior security fencing has been in our safe school plan for multiple years. New this year is students complaining about geese poop on the upper grade field and blacktop.

### Other:

From May 27, 2023 to October 27, 2023, the most common reported crimes in the Cadwallader area within a one mile radius were: Motor Vehicle Theft (28), Larceny (24), Drugs/Alcohol (22), Assault (55), Vandalism (37), Fraud (22), Burglary (10), Vehicle Break-in/Theft (37), Robbery (7), Weapons (5), DUI (7), Disturbing the Peace (147).

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

The following data sources were reviewed: Student Safety Surveys, Parent Safety Surveys, Staff Safety Surveys, Local Crime Data We reviewed our previous goals and determined those goals were either met or still needed to be addressed. As a school site council we looked at the data, noting the positive areas and the main areas of concern. From there, goals were revised to address the concerns related to the people and programs at our site and the physical buildings and layout of our site.

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

These are the areas of pride and strength for Cadwallader: small, friendly school environment; familiar faces; staff who focus on knowing our students by name; visitor protocols and badges; closed, monitored parking lot with monitored drop off areas; regular

emergency drills; student leadership through the Student Council, buddy classrooms, award/spirit assemblies every trimester, anti-bullying climate, Project Cornerstone lessons (topics focus on inclusion, diversity, tolerance, problem solving, respect, and conflict resolution), Project Wisdom daily morning announcements that focus on character traits, PBIS implementation for school-wide rules, positive incentives, and supporting students in need. One site social worker and one social worker intern work at our site one day a week to support our families and students in need. Parent involvement, particularly at family nights, and often sponsored by our PTA and is highly valued.

**Areas we wish to Change:**

**I. People and Programs**

Bullying/teasing/put downs

- Continue education on ways to prevent/react to bullying, inclusive of cyber bullying
- Addressing student put downs regarding race, gender or gender identification, learning difficulties, clothing or physical appearance, religion or cultural practices.

Health and Wellness

- promote district's Wellness Page for resources available

**II. Facility Upgrades**

Locked interior campus with fencing

- access to classrooms through the front office only

Increase security cameras for blind spots

- current areas on campus are not visible by video surveillance

Grass Fields

- Holes in the field for preschool/kindergarten, primary and upper grade locations
- Repair of primary grass area, including an operating sprinkler system, since construction damage took place in the summer of 2022
- Running/walking track for grass on Los Altos Drive side of school
- Solution for geese poop on our upper grade lawn and blacktop areas

## Goals Strategies and Activities

### Component I – People and Programs

#### Goal

Our school site will improve the social and emotional well-being of our student community with communication/education of staff, parents and students regarding social emotional learning and education about respecting others for their race, gender identification, learning difficulties, clothing or physical appearance, religion or cultural practices.

#### Measurable Objective:

By October of 2024, students reporting that students get put down (often or sometimes) because of their race (19%), gender or gender identification (14%), learning difficulties (19%), clothing or physical appearance (18%), religion or cultural practices (10%) will all decrease . The overall average of 16.8% will decrease to under 10% for stating it happens often or sometimes.

#### Action Steps:

1.0 Increase student knowledge of respecting others for their race, gender identification, learning difficulties, clothing or physical appearance, religion or cultural practices.

- a. Host assemblies and/or classroom lessons/presentations focused on anti-bullying and respecting others to increase student knowledge of respecting others for their race, gender identification, learning difficulties, clothing or physical appearance, religion or cultural practices.
- b. Project Cornerstone books being read during the year in all classrooms. Topics focus on inclusion, diversity, tolerance, problem solving, respect, and conflict resolution.
- c. The Great Kindness Challenge takes place in January promoting acts of kindness activities and a checklist for students.
- d. Morning announcements with positive messages from Project Wisdom focus on character traits for respecting others for differences.
- c. Host parent nights related to digital safety and cyber bullying.

2.0 Improve student positive behaviors by establishing behavior expectations and providing support for students to meet those expectations.

- a. Teach and reinforce our school-wide system of PBIS (Positive Behavior Intervention Support).
- b. Provide lessons through the use of Project Cornerstone books to focus on inclusion, diversity, tolerance, problem solving, respect, and conflict resolution.
- c. Communicate with staff and parents about Project Cornerstone books.

3.0 Increase the social emotional wellness of students.

- a. Provide dance classes throughout the year, as funding permits.
- b. Provide lessons through the use of Project Cornerstone books to focus on inclusion, diversity, tolerance, problem solving, respect, and conflict resolution.
- c. Utilize Second Step social/emotional learning curriculum for students.
- d. Promote our district wellness page of resources in parent newsletters.

Who will take the lead?	Principal, Teachers, Support Staff, School Site Council/School Safety Planning Committee
Completion Date and Budget	October 2024 \$16,000 for dance program (PTA/Site budget/fundraising), Assemblies (\$2,000) Project Cornerstone materials and roving substitutes for lessons (\$6,000), and PBIS incentives (\$500)

Resources Needed

Assemblies regarding bullying/cyberbullying (\$2,000), Project Cornerstone Materials and subs for lessons(\$6,000), Contract with Royal Dance (\$33,000), Second Step Curriculum (SEL) from district, PBIS incentives (\$500)

How we will Monitor and evaluate?

- Classroom, playground, and lunch room observations
- the number of students reporting students being put down for their race, gender identification, learning difficulties, clothing or physical appearance, religion or cultural practices as a problem on the Cadwallader Elementary Student Safety Survey
- staff feedback of student behaviors



**Component II – Place**

**Goal**

Upgrade school grounds to increase school safety.

**Measurable Objective:**

By October of 2024, 70% of the school staff, student and community in the Cadwallader Elementary Safety Survey will respond that our school facilities are well-maintained. October of 2023 average for staff, student, and community response to facilities being well-maintained was 60%. Student and staff average was 44.5%.

**Action Steps:**

1.0 Repair the preschool/kindergarten, primary, and upper grade grass areas for student safety. a. Fix holes in the grass areas in order for students to run without injury. b. Pending funding and approval, install running/walking path or track for students to utilize on the upper grade field.
2.0 Utilize fencing as physical barriers to require visitors to enter through the front office prior to any classrooms. a. Pending funding and approval, install interior security fencing and possibly increase height of exterior fencing. b. Pending funding and approval, install additional security cameras for current blind spots on campus.
3.0 Research possible solutions to deter geese from our grass areas. a. Discuss with maintenance and other site leaders what measures they put in place to solve the issue.

Who will take the lead?	Principal, Teachers, Staff, District Maintenance and Operations, and School Site Council/School Safety Planning Committee
Completion Date and Budget	October 2024 Running/walking track, cost to be determined Fix/install sprinkler systems for 1st-3rd grass area, cost to be determined Fencing, cost to be determined Security cameras for current blind spots, cost to be determined
Resources Needed	Funding Maintenance/Construction
How we will Monitor and evaluate?	Each year we survey staff, students, and families related to school safety. We revise our plan each year based on feedback, local conditions, and guidance from the district level. Site principal will continue to advocate for physical improvements.

## Communication

<p>Method for Communicating Plan and Notifying Public: <i>Ed Code 32288</i></p>	<p><b>Date of Public Meeting:</b> 10/31/2023  <b>Site of Public Meeting:</b> Cadwallader Elementary School by Virtual Zoom Meeting</p> <p>The School site council or school safety planning committee shall notify, in writing, the following persons and entities, if available, of the public meeting:</p> <ul style="list-style-type: none"> <li>• Local Mayor</li> <li>• Representative of the local school employee organization</li> <li>• A representative of each parent organization at the school site, including the parent teacher association and parent teacher clubs</li> <li>• A representative of each teacher organization at the school site</li> <li>• A representative of the student body government</li> </ul> <p>All persons who have indicated they want to be notified</p> <p>The School site council or school safety planning committee is encouraged to notify, in writing, the following persons and entities, if available, of the public meeting:</p> <ul style="list-style-type: none"> <li>• A representative of the local churches</li> <li>• Local civic leaders</li> <li>• Local business organizations</li> </ul> <p>In order to ensure compliance with this article, each School District or County Office of Education shall annually notify the State Department of Education by October 15 of any schools that have not complied with Ed Code 32281</p>
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	Name	Date
<b>Review of Progress for Last Year</b>	Maureen McClintock	10/31/2023
<b>Law Enforcement Review</b>	Officer Eric Calderon	11/7/2023
<b>Site Council Approval</b>	Craig Krstolic	10/31/2023
<b>School Board Approval</b>	ESD Board	11/9/2023

## Evaluation

### How was the previous plan monitored?

The School Safety Plan goals were monitored by the Principal, staff and School Site Council.

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

There was a decrease in students reporting that students were being put down for their race and learning difficulties, but the amount of students reporting it as an issue is still noted as above 10%. Other areas went up slightly with the overall average of put downs averaging 16%. Last year the average was 16.8%. Project Cornerstone books with lessons were continued. Topics focus on inclusion, diversity, tolerance, problem solving, respect, and conflict resolution. Second Step curriculum for social emotional learning is fully implemented for students to receive lessons approximately once a week. Assemblies related to bullying took place as well as a parent night for digital safety and lessons in upper grade classrooms to address cyber bullying. PBIS learning expectations are retaught at the beginning of every school year. Incentives for Positive Cougar Paws are in place for each school year.

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

The goal for a response of 75% of students, staff and parents reporting that our school facilities are well-maintained was not met. No progress was made with the holes in the field, installing interior security fencing, or increasing security cameras for current blind spots. Those component requests remain as they were noted again as concerns in the safety survey.

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

## **Adopted Board Policies**

### **Alcohol and Other Drugs**

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

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

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

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

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

#### **Instruction**

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

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

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

#### **Enforcement/Discipline**

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

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

#### **Legal Reference:**

##### **EDUCATION CODE**

- 44049 Known or suspected alcohol or drug abuse by student
- 44645 In-service training anabolic steroids
- 48900 Suspension or expulsion (grounds)
- 48900.5 Suspension, limitation on imposition; exception
- 48901 Smoking or use of tobacco prohibited
- 48901.5 Prohibition of electronic signaling devices
- 48902 Notification of law enforcement authorities; civil or criminal immunity
- 48909 Narcotics or other hallucinogenic drugs
- 48915 Expulsion; particular circumstances
- 49602 Confidentiality of pupil information

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

**BUSINESS AND PROFESSIONS CODE**

25608 Alcohol on school property; use in connection with instruction

**HEALTH AND SAFETY CODE**

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

**PENAL CODE**

13860-13864 Suppression of drug abuse in schools

**VEHICLE CODE**

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

**WELFARE AND INSTITUTIONS CODE**

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

**UNITED STATES CODE, TITLE 20**

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

**Instruction AR 5131.6(a)**

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

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

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

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

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

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

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

### **Intervention**

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

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

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

### **Tobacco**

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

### **Prohibition Against Tobacco Use**

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

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

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

### **Instruction**

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

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

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

### **Legal Reference:**

#### **EDUCATION CODE**

48900 Suspension or expulsion (grounds)

48900.5 Suspension, limitation on imposition; exception

48901 Smoking or use of tobacco prohibited

51202 Instruction in personal and public health and safety

60041 Instructional materials, portrayal of effects of tobacco use

#### **HEALTH AND SAFETY CODE**

104350-104495 Tobacco-use prevention education

119405 Unlawful to sell or furnish electronic cigarettes to minors

**PENAL CODE**

308 Minimum age for tobacco possession

**CODE OF REGULATIONS, TITLE 17**

6800 Definition, health assessment

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

**UNITED STATES CODE, TITLE 20**

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

**CODE OF FEDERAL REGULATIONS, TITLE 21**

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

**ATTORNEY GENERAL OPINIONS**

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

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

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

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

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

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

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

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

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

**Intervention/Cessation Services**

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

**Program Planning**

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

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

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

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

#### **Program Evaluation**

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

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

Regulation approved: March 21, 2013

#### **EVERGREEN SCHOOL DISTRICT**

San Jose, California

### **Behavioral Interventions for Special Education Students**

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

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

#### **Definitions**

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

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

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

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

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

#### **Functional Analysis Assessment**



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

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

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

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

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

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

#### **Behavioral Intervention Plan**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **Emergency Interventions**

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

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

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

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

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

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

### **Prohibited Interventions**

The district prohibits any use of the following:

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

### **Legal Reference:**

#### **EDUCATION CODE**

49001 Prohibition of corporal punishment  
56321 Notice of parental rights; consent of parents  
56500-56508 Procedural safeguards, including due process rights  
56520-56524 Behavioral Interventions

#### **CODE OF REGULATIONS, TITLE 5**

3001 Definitions  
3052 Designated positive behavioral interventions

#### **UNITED STATES CODE, TITLE 20**

1412 State eligibility  
1314 Procedural safeguards

#### **CODE OF FEDERAL REGULATIONS, TITLE 34**

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

Regulation approved: March 21, 2013

### **EVERGREEN SCHOOL DISTRICT**

San Jose, California

## **Bullying**

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

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

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

### **Bullying Prevention**

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

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

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

### **Intervention**

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

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

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

### **Complaints and Investigation**

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

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

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

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

### **Discipline**

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

### **Legal Reference:**

#### **EDUCATION CODE**

200-262.4 Prohibition of discrimination

32282 Comprehensive safety plan

35181 Governing board policy on responsibilities of students

35291-35291.5 Rules

48900-48925 Suspension or expulsion

48985 Translation of notices

#### **PENAL CODE**

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

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

653.2 Electronic communication devices, threats to safety

#### **UNITED STATES CODE, TITLE 47**

254 Universal service discounts (e-rate)

#### **COURT DECISIONS**

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

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

### Child Abuse Prevention and Reporting

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

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

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

#### **Child Abuse Reporting**

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

Employees who are mandated reporters, as defined by law and administrative regulation, are obligated to report all known or suspected incidents of child abuse and neglect. Mandated reporters shall not investigate any suspected incidents but rather shall cooperate with agencies responsible for investigating and prosecuting cases of child abuse and neglect. The Superintendent or designee shall provide training regarding the reporting duties of mandated reporters.

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

#### **Legal Reference:**

##### **EDUCATION CODE**

32280-32288 Comprehensive school safety plans  
33308.1 Guidelines on procedure for filing child abuse complaints  
44690-44691 Staff development in the detection of child abuse and neglect  
44807 Duty concerning conduct of students  
48906 Notification when student released to peace officer  
48987 Dissemination of reporting guidelines to parents  
49001 Prohibition of corporal punishment  
51220.5 Parenting skills education

##### **PENAL CODE**

152.3 Duty to report murder, rape, or lewd or lascivious act  
273a Willful cruelty or unjustifiable punishment of child; endangering life or health  
288 Definition of lewd or lascivious act requiring reporting  
11164-11174.4 Child Abuse and Neglect Reporting Act

##### **WELFARE AND INSTITUTIONS CODE**

15630-15637 Dependent adult abuse reporting

##### **CODE OF REGULATIONS, TITLE 5**

4650 Filing complaints with CDE, special education students

#### **Definitions**

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

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

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

Child abuse or neglect does not include:

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

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

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

### **Reportable Offenses**

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

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

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

### **Responsibility for Reporting**

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

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

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

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

### **Reporting Procedures**

## 1. Initial Telephone Report

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

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

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

## 2. Written Report

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

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

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

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

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

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

## 3. Internal Reporting

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

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

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

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

## Training

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

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

### **Victim Interviews by Social Services**

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

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

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

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

### **Release of Child to Peace Officer**

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

### **Parent/Guardian Complaints**

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

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

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

### **Notifications**

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

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

The Superintendent or designee also shall notify all employees that:



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

Regulation approved: March 21, 2013

**EVERGREEN SCHOOL DISTRICT**

San Jose, California

**Comprehensive Safety Plan**

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

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

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

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

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

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

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

**Tactical Response Plan**

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

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

**Public Access to Safety Plans**

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

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

**Legal Reference:**

**EDUCATION CODE**

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

**PENAL CODE**

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

**CALIFORNIA CONSTITUTION**

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

**CODE OF REGULATIONS, TITLE 5**

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

**UNITED STATES CODE, TITLE 20**

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

**UNITED STATES CODE, TITLE 42**

- 12101-12213 Americans with Disabilities Act

**Development and Review of Comprehensive School Safety Plan**

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

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

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

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

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

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

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

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

### **Content of the Safety Plan**

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

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

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

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

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

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

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

Regulation approved: March 21, 2013

**EVERGREEN SCHOOL DISTRICT**

San Jose, California

**Conduct**

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

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

Prohibited student conduct includes, but is not limited to:

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

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

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

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

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

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

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

(Education Code 48901.5)

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

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

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

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

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

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

**Legal Reference:**

**EDUCATION CODE**

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

**CIVIL CODE**

- 1714.1 Liability of parents and guardians for willful misconduct of minor

**PENAL CODE**

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

**VEHICLE CODE**

- 23123-23124 Prohibitions against use of electronic devices while driving

**CODE OF REGULATIONS, TITLE 5**

- 300-307 Duties of students

**UNITED STATES CODE, TITLE 42**

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

**COURTDECISIONS**

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

Policy adopted: March 21, 2013

**EVERGREEN SCHOOL DISTRICT**  
San Jose, California

### **Bus Conduct**

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

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

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

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

#### **Legal Reference:**

##### **EDUCATION CODE**

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

##### **GOVERNMENT CODE**

6253-6270 California Public Records Act

##### **CODE OF REGULATIONS, TITLE 5**

14103 Authority of the driver

##### **CODE OF REGULATIONS, TITLE 13**

1200-1228 General provisions, school bus regulations

##### **UNITED STATES CODE, TITLE 20**

1232g Family Educational Rights and Privacy Act

##### **CODE OF FEDERAL REGULATIONS, TITLE 34**

99.1-99.67 Family Educational Rights and Privacy

## **Bus Rider Rules**

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

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

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

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

Regulation approved: March 21, 2013

**EVERGREEN SCHOOL DISTRICT**

San Jose, California

## **Discipline**

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

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

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

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

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

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

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

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

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

### **Corporal Punishment**

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

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

### **Legal Reference:**

#### **EDUCATION CODE**

32280-32288 School safety plans

35146 Closed sessions

35291 Rules

35291.5-35291.7 School-adopted discipline rules

37223 Weekend classes

44807.5 Restriction from recess

48900-48926 Suspension and expulsion

48980-48985 Notification ofparent/guardian

49000-49001 Prohibition ofcorporal punishment

49330-49335 Injurious objects

#### **CIVIL CODE**

1714.1 Parental liability for child's misconduct

#### **CODE OF REGULATIONS, TITLE 5**

307 Participation in school activities until departure ofbus

353 Detention after school

### **DISCIPLINE**

#### **Site-Level Rules**

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



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

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

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

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

### **Disciplinary Strategies**

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

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

### **Recess Restriction**

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

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

### **Detention After School**

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

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

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

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

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

### **School Investigations and Authority To Detain Students**

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

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

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

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

### **Community Service**

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

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

### **Notice to Parents/Guardians and Students**

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

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

Regulation approved: March 21,2013

### **EVERGREEN SCHOOL DISTRICT**

San Jose, California

## **Emergencies and Disaster Preparedness Plan**

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

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

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

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

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

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

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

**Legal Reference:**

**EDUCATION CODE**

- 32001 Fire alarms and drills
- 32049 Duty to equip school with first aid kit
- 32280-32289 School safety plans
- 32290 Safety devices
- 39834 Operating overloaded bus
- 46390-46392 Emergency average daily attendance in case of disaster
- 49505 Natural disaster; meals for homeless students; reimbursement

**GOVERNMENT CODE**

- 3100 Public employees as disaster service workers
- 8607 Standardized emergency management system

**CODE OF REGULATIONS, TITLE 5**

- 550 Fire drills
- 560 Civil defense and disaster preparedness plans

**CODE OF REGULATIONS, TITLE 19**

- 2400-2450 Standardized emergency management system

**UNITED STATES CODE, TITLE 42**

- 12101-12213 Americans with Disabilities Act

**Components of the Plan**

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

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

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

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

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

### **Fire Drills and Fires**

#### **Fire Drills**

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

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

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

#### **Fires**

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

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

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

**Legal Reference:**

**EDUCATION CODE**

17074.50-17074.56 Automatic fire detection, alarm and sprinkler systems

32001 Uniform fire signals

32040 Duty to equip school with first aid kit

**CODE OF REGULATIONS, TITLE 5**

550 Fire drills

Regulation approved: March 21, 2013

**EVERGREEN SCHOOL DISTRICT**

San Jose, California

**Bomb Threats**

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

**Receiving Threats**

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

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

**Response Procedure**

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

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

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

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

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

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

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

**Legal Reference:**

**EDUCATION CODE**

44810 Willful interference with classroom conduct

48900 Grounds for suspension or expulsion

51202 Instruction in personal and public health and safety

**PENAL CODE**

17 Felony, misdemeanor, classification of offenses

148.1 False report of explosive or facsimile bomb

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

594 Vandalism; penalty

**Earthquake Emergency Procedure System**

**Earthquake Preparedness**

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

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

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

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

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

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

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

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

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

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

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

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

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

### **Earthquake While Indoors at School**

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

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

### **Earthquake While Outdoors on School Grounds**

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

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

### **Earthquake While on the Bus**

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

### **Subsequent Emergency Procedures**

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

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

### **Legal Reference: EDUCATION CODE**

32280-32289 School safety plans

**GOVERNMENT CODE**

3100 Public employees as disaster service workers

8607 Standardized Emergency Management System

**CODE OF REGULATIONS. TITLE 19**

2400-2450 Standardized Emergency Management System

Regulation approved: March 21, 2013

**EVERGREEN SCHOOL DISTRICT**

San Jose, California

**Emergency Schedules**

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

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

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

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

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

**Legal Reference:**

**EDUCATION CODE**

41420 Required length of school term

41422 Schools not maintained for 175 days

46010 Total days of attendance

46100-46192 Attendance; maximum credit; minimum day

46390 Calculation of ADA in emergency

46391 Lost or destroyed ADA records

46392 Decreased attendance in emergency situation

**VEHICLE CODE**

34501.6 School buses; reduced visibility

Policy adopted: March 21, 2013

**EVERGREEN SCHOOL DISTRICT**

San Jose, California

**Employee Security**



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

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

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

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

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

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

**Legal Reference:**

**EDUCATION CODE**

32210-32212 Willful disturbance, public schools or meetings

32225-32226 Communication devices

35208 Liability insurance

35213 Reimbursement for loss, destruction or damage of school property

44014 Report of assault by pupil against school employee

44807 Duty concerning conduct of students

48201 Transfer of student records

48900-48926 Suspension or expulsion

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

49330-49335 Injurious objects

**CIVIL CODE**

51.7 Freedom from violence or intimidation

**CODE OF CIVIL PROCEDURE**

527.8 Workplace violence safety

**GOVERNMENT CODE**

995-996.4 Defense of public employees

3543.2 Scope of representation

**PENAL CODE**

71 Threatening public officers and employees and school officials

240-246.3 Assault and battery, including:

241.3 Assault against school bus drivers

241.6 Assault on school employee includes board member

243.3 Battery against school bus drivers

243.6 Battery against school employee includes board member

245.5 Assault with deadly weapon; school employee includes board member

290 Registration of sex offenders

601 Trespass by person making credible threat

626-626.11 School crimes

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

**COURT DECISIONS**

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

Policy adopted: March 21, 2013

**EVERGREEN SCHOOL DISTRICT**

San Jose, California

**Hate-Motivated Behavior**

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

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

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

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

**Grievance Procedures**

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

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

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

**Legal Reference:**

**EDUCATION CODE**

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

**PENAL CODE**

422.55 Definition of hate crime  
422.6 Crimes, harassment

**CODE OF REGULATIONS, TITLE 5**

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

Policy adopted: March 21, 2013

## EVERGREEN SCHOOL DISTRICT

San Jose, California

### HIV/Aids Prevention Instruction

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

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

#### **Parent/Guardian Notification and Excuse**

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

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

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

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

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

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

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

#### **Legal Reference:**

##### **EDUCATION CODE**

220 Prohibition of discrimination

48980 Notice at beginning of term

51202 Instruction in personal and public health and safety

51210.8 Health education curriculum

51240 Excuse from instruction due to religious beliefs

51513 Materials containing questions about beliefs or practices

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

##### **HEALTH AND SAFETY CODE**

Comprehensive School Safety Plan

1255.7 Parents surrendering physical custody of a baby

**PENAL CODE**

243.4 Sexual battery

261.5 Unlawful sexual intercourse

271.5 Parents voluntarily surrendering custody of a baby

**UNITED STATES CODE, TITLE 20**

1232h Protection of student rights

7906 Sex education

**Instruction and Materials**

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

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

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

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

**Additional Requirements for HIV/AIDS Prevention Instruction**

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

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

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

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

#### **Additional Requirements for Sexual Health Instruction**

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

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

#### **Professional Development**

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

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

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

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

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

#### **Use of Consultants or Guest Speakers**

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

#### **Parent/Guardian Notification**

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

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

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

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

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

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

Regulation adopted: March 21,2013

#### **EVERGREEN SCHOOL DISTRICT**

San Jose, California

### **Married/Pregnant/Parenting Students**

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

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

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

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

#### **Expectant and Parenting Students**

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

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

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

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

**Legal Reference:**

**EDUCATION CODE**

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

**FAMILY CODE**

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

**HEALTH AND SAFETY CODE**

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

**CODE OF FEDERAL REGULATIONS, TITLE 34**

- 106.40 Marital or parental status

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

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

Regulation approved: March 21,2013

**EVERGREEN SCHOOL DISTRICT**

San Jose, California

**Nondiscrimination/Harassment**

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

Prohibited discrimination, harassment, intimidation, or bullying includes physical, verbal, nonverbal, or written conduct based on one of the categories listed above that is so severe and pervasive that it affects a student's ability to participate in or benefit from an educational program or activity; creates an intimidating, threatening, hostile, or offensive educational environment; has the effect of substantially or unreasonably interfering with a student's academic performance; or otherwise adversely affects a student's educational opportunities.

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

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

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

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

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

#### **Grievance Procedures**

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

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

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

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

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

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

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

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

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

#### **Legal Reference: EDUCATION CODE**



200-262.4 Prohibition of discrimination  
48900.3 Suspension or expulsion for act of hate violence  
48900.4 Suspension or expulsion for threats or harassment  
48904 Liability of parent/guardian for willful student misconduct  
48907 Student exercise of free expression  
48950 Freedom of speech  
48985 Translation of notices  
49020-49023 Athletic programs  
51500 Prohibited instruction or activity  
51501 Prohibited means of instruction  
60044 Prohibited instructional materials

**CIVIL CODE**

1714.1 Liability of parents/guardians for willful misconduct of minor

**PENAL CODE**

422.55 Definition of hate crime  
422.6 Crimes, harassment

**CODE OF REGULATIONS, TITLE 5**

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

**UNITED STATES CODE, TITLE 20**

1681-1688 Title IX of the Education Amendments of 1972

**UNITED STATES CODE, TITLE 42**

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

**CODE OF FEDERAL REGULATIONS, TITLE 34**

100.3 Prohibition of discrimination on basis of race, color or national origin  
104.7 Designation of responsible employee for Section 504  
106.8 Designation of responsible employee for Title IX  
106.9 Notification of nondiscrimination on basis of sex

**COURT DECISIONS**

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

**Procedures**

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

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

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

Regulation approved: March 21, 2013 July 2003

**EVERGREEN SCHOOL DISTRICT**

San Jose, California

### Safe Routes To School Program

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

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

**Legal Reference:**

**EDUCATION CODE**

32283 Comprehensive safety plan

45450-45451 Crossing guards

**GOVERNMENT CODE**

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

**STREETS AND HIGHWAYS CODE**

2333.5 Safe routes to schools construction program

**VEHICLE CODE**

21200-21212 Operation of bicycles, especially:

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

21949-21971 Pedestrian rights and duties

**UNITED STATES CODE, TITLE 23**

148 Highway safety improvement program

**UNITED STATES CODE, TITLE 42**

1751 Note Local wellness policy

Regulation approved: March 21, 2013

**EVERGREEN SCHOOL DISTRICT**

San Jose, California

**Safety**

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

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

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

**Crossing Guards/Safety Patrol**

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

**Legal Reference:**

**EDUCATION CODE**

8482-8484.6 After School Education and Safety Program

17280-17317 Building approvals (Field Act)

17365-17374 Fitness of school facilities for occupancy

32001 Fire alarms and drills

32020 School gates; entrances for emergency vehicles

32030-32034 Eye safety

32040 First aid equipment

32225-32226 Two-way communication devices in classrooms

32240-32245 Lead-free schools

32250-32254 CDE school safety and security resources unit

32280-32289 Safety plans

44807 Duty of teachers concerning conduct of students

44808 Exemption from liability when students are not on school property

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

Comprehensive School Safety Plan

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

**GOVERNMENT CODE**

810-996.6 California Tort Claims Act

**HEALTH AND SAFETY CODE**

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

**PENAL CODE**

245.6 Hazing

**PUBLIC RESOURCES CODE**

5411 Purchase of equipment usable by physically disabled persons

**VEHICLE CODE**

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

**CODE OF REGULATIONS, TITLE 5**

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

**COURT DECISIONS**

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

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

**Release of Students**

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

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

**Supervision of Students**

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

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

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

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

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

#### **Student Safety Patrols**

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

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

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

#### **Playground Safety**

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

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

#### **Laboratory Safety**

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

#### **Eye Safety Devices**

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

#### **Protection Against Insect Bites**

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

Regulation approved: March 21, 2013

#### **EVERGREEN SCHOOL DISTRICT**

San Jose, California

#### **Students**

#### **Sexual Harassment**

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

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

### **Instruction/Information**

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

1. What acts and behavior constitute sexual harassment, including the fact that sexual harassment could occur between people of the same sex and could involve sexual violence
2. A clear message that students do not have to endure sexual harassment
3. Encouragement to report observed instances of sexual harassment, even where the victim of the harassment has not complained
4. Information about the district's procedure for investigating complaints and the person(s) to whom a report of sexual harassment should be made
5. Information about the rights of students and parents/guardians to file a criminal complaint, as applicable

### **Complaint Process**

Any student who feels that he/she is being or has been sexually harassed on school grounds or at a school-sponsored or school-related activity (e.g., by a visiting athlete or coach) shall immediately contact his/her teacher or any other employee. An employee who receives such a complaint shall report it in accordance with administrative regulation.

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

### **Disciplinary Actions**

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

### **Confidentiality and Record-Keeping**

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

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

### **Legal Reference:**

#### **EDUCATION CODE**

200-262.4 Prohibition of discrimination on the basis of sex

48900 Grounds for suspension or expulsion

48900.2 Additional grounds for suspension or expulsion; sexual harassment

48904 Liability of parent/guardian for willful student misconduct

48980 Notice at beginning of term

#### **CIVIL CODE**

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

1714.1 Liability of parents/guardians for willful misconduct of minor

#### **GOVERNMENT CODE**

12950.1 Sexual harassment training

#### **CODE OF REGULATIONS, TITLE 5**

4600-4687 Uniform complaint procedures

4900-4965 Nondiscrimination in elementary and secondary education programs

#### **UNITED STATES CODE, TITLE 20**

1681-1688 Title IX, discrimination

#### **UNITED STATES CODE, TITLE 42**

1983 Civil action for deprivation of rights  
2000d-2000d-7 Title VI, Civil Rights Act of 1964  
2000e-2000e-17 Title VII, Civil Rights Act of 1964 as amended

**CODE OF FEDERAL REGULATIONS, TITLE 34**

106.1-106.71 Nondiscrimination on the basis of sex in education programs

**COURT DECISIONS**

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

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

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

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

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

**School-Level Complaint Process/Grievance Procedure**

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

#### **Enforcement of District Policy**

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

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

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

#### **Notifications**

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

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

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#### **EVERGREEN SCHOOL DISTRICT**

San Jose, California

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

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

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

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

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

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

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

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

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

**Legal Reference:**

**EDUCATION CODE**

200-262.4 Prohibition of discrimination on the basis of sex

**GOVERNMENT CODE**

12900-12996 Fair Employment and Housing Act, especially:

12940 Prohibited discrimination

12950.1 Sexual harassment training

**LABOR CODE**

1101 Political activities of employees

1102.1 Discrimination: sexual orientation

**CODE OF REGULATIONS, TITLE 2**

7287.8 Retaliation

7288.0 Sexual harassment training and education

**CODE OF REGULATIONS, TITLE 5**

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

**UNITED STATES CODE, TITLE 42**

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

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

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

**CODE OF FEDERAL REGULATIONS, TITLE 34**

106.9 Dissemination of policy

**COURT DECISIONS**

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

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

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

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

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

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

**Definitions**

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

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

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

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

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

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

### **Training**

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

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

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

### **Notifications**

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

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

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

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

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

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

Regulation approved: March 21, 2013

**EVERGREEN SCHOOL DISTRICT**

San Jose, California

**Student Disturbances**

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

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

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

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

**Legal Reference:**

**EDUCATION CODE**

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

**PENAL CODE**

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

**Prohibited Activities**

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

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

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

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

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

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

#### **Extension of Class Period and/or Dismissal of School**

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

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

#### **Vandalism and Graffiti**

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

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

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

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

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

#### **Legal Reference:**

##### **EDUCATION CODE**

48900 Grounds for suspension or expulsion

48904 Willful misconduct, limit of liability of parent or guardian

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

**CIVIL CODE**

- 51.7 Right to be free from violence
- 52.1 Discrimination liability
- 1714.1 Liability of parent or guardian for act of willful misconduct by a minor

**GOVERNMENT CODE**

- 53069.5 Reward for information

**PENAL CODE**

- 594 Vandalism
- 594.1 Aerosol containers of paint
- 594.2 Intent to commit vandalism or graffiti
- 594.6 Vandalism or graffiti, community service
- 640.5 Graffiti; facilities or vehicles of governmental entity
- 640.6 Graffiti

**CODE OF REGULATIONS, TITLE 5**

- 305 Student responsible for care of property

Policy adopted: March 21, 2013

**EVERGREEN SCHOOL DISTRICT**

San Jose, California

**Supplemental School Counseling Program for Students in Grades 7-8**

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

**Personal Counseling**

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

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

**Legal Reference:**

**EDUCATION CODE**

- 221.5 Prohibited sex discrimination
- 37254 Supplemental instruction based on failure to pass exit exam by end of grade 12
- 41505-41508 Pupil Retention Block Grant
- 48431 Establishing and maintaining high school guidance and placement program
- 49600-49604 Educational counseling
- 51250 School age military dependents
- 51513 Personal beliefs
- 52378-52380 Supplemental School Counseling Program

**REPEALED EDUCATION CODE FOR CATEGORICAL PROGRAMS**

- 48431.6 Tenth grade counseling program

**PENAL CODE**

- 11166-11170 Reporting known or suspected cases of child abuse

**CODE OF REGULATIONS, TITLE 5**

- 4930-4931 Counseling

**UNITED STATES CODE, TITLE 10**

- 503 Military recruiter access to directory information

## **UNITED STATES CODE. TITLE 20**

1232g Family Educational Rights and Privacy Act

7908 Armed forces recruiter access to students and student recruiting information

## **CODE OF FEDERAL REGULATIONS. TITLE 34**

99.1-99.67 Family educational rights and privacy

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

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

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

The district shall provide the following services:

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

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

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

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

### **Notifications**

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

### **Nondiscrimination**

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

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

Regulation approved: March 21, 2013

**EVERGREEN SCHOOL DISTRICT**

San Jose, California

### **Suspension and Expulsion/due Process**

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

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

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

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

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

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

#### **Due Process**

The Board shall provide for the fair and equitable treatment of students facing suspension and expulsion by affording them their due process rights under the law. The Superintendent or designee shall comply with procedures for notices, hearings, and appeals as specified in law and administrative regulation. (Education Code 48911, 48915, 48915.5)

#### **Removal from Class by a Teacher and Parental Attendance**

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

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

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

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



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

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

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

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

### **Supervised Suspension Classroom**

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

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

### **Decision Not to Enforce Expulsion Order**

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

### **Legal Reference:**

#### **EDUCATION CODE**

212.5 Sexual harassment  
233 Hate violence  
1981 Enrollment of students in community school  
17292.5 Program for expelled students  
32261 Interagency School Safety Demonstration Act of 1985  
35145 Open board meetings  
35146 Closed sessions (regarding suspensions)  
35291 Rules (for government and discipline of schools)  
35291.5 Rules and procedures on school discipline  
48645.5 Readmission; contact with juvenile justice system  
48660-48667 Community day schools  
48853.5 Foster youth  
48900-48927 Suspension and expulsion  
48950 Speech and other communication  
48980 Parental notifications  
49073-49079 Privacy of student records

#### **CIVIL CODE**

47 Privileged communication  
48.8 Defamation liability

#### **CODE OF CIVIL PROCEDURE**

1985-1997 Subpoenas; means of production

#### **GOVERNMENT CODE**

11455.20 Contempt  
54950-54963 Ralph M Brown Act

#### **HEALTH AND SAFETY CODE**

11014.5 Drug paraphernalia  
11053-11058 Standards and schedules

## **LABOR CODE**

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

## **PENAL CODE**

31 Principal of a crime, defined

240 Assault defined

241.2 Assault fines

242 Battery defined

243.2 Battery on school property

243.4 Sexual battery

245 Assault with deadly weapon

245.6 Hazing

261 Rape defined

266c Unlawful sexual intercourse

286 Sodomy defined

288 Lewd or lascivious acts with child under age 14

288a Oral copulation

289 Penetration of genital or anal openings

417.27 Laser pointers

422.55 Hate crime defined

422.6 Interference with exercise of civil rights

422.7 Aggravating factors for punishment

422.75 Enhanced penalties for hate crimes

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

626.9 Gun-Free School Zone Act of 1995

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

868.5 Supporting person; attendance during testimony of witness

## **WELFARE AND INSTITUTIONS CODE**

729.6 Counseling

## **UNITED STATES CODE, TITLE 18**

921 Definitions, firearm

## **UNITED STATES CODE, TITLE 20**

1314(K) Placement in alternative educational setting

7151 Gun-free schools

## **COURTDECISIONS**

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

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

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

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

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

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

## **ATTORNEY GENERAL OPINIONS**

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

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

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

## **Definitions**

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

1. Reassignment to another education program or class at the same school where the student will receive continuing instruction for the length of day prescribed by the Board of Trustees for students of the same grade level.
2. Referral to a certificated employee designated by the principal to advise students.
3. Removal from the class, but without reassignment to another class or program, for the remainder of the class period without sending the student to the principal or designee as provided in Education Code 48910. Removal from a particular class shall not occur more than once every five school days.

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

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

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

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

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

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

### **Notice of Regulations**

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

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

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

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

A student who aids or abets the infliction or attempted infliction of physical injury on another person, as defined in Penal Code 31, may be suspended, but not expelled. However, such a student may be suspended or expelled pursuant to Education Code 48900(a) when he/she has been adjudged by a juvenile court to have committed, as an aider or abettor, a crime of physical violence in which the victim suffered great or serious bodily injury. (Education Code 48900(t))

2. Possessed, sold, or otherwise furnished any firearm, knife, explosive, or other dangerous object, unless, in the case of possession of any object of this type, the student had obtained written permission to possess the item from a certificated school employee, with the principal or designee's concurrence. (Education Code 48900(b))
3. Unlawfully possessed, used, sold, otherwise furnished, or was under the influence of, any controlled substance as defined in Health and Safety Code 11053-11058, alcoholic beverage, or intoxicant of any kind. (Education Code 48900(c))
4. Unlawfully offered, arranged, or negotiated to sell any controlled substance as defined in Health and Safety Code 11053-11058, alcoholic beverage, or intoxicant of any kind, and then sold, delivered, or otherwise furnished to any person another liquid, substance, or material and represented same as such controlled substance, alcoholic beverage, or intoxicant. (Education Code 48900(d))
5. Committed or attempted to commit robbery or extortion. (Education Code 48900(e))
6. Caused or attempted to cause damage to school property or private property. (Education Code 48900(f))
7. Stole or attempted to steal school property or private property. (Education Code 48900(g))
8. Possessed or used tobacco or products containing tobacco or nicotine products, including, but not limited to, cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel, except that this restriction shall not prohibit a student from using or possessing his/her own prescription products. (Education Code 48900(h))

9. Committed an obscene act or engaged in habitual profanity or vulgarity. (Education Code 48900(i))
10. Unlawfully possessed, offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code 11014.5. (Education Code 489000))
11. Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, other school officials, or other school personnel engaged in the performance of their duties. (Education Code 48900(k))
12. Knowingly received stolen school property or private property. (Education Code 48900(1))
13. Possessed an imitation firearm. (Education Code 48900(m)) Imitation firearm means a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm. (Education Code 48900(m))
14. Committed or attempted to commit a sexual assault as defined in Penal Code 261, 266c, 286, 288, 288a, or 289, or committed a sexual battery as defined in Penal Code 243.4. (Education Code 48900(n))
15. Harassed, threatened, or intimidated a student who is a complaining witness or witness in a school disciplinary proceeding for the purpose of preventing that student from being a witness and/or retaliating against that student for being a witness. (Education Code 48900(o))
16. Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma. (Education Code 48900(P))
17. Engaged in, or attempted to engage in, hazing. (Education Code 48900(q))

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

A student removed from class shall not be returned to class during the period of removal without the approval of the teacher of the class and the principal (Education Code 48910)

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

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

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

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

This notice shall also:

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

### **Suspension by Superintendent, Principal, or Designee**

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

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

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

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

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

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

The district may count suspensions that occur while a student is enrolled in another school district toward the maximum number of days for which the student may be suspended in any school year. (Education Code 48903)

Suspensions shall be initiated according to the following procedures:

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

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

2. **Administrative Actions:** All requests for student suspension are to be processed by the principal or designee. A school employee shall report the suspension, including the name of the student and the cause for the suspension, to the Superintendent or designee. (Education Code 48911)
3. **Notice to Parents/Guardians:** At the time of the suspension, a school employee shall make a reasonable effort to contact the parent/guardian by telephone or in person. Whenever a student is suspended, the parent/guardian shall be notified in writing of the suspension. (Education Code 48911)

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

In addition, the notice may state the date and time when the student may return to school. If school officials wish to ask the parent/guardian to confer regarding matters pertinent to the suspension, the notice may add that state law requires the parent/guardian to respond to such requests without delay.

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

Although the parent/guardian is required to respond without delay to a request for a Conference about his/her child's behavior, no penalties may be imposed on the student for the failure of the parent/guardian to attend such a conference. The student may not be denied readmission solely because the parent/guardian failed to attend the conference. (Education Code 48911)

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

Any extension of the original period of suspension shall be preceded by notice of such extension with an offer to hold a conference concerning the extension, giving the student an opportunity to be heard. This conference may be held in conjunction with a meeting requested by the student or parent/guardian to challenge the original suspension. Extension of the suspension may be made only if the Superintendent or designee determines, following a meeting in which the student and the student's parent/guardian were invited to participate, that the student's presence at the school or at an alternative school would endanger persons or property or threaten to disrupt the instructional process. (Education Code 48911)

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

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

### **Suspension by the Board**

The Board may suspend a student for any of the acts listed in "Grounds for Suspension and Expulsion" above and within the limits specified in "Suspension by Superintendent, Principal, or Designee" above. (Education Code 48912)

The Board may suspend a student enrolled in a continuation school or class for a period not longer than the remainder of the semester if any of the acts listed in "Grounds for Suspension and Expulsion" occurred. The suspension shall meet the requirements of Education Code 48915. (Education Code 48912.5)

When the Board is considering a suspension, disciplinary action, or any other action (except expulsion) against any student, it shall hold closed sessions if a public hearing would lead to disclosure of information violating a student's right to privacy under Education Code 4907349079. (Education Code 35146, 48912)

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

### **Supervised Suspension Classroom**

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

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

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

### **Authority to Expel**

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

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

For all other grounds listed above under "Grounds for Suspension and Expulsion," the Board shall order a student expelled upon the recommendation of the Superintendent, principal, or designee, only if the Board makes a finding of either or both of the following: (Education Code 48915(b) and (e))

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

### **Mandatory Recommendation for Expulsion**

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

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

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



### **Mandatory Recommendation and Mandatory Expulsion**

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

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

However, possession of an imitation firearm, as defined in Education Code 48900(m), shall not be regarded as an offense requiring a mandatory recommendation of expulsion and mandatory expulsion.

2. Brandishing a knife as defined in Education Code 48915(g) at another person
3. Unlawfully selling a controlled substance listed in Health and Safety Code 1105311058
4. Committing or attempting to commit a sexual assault as defined in Penal Code 261, 266c, 286, 288, 288a, or 289, or committing a sexual battery as defined in Penal Code 243.4
5. Possessing an explosive as defined in 18 USC 921

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

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

Any student recommended for expulsion shall be entitled to a hearing to determine whether he/she should be expelled. The hearing shall be held within 30 school days after the Superintendent, principal, or designee determines that the student has committed one of the acts listed under "Grounds for Suspension and Expulsion." (Education Code 48918(a))

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

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

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

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

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

### **Rights of Complaining Witness**

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

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

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

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

### **Written Notice of the Expulsion Hearing**

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

1. The date and place of the hearing.
2. A statement of the specific facts, charges, and offense upon which the proposed expulsion is based.
3. A copy of district disciplinary rules which relate to the alleged violation.
4. Notification of the student's or parent/guardian's obligation, pursuant to Education Code 48915.1, to provide information about the student's status in the district to any other district in which the student seeks enrollment. This obligation applies when a student is expelled for acts other than those described in Education Code 48915(a) or (c).
5. The opportunity for the student or the student's parent/guardian to appear in person or be represented by legal 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.
8. The opportunity to question all evidence presented and to present oral and documentary evidence on the student's behalf, including witnesses.

### **Additional Notice of Expulsion Hearing for Foster Youth**

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

### **Conduct of Expulsion Hearing**

1. **Closed Session:** Notwithstanding the provisions of Government Code 54953 and Education Code 35145, the Board shall conduct a hearing to consider the expulsion of the student in a session closed to the public unless the student requests in writing at least five days prior to the hearing that the hearing be a public meeting. If such a request is made, the meeting shall be public unless another student's privacy rights would be violated. (Education Code 48918(c))

Whether the expulsion hearing is held in closed or public session, the Board may meet in closed session to deliberate and determine whether or not the student should be expelled. If the Board admits any other person to this closed session, the

parent/guardian, the student, and the counsel of the student also shall be allowed to attend the closed session. (Education Code 48918(c))

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

2. **Record of Hearing:** A record of the hearing shall be made and may be maintained by any means, including electronic recording, as long as a reasonably accurate and complete written transcription of the proceedings can be made. (Education Code 48918(g))
3. **Subpoenas:** Before commencing a student expulsion hearing, the Board may issue subpoenas, at the request of either the student or the Superintendent or designee, for the personal appearance at the hearing of any person who actually witnessed the action that gave rise to the recommendation for expulsion. After the hearing has commenced, the Board or the hearing officer or administrative panel may issue such subpoenas at the request of the student or the County Superintendent of Schools or designee. All subpoenas shall be issued in accordance with the Code of Civil Procedure 1985-1985.2 and enforced in accordance with Government Code 11455.20. (Education Code 48918(i))

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

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

4. **Presentation of Evidence:** Technical rules of evidence shall not apply to the expulsion hearing, but relevant evidence may be admitted and used as proof only if it is the kind of evidence on which reasonable persons can rely in the conduct of serious affairs. The decision of the Board to expel shall be supported by substantial evidence that the student committed any of the acts pursuant to Education Code 48900 and listed in "Grounds for Suspension and Expulsion" above. (Education Code 48918(h))

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

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

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

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

**Alternative Expulsion Hearing: Hearing Officer or Administrative Panel**

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

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

The hearing officer or administrative panel shall, within three school days after the hearing, determine whether to recommend expulsion of the student to the Board. If expulsion is not recommended, the expulsion proceeding shall be terminated and the student shall be immediately reinstated. The Superintendent or designee shall place the student in a classroom instructional program, any other instructional program, a rehabilitation program, or any combination of these programs after consulting with district staff, including the student's teachers, and with the student's parent/guardian. The decision to not recommend expulsion shall be final. (Education Code 48918(e))

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

In accordance with Board policy, the hearing officer or administrative panel may recommend that the Board suspend the enforcement of the expulsion for a period of one year. (Education Code 48917, 48918)

#### **Final Action by the Board**

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

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

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

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

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

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

#### **Written Notice to Expel**

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

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

#### **Decision Not to Enforce Expulsion Order**

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

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

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

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

### **Right to Appeal**

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

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

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

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

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

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

### **Post-Expulsion Placements**

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

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

When the placement described above is not available and when the County Superintendent so certifies, students expelled for acts described in items #6-13 and #20-22 under "Grounds for Suspension and Expulsion" above may be referred to a program of study that is provided at another comprehensive middle, junior, or senior high school or at an elementary school. (Education Code 48915)

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

### **Readmission After Expulsion**

Readmission procedures shall be as follows:

1. On the date set by the Board when it ordered the expulsion, the district shall consider readmission of the student. (Education Code 48916)
2. The Superintendent or designee shall hold a conference with the parent/guardian and the student. At the conference the student's rehabilitation plan shall be reviewed and the Superintendent or designee shall verify that the provisions of this plan have been met. School regulations shall be reviewed and the student and parent/guardian shall be asked to indicate in writing their willingness to comply with these regulations.
3. The Superintendent or designee shall transmit to the Board his/her recommendation regarding readmission. The Board shall consider this recommendation in closed session if information would be disclosed in violation of Education Code 4907349079. If a written request for open session is received from the parent/guardian or adult student, it shall be honored.
4. If the readmission is granted, the Superintendent or designee shall notify the student and parent/guardian, by registered mail, of the Board's decision regarding readmission.
5. The Board may deny readmission only if it finds that the student has not satisfied the conditions of the rehabilitation plan or that the student continues to pose a danger to campus safety or to other district students or employees. (Education Code 48916)
6. If the Board denies the readmission of a student, the Board shall determine either to continue the student's placement in the alternative educational program initially selected or to place the student in another program that serves expelled students, including placement in a county community school. (Education Code 48916)
7. The Board shall provide written notice to the expelled student and parent/guardian describing the reasons for denying readmittance into the regular program. This notice shall indicate the Board's determination of the educational program which the Board has chosen. The student shall enroll in that program unless the parent/guardian chooses to enroll the student in another school district. (Education Code 48916)

### **Maintenance of Records**

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

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

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

### **Outcome Data**

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

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

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

### **Suspension and Expulsion/due Process (Students With Disabilities)**

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

#### **Suspension**

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

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

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

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

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

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

#### **Interim Alternative Educational Placement Due to Dangerous Behavior**

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

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

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



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

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

### **Manifestation Determination**

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

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

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

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

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

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

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

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

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

### **Due Process Appeals**

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

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

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

### **Readmission**

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

### **Decision Not to Enforce Expulsion Order**

The Board of Trustee'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.

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

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

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

### **Report to County Superintendent of Schools**

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

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

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

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

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

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

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

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

**Legal Reference:**

**EDUCATION CODE**

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

**PENAL CODE**

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

**UNITED STATES CODE. TITLE 18**

930 Weapons  
1365 Serious bodily injury

**UNITED STATES CODE. TITLE 20**

1412 State eligibility  
1314 Procedural safeguards

**UNITED STATES CODE. TITLE 21**

812 Controlled substances

**UNITED STATES CODE. TITLE 29**

706 Definitions  
794 Rehabilitation Act of 1973, Section 504

**CODE OF FEDERAL REGULATIONS. TITLE 34**

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

**COURT DECISIONS**

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

Regulation approved: March 21, 2013

**EVERGREEN SCHOOL DISTRICT**

San Jose, California

**Uniform Complaint Procedures**

The Governing Board recognizes that the district has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs. The district shall investigate and seek to resolve any complaints

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

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

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

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

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

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

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

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

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

**Legal Reference:**

**EDUCATION CODE**

200-262.4 Prohibition of discrimination

8200-8498 Child care and development programs

8500-8538 Adult basic education

18100-18203 School libraries

32289 School safety plan, uniform complaint procedures

35186 Williams uniform complaint procedures

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

41500-41513 Categorical education block grants

48985 Notices in language other than English

49010-49013 Student fees

49060-49079 Student records

49490-49590 Child nutrition programs

52160-52178 Bilingual education programs

52300-52490 Career technical education

52500-52616.24 Adult schools

52800-52870 School-based program coordination

54000-54028 Economic impact aid programs

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

**GOVERNMENT CODE**

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

**PENAL CODE**

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

**CODE OF REGULATIONS, TITLE 5**

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

**UNITED STATES CODE, TITLE 20**

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

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

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

**Compliance Officers**

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

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

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

**Notifications**

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

The notice shall:

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

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

### **Procedures**

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

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

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

#### **Step 1: Filing of Complaint**

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

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

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

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

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

#### **Step 2: Mediation**

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

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

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

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

**Step 3: Investigation of Complaint**

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

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

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

**Step 4: Response**

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

**Step 5: Final Written Decision**

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

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

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

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

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

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

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

### **Appeals to the California Department of Education**

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

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

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

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

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

### **Civil Law Remedies**

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

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

Board approved: November 14, 2013

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

Regulation approved: March 21, 2013

### **EVERGREEN SCHOOL DISTRICT**

San Jose, California

### **Weapons and Dangerous Instruments**

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

### **Possession of Weapons**

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

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



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

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

#### **Advance Permission for Possession of a Weapon for Educational Purposes**

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

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

#### **Possession of Pepper Spray**

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

#### **Reporting of Dangerous Objects**

The Board encourages students to promptly report the presence of weapons, injurious objects, or other suspicious activity to school authorities. The identity of a student who reports such activity shall remain confidential to the extent permitted by law.

The Superintendent or designee shall develop strategies designed to facilitate student reporting of the presence of injurious objects on school grounds, such as tip hotlines, electronic transmissions, or other methods that preserve the student's anonymity. Incident reports and records shall not identify the student who reported the possession. The Superintendent or designee also shall inform staff, students, and parents/guardians that students who report the presence of injurious objects on school campuses are to be protected and their identity shielded.

#### **Legal Reference:**

##### **EDUCATION CODE**

35291 Governing board to prescribe rules for discipline of the schools  
48900 Grounds for suspension/expulsion  
48902 Notification of law enforcement authorities  
48915 Required recommendation for expulsions  
48916 Readmission  
49330-49335 Injurious objects

##### **PENAL CODE**

245 Assault with deadly weapon  
417.4 Imitation firearm; drawing or exhibiting  
626.9 Gun-Free School Zone Act of 1995  
626.10 Dirks, daggers, knives, razor or stun gun; bringing or possessing in school  
653k Switchblade knife  
16100-17350 Definitions  
22810-23025 Tear gas weapon (pepper spray)  
25200-25225 Firearms, access to children  
30310 Prohibition against ammunition on school grounds

##### **UNITED STATES CODE, TITLE 20**

6301-7941 No Child Left Behind Act, especially:  
7151 Gun-Free Schools Act

Prohibited weapons and dangerous instruments include, but are not limited to: (Education Code 48915, 49330; Penal Code 626.10, 16100-17350, 30310)

1. Firearms: pistols, revolvers, shotguns, rifles, "zip guns," "stun guns," tasers, and any other device capable of propelling a projectile by the force of an explosion or other form of combustion
2. Ammunition or reloaded ammunition
3. Knives, razor blades, and box cutters: any dirks, daggers, ice picks, or other weapons with a fixed, sharpened blade fitted primarily for stabbing, weapons with a blade fitted primarily for stabbing, weapons with a blade longer than 2-1/2 inches, folding knives with a blade that locks into place, and razors with an unguarded blade
4. Explosive and/or incendiary devices: pipe bombs, time bombs, cap guns, containers of inflammable fluids, and other hazardous devices
5. Any instrument that expels a metallic projectile, such as a BB or a pellet, through the force of air pressure, carbon dioxide pressure, or spring action, or any spot marker gun
6. Any other dangerous device, instrument, or weapon, including those defined in Penal Code 12020, including a blackjack, slingshot, billy, nunchaku, sandclub, sandbag, metal knuckles, or any metal plate with three or more radiating points with one or more sharp edges designed for use as a weapon
7. Any imitation firearm, defined as a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm

Any employee may take any weapon or dangerous instrument from the personal possession of a student while the student is on school premises or under the authority of the district. (Education Code 49331, 49332)

In determining whether to take possession of the weapon or dangerous instrument, the employee shall use his/her own judgment as to the dangerousness of the situation and, based upon this analysis, shall take one of the following actions:

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

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

The principal shall report any possession of a weapon or dangerous instrument to the student's parents/guardians by telephone or in person, and shall follow this notification with a letter.

The employee shall retain possession of the instrument until the risk of its use as a weapon has dissipated or, upon the request of the student's parent/guardian, until the parent/guardian appears and personally takes possession. (Education Code 49331, 49332)

Regulation approved: March 21, 2013

**EVERGREEN SCHOOL DISTRICT**

San Jose, California

**Additional Site Attachments**

# Cadwallader School Emergency Team 2023-2024

<u>Name</u>	<u>Area of Responsibility</u>
Maureen McClintock (Principal) -----	Command Center
Dilly Bhoot (Secretary) -----	Office/Bathrooms, Health Office/Bathrooms, Staff Workroom, Library, Staff Lounge, Workroom Bathrooms, Psychologist Rm. Cafe', Comp. Lab ELD Room.
Sherry Gilmore (Health Clerk) -----	Students Visitor's Log, Emergency Binder, Health Care Equipment & Medicines, Backpack, Wheelchair.
Armando Borcequin (Day Custodian) -----	Gas & Water Mains, Electrical Room, Emergency Supplies
Dawn Cordobes -----	Rooms 6, 11, 12, 24, 25, 26, Primary Bathrooms
Annette Othon -----	Rooms 15, 16, 17, 18, 19, 20,
Tala Navarro/Mary (aide TK) -----	Rooms P1, P2, K1, K2
Zoe Rodigari -----	Rooms 10, 13, 14, 21, 22, 23, & Upper Bathrooms
Quynh Nguyen -----	Rooms 3, 4, 5, 7, 8, 9, & Speech,

**Bring the emergency bins out for every drill.**

**All ADULTS** who are NOT overseeing students at the time of an emergency are to meet at the ET Command Center for needed assistance.

## Fire:

- Teachers exit rooms with students in front of them.( Lights off and doors closed) Report directly to their assigned safety area. Take attendance. Notify ET Runner if students are present/missing or respond to radio calls. Specialists return students to their home room (or radio info if across campus.) ET Runners do not check classrooms unless students are missing. Stay in your assigned safety area. PreK, Kinder and Primary Grades will not transition over to upper grade fields.

## Earthquake:

- **ET RUNNERS PLEASE COME TO THE BLACKTOP TO PICK UP THE MASTER KEY after ducking and covering.** Duck and cover and Wait For Ground To Stop Moving. **Students remain in duck and cover while Teacher Turns Off Lights, Closes Blinds, Opens ALL Doors, and takes attendance.** Teacher up and in the doorway. First sweep of E.T. Runners are for any injuries or missing students. Second sweep of E.T. Runners are for Instructions to exit. Exit after ET Runner tells you to start releasing students. Leave Doors Open. Evacuate in Small Groups **avoiding all overhangs** To Regular Fire Drill Area. Take Emergency supplies with you. The teacher will leave the room with the last group of students and make sure the room is cleared. Move Class all the way out to a clear area on the grass(away from buildings). Stay in your assigned safety area. Do not move to the upper grade playground unless directed to do so.
  - All **Emergency Team** members are to do the following:
  - report to the upper grade blacktop, **the ET Command Center**, WITH their walkie-talkies turned to CHANNEL 1.
  - Take a general survey of your surroundings (i.e. look for fallen trees, electrical wires, any fallen debris, broken pipes, fires, etc.)
  - Meet at the ET Command Center ASAP to get direction from the Principal or ET Coordinator. Master key to be picked up for an Earthquake.

## Run, Hide, Fight (Formerly known as Code Red):

- If outside and aware of an active shooter, run off campus to a safe area. If inside and made aware of an active shooter, teachers close the latch at the top of the door and pull the door completely closed.. Teachers and students create an interior barricade, and remain in the room, in silence(use the lollipops). ET members DO NOT leave their rooms. Teachers need access to their radio (**Ch.1**), email and classroom phone. If an intruder enters your room, actively respond to defend yourselves or stop the intruder, (suggest use of fire extinguisher and water bottles).

**For all emergencies:** ET members should record the names of any missing students, students with problems, or absent students. They need to report back this information to the Principal or ET coordinator ASAP.

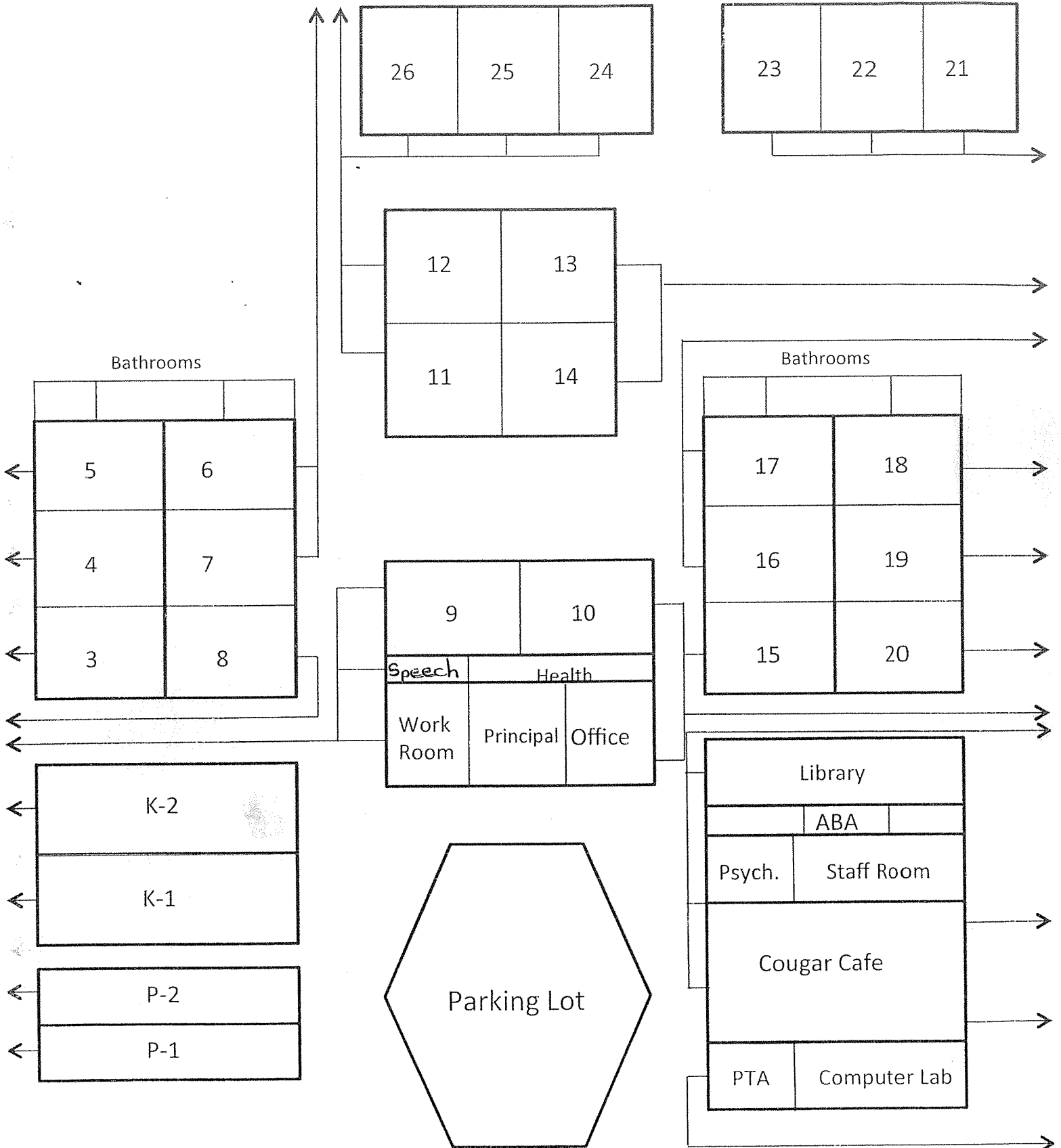
**Thank you to everyone for keeping our students safe.**

# **EMERGENCY DRILLS**

## **2023-2024**

<b>DATE</b>	<b>TIME</b>	<b>DRILL</b>	
<b>9/26/23</b>	<b>1:50 PM</b>	<b>Fire Drill</b>	
<b>10/03/23</b>	<b>1:50 PM</b>	<b>Earthquake Drill</b>	
<b>10/19/23</b>	<b>10:19 AM</b>	<b>Earthquake Drill</b>	
<b>11/09/23</b>	<b>10:45 AM</b>	<b>Fire Drill</b>	
<b>11/16/15</b>	<b>1:15 PM</b>	<b>Fire Drill</b>	
<b>12/5/23</b>	<b>11:00 AM</b>	<b>Run Hide Defend Drill</b>	
<b>12/14/23</b>	<b>1:15 PM</b>	<b>Fire Drill</b>	
<b>1/9/24</b>	<b>1:50 PM</b>	<b>Fire Drill</b>	
<b>1/23/24</b>	<b>9:30 AM</b>	<b>Run Hide Defend Drill</b>	
<b>2/13/24</b>	<b>9:55 AM</b>	<b>Fire Drill</b>	
<b>3/6/24</b>	<b>11:00 AM</b>	<b>Earthquake Drill</b>	
<b>3/28/24</b>	<b>11:00 AM</b>	<b>Fire Drill</b>	
<b>4/9/24</b>	<b>9:55 AM</b>	<b>Fire Drill</b>	
<b>5/15/24</b>	<b>9:55 AM</b>	<b>Fire Drill</b>	

# CADWALLADER EVACUATION MAP



Cadwallader Road

10/17/22

# Lunch Supervisor Responsibilities

## 2023- 2024

Monica Corrales, Irene Moreno, Joyce Castille(Thurs), Madhu Dubey, Kenia Sandoval,

### **Daily Work Hours (2 hours):**

MTWF 11:15-1:15

Thursdays 11:15-1:15

### MTWF Lunch Times

- 11:30-12:10 (11:25 for Kindergarten) 1st, 2nd, 3rd
- 12:30-1:05 4th, 5th, 6th

Thursday Minimum Days (starting Sept. 5th)

Kindergarten lunch 11:30-12:00

- Play in primary area
- 1st-3rd 11:40-12:00
- 4th-6th 12:00-12:20

Assist with Traffic on Thursdays 12:20 until 12:45

- One person at entrance, one person at exit
- Only the following drivers are allowed in the parking lot: staff, handicapped, large transport daycare providers, anyone with a parking pass. Feel free to offer a parking pass for a grandparent in need of one. Also allow of parent has sleeping baby in car.

**Please arrive on time in order to be paid accordingly.  
If absent, call office by 9:00am in order for us to find coverage.**

### **Daily check in at front office:**

- Pick up walkie talkies and emergency fanny pack kits

**The expectations for lunch supervisors include the following:**

- Use of a respectful voice
- No hands on students
- No eating of cafeteria food
- No eating while supervising students
- Walking around during supervision time to monitor students
- No use of cell phone during supervision of students except for emergencies

### **Be consistent with expectations for students to...**

- Walk inside the cafeteria
- Stay in seat unless you raise your hand and get permission to use the restroom, etc. Save garbage for lining up time.
- Keep noise level low
- Clean tables before dismissal
- Walk outside
  - Primary ...quietly past the office and Speech room
  - Upper...no bolting out back double doors and running. Walk to blacktop.
  - Have them stay behind one supervisor and lead them out.

### **School Themes:**

- **Cougars Count On Each Other**
- Kindness Matters
- Self Control
- Three Be's: Be Safe, Be Respectful, Be Responsible

### **Stations each week**

- Serving or monitoring during lunch
- Locations outside for supervision, moving and monitoring students

**Kindergarteners will be escorted by Jennifer and Ikuko for eating school lunch.**

**Schedule to start: (see printed list)**

### **Recess/Lunch Rules:**

- No tag on equipment.
- Limited grass for primary students.
- Freeze at whistle.
- Classes sit as a class in the quad when eating outside.

*Pass Out Positive Cougar Paws 😊*



# COUGARS



## RESPECT

- Make healthy choices
- Use good manners & inside voices

## RESPONSIBILITY

- Eat your own food
- Clean up

## SAFETY

- Stay in line
- Raise your hand if you need help

C  
A  
F  
E

What grade is your child in?	
Response	Open-Ended Response
	<p data-bbox="289 321 840 358">Fencing/security guards/cameras: 21</p> <p data-bbox="289 365 567 402">Traffic Concerns: 4</p>
5th Grade	An additional facilities/security guard for back up.
6th Grade	NA
4th Grade	Physical security gates around the school. Along with good locking mechanism for classrooms. And no glass windows. Easy to break in.
1st Grade	This is the safest school I've seen
2nd Grade	Assign a security
4th Grade	No strangers come inside the campus without a visitor's pass. Doors locked from inside when class is in session. Don't send children out without guardian/parents with them during dismissal.
6th Grade	Surveillance cameras
6th Grade	Evaluation of school perimeter for effectiveness of keeping out intruders during school hours
2nd Grade	Nothing that I know of.
4th Grade	Summer School. The Cadwallader children appear to not have an interest in gangs, however during Summer School it was obvious that some of the children that participated and were from a different school did have interest in gangs. I hope this changes in the future. The Summer School Teachers were great. Adding fencing to the school has been shared with parents and I believe it is time to further explore this idea.
1st Grade	Fencing
5th Grade	Bullying
1st Grade	CCTVs
3rd Grade	new fences, trim the grass, and be nice/kind.
7th Grade	The fights that happen at Leyva Middle; I do not know if my child is safe or understands the impact of fighting and how it could directly impact her. I am worried she will be brought into something by happenstance or because she was in the wrong place at the right time. What is Leyva doing to prevent fighting and be proactive amongst the groups in conflict. Parents need to be made aware.
2nd Grade	Gates at the perimeter of the school.
2nd Grade	Teachers should have a gun in the classroom to protect students from intruders.
6th Grade	No more combo classes
T-K	Gate/Fence up around the school
Kindergarten	Students should not hit other students, and parents should be notified when their kids are involved in these situations on both sides.

3rd Grade Make sure no strangers come on campus.

6th Grade Gated fences around the school

2nd Grade none  
I'd like to see better access for students to get on campus such as the field gate that has been closed and locked since Covid. There's only 1 access to drop off kids and it's not realistic and congested every morning and gets worse each year with lack of proper cross guards, schools used to provide paid cross guards and now rely ONLY on parents. Also the school should employ correct staff to maintain the school fields/grounds rather than making students fill holes in order to conduct the fund run. Proper shade for students while eating outside should be a basic necessity. The congested and unorganized drop off can be alleviated by opening other accesses to the school. There is no longer a pandemic why had the gate Not been re-opened?

5th Grade

1st Grade I would like to have an arm guard at the school.

2nd Grade Our school is older and an open campus. Newer schools are indoor or have iron gates.  
I will love to see the gates more secure near the grass area (playground) also I Will Want to see the driving protection for kids and people with children not crossing where the lines are not there. Also multiple time I have almost crashed because the car in front of me makes a complete stop in front of the school and that is not allowed. They dont even put hazards amd that is very dangerous. Just because they dont want to get of the car and let the children cross! Please do something about this!

4th Grade

5th Grade None

2nd Grade More cameras and improved fencing

4th Grade

2nd Grade Would like to see secure gates

2nd Grade Inner fencing to stop intruders. We have been promised this for years and still don't have it

Kindergarten Gated school yard around the entire premises that are locked

4th Grade Fencing, entry/exit gates, drop off procedures.

5th Grade

4th Grade More people help out to organize traffic before and after school during busy hours

6th Grade

Kindergarten Teach kids to be more about being tolerant

2nd Grade  
Cadwallader does a great job making the safety of our kids are a top priority. I feel safe and secure sending my son to school everyday. One thing I would like to see is a reinforced, taller fence around the campus to keep out possible intrusions and/or children exiting.

6th Grade

5th Grade Cars should not parked on the road facing the school during drop off and pick up time .

6th Grade The fence is too low and anyone can jump the fence . Also the two front doors should be close during school hours and who ever wants to enter the campus should ring a ring bell so they can be allowed to the campus.

4th Grade Strong Interior fencing to keep children and staff safe






1. Con quý	Quý vị muốn chúng tôi cải thiện điều gì về sự an toàn ở trường của quý vị?
Response	Open-Ended Response

Lớp 5

Gắn thêm bảng chạy xe chậm lại vì gần trường học . Attach a sign to slow down traffic because it is near a school.

Lớp 5

Lớp 6

Không có ý kiến Have no ideas

Mẫu giáo "K Nothing

I think our students should know more about the safety when earthquakes might happened since we live in San Jose, Ca. Thank You so much!

Lớp 3




# PARENT/STUDENT HANDBOOK



## CADWALLADER ELEMENTARY SCHOOL

**Evergreen Elementary School District**

**3799 Cadwallader Avenue San Jose, CA 95121**

National Blue Ribbon School

California Distinguished School

Title I Academic Achieving School

**Principal:** Maureen McClintock

**Main Office:** (408) 270-4950

**Cadwallader FAX:** (408) 223-4839

**Evergreen School District:** (408) 270-6800

### **CADWALLADER VISION**

At Cadwallader we inspire, excite, and empower all students to become lifelong learners with the knowledge and critical thinking skills to reach their personal goals and have a positive impact in our world.

### **CADWALLADER MISSION**

Our Cadwallader staff is committed to:

- celebrating and appreciating diversity within our community while establishing integrity, perseverance, respect and empathy.
- ensuring students have a safe environment in which they feel nurtured, valued, and empowered to develop a strong sense of self-worth to fulfill their hopes and dreams and be part of the community.
- modeling for students how to think critically, collaborate, and challenge themselves to have a growth mindset.
- inspiring students to achieve academic excellence in our ever changing world by developing lifelong learners using research based practices.

Cadwallader Cougar Motto is: **"Cougars Count On Each Other."**

**BE SAFE, BE RESPECTFUL, BE RESPONSIBLE**  
**Above all else..... Be Kind!**

# BELL SCHEDULE

## Cadwallader 2023-2024

### Full day Kindergarten

We will start the year with half days and transition into full days starting Tuesday, September 5<sup>th</sup>. Kindergartener's start full days and eat lunch at school on Tuesday, September 5<sup>th</sup>.

- August 21<sup>st</sup>-September 1<sup>st</sup> 8:15 a.m. - 11:35 a.m.
- Starting Tuesday, September 5<sup>th</sup> 8:15 a.m. - 2:15 p.m.

	<u>Start Time</u>	<u>End Time</u>
<b><u>Preschool</u></b>		
A.M. Preschool	8:30 a.m.	11:15 a.m.
Morning Recess/Breakfast	9:50 a.m.	10:20 a.m.
P.M. Preschool	12:00 p.m.	2:45 p.m.

### **TK/Kindergarten Regular Days**

Kindergarten	8:15 a.m.	2:15 p.m.
Morning Recess/Breakfast	9:15 a.m.	9:45 a.m.
Lunch	11:25 a.m.	12:15 p.m.
Afternoon Recess	1:10 p.m.	1:30 p.m.

### **TK/Kindergarten Minimum Day Thursdays**

Arrival/Dismissal	8:15 a.m.	12:15 p.m.
Morning Recess/Breakfast	9:15 a.m.	9:45 a.m.
Lunch	11:30 a.m.	12:00 p.m.

### **Primary Grades (1-3) Regular Days**

Arrival/Dismissal	8:15 a.m.	2:30 p.m.
Morning Recess/Breakfast	9:30 a.m.	9:50 a.m.
Lunch	11:30 a.m.	12:15 p.m.
Afternoon Recess	1:25 p.m.	1:45 p.m.

### **Upper Grades (4-6) Regular Days**

Arrival/Dismissal	8:15 a.m.	2:30 p.m.
Morning Recess/Breakfast	9:30 a.m.	9:50 a.m.
Lunch	12:30 p.m.	1:10 p.m.

### **Minimum Day Thursdays Grades 1-6**

Arrival/Dismissal	8:15 a.m.	12:30 p.m.
Morning Recess/Breakfast	9:30 a.m.	9:50 a.m.

For those students purchasing hot lunch, they can stay **after school** to eat hot lunch in the cafeteria on Thursdays from 12:30-12:45 pm. Students **not** purchasing hot lunch leave at the dismissal time of 12:30pm on minimum days.

## **ARRIVAL AND DISMISSAL**

We are concerned about the safety and protection of all children arriving and departing Cadwallader. We appreciate the cooperation of all to ensure the safety of all.

### **PARKING LOT SAFETY**

**All drivers of tk/kindergarten through 6th grade students are to drop off students outside the parking lot or park outside the lot at a gray curb.**

- An adult is to remain with their TK/K student until the classroom teacher greets the class at the start of the day.
- TK and Kindergarten parents are to park outside the parking lot and walk onto the campus.

Our parking lot is reserved for buses, staff, day-care drivers, preschool parents, & the disabled that must get out of their car to collect their child (TK/Kindergarten students must be picked up and dropped off at the classroom door, please do not leave your child unattended).

Any authorized adult that needs to pick up a student from our front office is allowed in the parking lot. Do not park in any red zones.

**Morning Traffic:** Our morning traffic can be a dangerous time so we ask you to follow all traffic safety rules.

- Students are dropped off outside our gates unless they are preschool students who arrive after our K-6th start time.
- Our white curbs are for drop off only. Drive up to the curb, have your child exit curbside, and then drive off for the next car to pull in.
- Do not stop or park at a red curb or in the crosswalk.
- Left turns are possible on Forestwood Drive , but no U turns are legal on Cadwallader Avenue with congested traffic. Also, no U turns are allowed in crosswalks.
- Drivers, please remember to stop behind the crosswalk at all stop signs. Do not inch forward toward the crosswalk when pedestrians are crossing. Together we can keep our crosswalks a car-free safety-zone for students and families.
- Please drive slowly and pay attention to your surroundings.
- Do not use your cell phone while driving.
- If you are walking your child on campus (kindergarten will need to walk your child to the classroom door), park outside and walk in, or better yet, walk from home, if possible.

### **YELLOW LINES**

- While on campus, please remain behind the yellow lines unless you have signed in to the front office and are visiting a classroom.
- During afternoon pickup, please remain behind the yellow lines until all students are dismissed.

### **ATTENDANCE**

Students are expected to attend class each school day. Absences are

considered 'excused' for the following reasons: personal illness or injury, medical or dental services, quarantine, funeral attendance, court appearance, religious holiday, or a school-approved absence/emergency. Students will be declared truant if they have three or more absences and/or tardies over 30 minutes in a school year and shall be reported to the attendance supervisor or the superintendent of the school district. **School funding is lost every time a student is absent. No matter what the reason, if a student is absent, no funds are received that day. Beyond your student losing valuable instructional time, lack of funding affects our entire school site.**

## **ABSENCES**

- Parents should call the school at (408) 270-4950 each day the student is absent. Also you can email both Mrs. Gilmore and Mrs. Bhoot at [cafrontoffice@eesd.org](mailto:cafrontoffice@eesd.org) when your child is absent.
- Family travel must be taken during official school vacation holidays. Any absences due to family vacations are unexcused absences.
- If your child cannot go out for recess or take part in physical education, they must bring a signed note stating the reason for being excused. Frequent or extended absences from recess or P.E. may require a doctor's statement.
- Make-up work is provided for excused absences. A student will be given time to complete make-up work once they return back to school. The standard is one day for each day's absence.
- 3 or more absences or excessive tardies will result in an 'Attendance Letter' going home and 6 or more absences may result in a parent/principal conference.
- 3 or more absences or excessive tardies may also result in a referral to the Student Study Team.
- Excessive absence/tardies may result in a referral to the district's School Attendance Review Board (SARB).

## **TARDINESS (ARRIVING LATE)**

1. A student is tardy after 8:15 a.m.. The student needs to be in their class line when the 8:15 a.m. bell rings. If a student arrives on campus after the bell, they need a late pass from the Office.
2. A student should report to the Office first when arriving late to school. An adult should accompany late primary students to the Office.

## **CITATIONS AND REFLECTION SHEETS**

Citations are given to students as a reminder of the school rules that need to be followed in order for all students to be safe, respectful to others, and to be responsible for their individual behavior. Citations are sent home for a parent signature in order for parents to have a follow-up conversation with their child regarding the student's behavior choice. Citations are not placed in your child's permanent file.

A reflection sheet may accompany a citation or be sent instead of a citation. This is another tool used to have a conversation with your student to learn from their mistakes. No perfection, but we keep trying to improve. Please return the citation, and possible reflection sheet the following school day.

## **SCHOOL RULES and PBIS (Positive Behavioral Intervention Strategies)**

The broad purpose of PBIS is to improve the effectiveness, efficiency and equity of schools by clearly stating behavior expectations. Those expectations are taught in the classrooms, demonstrated through videos, posted in various locations on campus, and reviewed throughout the school year. Here at Cadwallader, we focus on positive behaviors and acknowledge the students as they make good choices. We endeavor to "catch" the students demonstrating the Three Be's and reward them with "PAWSitive Notes."

**At Cadwallader School we have three main rules,  
also known as the Three Be's:**

**Be Safe  
Be Respectful  
Be Responsible**

The Cadwallader staff and students are expected and encouraged to regularly model these behaviors - to create a respectful and caring school community. Positive Cougar Paws are given to students who are caught following our Three Be's and students cash in those paws to purchase positive incentives. Stickers, wearing a crown for a day, renting a white board or using sidewalk chalk during recess, being an office or library helper, spending recess with a cat or dog (pet therapy), visiting a game room at recess, or choosing to sit with a friend at lunch are all examples of incentives. Focusing on the positive, PBIS improves social, emotional and academic outcomes for all students, including students with disabilities and students from underrepresented groups.

### **STUDENT BEHAVIOR and CONSEQUENCES**

We focus on our Three Be's of SAFETY, RESPECT and RESPONSIBILITY. Students using **SELF-CONTROL** with their physical bodies and the words that come out of their mouths are of utmost importance. Students make decisions about their own behavior and have consequences if they make a negative choice. Children are human and make mistakes. A powerful conversation with a student involves asking them, if they could rewind and go back to the same situation, what would they do differently? Reflect on the choice that was made and the consequences for that decision. The most important thing is that students learn from those mistakes and make better decisions in the future.

**We treat students individually, based on what will work for them.** While the rules will be uniform for all, specific consequences will be assigned on an individual basis based upon the needs, offense, and history of the student. Just as students need different approaches to reading, they need different approaches to discipline. We believe that being fair means giving each person what they need, not treating everyone exactly the same.

### **SIGNING OUT A STUDENT**

1. If a student needs to leave during the school day, parents **must** check them out in the Office. The child will be called to the Office via the classroom phone.
2. Parents are encouraged to make dental and medical appointments after school hours.
3. Please wait for your students behind the painted yellow lines.
4. Standing outside the classroom while waiting for your child is disruptive to the learning environment.

### **VISITORS ON CAMPUS**

**We welcome visitors to our school, but for the protection of our students, visitors are to report directly to the Office first to obtain a visitor's pass. Please do not go directly to the classroom during class time or to the Café and the playgrounds during recess or lunch hours.** During arrival and dismissal times, please wait at the front of the school behind the yellow lines.

To make the best use of your time, it is best to schedule a conference when it is necessary to speak to a teacher or the principal.

### **OFFICE COMMUNICATION**

If you need to give your child a message, medication, glasses or lunch money, please call or go to our front office. We will be sure to get the information to your child as soon as possible.

During the year, we will send home notes concerning school activities, rules, and other information. A weekly voicemail and email are sent to all parents through ParentSquare. Your information must be current on the Parent Portal in order to receive this information. All information is posted on our school website as well, including the school calendar of events. School website: **[cadwallader.eesd.org](http://cadwallader.eesd.org)**

### **MEDICATION**

No medication, prescription or over the counter, can be brought to school and taken by students *without both a parent and a doctor signature*. Medication request forms may be obtained in the Health Office. In addition, all medication must be kept in the Health Office unless the doctor states otherwise. This is inclusive of any medication from inhalers to cough drops.

### **LUNCH AT SCHOOL**

#### **Regulations:**

- Students eating a school lunch must eat it at school. State law doesn't allow for it to be taken off campus.
- All lunches are provided free of charge this year, but please fill out an application for free/reduced lunch, even if you will never eat a school lunch.

It works to provide important funding for our school site as well as helping families qualify for other programs.

- Parents or guardians are not allowed in the food-services area.
- Drop off late lunches in the office for your child to pick up. Please make sure that your student is aware that you are dropping off their lunch. This helps with the office staff not disturbing morning instructional time.

## **EMERGENCY NUMBERS**

The school must **always** be informed of a work telephone number or emergency number in the event your child becomes ill or is injured at school and requires your presence. **Please remember to notify the school of any change of address or telephone number immediately. Parents should update their contact information themselves through our district's new Parent Portal. Please go to the Office to sign up for the Parent Portal if you have not done so already.**

## **EMERGENCY DRILLS**

The safety of your child is one of our greatest concerns. The school holds regular drills to teach students to respond calmly in the event of an emergency. Fire, earthquake, and lockdown/exit campus drills are conducted throughout the year. Detailed escape plans are posted inside the door of each classroom. Each class has an escape route to an outside area a safe distance from the school building. We have designated staging areas in the event of an emergency that requires us to leave campus. In the event of a real emergency, our district web page (eesd.org) will have a flashing "emergency" link to access current information.

## **PARENT-TEACHER CONFERENCES**

November parent-teacher conferences are essential to the overall education program. Please plan on attending. If parents have a special concern, they are encouraged to schedule a conference with the teacher at any time during the school year.

## **STUDENT PROGRESS**

There are several ways to find out how one's children are doing in school:

- Report Cards are sent home three times a year. Envelopes are to be signed by the parent and returned to school.
- Progress Reports are sent mid-trimester in grades 1-6.
- Teachers send home weekly communication about school work, behavior and upcoming events. If your child receives a weekly folder, please review the contents, read any notes from the classroom teacher and respond.
- Principal's weekly announcements will be sent via email and available on the school website each Sunday.
- Families are invited to attend Back-to-School night in the fall, parent-teacher conferences in November, and family nights, and individual classroom presentations during the year.



## HOMEWORK

The fundamentals — reading, writing, speaking, and mathematics — often need to be reinforced with additional practice, which the students may complete outside the classroom. Homework is to be an extension of classwork. Students must assume responsibility for their class work just as they will assume job responsibility in the future. Each Cadwallader teacher will explain their individual homework policy at *Back to School Night*.

### NO RESCUE POLICY FOR HOMEWORK

- Forgot homework or didn't do it?
  - Natural consequences
  - **Do Not** bring it to school for them
- Guide, suggest, but don't do it for them
- Checklist before bed
  - Folder in backpack?
  - Backpack at the front door?
- Student carry their own backpack each day
- Need help or suggestions? We are here to help.

#### Checklist for Helping Your Child with Homework:

- **Show that you think education and homework are important**
  - Do you set a regular time every day for homework?
  - Does your child have the necessary materials to do assignments?
  - Does your child have a quiet place with plenty of light?
  - Do you set a good example by reading and writing yourself?
  - Do you stay in touch with your child's teacher?
- **Monitor assignments**
  - Do you know what your child's assignments are? How long should they take? How does the teacher want you to be involved?
  - Do you make sure assignments are completed?
  - Do you read the teacher's comments on work returned?
  - Is TV viewing, computer, tablet or cell phone use taking valuable time away from homework?
- **Provide Guidance**
  - Do you understand and respect your child's style of learning? Do they learn best when they can see things, hear them, or handle them?
  - Do you help your child to get organized? How do they keep track of assignments? Do they have a book bag or folder for papers?
  - Do you talk with your child about homework? Do they understand it?
- **Talk with someone at school when problems come up**
  - Do you meet the teacher early in the year before any problems arise?
  - If a problem arises, do you meet with the teacher promptly?
  - Do you cooperate with the teacher and your child to develop a plan to address homework problems?

## **STUDENT SUCCESS TEAM (SST)**

Cadwallader School holds monthly meetings regarding the progress of identified students. The referring teacher, resource specialist, psychologist, speech and language specialist (as needed), and the principal review the student's progress with the parents to develop a plan that will lead to the success of each child referred.

## **PARENT COMMUNICATION**

Small problems will not become large problems if parents send an email or call the teacher before or after school. Partnership with parents gives children strong messages for success in school. Parents who review their children's weekly papers, work folders, and notebooks will be aware of their children's strengths and needs. The principal's weekly communication will be emailed every Sunday to communicate upcoming events.

## **PARENT RESPONSIBILITIES**

Our teachers care about children, and they are dedicated to making your child successful in school and providing a quality education for every student. To maintain an effective home/school partnership, we suggest the following:

- Ensure that your child comes to school on time every day.
- Reply promptly to all letters, notes, e-mails, and phone calls from school.
- Ask your child every day about something that they learned.
- Encourage your child to respect themselves, to respect the rights and property of others, and to obey all school rules.
- Set aside some quiet time and a place every day for homework and be prepared to give some help with assignments.
- Become informed about school programs and speak with your child's teacher whenever necessary.
- Attend as many school-related activities as possible.

## **STUDENT RESPONSIBILITIES**

Students are expected to be prepared to learn and have the following responsibilities:

- Arrive at school every day on time.
- Be prepared every day with completed homework assignments.
- Take home all letters, messages, and notes.
- Discuss with parents what they have learned in school.
- Ask parents and teachers for help when needed.
- Respect themselves and the rights and property of others; obey all school rules.

## **STUDENT DRESS CODE**

Students should dress in a manner that allows them to fully participate in all school activities and is not distracting. Proper attire helps create an environment that is conducive to learning. The primary standards are that students be neat and

clean while at school and that they conform to the district dress and grooming standards. Generally, students are not to be dressed in clothing which:

- Compromises safety or modesty
- Is disruptive to the educational process.

### **STUDENTS ARE NOT TO WEAR THE FOLLOWING:**

1. Any clothing or apparel which:

- Is considered dangerous, unsafe or a health hazard.
- Contains offensive or obscene symbols, signs, or slogans.
- Contains language or symbols oriented toward violence, sex, drugs, alcohol, or tobacco.
- Is mostly red or blue that includes but is not limited to shirts, pants, hats, and/or shoes.

2. Any attire or grooming disruptive to the instructional process which may include, but is not limited to:

- Bare midriff tops or strapless
- Tank tops with thin spaghetti straps
- Mesh tops
- Shorts, skorts, or skirts shorter than fingertip length
- Clothing which allows underwear to be exposed
- Open-toed shoes with or without ankle straps
- No shoes with skate wheels

All hats must be removed inside buildings.

### **STUDENT USE OF TECHNOLOGY POLICY**

The district recognizes technology as support for the instructional programs and it shall be used to further student learning. Regulations prohibit access to harmful matter on the internet (obscene or pornographic or other misuses of the system). No expectation of privacy should exist, as district staff may monitor the system activity to ensure proper use of the system. The Student and parent must sign an Acceptable Use Agreement, outlining a student's responsibilities and obligations, before using the district's online resources.

### **STUDENT USE OF DEVICES AND ONLINE ACTIVITY**

As educators and parents we have a responsibility to keep our children safe. Please monitor your students' activities with the use of electronic devices. To limit distractions for your child and for you to be aware of their communication online, the following is suggested:

1. Look at your child's phone or device regularly and check the history of where they have been.
2. Make sure you have all the usernames and passwords for everything your child is using online.
3. Take all devices, including phones and video game controllers, into your own

bedroom at night so your child does NOT have access and will get a good night's sleep.

4. Limit screen time to the weekends unless a device is needed for homework.
5. Limit video game usage to the weekends.
6. Ask your phone provider about syncing your smartphone to your child's smartphone. This allows you to see what they are texting or sending to others and what they are receiving as well.
7. With our successful front office communication, there is no need for your child to bring a cell phone to school. A phone is available to call parents before or after school and our office is open from 7:30am until 4pm daily.

### **CELL PHONES/SMART WATCHES AT SCHOOL**

- Cell phones/smart watches are to be kept in a student's backpack and not to be used during the school day, unless given permission by a staff member.
- Cell phones/smart watches are allowed at school for the purpose of contacting parents/guardians before or after school.
- Our office is open until 4pm each day, so all students can contact parents without the need for a cell phone.
- Your child is not allowed to use a cell phone/smart watch during the school day unless they have permission from their classroom teacher for school purposes.
- No student is to have their phone/smart watch in use after school on school grounds to do anything but text or call regarding transportation home.
- Students using their phones/smart watches for other reasons will need to turn their phones/smart watches in at the start of each day and have it returned to them at the end of each school day. Parents may be asked to come pick up the cell phones/smart watches.
- The school is not responsible for lost or stolen cell phones/smart watches.

### **SOCIAL MEDIA**

No student or parent should be posting photos or videos of other students online without the permission of the photographed/videotaped student's parent.

### **BICYCLE/SKATEBOARD/SCOOTER SAFETY**

Students may ride bicycles, skateboards or scooters to school, provided they have a current parent permission slip on file in the Office or are accompanied by a parent. By law, helmets must be worn and it is recommended that bicycles be locked up on the bike rack. The school will not accept responsibility for the safety of bicycles. Bicycles, skateboards, and scooters must be walked in crosswalks and while on school grounds.

### **PERSONAL ITEMS FROM HOME**

Children should leave all toys/equipment at home (i.e. bats, skateboards,

scooters, trading cards, etc.). Sports equipment is allowed if it has been approved by the classroom teacher and a student is willing to donate it to the classroom. Students should not bring balls to and from school on a daily basis. All electronic devices (ie. ipads, tablets, etc.) should be left at home. We are not responsible for lost or stolen items that should not be at school.

## **LOST AND FOUND**

Clothing and personal belongings that are brought to school should be labeled with your child's name. Found articles are turned into the school's Lost and Found in the Café. Unlabeled or unclaimed property will be turned over to charity throughout the school year.

## **TEXTBOOKS/CHROMEBOOKS/IPADS**

Textbooks, chrome books (3rd-6th), and ipads (K-2nd) are furnished for free. If textbooks or library books or devices are lost or damaged beyond reasonable use, parents or guardians will be charged the full replacement price.

## **PET FREE CAMPUS**

To ensure student safety, including allergies and any fear of animals, pets are not allowed on campus. Classroom visits are possible with parent permission of classmates prior to the visit.

## **BIRTHDAY CELEBRATIONS**

Parents are allowed to send small treat bags and/or food items as long as the food is store bought and individually wrapped. **Please ask the classroom teacher about any food allergies of students. These items will be passed out/shared at the end of the school day.** Save balloons and decorations for celebrating at home.

## **FIELD TRIPS**

When a field trip is to be taken, your child will bring home 2 permission forms giving the destination and date. These forms must be signed and returned to the teacher before your child will be allowed to go on the trip. Per our district, no verbal permission by phone is accepted. If your child does not attend the field trip, they are to report to school and will be assigned work to complete while they are in a different classroom. All field trips are supported with parent donations. If there are not enough donations for a field trip, the field trip may need to be canceled. If you plan on driving your own student to or from a field trip, a liability form must be filled out in advance. Chaperones are asked to monitor a group of students for safety reasons. No non-Cadwallader students should be attending a field trip with a chaperone. Chaperones are needed to supervise students and be aware of all surroundings on the field trip. Please refrain from using your cell phone or other device in order to safely chaperone students. To protect the privacy of our students, at no time should pictures or videos of children, except your own, be posted to any website or social media without permission from the child's parent or legal guardian.

## **PARENT INVOLVEMENT**

Parent volunteers are welcomed and encouraged to visit school frequently and to actively participate in the education of their child.

A child's success in school is best assured when the school and the home collaborate their efforts. Parent involvement in a child's school gives the message to students that education is an important community effort. It also provides youngsters with a strong model for civic and community involvement as adults. Here are just a few ways that you can get involved at Cadwallader:

- Assist in the classroom
- Prepare materials at home
- Chaperone during school sponsored field trips
- Volunteer an hour or two a week in the Office with copies
- Attend school wide activities and events
- Participate in the SSC, ELAC, or the PTA
- Assist with school fundraisers
- Work as a paid yard supervisor during lunch

## **PARENT/TEACHER ASSOCIATION (PTA)**

The PTA is an organization devoted to working for the children and families in our school community. A membership drive will be held in the fall and we encourage all parents to join this national organization. PTA meetings are usually held monthly and sometimes there are feature speakers or programs that are of interest to the community. The PTA board is composed of volunteer parents and staff members.

## **SCHOOL SITE COUNCIL/ENGLISH LANGUAGE ADVISORY COMMITTEE**

The School Site Council (SSC) and English Language Advisory Committee (ELAC) is a representative team of parents, teachers, staff, and the principal that use our combined resources of knowledge to make the school the best it can be through the school improvement process. Parents who wish to become more deeply involved in the school may consider running for membership on the SSC or ELAC. The SSC/ELAC advises, coordinates, monitors, and evaluates our School Improvement Plan, Comprehensive Safe School Plan, and the work done with our English Language Learners. SSC/ELAC elections are either held in late spring for the following school year, or in the fall once school starts. All parents are welcome to attend SSC/ELAC meetings whether they are an elected member or not.

## **DISTRICT POLICIES**

### **ZERO TOLERANCE**

We adhere to a Zero Tolerance Policy when it comes to dangerous items at school. These include but are not limited to firearms, knives, dirks, daggers, razors or any weapon with a fixed or sharpened blade, explosives, etc. Any student found to be in possession of such items will be held accountable to sanctions listed in

educational code such as suspension and expulsion. If warranted, the police will be called. Senate Bill No. 1198 amends Education Code section #48915 to require the principal or superintendent of schools to immediately suspend and recommend for expulsion any student in grades K-12 found to be in possession of a firearm at school or at a school activity off school grounds. Senate Bill No. 292 expands this current law to include any instrument that propels a metallic projectile as a firearm for expulsion. This includes BB or pellet guns, spot markers, or paint guns on school grounds. Expulsion is a serious action that removes a child from all Evergreen Schools for up to one year. The School Board may also expel for: weapons (firearms, knives, etc.), tobacco, damage to property, obscenity, profanity or vulgarity, theft, drug possession, use or sale, receipt of stolen property, and/or sexual harassment.

## **TOBACCO, DRUG, ALCOHOL POLICY**

Evergreen School District has a District Policy that forbids smoking anywhere on district property. E-cigarettes and vape pens are tobacco products. Alcohol and drugs of any kind are forbidden.

## **NONDISCRIMINATION POLICY**

District programs and activities shall be free from discrimination, including harassment, with respect to the actual or perceived ethnic group, color, race, ancestry, national origin, religion, gender, physical or mental disability, age, and/or sexual orientation. The Governing Board shall ensure equal opportunities for all students in admission and access to the educational program, guidance and counseling programs, athletic programs, testing procedures, and other activities.

## **STUDENT SEXUAL HARASSMENT**

The Governing Board is committed to maintaining a school environment that is free from harassment. The Board prohibits sexual harassment of any student by another student, an employee or other person, at school or at a school-sponsored or school-related activity. The Board also prohibits retaliatory behavior or action against any person who complains, testifies, assists or otherwise participates in the complaint process established in accordance with this policy. 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.

## **NOTICE OF UNIFORM COMPLAINT POLICY**

The district shall investigate and seek to resolve complaints at the local level. The district follows uniform procedures when addressing complaints alleging unlawful discrimination (within six months of the alleged occurrence), violation of civil rights guarantees, or failure to comply with state or federal law in programs for consolidated categorical aid, Indian education, migrant education, child nutrition,

special education, adult education, career/vocational education, and child development.

Contact the Superintendent or Assistant Superintendent of Educational Services if you have a question concerning noncompliance on any of the listed programs. The district will respond to a written complaint within sixty days. After receiving the district's decision regarding a complaint, appeal procedures are available to the California Department of Education within fifteen days. Complainants may use any civil law remedies that may be available such as local mediation centers, legal assistance agencies, etc. (ex. Legal Aid Society of Santa Clara). In a discrimination complaint, the complainant has the right to seek civil law remedies at least sixty days after filing an appeal to the California Department of Education.





**Cadwallader Elementary School**  
Evergreen Elementary School District

3799 Cadwallader Avenue, San Jose, CA 95121

California Distinguished School • Blue Ribbon School

Maureen McClintock, Principal  
mmclintock@eesd.org  
408-270-4950  
cadwallader.eesd.org

## Cadwallader Elementary School Parent/Student Handbook

Dear Students and Parents,

Each year we encourage our children to take responsibility for their work and to set achievable goals. We are providing all students and families a Parent/Student Handbook as a reference for important school information. At Cadwallader, we are proud to have a safe school where students and parents know and understand our expectations. The following pages highlight several of Cadwallader's expectations that were reviewed in each classroom. We would appreciate it if you would read the Parent/Student Handbook and review the information with your child over the next few days. It is our hope that this handbook will provide you with useful information about our school rules and policies, as well as information about our day-to-day routines. If you have any questions, please feel free to contact us. Thank you for your continued support.

***Please return on or before Monday, August 28th.***

***Students who return this signed page along with the lunch application will receive a treat and be entered in a drawing for a free backpack with supplies.***

Sincerely yours,  
The Cadwallader Staff

I have read the Cadwallader Parent/Student Handbook and have reviewed the information with my child.

-----  
Parent Name/ Signature

-----  
Date


-----  
Student Name/Signature

-----  
Date

-----  
Teacher Name

-----  
Room Number

## Cadwallader Behavior Matrix

	Cafe	Playground	Bathrooms	Library	Computer Lab	Office	Driving Zones	Everywhere
<p><b>BE SAFE</b> Be aware of others' physical space &amp; emotions.</p>	<ul style="list-style-type: none"> <li>*Stay in line</li> <li>*Raise hand if you need help</li> </ul>	<ul style="list-style-type: none"> <li>*Walk on blacktop (run on grass)</li> <li>*Freeze when bell rings</li> <li>*Safe use of body and objects at school</li> </ul>	<ul style="list-style-type: none"> <li>*Wash hands.</li> <li>*Report suspicious activity / people</li> </ul>	<ul style="list-style-type: none"> <li>*Wait patiently for your turn</li> </ul>	<ul style="list-style-type: none"> <li>*Wait patiently for your turn</li> <li>*Visit safe sites only</li> </ul>	<ul style="list-style-type: none"> <li>*Keep conversations confidential</li> <li>*Keep walkways clear</li> </ul>	<ul style="list-style-type: none"> <li>*Walk on the sidewalks</li> <li>*Watch for cars!</li> <li>*Use crosswalks</li> </ul>	<ul style="list-style-type: none"> <li>*Walk</li> <li>*Safe use of body and objects at school</li> <li>*Tell an adult, if you need help or see a problem</li> </ul>
<p><b>BE RESPECTFUL</b> Be kind &amp; courteous. Use manners &amp; self-care.</p>	<ul style="list-style-type: none"> <li>*Make healthy choices</li> <li>*Use good manners &amp; inside voices</li> </ul>	<ul style="list-style-type: none"> <li>*Use kind words</li> </ul>	<ul style="list-style-type: none"> <li>*Keep bathroom clean</li> <li>*Flush the toilet</li> <li>*Let others have privacy</li> </ul>	<ul style="list-style-type: none"> <li>*Use quiet voices</li> <li>*No food or drinks</li> <li>*Follow directions</li> </ul>	<ul style="list-style-type: none"> <li>*Use quiet voices</li> <li>*No food or drinks</li> <li>*Follow directions</li> </ul>	<ul style="list-style-type: none"> <li>*Use good manners and inside voices</li> <li>*If needed, say "Excuse me, emergency!"</li> </ul>	<ul style="list-style-type: none"> <li>*Pick up anything you drop</li> </ul>	<ul style="list-style-type: none"> <li>*Be kind and use good manners</li> <li>*Encourage others</li> <li>*Use equipment as intended</li> </ul>
<p><b>Be Responsible</b> Be honest, organized &amp; come prepared.</p>	<ul style="list-style-type: none"> <li>*Eat your own food</li> <li>*Clean up</li> </ul>	<ul style="list-style-type: none"> <li>*Be fair / take turns</li> <li>*Tell, don't tattle</li> <li>*Follow the rules</li> </ul>	<ul style="list-style-type: none"> <li>*Use facilities properly</li> <li>*Tell adult if there is a problem</li> </ul>	<ul style="list-style-type: none"> <li>*Treat books with care</li> <li>*Report damaged books</li> </ul>	<ul style="list-style-type: none"> <li>*Treat equipment with care</li> <li>*Report damaged equipment</li> <li>*Use technology as intended</li> </ul>	<ul style="list-style-type: none"> <li>*Tell the truth</li> <li>*Take turns talking and listening</li> <li>*Take responsibility for your actions</li> </ul>	<ul style="list-style-type: none"> <li>*Families walk onto campus</li> <li>*Families can stop &amp; drop students in white zone</li> </ul>	<ul style="list-style-type: none"> <li>*Tell the truth</li> <li>*Come prepared and try your best</li> <li>*Follow directions</li> </ul>

**PRIMARY GRADE YARD DUTY SCHEDULE 2023-2024**

<b>Week of:</b>	<b>21-Aug</b>	<b>28-Aug</b>	<b>4-Sep</b>	<b>11-Sep</b>	<b>18-Sep</b>	<b>25-Sep</b>	<b>2-Oct</b>	<b>9-Oct</b>	<b>16-Oct</b>
<b>8:05-8:15</b>	4	5	6	8	9	12	24	4	5
<b>9:31 - 9:50</b>	24, 8, 12	8, 12, KB	9, 24, KB	9, 24, KB	12, 24, KB	5, 24, KB	4, 6, KB	24, 8, KB	8, 12, KB
<b>1:25 - 1:45</b>	5, 6, 9	4, 6, 9	5, 8 12	4, 6, 12	4, 5, 8	4, 6, 9	5, 8 12	5, 6, 9	4, 6, 9
<b>OFF</b>	KB	24	4	5	6	8	9	12	24
<b>Week of:</b>	<b>23-Oct</b>	<b>30-Oct</b>	<b>6-Nov</b>	<b>Nov 13</b>	<b>27-Nov</b>	<b>4-Dec</b>	<b>11-Dec</b>	<b>18-Dec</b>	<b>8-Jan</b>
<b>8:05-8:15</b>	6	8	9	12	24	4	5	6	8
<b>9:31 - 9:50</b>	9, 24, KB	9, 24, KB	12, 24, KB	5, 24, KB	4, 6, KB	24, 8, KB	8, 12, KB	9, 24, KB	9, 24, KB
<b>1:25 - 1:45</b>	5, 8 12	4, 6, 12	4, 5, 8	4, 6, 9	5, 8 12	5, 6, 9	4, 6, 9	5, 8 12	4, 6, 12
<b>OFF</b>	4	5	6	8	9	12	24	4	5
<b>Week of:</b>	<b>15-Jan</b>	<b>22-Jan</b>	<b>29-Jan</b>	<b>5-Feb</b>	<b>12-Feb</b>	<b>26-Feb</b>	<b>4-Mar</b>	<b>11-Mar</b>	<b>18-Mar</b>
<b>8:05-8:15</b>	9	12	24	4	5	6	8	9	12
<b>9:31 - 9:50</b>	12, 24, KB	5, 24, KB	4, 6, KB	24, 8, KB	8, 12, KB	9, 24, KB	9, 24, KB	12, 24, KB	5, 24, KB
<b>1:25 - 1:45</b>	4, 5, 8	4, 6, 9	5, 8 12	5, 6, 9	4, 6, 9	5, 8 12	4, 6, 12	4, 5, 8	4, 6, 9
<b>OFF</b>	6	8	9	12	24	4	5	6	8
<b>Week of:</b>	<b>25-Mar</b>	<b>8-Apr</b>	<b>15-Apr</b>	<b>22-Apr</b>	<b>29-Apr</b>	<b>6-May</b>	<b>13-May</b>	<b>20-May</b>	<b>27-May</b>
<b>8:05-8:15</b>	24	4	5	6	8	9	12	24	4
<b>9:31 - 9:50</b>	4, 6, KB	24, 8, KB	8, 12, KB	9, 24, KB	9, 24, KB	12, 24, KB	5, 24, KB	4, 6, KB	24, 8, KB
<b>1:25 - 1:45</b>	5, 8 12	5, 6, 9	4, 6, 9	5, 8 12	4, 6, 12	4, 5, 8	4, 6, 9	5, 8 12	5, 6, 9
<b>OFF</b>	9	12	24	4	5	6	8	9	12
<b>Week of:</b>	<b>3-Jun</b>	<b>10-Jun</b>							
<b>8:05-8:15</b>	5	6							
<b>10:00-10:20</b>	8, 12, KB	9, 24, KB							
<b>1:25 - 1:45</b>	4, 6, 9	5, 8 12							
	24	4							





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## Survey General Result Notes for Oct. of 2023 Safety Survey

- 204 student responses grades 3rd-6th
- 32 staff responses
- 75 community responses out of approximately 350

**Main focus:** Students being put down (often/sometimes) for their:

-race (21%) for 2022 **19% for 2023**

-gender or gender identification (13%) for 2022 **14% for 2023**

-learning difficulties (24%)for 2022 **19% for 2023**

-clothing or physical appearance (18%)for 2022 **18% for 2023**

-religion or cultural practices (8%)for 2022 **10% for 2023**

An overall average of put downs is 16.8%. for 2022 **16% for 2023**

Bullying...see or hear of it(often/sometimes) -**continue focus on anti-bullying**

- 39% students (often/sometimes) for 2022 **37% for 2023**
- 8% staff for 2022 **13% for 2023**
- 17% parents for 2022 **19% for 2023**

School Facilities Well maintained

- Agree
  - 55% students for 2022 **51% for 2023**
  - 50% staff for 2022 **38% for 2023**
  - 83% parents for 2022 **91% for 2023**
- Disagree-**see comments**
  - 18% students for 2022 **40% for 2023**
  - 50% staff for 2022 **63% for 2023**
  - 15% parents for 2022 **3% for 2023**

Feel Safe at School (only students asked)

Students

- 85% yes for 2022 **85% for 2023**
- 15% somewhat safe for 2022 **15% for 2023**

Improvements You Would like to see (comments)

- Student Comments (194)

○

<b>Grass/Field Conditions (holes, dry dirt, unsafe): 132</b>
<b>Security Needs (fencing, more cameras, security guards, more yard duties): 38</b>
<b>Geese Poop (blacktop and grass): 25</b>
<b>Less Bullying ,more kindness, less swearing: 17</b>
<b>Bathroom Floors and Sinks: 5</b>
<b>2022-2023 Student Survey Concerns: Grass: 60...Bullying 27...help/get along/be kind 19...swearing/name calling/racist comments 18...Security cameras/fences/drills 15...Rules 12...yard duty 11...Bathrooms 6</b>

○

- Staff Comments (22)

<b>Field/Grass Improvements: 18</b>
<b>Security Fencing Needed: 16</b>

○

- Community Comments (38)
  - Security/fencing/cameras: 21
  - Traffic/Drop off: 4

**District currently looking at construction budget for solar to see if there is money for walking/running track as well as irrigation/field improvements. District is aware of the need for security fencing as well as additional security cameras for blind spots. Gopher abatement continues but holes in the grass continue as well.**



What is something you would like to see improved regarding safety at your school?

Open-Ended Response

**Field/Grass Improvements: 18**

**Security Fencing Needed: 16**

Improved fields and better security fences.

Installing fencing around the school

Holes in the field

We have been asking for the holes in the upper grade field to be fixed for many years. It is a safety issue. Kids have twisted and broken ankles on the field. There have also been times where students have hit other students and/or teachers and have not been removed from the classroom because they refuse. Students are seeing their peers be violent without getting a consequence. I believe that if a student hits another student or teacher, they should immediately be removed from the classroom for the safety and well-being of the rest of the classroom.

Wish I could open our doors or windows for fresh air.

The field in the back has not been kept up due to a problem with the sprinkler. It's had dead grass, holes, rocks etc for four years and even I tripped in one of the holes. We also are an open campus, one of the few in the district. Because if it die to safety reasons I can't even keep my door open for fresh air. We need to have gates installed for student and staff safety.

Holes in our field and planing grass in primary field.

grass fields, security fencing, safe crossing paths

Na

Our school needs a field. The upper grade field is full of gopher holes. We cannot have PE on the field. We have been asking for a running track but nothing has been done. Our school does not have an internal gate, so visitors can walk right up to our classroom doors. This is a safety concern. Teachers must keep the doors to their classroom closed at all times. As a result, whenever kids leave the classroom to use the restroom, it is disruptive when they come back and have to knock on the door.

Our fields- both primary (terrible dirt zone) and upper grades (holes)

fencing around campus; school and classrooms are easily accessible by anyone; there are evidence of alcohol and vandalism on school grounds after school hours.

fence/gate around school, fill-up all the holes on the field

Trespassing, unsafe field, safety when crossing the streets

Taller and close fencing around the school

FIELDS!!! And security fencing.

Interior security fencing, more safety cameras, every staff member having a functional walkie talkie, additional lunch supervisors paid for by district, security measures put in for office staff where visitors have to be approved before gaining access to the front office, the interior security fencing so people don't have direct access to our classroom doors, a walking/running track for students to use as their are holes all over our fields, a functioning sprinkler system on our primary side, smooth green grass for students to run instead of dry dirt and weeds with holes

Security fencing and fixing the uneven surface and holes in the fields where students run and play

Can't think of anything. Have not yet been here a full year.

Parents following da rules especially wen dropping off kids they need to be aware wen driving inside da parking lot dat there are kids parents walking to crops they need to slow down especially wen they bring their kids late to school

The fields are atrocious, unsafe, and can't be used due to the many holes and dips. Very uneven. The lower grade field is all dirt after construction in summer of 2022.

Holes. in the grass, the DIRT for a primary playgroud which has been there for years and is totally unacceptable, the lack of security fencing that most schools have already

Grass areas.

The fields need to be well maintained for students' safety.

Better fencing, better gopher control (I know it's difficult), fixing primary field (the dries grass and weeds pose a hazard to play)

Security fencing, updated walkie talkies - still waiting for the district to take action. It has been now 2 years that our parents have been voicing their concern. Our grass area at the primary field is still not useable by students. Our campus is wide open and no protection for our front office staff




What is your	What is something you would like to see improved regarding safety at your school?
Response	Open-Ended Response

**Grass/Field Conditions (holes, dry dirt, unsafe): 132**  
**Security Needs (fencing, more cameras, security guards, more yard duties): 38**  
**Geese Poop (blacktop and grass): 25**  
**Less Bullying ,more kindness, less swearing: 17**  
**Bathroom Floors and Sinks: 5**

**2022-2023 Student Survey Concerns: Grass: 60...Bullying 27...help/get along/be kind 19...swearing/name calling/racist comments 18... Security cameras/fences/drills 15...Rules 12...yard duty 11...Bathrooms 6**

- I would like them to not take us out to the field when the fire drill happens so they are preparing us to go into the extremely flammable grass
- 4th Grade at the primary grades field so i am worried about the 1 2 and 3 grade so when there is a real fire they would die.
- 4th Grade A clear grass
- 4th Grade so we can play on with not falling in the gopher holes
- 4th Grade I would like to have a nice and smooth field with no gopher holes and better security so no one can trespass
- 4th Grade I think removing the gopher holes, and better security would be a nice change to the school.
- 4th Grade i would like the school to fill up the holes in the field and add more protection to the school entrence
- 4th Grade I would like to see more security cameras. also more taechers & staff.
- 4th Grade I would want a field with no gopher holes and I would want security cameras all over the school.
- 4th Grade I would feel a lot more safe with the gates closed
- I would like to see the gopher holes improved and filled up so other students dont fall. Another thing I would like to see improved is security
- 4th Grade fences near classrooms to no people can trespass
- for the primary to have a grass field to start off with of the year instead of starting starting with with a dirt field of the beginning the year for
- 4th Grade primary
- 4th Grade The primary area has dirt only, and instead of sitting in the office security gates needed for students and to prevent trespassing.
- 4th Grade filled gopher holes
- 4th Grade The gate and a good field and the trespassing.
- i wouldn't change anything except the fact that the field has gopherholes in it and sometimes the field is just dirt one the primary
- 4th Grade playground.
- 4th Grade primary kids should get greener grass.
- 4th Grade A field with no holes so people do not fall. Also have more security so people can not just come to a classroom.
- 4th Grade being kinder to evryone. less bulling. safer field
- i think we need a better field because sometimes theres holes whenever we run on the field and we also need security because people can
- 4th Grade just randomly go inside our school and trespassing.

4th Grade 1. Better fields so people don't trip and fall over holes 2. Security gates to prevent people from trespassing  
 I would like more yard duty, to secure more safety during recess. I would like to have a better field, because we can barely play on it as of now. I also think our school's security system is not the best. We should have more precautions to disallow trespassing. Our security is not great in my opinion.

4th Grade Field with no gopher and a security around the fence

4th Grade i don't know

4th Grade I would like to see the field to be improve.

4th Grade i would like to have a cleaning time to clean up the poop that the animals leave

4th Grade field

4th Grade I would like the gopher holes to be filled on the field so we don't fall.

4th Grade field

4th Grade no buylling

4th Grade Nothing

3rd grade Security guards and better cameras

6th Grade Bad language

4th Grade I don,t want the holes in the grass

4th Grade I don,t want the holes in the grass

4th Grade 4th grade is so good i like it but i don't do my homework because it is hard to do.

3rd grade The primary field needs grass so we can run and play on it.

4th Grade Nothing

4th Grade Put up signs at our district

4th Grade The grass because there are too many holes and people keep tripping,falling,bleeding and maybe their ankle not break but got hurt

6th Grade I dont think this school need change

6th Grade I dont think this school need any change

4th Grade No more holes.

3rd grade code red drill

4th Grade I would like to see improved is the grass becace there are to many holes and people keep triping and falling and getting hurt  
 The grass because there is a lot of holes in the school and I saw my brother like almost fall all of the time so, I think we need a little more care and I don't want my brother to get hurt

4th Grade holds in the grass

4th Grade I would like to see no more holes in the grass  
 I think the school should have improved door locks and and a safe with a protection weapon only for teachers in case of code red or a serious

3rd grade code blue

4th Grade Fill up the holes on our field with mud. Also I don't know.

4th Grade Improving english

4th Grade stop bullying , cover holes on grass

4th Grade The goose poop all over the playground.

4th Grade more people to look at the kids so no one can do something bad.

4th Grade Nothing. This school is the best in every way

6th Grade nothing

3rd grade fensis

3rd grade security guards,

3rd grade I want security gaurds and big fences.

6th Grade I woad like to see improved Bulling (👉👈)

3rd grade we need security cameras and guards to protect the school  
I would like for the school to fill the holes in the field because it is really dangerous. Students can easily trip and fall as well as get really hurt. I have fallen multiple times on the field due to the gopher holes. You can easily twist your ankle or get an injury that is even worse. I would

6th Grade really like the school to fix this problem regarding the student's safety.

3rd grade security guards and no more holes in the grass

6th Grade I would like to see the fields holes more filled because the sand is wet and when I step on it my shoes get really dirty.

3rd grade code red drill  
I would want the school to have more safety on my school field because there are so many holes someone can sprain their ankle and trip and hurt them self.

6th Grade

3rd grade grow field grass and taller fences thats all ;)

3rd grade Fill up the holes in the ground in the grass.

6th Grade I am so safety at my school and iam so safety reading at my school

3rd grade I think that the school needs more fences and fill up the holes in the field.

4th Grade no more bullying

4th Grade to not do anything bad don't jump over a fence and stay

3rd grade security guards,more security cameras,and taller fences

3rd grade security

3rd grade security

6th Grade I would like to see improved is that the upergrade field gets more ground level as in no holes, and more even surface

3rd grade security camera

6th Grade Something I would like to see improved for safety at my school is the grass field. I think this should be improved because of all the gopher holes and that can really hurt children when running on them. Children can trip and fall because of the holes. he holes

3rd grade some grass

6th Grade I would like to see our upper grade grass field with less golpher holes.

4th Grade Something that I would like to see improvement on is the field there are to many holes and people could get hurt.

6th Grade I would like to improve my school field because how many holes there are

4th Grade Behavior and no drama about sports, fix the holes so no injuries

4th Grade Fill the holes that is on the fields

6th Grade A school philosopher would be very nice, you can share your feelings towards a human, knowing you wont get exploited/judged for it.

4th Grade the holes in the grass

6th Grade I think that the field have to improved regrading safety because you can fall and you and hit your head or you can twist your ankle while running.

6th Grade Something I would like to see improve regarding safety at school is the field, their is a lot of holes in the field and someone can step in the hole and slip which is a bit dangerous in my opinion.

6th Grade Something I would want to be improved at our school is the grass. For example the grass has a lot of holes and they are very easy to trip and fall and you can get hurt by them. Also there not safe to run on and every fund run we have to fill the holes with sand.

6th Grade I would want to see the schools grass area improved, have better cooked food, and better blacktop as there are lots of loose rocks and someone like me could fall on them.

6th Grade stop naming other kids about their weight

6th Grade I'm not sure. Just keep in check of students in case they get hurt?

4th Grade fill in the holes at the grass field

6th Grade no bullying or making fun at other peoples.

6th Grade The grass, the playground, less bullying.

6th Grade Something I want to see improved is student behavior. I have noticed more aggressive behavior in 6th grade that kind of makes me nervous.

6th Grade Please help improve student behavior in order to make our place a safe place for all.

6th Grade I would like staff to monitor more area at lunch and recces.

6th Grade I would like our fields to be improved in regarding to holes . Our fields hav every many holes and it its hard to play on them as it is very dangerous and we cant run around as freely and have to be careful and watch were we are .

6th Grade I don't know

6th Grade The holes in the feald. Also the basketball bakkbord is old and starting to chip off when we shoot the ball.

6th Grade I would like to improve the field because it has a lot of holes and kids trip fall and need to go to the nurse which is not fun.

6th Grade i think to keep this school safe is cover the holes on the upper grade and if primary have any we could cover the holes.

6th Grade Nothing, I think the school is safe enough.



6th Grade

6th Grade The grass on the fields have too much holes

4th Grade fixing the holes in the field

6th Grade I think we should get our field's holes filled in because people get hurt all the time playing, or running on the grass.

6th Grade I think the fields can be fixed but other then that everything is good.

6th Grade The gopher holes in the field.

6th Grade I would like to see the holes in the field being filled.

6th Grade Nothing.

4th Grade One thing I would like to see to improve our school is that the blacktop should be more even and not bumpy. Another thing is that the grass should not have golpher holes.

4th Grade I would like to see our school grass holes filled in because there are a lot of incidents of people tripping in the grass.

4th Grade to stop harrasment, and bulying but all in all te school id identified a normal safe school place not a weird and bad schools that let anybody pull the fire alarm for not a reason

4th Grade

Although my school ground is very good, there are some major parts that need improvement, such as the grass area and the hoop net. I believe the grass area needs more mending because there are too many holes. Please fix the holes within the grass area it causes people to be harmed and twisted their ankles.

5th Grade

5th Grade Fix the field! Don't use child labor! More mole traps! Remove the geese poop or the geese!

Most of the school looks good, but a really big problem which most people don't like is the field. Many people complain about this including me, but each year it's the exact same thing. I would say that this is one of the biggest problems at school, if not then it is the biggest problem at school. There is so many holes there I probably injure myself there once a week. I have even sprained/rolled my ankle there. Whenever we play a P.E. game on the field and if we have to run to get to the other side like capture the flag someone might fall right before they reach the other side which would frustrate them. This a detrimental problem at school.

5th Grade

What I see that needs to be improved is the boy's bathroom because a lot of the times it floods. What I actually like is the playground it's really nice, but there's a lot of geese poop. Now the field the field is a nice area to run, but I have seen or heard a lot of people getting injured because of the holes so I really don't like the holes in the field because of injury's of students. Now the last thing is they should check on more students if they're hurting students.

5th Grade

I think the playground is good just the poop. But our, 4th, 5th 6th, playground has good cover. The fence is bad because outsiders can just climb and have a gun and we don't know it. The lower playground, 1st 2nd 3rd, is kinda good better than ours because the lower playground has a lot of cover. The mini playground is great because rarely any school shooter would go there but if there quiet and steath they would most likely have a pocket knife .

5th Grade

In my school I would like to see the holes in the grass fixed and not by students doing it at their lunch while the adults watch. Another thing at my school that is annoying and gross is the poop on the black top, this has been getting my shoes dirty and when i fall it gets on me.

5th Grade

Throughout our whole school it looks very nice, but there are many problems with the field. The field has many groundhogs and many students often trip or fall in the holes planted in our field. Moreover, the basketball hoop is very destroyed. For example, the rim doesn't have a net, the backboard is all broken up in pieces. Even though there are many problems, the overall school looks nice.

5th Grade

Something I see that needs to be improved at our school is the upper-grade field because it has a lot of holes, many students can trip in them and they can get hurt or maybe twist their ankle. However, it never got fixed.

5th Grade

One thing I would like to see fixed is our upper-grade field because there are so many holes and bumps that could make you trip. For years we have been complaining about the field, but it never gets fixed. I am hoping it will get fixed this year.

5th Grade

I would like to see my school improve the fields because many friends have rolled their ankles. Also when doing the fund run many classes are assigned to put sand in the holes which is very unfair because why should we have to work and at the same time donate money to the school with no reward. Second our playground is okay, but when we go outside we are met with Geese poop and it is at the point where we cannot play in the playground. Finally I would like it if my school would repair the basketball hoops mainly because there are no nets and when playing games we don't know if the shot went in. Also there is a hoop where wood is coming out every time we hit the backboard, so people get wood in their eyes.

5th Grade

Something I would like to improve regarding safety is the field. The field has a huge impact. The field has holes and bumps that make you trip. I took this survey before and I have always talked about the field. Also, the playground and blacktop have a bunch of geese droppings. I do not think that anyone wants to step in it, so I think that they should fix something about it. Everything else in the school is pretty good. For example, the front of the school, the playground, the blacktop, the tables, the quad, the bathrooms, and the cafeteria. I do really think that they should fix the field because last year, children were filling the holes with sand. The adults should have done it. In conclusion, they should fix the geese problem and fix the field that is unsafe.

5th Grade

I think that everything is fine, however, the field is horrible. We beg year after year to have it fixed but nothing has changed. There is geese poop and holes everywhere. I just recently hurt my ankle. Also, please, PLEASE, put gates around our school. Everyone else in the district has them and I feel unsafe because anyone can trespass onto our school grounds. There is also this girl who is mocking/teasing me and it isn't very nice. The bathrooms are gross and the basketball hoops are broken. I also have 38 kids in my class. Please fix this. We barely have enough materials and chromebooks for everyone. My teacher is about to have a mental breakdown. Thank you!

5th Grade

The blacktop is good but, there's geese poop everywhere. Also the field is super bad. There are bumps everywhere and holes everywhere. I tripped once because of the bumps. Well not really bumps, hills. Every time I ran it feels like I'm going up and down at the same time because I'm stepping in holes and on bumps. I also think we need a new basketball net because the net is ripped off.

5th Grade

Although the front of our school looks nice, the field in the upper grade area is atrocious. We have asked for many improvements throughout these school years. These holes in the field are a hazard. I have seen many students trip and roll their ankles while running on the grass. I have done it myself at times as well. Because the grass is a hazard, it is no longer safe to run as well as play anymore. This needs to change! Another thing that needs to be improved is the basketball hoops. They look nothing like they are meant to. The hoop is all twisted and raggedy. Although that might be some of the student's fault, it still needs to be changed. Lastly, I hear some of the basketball players cussing if they are angry. This is not okay.

5th Grade

Our playground is great, clean, and sturdy. The blacktop is nice, but the geese poop is not so great. Our field is the worst of all. There are holes among the holes. If I were to try and count them all it would take me about an hour. I have never heard or seen harassment in our school at all. I've seen people playing tag, but that is about it.

5th Grade

- 5th Grade I love this school, but the grass is terrible there are holes everywhere and it is not safe. I see kids trip all the time and classes have to go out their and try to fix it with their class and think it needs to be fixed right away. Also I think that 10:30 recess was better than 9:30 recess.
- 5th Grade The bathrooms are not that nice because there is dirty stuff on the ground and the field is the biggest problem there are holes in there and many kids hurt their legs. All the times I did the survey I tell about the field and the field stays the same.
- 5th Grade Something I would like to see improved are the fields. There are so many holes in the field, and geese poop everywhere. Every year classes would fill the holes with dirt or sand for the fund run. The bathrooms are truly disgusting, there is like an ancient stench that stays in there forever. I also think the recess schedule is not very comfortable for most students. Recess used to be at 10:30, now, it's at 9:30. That's three hours of sitting until lunch! I personally think 10:30 is much better.
- 5th Grade I would like to see the field improved. There are holes in the field everywhere.
- 5th Grade The playground is very nice but the basketball hoop does not look nice. Also the geese poops a lot in our field and the holes we have in the field.
- 5th Grade The Bathroom is nice, the Blacktop is perfect, and the playground had a very nice upgrade, however the field is just holes everywhere, children need to fill the holes it was our job to always do that. Geese poop is everywhere from the playground even to the green wall. Please fix this, I beg you.
- 5th Grade I love the front of the school, the bathrooms are nice, but what I don't like is that there are geese poop everywhere on the playground. I also don't like the field because it has holes in them and my friend twisted her ankle in it, so I expect that to change.
- 5th Grade Everything is nice but the field since there is geese poop, and ground squirrels.
- 5th Grade Our bathrooms are nice, the school is nice but the field has geese poop and there's holes that we can fall and trip. Same with some of the playground and some on the blacktop there's geese poop everywhere. I do have some information about assaulting. Kyla from Ms. Hills class punched Shanaya. Other than this, our school is great. :)
- 5th Grade Although the bathrooms and the front of the school is well maintained, I think the basketball net near the library should be fixed at the upper grade blacktop. Additionally, the geese poop on the field and playground has not yet been cleaned. Speaking of the field, it has many holes that need to be repaired because someone might trip and sprain an ankle. Furthermore, we need stronger fences like they do at Leyva Middle School. Trespassers might be able to easily climb the fences and spray graffiti all over the play structure like they did last year.
- 5th Grade The bathrooms are nice and the playground is nice but the field has geese poop and when we run we fall and I say that for many years and the field is not flat.
- 5th Grade The bathrooms look clean and nice, blacktop is good, but there's geese poop. Then the grass needs some work to do because there's bumps, sometimes holes, and geese poop again. So everything is good at the school it's just the grass that feels unsafe. We could trip or fall or even get hurt.
- 5th Grade The Blacktop looks nice, but there's geese poop everywhere!!
- 5th Grade Something I would like to see improved is our grass. Our grass always has holes and people could trip. The bathrooms need to be improved because people don't flush toilets and most of the time I see toilet paper on the ground. I also think the geese poop is a problem because I almost slipped on one. I also think we should replace our basketball hoops because one rim doesn't have a net. Overall our school looks amazing.
- 5th Grade My school looks so good all day
- 5th Grade The bathroom looks good and the front of the school looks good too, but there are holes in the grass that have never been fixed.

5th Grade The field has holes and people can fall,geese poop on the playground and on the grass.

5th Grade I would like the field to be nice, so there won't be anymore holes or geese poop stepped on.

5th Grade The geese poop should be removed and fill the holes in the field

5th Grade I would like the field to improve and the basketball nets, but everything else is fine and we've been asking for years.

5th Grade I would like to see the grass improved, and the basketball hoop fixed.  
The girl's bathrooms are really unsanitary there is this liquid on the floor that I (most of the time) have to look out for. There's also a carving in one of the stalls, and overall a lot of graffiti on the school grounds. I also know this group of "friends" that keep making each other cry. It's honestly concerning because both points keep giving really good proof that the other is the one causing harm. Also, this one kid, Jenisis, cusses a lot at recess and isn't a very good influence on the fourth graders I think. I love this school and most of the people here. The staff is amazing and the principal is great.

6th Grade

5th Grade Our field is full of holes and rocks, our playground is full of poop, and sometimes people clog the bathroom sinks with toilet paper.  
I would like to see better ways to spread positivity around the school. I think cougar paws are not working anymore because it never really changed much plus kids who had a lot of them often gave them to other kids

5th Grade Nothing, I just want more stuff to jump off and some staff has to stop touching my friend Brendan when all he was doing was sitting on his foot and his foot was sticking out just a little bit Brendan even asked her to stop touching him but the staff yelled "Maybe put your foot in the table" and Brendan said to me that he almost fell so please fix this behavior

5th Grade I would like to see more better yard duties because when people are playing tag on the playground at lunch they dont do anything they just ignore it and i would like to see more cameras in the classroom because last year when i was a fourth grader our teacher found a knife in a students backpack .

5th Grade

6th Grade Something I would like to see improved in my school is their drills because we do;t do oftenten. We don't do drills of  
Something I want to improve for safety at my school is the holes in the upper grade field. I have tripped on them multiple times just by walking on the field which makes me feel disappointed whenever I play on it.

5th Grade I would like to see the holes on the upper grade field being fixed. I have tripped over them many times and I'm sure others have to. If I'm just normally walking on the field and I slip, I might get a severe injury.

5th Grade

5th Grade I would like to see the boys bathroom have no way of getting the floor wet. Once I went in there and fell.  
I really want to fix the flied so people wont trip and fall because my best friend triped and sprained her ankle i dont want the to happen again to someone else

5th Grade

5th Grade I would like to see the field be better because of the holes in the grass had make me and other people trip

5th Grade I would like to see improved safety at our school are probably the ground hog holes in the field.  
I would like to see the fields maintained better. However, I know the school district isn't wanting to repair the fields. I know I'm not a primary student, but the grass is horribly dry. Thank you.

5th Grade

6th Grade nothing.

6th Grade Something that I would like to see improve is the toilets because some toilet's handle is broken and on't flush very well. Another thing I would like to see improve is spray paint off our playground equipment.

5th Grade The sink in the restroom always gets clogged or its always messy inside, and it doesn't feels safe.

5th Grade None

6th Grade none

6th Grade One thing that I'll like too see is no more trespassing after or in school campus and filling up the holes on the grass. This is because many ingrees happen on the grass though the school years.

6th Grade none

5th Grade First, afterschool teachers should always check the restrooms before they go because of an flooded toliet I saw.

5th Grade I would like to see improved regarding safety at my school is seeing the field be better because it's very bumping and has many holes in them.

5th Grade I would like to improve the safety of the holes in the ground in the upper grade field because students can trip on them and get injured.

6th Grade I think the playgrounds being wet and the geese pooping all over the playground is a hazard because everyone is running on it for some reason

5th Grade I never have any problems with safety.

6th Grade Instead of expulsion we could sent then to therapy since they can still go to the nearest school which is cadwallader.

6th Grade I see a lot of cussing at school, mostly older kids at school. When people swear, it makes me a bit uncomfortable.

6th Grade nothing.

6th Grade none

6th Grade More yard duty's at recess.

6th Grade I would like to see the fields taken care of better.

6th Grade More yard duty during lunch recess.

5th Grade

3rd grade i want new grass so we do not get hert

3rd grade I feel like they need to fill in the hole because I tirp in it a lot also I think they need to change the black top so we don't get hurt that much and I want them to change the playground because I want people with rollchair to play too do you agree with me?

3rd grade I would like people to stop bullying other people because of the person culture, race, gender, appearance, disability, and more like new and better grass also better fences toxic talking and if anybody else can think of more please more because there is way more things you can say that I can think of right now.

3rd grade more taller fences because I see people climbing up fencing when school ends and also cleaner toilets because bugs go into the girls toilets so i would feel more comfortable.

3rd grade i want the fence to be more higher because teenagers keep climbing our fence and go in too our school and spray paint around the school

3rd grade the primary grass is horibale and it is gust dirt pepole keep on tripping and we need hier fences pepole keep on trespassing!

3rd grade the GRASS the holes make me fall and I can bearly run WE WAN'T BETTER GRASS WE WAN'T BETTER GRASS GIVE IT TO US NOW NOW NOW

3rd grade NOW NOW NOOOOOOOOOOOW!

3rd grade no goose in upper grade playground and grass

3rd grade The dirt in primary playground is REALLY bad and we need a better way of getting kids kind.

3rd grade Grass watered holes filled basket ball court fixed big clumps please fix I almost fell in 1st grade.

3rd grade I want new grass and a bigger playground

3rd grade I would like to see that the grass on the playgrounds would be more even. There could be less dirt holes so we can stop falling down. I have seen friends falling in and hurting their ankles.

3rd grade We need the lower grade grass well taken care of because I keep tripping on the holes.

3rd grade hir fensis and noou gras

3rd grade I feel it is cyber bullying and climbing fences.

3rd grade I feel we need green grass because the grass are just not green and well.

3rd grade fix the primary grass and fill the holes in the grounds and remove the gesse from the uper grade make the fences a little higher to prevent people from clibming out have more safety assembly and rules

3rd grade I feel we need our grass to be grass not dirt.

3rd grade I think we need to improve the grass.

3rd grade the dirt is gross and there is to many holes that make people trip


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**UPPER GRADE YARD DUTY SCHEDULE 2023-2024**

<b>Week of:</b>	<b>21-Aug</b>	<b>28-Aug</b>	<b>4-Sep</b>	<b>11-Sep</b>	<b>18-Sep</b>	<b>25-Sep</b>	<b>2-Oct</b>	<b>9-Oct</b>
<b>8:05-8:15</b>								
<b>M/W/F</b>	13,17,20	14,24,19	13,17,20	14,24,19	13,17,20	14,24,19	13,17,20	14,24,19
<b>T/TH</b>	14,24,19	13,17,20	14,24,19	13,17,20	14,24,19	13,17,20	14,24,19	13,17,20
<b>Week of:</b>	<b>23-Oct</b>	<b>30-Oct</b>	<b>6-Nov</b>	<b>Nov 13</b>	<b>27-Nov</b>	<b>4-Dec</b>	<b>11-Dec</b>	<b>18-Dec</b>
<b>8:05-8:15</b>								
<b>M/W/F</b>	14,24,19	13,17,20	14,24,19	13,17,20	14,24,19	13,17,20	14,24,19	13,17,20
<b>T/Th</b>	13,17,20	14,24,19	13,17,20	14,24,19	13,17,20	14,24,19	13,17,20	14,24,19
<b>Week of:</b>	<b>15-Jan</b>	<b>22-Jan</b>	<b>29-Jan</b>	<b>5-Feb</b>	<b>12-Feb</b>	<b>26-Feb</b>	<b>4-Mar</b>	<b>11-Mar</b>
<b>8:05-8:15</b>								
<b>M/W/F</b>	13,17,20	14,24,19	13,17,20	14,24,19	13,17,20	14,24,19	13,17,20	14,24,19
<b>T/Th</b>	14,24,19	13,17,20	14,24,19	13,17,20	14,24,19	13,17,20	14,24,19	13,17,20
<b>Week of:</b>	<b>25-Mar</b>	<b>8-Apr</b>	<b>15-Apr</b>	<b>22-Apr</b>	<b>29-Apr</b>	<b>6-May</b>	<b>13-May</b>	<b>20-May</b>
<b>8:05-8:15</b>								
<b>M/W/F</b>	14,24,19	13,17,20	14,24,19	13,17,20	14,24,19	13,17,20	14,24,19	13,17,20
<b>T/Th</b>	13,17,20	14,24,19	13,17,20	14,24,19	13,17,20	14,24,19	13,17,20	14,24,19
				<b>Morning Duty</b>				
<b>Week of:</b>	<b>3-Jun</b>	<b>10-Jun</b>		<b>Monday</b>	Debbie			
<b>8:05-8:15</b>				<b>Tuesday</b>	Suzanne			

<b>16-Oct</b>			
13,17,20			
14,24,19			
<b>8-Jan</b>			
14,24,19			
13,17,20			
<b>18-Mar</b>			
13,17,20			
14,24,19			
<b>27-May</b>			
14,24,19			
13,17,20			

<b>M/W/F</b>	13,17,20	14,24,19		<b>Wednesday</b>	Katie			
<b>T/Th</b>	14,24,19	13,17,20		<b>Thursday</b>	Annette			
				<b>Friday</b>	Jen			


Cadwallader Noon Duty Aide Schedule August 2017-June 2018

<b>PRIMARY K-3rd:</b>	<b>#1 SERVING INSIDE CAFE, THEN GRASS</b>	<b>#2 CAFE DOOR Monitoring Students Coming In, DISMISS THEN BLACKTOP</b>	<b>#3 TK</b>	<b>#4 QUAD, THEN BATHROOM AREA</b>	<b>MS ADAMS ON PLAYSTRUCTURE</b>
<b>UPPER 4th-6th:</b>	<b>SERVING INSIDE CAFE, THEN TEATHERBALL/BL ACKTOP</b>	<b>CAFE DOOR Monitoring Students Coming In, DISMISS THEN BATHROOM</b>	<b>QUAD, THEN GRASS</b>	<b>QUAD, THEN PLAYSTRUCTURE</b>	
Week of					
21-Aug	IRENE	KENIA	MADHU	MONICA	
28-Aug	IRENE	KENIA	MADHU	MONICA	
05-Sept	MONICA	IRENE	KENIA	MADHU	
11-Sept	MONICA	IRENE	KENIA	MADHU	
18-Sept	MADHU	MONICA	IRENE	KENIA	
25-Sept	MADHU	MONICA	IRENE	KENIA	
2-Oct	KENIA	MADHU	MONICA	IRENE	
9-Oct	KENIA	MADHU	MONICA	IRENE	
16-Oct	IRENE	KENIA	MADHU	MONICA	
23-Oct	IRENE	KENIA	MADHU	MONICA	
30-Oct	MONICA	IRENE	KENIA	MADHU	
6-Nov	MONICA	IRENE	KENIA	MADHU	
13-Nov	MADHU	MONICA	IRENE	KENIA	
20-Nov	THANKSGIVING BREAK				
27-Nov	KENIA	MADHU	MONICA	IRENE	
4-Dec	KENIA	MADHU	MONICA	IRENE	
11-Dec	IRENE	KENIA	MADHU	MONICA	
18-Dec	IRENE	KENIA	MADHU	MONICA	
25-Dec	WINTER BREAK				
1-Jan	WINTER BREAK				
8-Jan	MONICA	IRENE	KENIA	MADHU	

Cadwallader Noon Duty Aide Schedule August 2017-June 2018

<b>PRIMARY K-3rd:</b>	<b>#1 SERVING INSIDE CAFE, THEN GRASS</b>	<b>#2 CAFE DOOR Monitoring Students Coming In, DISMISS THEN BLACKTOP</b>	<b>#3 TK</b>	<b>#4 QUAD, THEN BATHROOM AREA</b>	<b>MS ADAMS ON PLAYSTRUCTURE</b>
<b>UPPER 4th-6th:</b>	<b>SERVING INSIDE CAFE, THEN TEATHERBALL/BL ACKTOP</b>	<b>CAFE DOOR Monitoring Students Coming In, DISMISS THEN BATHROOM</b>	<b>QUAD, THEN GRASS</b>	<b>QUAD, THEN PLAYSTRUCTURE</b>	
Week of					
15-Jan	MONICA	IRENE	KENIA	MADHU	
22-Jan	MADHU	MONICA	IRENE	KENIA	
29-Jan	MADHU	MONICA	IRENE	KENIA	
5-Feb	KENIA	MADHU	MONICA	IRENE	
12-Feb	KENIA	MADHU	MONICA	IRENE	
19-Feb	PRESIDENT'S DAY BREAK				
26-Feb	IRENE	KENIA	MADHU	MONICA	
4-Mar	IRENE	KENIA	MADHU	MONICA	
11-Mar	MONICA	IRENE	KENIA	MADHU	
18-Mar	MONICA	IRENE	KENIA	MADHU	
25-Mar	MADHU	MONICA	IRENE	KENIA	
1-Apr	SPRING BREAK				
8-Apr	KENIA	MADHU	MONICA	IRENE	
15-Apr	KENIA	MADHU	MONICA	IRENE	
22-Apr	IRENE	KENIA	MADHU	MONICA	
29-Apr	IRENE	KENIA	MADHU	MONICA	
6-May	MONICA	IRENE	KENIA	MADHU	
13-May	MONICA	IRENE	KENIA	MADHU	
20-May	MADHU	MONICA	IRENE	KENIA	
27-May	MADHU	MONICA	IRENE	KENIA	
3-Jun	KENIA	MADHU	MONICA	IRENE	

Cadwallader Noon Duty Aide Schedule August 2017-June 2018

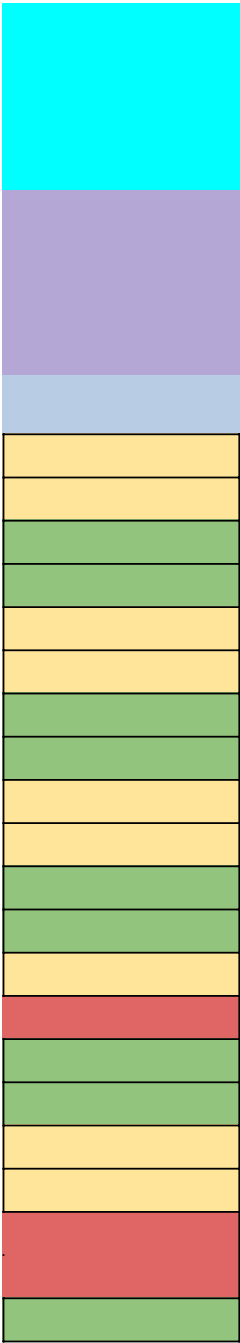
<b>PRIMARY K-3rd:</b>	<b>#1 SERVING INSIDE CAFE, THEN GRASS</b>	<b>#2 CAFE DOOR Monitoring Students Coming In, DISMISS THEN BLACKTOP</b>	<b>#3 TK</b>	<b>#4 QUAD, THEN BATHROOM AREA</b>	<b>MS ADAMS ON PLAYSTRUCTURE</b>
<b>UPPER 4th-6th:</b>	<b>SERVING INSIDE CAFE, THEN TEATHERBALL/BL ACKTOP</b>	<b>CAFE DOOR Monitoring Students Coming In, DISMISS THEN BATHROOM</b>	<b>QUAD, THEN GRASS</b>	<b>QUAD, THEN PLAYSTRUCTURE</b>	
Week of					
10-Jun	KENIA	MADHU	MONICA	IRENE	

**Notes:**

- Principal will make adjustments to area assignments when someone is absent.
- The noon duty shift is from 11:15 AM-1:15 PM. Please be prompt and stay for the complete shift for the safety of the children.
- If you are going to be absent, please call in ASAP in the morning so we can make sure we have adequate coverage.

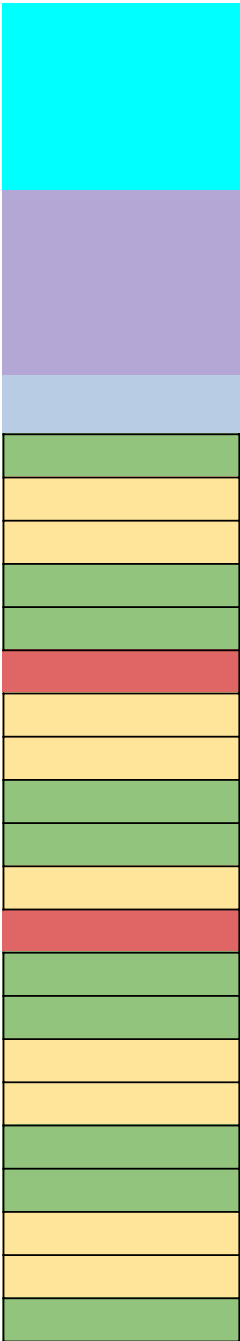
Thanks for all your help!!

Cadwallader Noon Duty Aide Schedule August 2017-June 2018





Cadwallader Noon Duty Aide Schedule August 2017-June 2018



Cadwallader Noon Duty Aide Schedule August 2017-June 2018

