



Comprehensive School Site Safety Plan

The Comprehensive School Site Safety Plan

Vallejo City Unified School District

*Loma Vista Environmental Science
Academy
146 Rainier Street
Vallejo, CA 94589*

2022

For Public Release

Comprehensive School Site Safety Plan

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Loma Vista Environmental Science Academy

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2021/2022 School Year

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a. Comprehensive School Site Safety Plan

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MISSION STATEMENTS

Vallejo City Unified School District Mission

Our Mission is to meet or exceed our goals in the area of **equity, excellence, educational effectiveness, and economic sustainability** which determines our daily efforts. We will foster collaborative teamwork to accomplish these goals. We recognize that in order to be successful, we will build powerful home to school relationships that support the success of all students. Because safety is critical for each school campus; we will enforce high adult visibility and respond to student matters in a timely manner.

In order to assess whether students are meeting academic and social expectations, we will consistently monitor student progress using a variety of data: observations, walkthroughs, progress reports, test scores, etc. and commit to focusing our resources to best support our students.

Loma Vista Environmental Science Academy Mission Statement

Loma Vista Environmental Science Academy's mission is create a learning community that will allow us to reach our VCUSD goals by engaging our students, parents, and the community in an effort to address student's social, academic, physical and emotional needs.

VISION STATEMENTS

Vallejo City Unified School District Vision

Our Vision is for our diverse learners to be empowered, prepared, and equipped with academic and life skills needed to be productive citizens who can positively contribute to society,

Our Goal is for every student to have clear attainable pathways to career and/or college success.

In Support of our Vision, we will attract and retain highly qualified staff, as well as, leverage community resources to provide support systems for all their families.

Loma Vista Environmental Science Academy Vision Statement

The Professionals at Loma Vista Environmental Science Academy Agree to:

- Accept responsibility for increasing the high school graduation rate for Vallejo Unified School District. We will not allow 30% of our babies to be left behind. We will constantly monitor students and classes with 40% D and F's daily and use additional strategies and collaboration to immediately address the problems.
- • Use the influence of diversity to improve our teaching and student learning. We will use weekly Professional Development time to improve our skills. We will ask children and parents to share ways of learning that work for them.
- • Identify and address any barriers to accomplishing our goals, vision, and mission. As a Full-Service Community School, we will utilize the SST process and resources of the Family Resource Center to make sure all students are here and ready to learn. Teachers will provide the ASP, Counselor, and Social Worker with detailed information regarding students at risk, then follow up to see how the services were implemented.
- • Participate in meaningful ways to build community among our students through serving as a mentor through student government, recycling group, conflict management, Multi-Cultural Night organizer, Family Reading Night organizer, Encore Enrichment Teacher, STEAM lessons, tutoring, recess-time organized activities, DELAC, ELAC, SSC, DAC Representative and other areas to share our talents.
- • Establish and nurture strong bonds with the children, parents and community utilizing our Collaborative Partners. Develop relationships with parents through frequent positive phone calls so that you are able to rely on them in times of difficulty. We respect everyone and show that through our deliberate use of verbal language and physical gestures. We will check email and phone messages daily and return calls by the next work day. We will hold two Full Service Community Schools (FSCS) Family Nights per year to connect our families with our local services.
- • Design and deliver lessons which are at grade level rigor and engage every student every day in every lesson. All of our children deserve to be included. We will use all data available to write Student Action Plans to eliminate gaps between what students must know how to do and

what they demonstrate on standardized and classroom tests. Student work will be aligned to Common Core Standards and the California Standards, and be graded and returned to students within three days so that we can re-visit areas in need of mastery. We will use research-based strategies to improve student learning and share those strategies with our colleagues. All students will use technology in the classroom including using computers and the internet as a learning tool.

- • Celebrate success at every level-student, classroom, family, school, and community. Communicate those successes through Student of the Month assemblies, Honor Roll assemblies, Perfect Attendance awards, newsletters and other media.
- • Employ Restorative Justice Circles to build a strong community, and, when necessary, give voice to the harmed. Use Positive Behavior Incentives to teach academic and social behavior in a school & business setting.
- • Use the Loma Vista Farm as a way to connect our students to the Earth and to live the principles of Environmental Science. Middle school students will serve as community ambassadors through serving as LVF field trip docents.
- • Promote wellness for students, families, and staff through activities and information on food choices, family activities, and informational events as part of our Full Service Community School actions and events.

b. 1.0 Introduction: School Profile

1.1 Overview

Loma Vista Environmental Science Academy is one of twenty-six (26) schools in the Vallejo City Unified School District with traditions dating back to 1942. Loma Vista Environmental Science Academy has an enrollment of 372 students and is served by a dedicated staff. Both staff and parents comment on the positive changes that are ongoing in our school.

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

1.2 School Crime Status & Reporting

Referral, Suspension & Expulsion by School Year		
School	2019 - 2020	2020 - 2021
Referrals	208	0
Suspensions	76	0
Expulsions	0	0
District	2019 - 2020	2020 - 2021
Referrals	2180	0
Suspensions	1021	0
Expulsions	18	0

1.3 Personal Characteristics of Pupils & Staff

Loma Vista Environmental Science Academy has an enrollment of 372 pupils in Grades K - 8. Pupils from this school come from families with average family mobility. Approximately 92% of the pupils are in families receiving Aid to Families with Dependent Children that are eligible for free/reduced lunches. The ethnic makeup of the pupil population is 41.1% Hispanic, 33.7% Black, 4.9% Caucasian and 20.3% other. Our pupils have a variety of life experiences.

1.4 Curriculum & Educational Activities

The course of study includes the basic core curriculum – mathematics, writing, reading, science, history, and physical education, as well as enrichment classes such as music, art, and farm.

Pupils have the opportunity to participate in noon and after-school activities. These include intramural games, student clubs, and tutoring. Additionally, students have the opportunity to participate in computer coding, poetry, dance, spelling bees, environmental education programs, Career Day, family nights, curriculum-connected field trips, assemblies on environmental stewardship, anti-bullying, and black history.

2.0 Physical Environment

2.1 The Schools' Location & Physical Environment

Loma Vista Environmental Science Academy is located in an area of Vallejo, California that has a high crime rate and high poverty level. The immediate area around the school includes single family homes and apartments. Present safety hazards in the vicinity of the school include a fire station and other schools.

2.2 Description of School Ground

The school site encompasses approximately 24 (24.23) acres and is situated on a closed campus. The school grounds are not completely enclosed by fencing and the site does not have gates which remain locked during school hours. The facility has 15 permanent classrooms, 12 portable classrooms, and ancillary structures including an office, cafeteria, restrooms, a library and farm structures.

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

It shall be the practice of Loma Vista Environmental Science Academy to remove all graffiti from school property before pupils arrive to begin their school day. Other acts of vandalism are promptly addressed.

2.3 Maintenance of School Buildings/Classrooms

The school's physical facility is well maintained and generally looks neat and clean. The school was last painted in 2000 and last renovated in 2003. District personnel periodically examine the school's physical facility and help eliminate obstacles to school safety. Additionally, health and fire department inspectors contribute to school safety.

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

2.4 Internal Security Procedures

Keeping reportable crimes at a minimum requires constant vigilance. Loma Vista Environmental Science Academy will utilize the following strategies in achieving this goal: (1) identify high crime activity areas, (2) restrict student access to high crime activity areas, and (3) provide more school supervision.

Loma Vista Environmental Science Academy maintains a copy of the district's sexual harassment policy in the staff mail room. Additionally, each teacher receives their own copy of the policy. A notice is sent to students/parents summarizing the school's sexual harassment policy and the policy appears in the Parent/Student Handbook which is distributed at the beginning of the school year. The District's Sexual Harassment Policy contains dissemination plans, applicable definitions, reporting

requirements, investigation procedures, enforcement regulations, and information related to suspension and/or expulsion for sexual harassment of or by pupils.

To ensure the safety of pupils and staff, all visitors to the campus, except pupils of the school and staff members, shall register immediately upon entering any school building or grounds when school is in session. District employees, not assigned to Loma Vista Environmental Science Academy shall wear appropriate identification badges while on campus conducting business. Facility employees wear district badges on a lanyard around their necks.

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

Pupils may be suspended, transferred to another school, or recommended for expulsion or for certain acts. For specific student violations, a mandatory expulsion recommendation shall be submitted by the administration of Loma Vista Environmental Science Academy.

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

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

To enhance internal security procedures, the school has a security system which is operational during non-school hours with staff access codes being limited to administration and office personnel, custodial staff, the after-school coordinator and VCUSD facilities staff.

2.5 Inventory System - Engraved ID, Security Storage

Most school-site equipment has a bar code sticker adhered to its surface for identification purposes. These items are inventoried annually and there is an established accountability system.

3.0 School Climate

3.1 The School's Social Environment

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

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

3.2 Disaster Procedures, Routine & Emergency

A contingency plan for emergencies is contained in a handbook available to each staff member. Only teachers receive a copy of the handbook and not para-educators and clerical staff; however, a handbook is available in the staff mailroom. Currently, there is no procedure in place for documenting who has received a copy of the plan. The site maintains a current copy of the district's Emergency Procedures Manual (EPM) with the plan being reviewed each school year. VCUSD's **EPM** (i.e. Tactical Plan) is a separate and confidential component of this plan and is protected as such under the law. This plan contains available district and outside agency resources, emergency disaster procedures and information on Standardized Emergency Management System (SEMS).

3.3 Classroom Organization & Structure

The teachers at Loma Vista Environmental Science Academy are highly qualified with many teachers holding advanced degrees. The staff is united in their desire to provide quality education for all pupils. Classrooms and teachers provide a safe, orderly learning environment, that enhances the experience of learning, and promote positive interactions amongst pupils and staff. Instructional time is maximized, and disruptions are minimized.

3.4 The School's Cultural Environment

There is a high level of cohesiveness among the staff members at Loma Vista Environmental Science Academy. Cooperation and support between teachers and the administration is evident. Efforts are made by the administration and staff to show concern for all pupils.

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

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

c. ACTION PLAN

PHYSICAL ENVIRONMENT	
GOAL: <i>Encourage student pride and take ownership of their school and its surroundings.</i>	
Areas Desired Improvements	
Desired Improvements	<ul style="list-style-type: none"> • <i>To conduct regular inspections of the facility to ensure preventative maintenance.</i> • <i>To have students create a school mural.</i> • <i>Create student restorative opportunities for beautifying our campus. Students can also volunteer.</i> • <i>Incorporate Dream Barrel biomes for elementary side</i>
Resources Required	
<ul style="list-style-type: none"> • <i>\$1,000.00</i> • <i>Weekly walkthroughs with the principal and lead custodian.</i> • <i>Access to VCUSD personnel to perform items needed via work orders</i> • <i>12 3/4th Barrels</i> • <i>Art supplies for mural</i> 	
Personnel Assignments	
<ul style="list-style-type: none"> • <i>Principal</i> • <i>Vice Principal</i> • <i>Design Team</i> 	
Timeframe to Completion	
<i>06/07/2022</i>	
Evaluation Criteria	
<i>Weekly</i>	

PERSONAL CHARACTERISTICS of STUDENTS & STAFF	
GOAL: <i>To better understand the demographics of our staff and the school community</i>	
Areas of Desired Improvements	
Desired Improvements	<ul style="list-style-type: none"> • <i>Institute programs which solicit input from parents, staff and students.</i> • <i>Create or work with vender to collect Social Emotional data on students and staff on a yearly basis</i>
Resources Required	
<ul style="list-style-type: none"> • <i>\$1000.00</i> • <i>School Site Council and ELAC meeting minutes, informal parent meetings, staff surveys, and student surveys and input.</i> 	
Personnel Assignments	
<ul style="list-style-type: none"> • <i>Principal</i> • <i>Vice Principal</i> • <i>Design Team</i> 	

Timeframe to Completion 06/07/2022
Evaluation Criteria Monthly tracking

SCHOOL'S CULTURAL IMPROVEMENT	
GOAL: <i>To create a culture which results in acquiring personal qualities in students and staff</i>	
Areas of Desired Improvements	
Desired Improvements	<ul style="list-style-type: none"> • <i>Promote value on scholarship, citizenship and character development.</i> • <i>Build teacher, staff, student and family capital as well as systems for Social Emotional Learning (SEL), mindfulness, Positive Behavior Interventions and Supports and Trauma Informed Practices.</i>
Resources Required	
<ul style="list-style-type: none"> • <i>\$10,000.00</i> • <i>Staff development time, incentives for students, teachers, staff, and parents.</i> • <i>Materials and resources for PBIS, Komochis, SEL, Trauma Informed Practices and PAX.</i> 	
Personnel Assignments	
<ul style="list-style-type: none"> • <i>Principal</i> • <i>Vice Principal</i> • <i>Care Team</i> 	
Timeframe to Completion 06/07/2022	
Evaluation Criteria Monthly tracking	

SOCIAL ENVIRONMENT	
GOAL: <i>To enhance the climate to promote a positive and emotionally safe school environment.</i>	
Areas of Desired Improvements	
Desired Improvements	<ul style="list-style-type: none"> • <i>To involve all adults in the learning process by providing ongoing training to families, staff, teachers and para-professionals in the school community.</i>

	<ul style="list-style-type: none"> • <i>Build teacher, staff, student and family capital as well as systems for Social Emotional Learning (SEL), mindfulness, Positive Behavior Interventions and Supports and Trauma Informed Practices.</i>
<p>Resources Required</p> <ul style="list-style-type: none"> • <i>\$5,000.00</i> • <i>Staff development time, incentives for students, teachers, staff, and parents.</i> • <i>Wellness Room</i> • <i>Materials and resources for PBIS, Komochis, SEL, Trauma Informed Practices and PAX.</i> 	
<p>Personnel Assignments</p> <ul style="list-style-type: none"> • <i>Principal</i> • <i>Vice Principal</i> • <i>Care Team</i> 	
<p>Timeframe to Completion <i>06/07/2022</i></p>	
<p>Evaluation Criteria <i>Monthly tracking</i></p>	

d.

4.0 Safety Strategies Samples

4.1 Introduction

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

Although keeping children safe requires a community-wide effort, schools are an important factor in keeping children safe. Loma Vista Environmental Science Academy's efforts are illustrated below and incorporate an expansive range of strategies and programs in the school safety plan.

Safety Strategy #1

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

4.2 Preventing & Intervening: Pupil Aggressive Behavior

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

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

4.3 Mental Health Programs

Loma Vista Environmental Science Academy has sixteen (16) psychologists and sixteen (16) counselors) at its disposal. District programs contributing to mental health goals

include full service community services. In incidences of possible suicide, a district psychologist shall be contacted.

4.4 Professional Development

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

4.5 Student Recognition Programs

Loma Vista Environmental Science Academy offers several recognition and award programs.

School Safety Strategy #2

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

- *The Principal will determine the safest method for evacuating the campus. This may include the use of school buses or simply walking to the designated off-site location. The off-site assembly areas are indicated in the Emergency Procedure Manual (EPM).*
- *Teachers will secure the student roster when leaving the building and take attendance once the class is assembled in a pre-designated safe location.*
- *Once assembled off-site, teachers and students will stay in place until further instructions are given.*
- *In the event clearance is received from appropriate agencies, the Principal may authorize students and staff to return to the classrooms.*

4.6 Nondiscrimination & Fair Treatment of Pupils

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

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

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

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

4.7 Discipline Policy & Code

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

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

Safety Strategy #3

Loma Vista Environmental Science Academy's administrators, teachers, families, pupils, support staff, and community members recognize and make appropriate use of the early warning signs related to violence, substance abuse, and other at-risk concerns.

4.8 Crisis Intervention & Disaster Planning

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

Loma Vista Environmental Science Academy's Emergency Procedure Manual (EPM) includes information on how to respond to a crisis. Risk factors, response and contingency plans, quick response designs, parent contacts, debriefing, suicide/threat

response, violence/aggression response and training/drills to become aware of warning signs are among the areas addressed.

4.9 School Accountability Report Card (SARC)

Loma Vista Environmental Science Academy actively participates in the School Accountability Report Card (SARC) mandate and recognizes that a safe school continually assesses its progress by identifying problems, collecting information regarding progress toward solutions, and by sharing this information with students, families, and the community at large.

4.10 Teacher Notice of Disciplinary History

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

4.11 Gang Affiliation

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

4.12 Gangs & Graffiti

Loma Vista Environmental Science Academy uses its links with the City of Vallejo to enhance its effort to curb gang influence.

4.13 Truancy Learning Center/District Attorney Referral

Loma Vista Environmental Science Academy recognizes the importance of punctuality and regular attendance. The staff of Loma Vista Environmental Science Academy shall accurately record the attendance record for all students. Parents of students with poor attendance will be contacted. Students with poor attendance due to medical issues will be referred to full service community services. Should attendance problems continue, official action is to be taken, which could result in a referral to the School Attendance Review Board (SARB) or a referral to the Solano County District Attorney's Office with a request for prosecution of the parent and/or the student.

4.14 Megan's Law Notification

The staff of Loma Vista Environmental Science Academy shall receive Megan's Law Sex Offender Information from local law enforcement and that information shall be communicated with the public so that the information can be used to protect students

and families. Megan's Law provides the public with photographs and descriptive information on serious or high-risk sex offenders residing in California who have been convicted of committing sex crimes and are required to register.

School Safety Strategy #4

Plans are available to identify isolated and troubled pupils, help foster positive relationships between school staff and pupils, and promote meaningful parental and community involvement.

4.15 Parent/Guardian Involvement

Staff members in effective and safe schools make persistent efforts to involve parents/guardians by: (1) informing them about discipline policies, procedures, and rules about their children's behavior, both desirable and undesirable; (2) involving them in making decisions concerning school-wide disciplinary policies and procedures; and (3) encouraging them to participate in prevention programs, intervention programs and crisis planning.

Loma Vista Environmental Science Academy:

- Effectively uses the School Site Council
- Notifies parents about and encourages participation in parenting programs.
- Has established a school visitation procedure.
- Uses the School Accountability Report Card (SARC) as a procedure to communicate to parents.
- Provides several opportunities for Teacher-Parent conferences.
- Maintains an effective homework policy

4.16 Parent Training: Promoting the Use of Community Resources

Loma Vista Environmental Science Academy promotes the use of community resources to help maximize the development of positive behavior and the suppression of antisocial behavior. Such training promises to maximize the parent's contribution to academic excellence and noteworthy social-development.

4.17 Community Linkages

When working with parents and students with specific issues, the staff at Loma Vista Environmental Science Academy will provide information to the families regarding available community resources. Staff shall work closely with recognized local city, county and state agencies to seek assistance.

School Safety Strategy #5

Employees use unique strategies to promote school safety.

4.18 Campus Disturbances & Crimes

Loma Vista Environmental Science Academy recognizes that campus disturbances and crimes may be committed by visitors and outsiders to the campus. Several steps have been taken to protect the school, staff, and pupils from safety threats by individuals visiting the campus area. Loma Vista Environmental Science Academy understands that disputes often occur because of parental custody disputes.

4.19 Visitors & Disruptions to Educational Process

Loma Vista Environmental Science Academy uses continuing efforts to minimize the number of campus entrance and exit points used daily. Access to school grounds is limited and supervised on a regular basis by individuals familiar with the student body. The campus has perimeter fencing.

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

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

Law enforcement is immediately contacted for individuals engaging in threatening conduct, including disturbing the peace.

School Safety Strategy #6

At Loma Vista Environmental Science Academy, effective procedures will be followed to maintain a safe physical plant and school site.

4.20 Enhancing Physical Safety Practices

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

Each school site in the Vallejo City Unified School District utilizes the following safety practices:

- Operates a closed campus, where pupils must have permission to leave the campus during school hours.
- Closes off all unused stairwells and avoids leaving areas of the school unused;
- Minimizes blind spots around the school facility.

- Purchased and uses parabolic/convex mirrors by portable classrooms and in critical hall areas permitting staff to see around corners.
- Prohibits posters in classroom windows.
- Installed alarm systems (and/or) a closed-circuit television monitoring system.
- Set a priority to keep buildings clean and maintained.
- Located its playground equipment where it is easily observed.
- Limited roof access by keeping dumpsters away from building walls.
- Covered drainpipes so they cannot be climbed.
- Avoids decorative hedges and plants all new trees at least ten feet from buildings.
- Keeps trees and shrubs closely trimmed to limit outside hiding places for people or weapons.
- Keeps the school grounds free of gravel or loose rock surfaces.
- Designed its parking lots to discourage through traffic and to slow vehicles proceeding through the parking lot.
- Ensures vehicle access around the building(s) for night surveillance and emergency vehicles.
- Established procedures to have school grounds (choose one: fully lighted or totally (dark) at night.
- Keeps a complete list of staff members who have keys to building(s).
- Does not allow graffiti to remain on walls.
- Provides maximum supervision in heavy traffic areas.
- Relocated safe activities near typical trouble spots (e.g. relocate a counselor's office next to a corridor where problems have occurred.
- Established two-way communication between the front office and each classroom.
- Offers school-or-community-based activities for students after school and on the weekends.
- Instituted after-school academic and recreational programs for latchkey students.

5.0 School Safety Compliance

5.1 Child Abuse Reporting

Students

BP 5141.4(a)

5.1.1 Child Abuse Prevention and Reporting

5.1.1.1 Child Abuse Prevention

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

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

(cf 6143 - Courses of Study)

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

(cf 1020 - Youth Services)

5.1.1.2 Child Abuse Reporting

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

(cf 0450 - Comprehensive Safety Plan)

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

The Superintendent or designee shall provide training regarding the reporting duties of mandated reporters.

In the event that training is not provided to mandated reporters, the Superintendent or designee shall report to the California Department of Education the reasons that such training is not provided. (Penal Code 11165.7)

Legal Reference: EDUCATION CODE

32280-32288 Comprehensive school safety plans

33308.1 Guidelines on procedure for filing child abuse complaints

44690-44691 Staff development in the detection of child abuse and neglect

44807 Duty concerning conduct of students

48906 Notification when student released to peace officer

48987 Dissemination of reporting guidelines to parents

49001 Prohibition of corporal punishment

51220.5 Parenting skills education

PENAL CODE

152.3 Duty to report murder, rape, or lewd or lascivious act

273a Willful cruelty or unjustifiable punishment of child; endangering life or health

288 Definition of lewd or lascivious act requiring reporting

11164-11174.4 Child Abuse and Neglect Reporting Act

WELFARE AND INSTITUTIONS CODE

15630-15637 Dependent adult abuse reporting

CODE OF REGULATIONS, TITLE 5

4650 Filing complaints with CDE, special education students

Management Resources: CDE LEGAL ADVISORIES

0514.93 Guidelines for parents to report suspected child abuse

WEB SITES

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

California Department of Education, Safe Schools: <http://t'l'.IV.cde.ca.gov/ls/ss>

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

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

Board Policy
5141.4(b)
Approved: December 7, 2011

Students

AR 5141.4(a)

5.1.1.3 Definitions

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

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

Child abuse or neglect does not include:

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

(cf 3515.3 District Police/Security Department)

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

to persons or damage to property, to protect himself/herself, or to obtain weapons or other dangerous objects within the control of the student (Education Code 49001)

(cf 5144 Discipline)

AR 5141.4(b)

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

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. (Penal Code 11165.7)

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

5.1.1.4 Reportable Offenses

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

Any mandated reporter who has knowledge of or who reasonably suspects that a child is suffering serious emotional damage or is at a substantial risk of suffering serious emotional damage, based on evidence of severe anxiety, depression, withdrawal, or untoward aggressive behavior toward self or others, may make a report to the appropriate agency. (Penal Code 11166.05, 11167)

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 who is a child under age 14 shall notify a peace officer.
(Penal Code 152.3, 288)

5.1.1.5 Responsibility for Reporting

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

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

AR 5141.4(c)

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

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

5.1.1.6 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), sheriff's department, county probation department if designated by the county to receive such reports, or county welfare department. (Penal Code 11165.9, 11166)

Child Welfare Services
275 Beck Ave. Fairfield, CA 94533
800-544-8696

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). (Penal Code 11166, 11168)

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 tile police or sheriff's department.

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

a. The name, business address, and telephone number of the person making the report and the capacity that makes the person a mandated reporter

AR 5141.4(d)

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. (Penal Code 11167)

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. (Penal Code 11167)

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. (Penal Code 11166)

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, co-worker, or other person shall not be a substitute for making a mandated report to the appropriate agency. (Penal Code 11166)

AR 5141.4(e)

5.1.1.7 Training

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

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

(cf 4119.21/4219.21/4319.21- Professional Standards)

(cf 4131- Staff Development)

(cf 4231- Staff Development)

(cf 4331 - Staff Development)

(cf 5145.7- Sexual Harassment)

5.1.1.8 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. (Penal Code 11174.3)

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

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

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

AR 5141.4(f)

5.1.1.9 Release of Child to Peace Officer

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

(cf 5145.11- Questioning and Apprehension by Law Enforcement)

5.1.1.10 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.

(cf 1312.1- Complaints Concerning District Employees)

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

(cf 1312.3- Uniform Complaint Procedures)

5.1.1.11 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. (Penal Code 11165.7, 11166.5)AR 5141.4(g)

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. (Penal Code 11166.5)

(cf 4112.9/4212.9/4312.9 - Employee Notifications)

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

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. (Penal Code 11172)
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. (Penal Code 11166)

3. No employee shall be subject to any sanction by the district for making a report. (Penal Code 11166)

Vallejo City Unified School District
Regulation
Approved: December 7, 2011

5.2 Suspension, Expulsion, and Due Process

Students

BP 5144.1(a)

5.2.1 Suspension and Expulsion

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

(cf. 5144 - Discipline)

Suspended or expelled students shall be excluded from all school-related extracurricular activities during the period of suspension or expulsion.

(cf. 6145 - Extracurricular and Cocurricular Activities)

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

Expulsion is an action taken by the Board for severe or prolonged breaches of discipline by a student. Except for single acts of a grave nature, expulsion is usually used only when there is a history of misconduct, when other means of correction have failed to bring about proper conduct, or when the student's presence causes a continuing danger to self or others.

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

5.2.2 Zero Tolerance

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

in law, Board policy, and administrative regulation as cause for suspension or expulsion.

5.2.3 Student Due Process

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

(cf. 5119 - Students Expelled from other Districts)

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

5.2.4 Supervised Suspension Classroom

The Board recognizes that students who are suspended from school often have no supervision or guidance during the school hours when they are off campus and may fall behind in the coursework. The Board believes that, in many cases, it would be better to manage the student's behavior by keeping the student at school and providing him/her with supervision that is separated from the regular classroom.

The Superintendent or designee shall establish a supervised classroom which meets the requirements of law for students suspended for any of the reasons enumerated in Education Code 48900 and 48900.2, who pose no imminent danger or threat at school, and for whom an expulsion action has not been initiated.

The Superintendent or designee shall examine alternatives to off-campus suspension and may establish a suspension program which involves progressive discipline during the school day on campus; use of conferences between staff, parents/guardians and students; detention; student study teams or other assessment-related teams; and/or referral to school support services staff. The use of such alternatives does not preclude off-campus suspensions.

5.2.5 Required Parental Attendance

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

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

Before requiring parental attendance, the teacher shall make reasonable efforts to have the parent/guardian visit the class voluntarily. The teacher also may inform the parent/guardian about available resources and parent education opportunities. Teachers should reserve the option of required parental attendance for cases in which they have determined that it is the best strategy to promote positive interaction between the student and the parent/guardian and to improve classroom behavior.

The teacher shall apply this policy uniformly to all students within the classroom. This policy shall apply only to a parent/guardian who lives with the student (Education Code 48900.1)

BP 5144.1(c)

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

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

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

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

District regulations and school site rules for student discipline shall include procedures for implementing parental attendance requirements.

Parents/guardians shall be notified of this policy prior to its implementation.
(Education Code 48900.1)

5.2.6 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 the law.

Legal Reference:

AR 5144.1(d)

EDUCATION CODE

212.5 Sexual harassment

1981 Enrollment of students

17292.5 Program for expelled students

32661 Interagency School Safety Demonstration Act of 1985

35146 Closed sessions (re suspensions)

35291 Rules (for government and discipline of schools)

35291.5 Rules and procedures on school discipline

48660-48667 Community day schools

48900-48927 Suspension and expulsion

48950 Speech and other communication

49073-49079 Privacy of student records

CIVIL CODE

47 Privileged communication

48.8 Defamation liability

CODE OF CIVIL PROCEDURE

1985-1997 Subpoenas; means of production

GOVERNMENT CODE

11455.20 Contempt

54950-54963 Ralph M. Brown Act

HEALTH AND SAFETY CODE

11014.5 Drug paraphernalia

11053-11058 Standards and schedules

LABOR CODE

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

PENAL CODE

31 Principal of a crime, defined

240 Assault defined

241.2 Assault fines

242 Battery defined

243.2 Battery on school property
243.4 Sexual battery
245 Assault with deadly weapon
245.6 Hazing
261 Rape defined
266c Unlawful sexual intercourse
286 Sodomy defined
288 Lewd or lascivious acts with child under age 14
288a Oral copulation
289 Penetration of genital or anal openings
626.2 Entry upon campus after written notice of suspension or dismissal without permission
626.9 Gun-Free School Zone Act of 1995
626.10 Dirks, daggers, knives, razors or stun guns
868.5 Supporting person; attendance during testimony of witness
WELFARE AND INSTITUTIONS CODE
729.6 Counseling
UNITED STATES CODE. TITLE 18
921 Definitions, firearm
UNITED STATES CODE. TITLE 20
7151 Gun free schools
COURT DECISIONS
TH. 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, 308
ATTORNEY GENERAL OPINIONS
84 Ops.Cal.Atty.Gen. 146 (2001)
80 Ops.Cal.Atty.Gen. 91 (1997)
80 Ops.Cal.Atty.Gen. 85 (1997)

Management Resources:

WEBSITES

CSBA: <http://www.csba.org>
 California Attorney General's Office: <http://www.caag.state.ca.us>
 California Department of Education: <http://www.cde.ca.gov>
 US. Department of Education, Office of Safe and Drug-Free Schools:
<http://www.ed.gov/about/offices/list/osdfs/index.html>

Vallejo City Unified School District	
Administrative Regulation	
5144.1(a)	
Adopted: December 7, 2011	Vallejo, California
Students	

5.2.7 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 Governing Board for students of the same grade level.
2. Referral to a certificated employee designated by the principal to advise students.
3. Removal from the class, but without reassignment to another class or program, for the remainder of the class period without sending the student to the principal or designee as provided in Education Code 48910. 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))

5.2.8 Notice of Regulations

At the beginning of each school year, the principal of each school shall ensure that all students and parents/guardians are notified in writing of all school rules related to discipline, suspension and expulsion. (Education Code 35291.5, 48900.1, 48980) AR 5144.1(b)

(cf. 5144 - Discipline)

(cf. 5145.6 - Parental Notifications)

5.2.9 Grounds For Suspension & Expulsion

A student may be subject to suspension or expulsion when it is determined that he/she:

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

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

2. Possessed, sold, or otherwise furnished any firearm, knife, explosive, or other dangerous object unless, in the case of possession of any object of this type, the student had obtained written permission to possess the item from a certificated school employee, with the principal or designee's concurrence. (Education Code 48900(b))
(cf. 5131 - Conduct)
(cf. 5131.7 - Weapons and Dangerous Instruments)
3. Unlawfully possessed, used, sold, or otherwise furnished, or was under the influence of, any controlled substance as defined in Health

and Safety Code 11053-11058, alcoholic beverage, or intoxicant of any kind. (Education Code 48900(c))
(*cf. 5131.6 - Alcohol and Other Drugs*)

4. Unlawfully offered, arranged, or negotiated to sell any controlled substance as defined in Health and Safety Code 11053-11058, alcoholic beverage or intoxicant of any kind, and then sold, delivered or otherwise furnished to any person another liquid, substance or material and represented same as controlled substance, alcohol beverage or intoxicant. (Education Code 48900(d))
5. Committed or attempted to commit robbery or extortion. (Education Code 48900(e))
6. Caused or attempted to cause damage to school property or private property. (Education Code 48900(f))

AR 5144.1(c)

7. Stole or attempted to steal school property or private property. (Education Code 48900(g))
8. Possessed or used tobacco or any products containing tobacco or nicotine products, including but not limited to cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets and betel. This restriction shall not prohibit a student from using or possessing his/her own prescription products (Education Code 48900(h))
(*cf 5131.62 - Tobacco*)
9. Committed an obscene act or engaged in habitual profanity or vulgarity (Education Code 48900(i))
10. Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code 11014.5. (Education Code 48900(j))
11. Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, other school officials, or other school personnel engaged in the performance of their duties. (Education Code 48900(k))
(*cf 5131.4 - Student Disturbances*)
12. Knowingly received stolen school property or private property. (Education Code 48900(l))
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))

AR 5144.1(d)

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 preinitiation into a student organization or body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective student. *Hazing* does not include athletic events or school-sanctioned events. (Education Code 48900(q))

18. 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 4-12 is also subject to suspension or recommendation for expulsion when it is determined that he/she:

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

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

(*cf* 5145.7 – *Sexual Harassment*)

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

Hate violence means any act punishable under Penal Code 422.6, 422.7, or 422.75. Such acts include injuring or intimidating another person, interfering with the exercise of a person's civil rights, or damaging a person's property because of the person's race, color, religion, ancestry, national origin, disability, gender, sexual orientation, or gender identity. (Education Code 233; Penal Code 422.55)

AR 5144.1(e)

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

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

(*cf*. 5145.3 – *Nondiscrimination/Harassment*)

22. Engaged in an act of bullying, including, but not limited to, bullying by means of an electronic act, directed toward a student or school personnel. (Education Code 48900(r))

Bullying means one or more acts by a student or group of students that constitute sexual harassment pursuant to Education Code 48900.2, as defined in item #19 above; hate violence pursuant to Education Code 48900.3, as defined in item #20 above; or harassment, threats, or intimidation pursuant to Education Code 48900.4, as defined in item #21 above. (Education Code 32261)

Electronic act means the transmission of a communication, including, but not limited to, a message, text, sound, or image by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager. (Education Code 32261)

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

1. While on school grounds
2. While going to or coming from school
3. During the lunch period, whether on or off the school campus
(*cf 5112.5- Open/Closed Campus*)
4. During, going to, or coming from a school-sponsored activity
(*cf 5131.1- Bus Conduct*)
AR 5144.1(f)

The Superintendent or principal may use his/her discretion to provide alternatives to suspension or expulsion for a student subject to discipline under this administrative regulation, including, but not limited to, counseling and an anger management program. (Education Code 48900(v))
(*cf 5138- Conflict Resolution/Peer Mediation*)
(*cf 6164.2- Guidance/Counseling Services*)

Alternatives to suspension or expulsion may be used with students who are truant, tardy, or otherwise absent from assigned school activities.
(*cf 5113 -Absences and Excuses*)
(*cf 5113.1- Chronic Absence and Truancy*)

5.2.10 Removal From Class By A Teacher/Parental Attendance

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

A teacher also may refer a student to the principal or designee for consideration of suspension from school. (*Education Code 48910*)

When removing a student from his/her class, the teacher shall immediately report this action to the principal or designee and send the student to the principal or designee for appropriate action. The student shall be appropriately supervised during the class periods from which

he/she has been removed. (Education Code 48910)

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

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

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

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

AR 5144.1(g)

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

This notice shall also:

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

5.2.11 Suspension by Superintendent, Principal or Principal's Designee

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

The Superintendent or principal shall immediately suspend any student found at school or at a school activity to be: (Education Code 48915)

1. Possessing, as verified by a district employee, selling, or otherwise furnishing a firearm, unless the student had obtained prior written permission to possess the item from a certificated school employee, with the principal or designee's concurrence
2. Brandishing a knife, as defined in Education Code 48915(g), at another person.
3. Unlawfully selling a controlled substance listed in Health and Safety Code 11053-11058. .
4. Committing or attempting to commit a sexual assault or committing a sexual battery as defined in item #14 under "Grounds for Suspension and Expulsion" above
AR 5144.1(h)
5. Possession of an explosive as defined in 18 USC 921.

Explosive means a *destructive device* and includes, but is not limited to, any explosive, incendiary, or poison gas bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one-quarter ounce, mine, or similar device. A *destructive device* includes any other type of weapon (except a shotgun or shotgun shell recognized by the United States Secretary of Army as suitable for sporting purposes) which might be converted to project an explosive. (18 USC 921)

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

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

(cf 6184 - Continuation Education)

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 principal's 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)

AR 5144.1(i)

This conference may be omitted if the Superintendent, principal, or designee determines that an emergency situation exists. An emergency situation involves a clear and present danger to the lives, safety, or health of students or school personnel. If a student is suspended without this conference, both the parent/guardian and student shall be notified of the student's right to return to school for the purpose of 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 case, the conference shall be held as soon as the student is physically able to return to school. (Education Code 48911)

2. **Administrative Actions:** All requests for student suspension are to be processed by the principal or designee of the school in which the student is enrolled at the time of the misbehavior. A school employee shall report the suspension, including the name of the student and the cause for the suspension, to the Superintendent or designee. (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 causes and duration of the suspension, the school policy involved, and any other pertinent matter. (Education Code 48914)

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

AR 5144.1(j)

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)

5.2.12 Suspension by the Board

The Board may suspend a student for any of the acts listed in "Grounds for Suspension and Expulsion" above and within the limits specified in

"Suspension by Superintendent, Principal, or Principal's Designee" above. (Education Code 48912)

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

When the Board is considering a suspension, disciplinary action, or any other action (except expulsion) against any student, it shall hold closed sessions if a public hearing would lead to disclosure of information violating a student's right to privacy under Education Code 49073-49079. (Education Code 35146, 48912)

(cf 9321 – Closed Session Purposes and Agendas)

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

AR 5144.1(k)

5.2.13 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 may 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)

5.2.14 Authority to Expel

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

The Board also may order a student expelled for any of the acts listed above under "Grounds for Suspension and Expulsion" upon recommendation by the principal, Superintendent, hearing officer, or administrative panel, based on either or both of the following finding(s): (Education Code 48915(b) and (e))

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

AR 5144.1(l)

5.2.15 Mandatory Recommendation for Expulsion

Unless the principal, Superintendent or designee finds that expulsion is inappropriate due to particular circumstances, the principal or the Superintendent or designee shall recommend a student's expulsion for any of the following acts: (Education Code 48915(a))

1. Causing serious physical injury to another person, except in self-defense
2. Possession of any knife as defined in Education Code 48915(g), explosive, or other dangerous object of no reasonable use to the student
3. Unlawful possession of any controlled substance, as listed in Health and Safety Code II 053-11058, except for the first offense for the possession of not more than one ounce of marijuana, other than concentrated cannabis
4. Robbery or extortion
5. Assault or battery, as defined in Penal Code 240 and 242, upon any school employee

5.2.16 Mandatory Recommendation & Mandatory Expulsion

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

1. Possessing, as verified by a district employee, 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
2. Brandishing a knife as defined in Education Code 48915(g) at another person
3. Unlawfully selling a controlled substance listed in Health and Safety Code 11053-11058
4. Committing or attempting to commit a sexual assault or committing a sexual battery as defined in item #14 under "Grounds for Suspension and Expulsion" above
5. Possessing an explosive as defined in 18 USC 921

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

AR 5144.1(m)

5.2.17 Student's Right to Expulsion Hearing

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

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

If the Board finds it impractical during the 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))

5.2.18 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)

5.2.19 Written Notice of the Expulsion Hearing

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

1. The date and place of the hearing.
2. A statement of the specific facts, charges, and offense upon which the proposed expulsion is based.
3. A copy of district disciplinary rules which relate to the alleged violation.

4. Notification of the student's or parent/guardian's obligation, pursuant to Education Code 48915.1, to provide information about the student's status in the district to any other district in which the student seeks enrollment. This obligation applies when a student is expelled for acts other than those described in Education Code 48915(a) or (c).

(cf 5119 – Students Expelled from Other Districts)

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

Non-attorney 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.

AR 5144.1(o)

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

5.2.20 Conduct of Expulsion Hearing

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

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

AR 5144.1(p)

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)
 - e. Any complaining witness shall be given five days' notice before being called to testify.
 - f. 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.
 - g. Before a complaining witness testifies, support persons shall be admonished that the hearing is confidential.

AR 5144.1(q)

- h. The person presiding over the hearing may remove a support person whom he/she finds is disrupting the hearing.
- i. If one or both support persons are also witnesses, the hearing shall be conducted in accordance with Penal Code 868.5.
- j. 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.

k. 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

AR 5144.1(r)

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

7. **Decision Within 40 School Days:** If the Board does not meet on a weekly basis, its decision on whether to expel a student shall be

made within 40 school days after the student is removed from his/her school of attendance, unless the student requests in writing that the decision be postponed. (Education Code 48918(a))

a. 5.5 Procedures for Notifying Teachers about Dangerous Pupils

When the principal at Risk Management Department is aware that a student has caused or tried to cause another person serious bodily injury, or any injury that requires professional medical treatment, a separate and confidential file is created for that child. Information based upon written District records or records received from a law enforcement agency are contained in the file.

When such a student is assigned to a teacher's classroom, the principal shall provide the teacher with written notification. The teacher is asked to review the student's separate and confidential file in the office. Teachers are informed that such information is to be kept in strictest confidence and is to disseminate no further.

Excerpts from the California Education Code, the California Penal Code and Vallejo City Unified School District Administrative Regulations are presented below.

From California Education Code Section 49079

(a) A school district shall inform the teacher of every student who has caused or who has attempted to cause serious bodily injury to another person, as defined in paragraphs (5) and (6) of subdivision (e) of Section 243 of the Penal Code, to another person. The District shall provide the information to the teacher based on any written records that the District maintains or receives from a law enforcement agency regarding a student described in this section.

(b) No school district shall be liable for failure to comply with this section if, in a particular instance, it is demonstrated that the district has made a good faith effort to notify the teacher.

(c) The information provided shall be from the previous three (3) school years.

(d) Any information received by a teacher pursuant to this section shall be received in confidence for the limited purpose for which it was provided and shall not be further disseminated by the teacher.

From California Penal Code Section 243(e) - Paragraphs 5 and 6

(5) ... "Injury" means any physical injury, which requires professional medical treatment.

(6) ... "Custodial Officer" means any person who has the responsibilities and duties and who is employed by a law enforcement agency of the city or county or who performs those duties as a volunteer.

Notice Regarding Student Crimes and Offenses

The Superintendent or designee shall inform the teacher of every student who has engaged in, or is reasonably suspected to have engaged in, any act during the previous three years, which could constitute grounds for suspension or expulsion, with the exception of the possession or use of tobacco products. This information shall be based upon written district records or records received from a law enforcement agency. (California Education Code 49079).

When informed pursuant to Welfare and Institutions Code 828.1 that a student has committed crimes unrelated to school attendance which do not therefore constitute grounds for suspension or expulsion, the Superintendent or designee may so inform any teacher, counselor or administrator whom he/she believes needs this information in order to work with the student appropriately, avoid being needlessly vulnerable, or protect others from needless vulnerability. The Superintendent or designee shall consult with the principal of the school, which the student attends in order to identify staff that should be so informed. (California Welfare and Institutions Code 828.1).

Teachers shall receive the above information in confidence and disseminate it no further. (California Education Code 49079, California Welfare and Institutions Code 828.1).

The principal or designee shall maintain the above information in a separate confidential file for each student. When such a student is assigned to a class/program, the principal or designee shall notify the teacher in writing and ask the teacher to initial this notice, return it to the principal or designee, and review the student's file in the school office. This notification shall not name or otherwise identify the student.

The principal or designee shall notify all certificated personnel who are likely to come into contact with the student, including the student's homeroom or classroom teachers, special education teachers, coaches and counselors.

The teacher shall initial the student's file when reviewing it in the school office. Once the district has made a good faith effort to comply with the notification requirement of Education Code 49079, a teacher's failure to review the file may be construed as a waiver of the district's liability.

b. 5.6 Sexual Harassment

Students

BP 5145.7(a)

The Governing Board is committed to maintaining an educational environment that is free from harassment and discrimination. The Board prohibits sexual harassment of students by other students, employees, or other persons, at school or at school-sponsored or school-related activities. The Board also prohibits retaliatory behavior or action against persons who complain, testify, assist, or otherwise participate in district complaint processes.

(cf 0410 - Nondiscrimination in District Programs and Activities)
(cf 1312.3 - Uniform Complaint Procedures)
(cf 4119.11/4219.11/4319.11 - Sexual Harassment)

i. 5.6.1 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
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

(cf 5131.5 - Vandalism and Graffiti) (cf 5137 - Positive School Climate)
(cf 5145.3 - Nondiscrimination/Harassment)
(cf 6142.1 - Sexual Health and HIV/AIDS Prevention Instruction)

ii. 5.6.2 Complaint Process

Any student who feels that he/she is being or has been sexually harassed by a school employee, another student, or a non-employee on school grounds or at a school-related activity (e.g., 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.

(cf 1312.1 - Complaints Concerning District Employees)
(cf 5141.4 - Child Abuse Prevention and Reporting)
BP 5145.7(b)

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.

iii. **5.6.3 Disciplinary Actions**

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

(cf 5131- Conduct)

(cf 5144.1 - Suspension and Expulsion/Due Process)

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

iv. **5.6.4 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)

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

(cf 5125- Student Records)

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:

BP 5145.7(c)

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

Management Resources:

OFFICE FOR CIVIL RIGHTS PUBLICATIONS

Sexual Harassment: It's Not Academic, September 2008

Revised Sexual Harassment Guidance, January 2001

WEB SITES

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

U.S. Department of Education, Office for Civil Rights:

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

Vallejo City Unified School District	
Administrative Regulation	
5145.7(a)	
Adopted: December 7, 2011	Vallejo, California
Students	

Sexual Harassment

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

1. Submission to the conduct is explicitly or implicitly made a term or condition of a student's academic status or progress
2. Submission to or rejection of the conduct by a student is used as the basis for academic decisions affecting the student
3. The conduct has the purpose or effect of having a negative impact on the student's academic performance or of creating an intimidating, hostile, or offensive educational environment

4. Submission to or rejection of the conduct by the student is used as the basis for any decision affecting the student regarding benefits and services, honors, programs, or activities available at or through any district program or activity

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

AR 5145.7(b)

v. **5.6.5 School-Level Complaint Process/Grievance 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 consider 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 in determining whether it is reasonable to pursue an investigation.

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)

AR 5145.7(c)

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.

(cf 5141.4 - Child Abuse Prevention and Reporting)

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-to-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

AR 5145.7(d)

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 sexual

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 also make follow-up inquiries to see if there have been any new incidents or retaliation and shall keep a record of this information.

AR 5145.7(e)

vi. 5.6.6 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
(cf 5131.5 – Vandalism and Graffiti)
2. Providing training to students, staff, and parents/guardians about how to recognize harassment and how to respond
(cf 4131 – Staff Development)
(cf 4231 – Staff Development)
(cf 4331 – Staff Development)
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
(cf 4119.2314219.23/4319.23- Unauthorized Release of Confidential/Privileged Information)
(cf 5125 - Student Records)
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.

- (cf 4118 - Suspension/Disciplinary Action)*
(cf 4218- Dismissal/Suspension/Disciplinary Action)
(cf 5144.1 - Suspension and Expulsion/Due Process)

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

vii. 5.6.7 Notifications

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

1. Be included in the notifications that are sent to parents/guardians at the beginning of each school year (Education Code 48980; 5 CCR 4917)

(cf 5145.6 – Parental Notifications)

AR 5145.7(£)

2. Be displayed in a prominent location in the main administrative building or other area where notices of district rules, regulations, procedures, and standards of conduct are posted (Education Code 231.5)
3. Be provided as part of any orientation program conducted for new students at the beginning of each quarter, semester, or summer session (Education Code 231.5)
4. Appear in any school or district publication that sets forth the school's or district's comprehensive rules, regulations, procedures, and standards of conduct (Education Code 231.5)
5. Be included in the student handbook
6. Be provided to employees and employee organizations

Vallejo City Unified School District	
Regulation	
Adopted: December 7, 2011	Vallejo, California

c. 5.7 Hate Motivated Behavior

In order to create a safe learning environment for all students, the Governing Board 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, gender identity, physical/mental attributes, or religious beliefs or practices.

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

(cf. 0450 - Comprehensive Safety Plan)

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

(cf. 5131.5 - Vandalism and Graffiti)
(cf. 5136 - Gangs)
(cf. 5137 - Positive School Climate)
(cf. 5141.52 - Suicide Prevention)
(cf. 5145.3 - Nondiscrimination/Harassment)
(cf. 5147 - Dropout Prevention)
(cf. 5149 - At-Risk Students)

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.

(cf. 1020 - Youth Services)
(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)
(cf. 1700 - Relations Between Private Industry and the Schools)
(cf. 5148.2 - Before/After School Programs)
(cf. 5148.3 - Preschool/Early Childhood Education)
(cf. 6020 - Parent Involvement)

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.

(cf. 5138 - Conflict Resolution/Peer Mediation)
(cf. 6142.3 - Civic Education)
(cf. 6142.4 - Service Learning/Community Service Classes)
(cf. 6141.94 - History-Social Science Instruction)

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.

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

i. 5.7.1 Grievance Procedures

Any student who believes he/she is a victim of hate-motivated behavior shall immediately contact the Coordinator for Nondiscrimination/Principal. Upon receiving such a complaint, the Coordinator/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.

(cf. 1312.1 - Complaints Concerning District Employees)
(cf. 1312.3 - Uniform Complaint Procedures)
(cf. 5131- Conduct)

(cf. 5144 - Discipline)
(cf. 5144.1 - Suspension and Expulsion/Due Process)
(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))
(cf. 5145.7 - Sexual Harassment)

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

(cf. 3515.3 - District Police/Security Department)
(cf. 4158/4258/4358 - Employee Security)

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.

(cf. 6164.2 - Guidance/Counseling Services)

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

C 4600-4687 Uniform Complaint Procedures

4900-4965 Nondiscrimination in elementary and secondary education programs

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION LEGAL ADVISORIES

California Student Safety and Violence Prevention - Laws and Regulations, April 2004

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS & NATIONAL ASSOCIATION OF ATTORNEYS GENERAL PUBLICATIONS

Protecting Students from Harassment and Hate Crime: A Guide for Schools, 1999

U.S. DEPARTMENT OF JUSTICE PUBLICATIONS

Preventing Youth Hate Crimes: A Guide for Schools and Communities, 1997

WEBSITES

CSBA: <http://www.csba.org>
 California Association of Human Relations Organizations: <http://www.cahro.org>
 California Department of Education: <http://www.cde.ca.gov>
 National Youth Violence Prevention Resource Center: <http://www.safeyouth.org>
 U.S. Department of Education: <http://www.ed.gov/about/offices/list/ocr>
 U.S. Department of Justice, Community Relations Service: <http://www.usdoj.gov/crs>

Vallejo City Unified School District	
Policy	
5145.9	
Adopted: December 7, 2011	Vallejo, California
Students	

d. 5.8 Bullying

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

Bullying is unwanted, aggressive behavior among school aged children that involves a real or perceived power imbalance. The behavior is repeated, or has the potential to be repeated, over time. Both kids who are bullied and who bully others may have serious, lasting problems. In order to be considered bullying, the behavior must be aggressive and include:

1. An Imbalance of Power: Kids who bully use their power - such as physical strength, access to embarrassing information, or popularity to control or harm others. Power imbalances can change over time and in different situations, even if they involve the same people.
2. Repetition: Bullying behaviors happen more than once or have the potential to happen more than once. (Federal Government stopbullying.com)

Bullying includes actions such as making threats, spreading rumors, attacking someone physically or verbally, and excluding someone from a group on purpose.

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.

- (cf. 5131 - Conduct)*
- (cf. 5136 - Gangs)*
- (cf. 5145.3 - Nondiscrimination/Harassment)*
- (cf. 5145.7 - Sexual Harassment)*
- (cf. 5145.9 - Hate-Motivated Behavior)*

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.

(cf. 5145.2 - Freedom of Speech/Expression)

Strategies for bullying prevention and intervention shall be developed with involvement of key stakeholders in accordance with law, Board policy, and administrative regulation governing the development of school site safety plans and shall be incorporated into such plans.

(cf. 0420 - School Plans/Site Councils)

(cf. 0450 - Comprehensive Safety Plan)

(cf. 1220 - Citizen Advisory Committees)

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

(cf. 6020 - Parent Involvement)

i. 5.8.1 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.

(cf. 5137 - Positive School Climate)

(cf. 6164.2 - Guidance/Counseling Services)

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

(cf. 6142.8 - Comprehensive Health Education)

(cf. 6142.94 - History-Social Science Instruction)

(cf. 6163.4 - Student Use of Technology)

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

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

Based on an assessment of bullying incidents at school, the Superintendent or designee may increase supervision and security in areas where bullying most often occurs, such as classrooms, playgrounds, hallways, restrooms, and cafeterias.

ii. 5.8.2 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 school staff who witness bullying shall immediately intervene to stop the incident when it is safe to do so. (Education Code 234.1)

When 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.

iii. 5.8.3 Complaints & 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 the district's uniform complaint procedures specified in AR 1312.3 - Uniform Complaint Procedures.

(cf. 1312.3 - Uniform Complaint Procedures)

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 that they feel constitute cyberbullying and to notify a teacher, the principal, or other employee so that the matter may be investigated.

When a student uses a social networking site or service to bully or harass another student, the Superintendent or designee shall file a request with the

networking site or service to suspend the privileges of the student and to have the material removed.

iv. 5.8.4 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.

(cf. 5138 - Conflict Resolution/Peer Mediation)

(cf. 5144 - Discipline)

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

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

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

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

32282 Comprehensive safety plan

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

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

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

Management Resources:

CSBA PUBLICATIONS

Addressing the Conditions of Children: Focus on Bullying, Governance Brief, December 2012

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

Providing a Safe, Nondiscriminatory School Environment for All Students, Policy Brief, April 2010

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

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

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

Bullying at School, 2003

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

Dear Colleague Letter: Harassment and Bullying, October 2010

WEBSITES

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

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

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

Center for Safe and Responsible Internet Use: <http://cyberbully.org>

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

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

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

Vallejo City Unified School District
Policy
5131.2
Adopted: August 21, 2013 Vallejo, California
Students

e. 5.9 Dress and Grooming

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

(cf 4119.22 – Dress and Grooming)

(cf 5145.2 – Freedom of Speech/Expression)

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

(cf 5144- Discipline)

i. 5.9.1 Gang-Related Apparel

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

(cf 0450 – Comprehensive Safety Plan)

(cf 5136 – Gangs)

ii. **5.9.2 Uniforms**

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

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

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

BP 5132(b)

Legal Reference:

EDUCATION CODE

32281 *School safety plans*

35183 *School dress codes; uniforms*

35183.5 *Sun-protective clothing*

48907 *Student exercise of free expression*

49066 *Grades; effect of physical education class apparel*

CODE OF REGULATIONS, TITLE 5

302 *Pupils to be neat and clean on entering school*

COURT DECISIONS

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

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

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

Vallejo City Unified School District	
Administrative Regulation	
5132(a)	
Adopted: December 7, 2011	Vallejo, California
Students	

In cooperation with teachers, students and parents/guardians, the principal or designee shall establish school rules governing student dress and grooming which are consistent with law, Governing Board policy and

administrative regulations. These school dress codes shall be regularly reviewed.

(cf. 0420- School Plans/Site Councils)

Each school shall allow students to wear sun-protective clothing, including but not limited to hats, for outdoor use during the school day. (Education Code 35183.5)

In addition, the following guidelines shall apply to all regular school activities:

1. Shoes must be worn at all times. Sandals must have heel straps. Thongs or backless shoes or sandals are not acceptable.
2. Clothing, jewelry and personal items (backpacks, fanny packs, gym bags, water bottles etc.) shall be free of writing, pictures or any other insignia which are crude, vulgar, profane or sexually suggestive, which bear drug, alcohol or tobacco company advertising, promotions and likenesses, or which advocate racial, ethnic or religious prejudice.
3. Hats, caps and other head coverings shall not be worn indoors.
4. Clothes shall be sufficient to conceal undergarments at all times. See-through or fish-net fabrics, halter tops, off-the-shoulder or low-cut tops, bare midriffs and skirts or shorts shorter than mid-thigh are prohibited.
5. Gym shorts may not be worn in classes other than physical education.
6. Hair shall be clean and neatly groomed. Hair may not be sprayed by any coloring that would drip when wet.

Coaches and teachers may impose more stringent dress requirements to accommodate the special needs of certain sports and/or classes.

(cf. 3260 - Fees and Charges)

No grade of a student participating in a physical education class shall be adversely affected if the student does not wear standardized physical education apparel because of circumstances beyond the student's control. (Education Code 49066) *(cf. 5121 - Grades/Evaluation of Student Achievement)*

AR 5132(b)

The principal, staff, students and parent/guardians at each school may establish reasonable dress and grooming regulations for times when students are engaged in extracurricular or other special school activities.

Gang-Related Apparel

At individual schools that have a dress code prohibiting gang-related apparel at school or school activities, the principal, staff and parents/guardians participating in the development of the school safety plan shall define "gang-related apparel" and shall limit this definition to apparel that reasonably could be determined to threaten the health and safety of the school environment if it were worn or displayed on a school campus. (Education Code 32282)

Because gang-related symbols are constantly changing, definitions of gang-related apparel shall be reviewed at least once each semester and updated whenever related information is received.

Uniforms

In schools where a school-wide uniform is required, the principal, staff and parents/guardians of the individual school shall jointly select the specific uniform to be worn. (Education Code 35183)

At least six months before a school uniform policy is implemented, the principal or designee shall notify parents/guardians of this policy. (Education Code 35183)

Parents/guardians shall also be informed of their right to have their child exempted.

Vallejo City Unified School District	
Regulation	
Adopted: December 7, 2011	Vallejo, California

f. 5.10 Blood Borne Pathogen

i. 5.10.1 What are Bloodborne pathogens?

Pathogenic microorganisms such as viruses or bacteria that are present in human blood and can cause diseases in humans. These include: Human Immunodeficiency Virus (HIV), Hepatitis B (HBV) and Hepatitis C (HCV)

ii. 5.10.2 How are they transmitted?

Through contact with blood and other potentially infectious materials that enter the bloodstream

iii. 5.10.3 What are potentially infectious materials?

Blood

- Vaginal secretions, joint fluid, lung fluid, and other bodily fluid

Unfixed tissue or organs from a human being whether living or dead, other than intact skin

- Any bodily fluid that is visibly contaminated with blood

Bodily fluids where it is impossible to differentiate and identify the precise bodily fluid

iv. 5.10.4 How can you be exposed to a bloodborne disease?

Infectious materials enter your body through open wounds, new cuts, broken skin and through the mucous membranes of your eyes, nose and mouth Exposure incidents can occur during accidents, while providing first-aid, when cleaning up a spill or during laundry & waste removal duties

v. 5.10.5 How can exposure be prevented?

Universal Precautions: Treat all blood and bodily fluids as if they were infectious

- *Personal Protective Equipment:* Minimize exposure by wearing gloves, splash goggles, resuscitation masks, and other barriers when there is a risk of exposure Remove PPE prior to leaving work area and place PPE in proper containers. Do not reuse disposal PPE

Spill cleanup: Disinfect all areas where bodily fluids have spilled and place clean-up materials in proper containers

Proper Waste Disposal: Label all waste with proper biohazard labels or deposit in red, leak-proof containers or bags

Proper handling of contaminated laundry: Pre-soak all contaminated laundry, use PPE, keep handling to a minimum

vi. 5.10.6 What should I do if I believe I've been exposed?

Wash the exposed area immediately with antibacterial soap and running water

- If fluids enter eyes or nose, flush with running water for at least 15 minutes

Immediately report incident to supervisor

- You will receive post-exposure evaluation and follow-up which includes a confidential medical evaluation and blood testing

6.0 Procedures and Policies to Ensure a Safe & Orderly Environment

6.1 School Site Policies

[The following are areas that may be included in your comprehensive plan now or in the future. Insert current policies and develop additional policies as required]

1. Accelerated Reading
2. Anabolic Steroids
3. Announcements
4. Assemblies
5. Associated Student Body
6. ATOD policy
7. ATOD Use by Students
8. Attendance
9. Apprehension
10. Behavior
11. Behavior-Code of Conduct
12. Bills
13. Bullying
14. Bullying Prevention
15. Buss/Transportation regulations
16. Cafeteria
17. Campus Guidelines
18. Campus Visitors
19. Change of Address
20. Cheating
21. Classroom Discipline For Staff
22. Classroom Disruption/Insubordination
23. Code of Safety and Conduct
24. Communications Home/School
25. Communications Parent/School
26. Conduct
27. Conflict Resolution
28. Construction
29. Corridors and Restrooms
30. Crime Reporting
31. Detention
32. Discipline
33. Disrespect/Defiance
34. Drill Schedule
35. Extension of class period
36. Extracurricular Eligibility Policy
37. Eye Protection Devices
38. Fighting
39. First Aid
40. Fire/Emergency Drills
41. Food/Drinks on Campus
42. Forgery
43. Gangs
44. Graduation Requirements

45. Guidance
46. Guidelines for the Playground
47. Gum Chewing
48. Harassment
49. Homework
50. Honor Role
51. Intervention
52. Insurance, School
53. Laboratory Safety
54. Language
55. Library
56. Lockers
57. Medication
58. Non-Punitive Self-Referral
59. Open/Closed Campus
60. Over affection
61. Parking and Traffic
62. Playground Equipment
63. Programs and Services
64. Prohibited Activities
65. Public Displays of Affection
66. Radios/Electronics
67. Recess
68. Release During School
69. Release of student to Peace Officer
70. Reporting Suspected Child Abuse or Neglect
71. Research Based Curriculum
72. Rewards for Good Behavior, Exceptional Effort, and Acad. Excel.
73. Rights and Responsibilities
74. Safe Ingress To and Egress From School
75. Search and Seizure
76. Stealing
77. Suspension and Expulsion/Due Process
78. Telephones
79. Textbooks
80. Truancy
81. Uniforms/Dress
82. Upper Grades Discipline Referral Procedures
83. Vandalism/Theft/Graffiti
84. Weapons
85. Yard Duty

