

Policy 4358 Employee Security

Status: ADOPTED

Original Adopted Date: 05/13/1992

Last Revised Date: 06/26/2024

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

Any person who threatens the safety of others at any district facility may be removed by the Superintendent or designee in accordance with AR 3515.2 - Disruptions. Any employee against whom violence or any threat of violence has been directed in the workplace shall notify the Superintendent or designee immediately. As appropriate, the Superintendent or designee shall initiate legal and security measures to protect the employee and others in the workplace. Such measures may include seeking a temporary restraining order on behalf of the employee pursuant to Code of Civil Procedure 527.8 and/or a gun violence restraining order pursuant to Penal Code 18150 and 18170.

Upon request by an employee who is a victim of domestic violence, sexual assault, or stalking, the Superintendent or designee shall provide reasonable accommodations in accordance with Labor Code 230-230.1 and the accompanying administrative regulation to protect the employee's safety while at work.

The Superintendent or designee may pursue legal action on behalf of an employee against a student or the student's parent/guardian to recover damages for injury to the employee's person or property caused by the student's willful misconduct that occurred on district property, at a school or district activity, or in retaliation for lawful acts of the employee in the performance of the employee's duties. (Education Code 48904, 48905)

Separately, the Board may authorize the Superintendent, in consultation and agreement with legal counsel, to evaluate and/or respond to defamatory statement(s) by a third-party about an employee or elected official and/or threatening conduct/statements by a third-party directed toward an employee or elected official. This authority is contingent on a finding that the defamatory statements and/or threatening conduct/statements arise from service as a district employee or elected official. It would require four Trustees for approval. After that approval, the Superintendent, in consultation with legal counsel, is also authorized to initiate the appropriate administrative, civil, or criminal action to effectuate this paragraph.

The Superintendent or designee shall provide staff development in crisis prevention and intervention techniques, which may include training in classroom management, effective communication techniques, procedures for responding to an active shooter situation, and crisis resolution. In accordance with law, the Superintendent or designee shall inform teachers,

administrators, and/or counselors of crimes and offenses committed by students who may pose a danger in the classroom. (Education Code 48201, 49079; Welfare and Institutions Code 827)

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

Use of Pepper Spray

Employees shall not carry or possess pepper spray on school property or at school activities except when authorized by the Superintendent or designee for self-defense purposes. When allowed, an employee may only possess pepper spray in accordance with administrative regulations and Penal Code 22810. Any employee who is negligent or careless in the possession or handling of pepper spray shall be subject to appropriate disciplinary measures.

Reporting of Injurious Objects

Employees shall take immediate action upon being made aware that any person is in possession of a weapon or unauthorized injurious object on school grounds or at a school-related or school-sponsored activity. Employees shall exercise their best judgment as to the potential danger involved and shall do one of the following:

1. Confiscate the object and deliver it to the principal immediately
2. Immediately notify the principal, who shall take appropriate action
3. Immediately call 911 and the principal

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

05/13/92
06/95
06/10
10/12/11
02/23/2022
06/26/2024

Policy Reference Disclaimers

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State

Civ. Code 51.7
Code of Civil Procedure 527.8
Ed. Code 32210-32212

Description

[Freedom from violence or intimidation](#)
[Workplace violence safety](#)
[Willful disturbance; public schools or meetings](#)

Ed. Code 32225-32226	Communications devices in classrooms
Ed. Code 35208	Liability insurance
Ed. Code 35213	Reimbursement for loss or damage of personal property
Ed. Code 44014	Report of assault by pupil against school employee
Ed. Code 44807	Teachers' duty concerning conduct of students
Ed. Code 48201	Transfer student's record for acts that resulted in suspension or expulsion
Ed. Code 48900-48926	Suspension and expulsion
Ed. Code 49079	Notification to teacher; student who has engaged in acts re: grounds suspension or expulsion
Ed. Code 49330-49335	Injurious objects
Gov. Code 12926	Definitions
Gov. Code 3543.2	Scope of representation
Gov. Code 995-996.4	Defense of public employees
Lab. Code 230-230.2	Leaves for victims of domestic violence, sexual assault or specified felonies
Pen. Code 18150	Gun violence restraining orders
Pen. Code 18170	Gun violence restraining order issued after notice and hearing
Pen. Code 22810	Purchase, possession, and use of tear gas
Pen. Code 240-246.3	Assault and battery
Pen. Code 241.3	Assault against school bus drivers
Pen. Code 241.6	Assault on school employee including board member
Pen. Code 243.3	Battery against school bus drivers
Pen. Code 243.6	Battery against school employee including board members
Pen. Code 245.5	Assault with deadly weapon against school employee including board member
Pen. Code 290	Registration of sex offenders
Pen. Code 601	Trespass by person making credible threat
Pen. Code 626-626.11	Weapons on school grounds and other school crimes
Pen. Code 646.9	Stalking
Pen. Code 71	Threatening public officers and employees and school officials
W&I Code 827	Limited exception to juvenile court record
W&I Code 828.1	District police or security department; disclosure of juvenile records

Management Resources

Court Decision	City of San Jose v. William Garbett (2010) 190 Cal. App. 4th 526
Website	CSBA District and County Office of Education Legal Services
Website	California Department of Education, Safe Schools
Website	CSBA

Cross References

Code	Description
0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
1313	Civility
3320	Claims And Actions Against The District
3320	Claims And Actions Against The District
3515	Campus Security
3515	Campus Security
3515.2	Disruptions
3515.2	Disruptions

3515.3	District Police/Security Department
3515.3	District Police/Security Department
3515.31	School Resource Officers
3515.4	Recovery For Property Loss Or Damage
3515.4	Recovery For Property Loss Or Damage
3515.7	Firearms On School Grounds
3530	Risk Management/Insurance
3530	Risk Management/Insurance
4112.9	Employee Notifications
4112.9-E(1)	Employee Notifications
4118	Dismissal/Suspension/Disciplinary Action
4118	Dismissal/Suspension/Disciplinary Action
4119.21	Professional Standards
4119.21-E(1)	Professional Standards
4131	Staff Development
4156.3	Employee Property Reimbursement
4157	Employee Safety
4157	Employee Safety
4161.2	Personal Leaves
4212.9	Employee Notifications
4212.9-E(1)	Employee Notifications
4218	Dismissal/Suspension/Disciplinary Action
4218	Dismissal/Suspension/Disciplinary Action
4219.21	Professional Standards
4219.21-E(1)	Professional Standards
4231	Staff Development
4256.3	Employee Property Reimbursement
4257	Employee Safety
4257	Employee Safety
4261.2	Personal Leaves
4312.9	Employee Notifications
4312.9-E(1)	Employee Notifications
4319.21	Professional Standards
4319.21-E(1)	Professional Standards
4331	Staff Development
4356.3	Employee Property Reimbursement
4357	Employee Safety
4357	Employee Safety
4361.2	Personal Leaves
5125	Student Records
5125	Student Records
5125.2	Withholding Grades, Diploma Or Transcripts
5131.4	Student Disturbances
5131.4	Student Disturbances
5131.7	Weapons And Dangerous Instruments
5131.7	Weapons And Dangerous Instruments
5141	Health Care And Emergencies
5141	Health Care And Emergencies
5144	Discipline
5144	Discipline
5144.1	Suspension And Expulsion/Due Process
5144.1	Suspension And Expulsion/Due Process
5144.2	Suspension And Expulsion/Due Process (Students With

Disabilities)