

Evergreen School District

James F. Smith Elementary School Comprehensive School Safety Plan

Effective Dates: 2024-2025

Principal/Administrator: Ifeoma Obodozie

Plan Developed By	Title
Ifeoma Obodozie	Principal
Sidarth Dalmia	Parent
Aarish Patell	Parent
Garima Khandelwal	Parent
Veeral Shah	Parent
George Nyako	Parent
Cynthia Chavez	Classified
Janie Swenor	Teacher
Jennifer Jones	Teacher
Taline Orloff	Teacher

Public Meeting Date: 12/17/24

Date Adopted by School Site Council: 12/17/24

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Committee Members

Name of Members	Principal	Classified Employee	Teacher Re. of Cert. Employees	Parent or Community Member	Law Enforcement	Secondary Students	Other
Ifeoma Obodozie	X						
Sidarth Dalmia				X			
Aarish Patell				X			
Garima Khandelwal				X			
Veeral Shah				X			
George Nyako				X			
Cynthia Chavez		X					
Janie Swenor			X				
Jennifer Jones			X				
Taline Orloff			X				

Vision/Mission Statement

Vision Statement:

James Franklin Smith School is a school where a diverse population of students, families, staff, and community members collaborate to create a safe and friendly learning environment. Technologically literate students are actively engaged in a high quality standards-based instructional program that develops life-long learners and responsible, productive leaders of tomorrow.

Mission Statement:

The mission of the James Franklin Smith Elementary School is to develop the intellectual, physical and emotional capacities of each child to the fullest extent possible so that each can lead a fulfilling life as a productive worker, citizen, and contributing member of our society. To become good citizens and responsible adults, all children need to think creatively and critically, and be able to adapt to change. They need skills in acquiring, filtering, processing, and using information to make effective decisions and to communicate with others. They will develop self-esteem by participating in a caring school community which appreciates diversity and develops in children tolerance, mutual, cooperation towards team goals and a love for learning that will last a lifetime. Students will understand they are a part of a local and global community.

Students will learn in a non-traditional learning environment that will include various formats of technology and new age instructional strategies. Students will become 21st Century citizens who will embrace the impact of technology on our society and daily lives. Students will be active participants in their own learning. Teachers will be responsible for guiding the learning process, setting goals and fulfilling instructional standards set forth by district and state mandates.

Students will learn to make good choices and choose a life style that will promote a healthy body, mind and lifestyle. Students of James Franklin Smith School will develop skills in the classroom that will transcend to the work place.

Our students will be productive, compassionate and develop a firm understanding of the past and become active leaders in their future.

Data Analysis

Data Source	2021-22	2022-23	2023-24
California Health Kids Survey			
Suspensions	X	X	X
Expulsions	X	X	X
Local Crime data			
Other Community data			
Youth Truth Survey			
School Climate	X	X	X

Conclusions from Data:

Data Analysis included are 2023-2024 School Safety Surveys, Suspensions, Expulsions, and community/parent feedback.

EESD Safety Survey (September 2024)**Community:**

- 100% of the community are very familiar or familiar with school-wide rules and expectations.
- 64.2% of the community feel very familiar or familiar with the cyberbullying rules/expectations.
- 86.2% of the community strongly agree or agree they understand school systems for reinforcing and recognizing positive behavior.
- 28.6% of the community never hear or do not know of any bullying happening at school.
- 89.2% of the community strongly agree or agree that the school facilities and grounds are well maintained.

Staff:

- 8.3% of the staff have heard students talk about bullying happening at school.
- 16.7% of the staff have never heard or do not know of any bullying happening at school.
- 83.3% of the staff strongly agree or agree that school rules are enforced fairly.
- 100% of the staff are familiar or very familiar with fire drill procedures.
- 100% of the staff are familiar or very familiar with earthquake procedures.
- 91.7% of the staff are familiar or very familiar with shelter-in-place procedures.
- 91.7% of the staff are familiar or very familiar with run-hide-defend procedures.
- 75% of the staff strongly agree or agree that the school facilities and grounds are well maintained.

Students:

- 83.6% of students feel safe or very safe at school.
- 80.4 % of students feel very familiar or familiar with the school-wide rules/expectations.
- 26.9% of students report that they never have seen/heard bullying at school.
- 9.6% of students report that they do not know about bullying happening at school.
- 30.4% of students report seeing bullying a lot or sometimes at school.
- 96% of students are familiar or very familiar with fire drill procedures.
- 94.1% of students are familiar or very familiar with earthquake procedures.
- 79.4% of students are familiar or very familiar with shelter-in-place procedures.
- 68.5% of students are familiar or very familiar with run-hide-defend procedures.

Suspension/Expulsion:

In 2021 -2022 there was one suspension and zero expulsions

In 2022-2023 there was one suspension and zero expulsions

In 2023-2024 there was zero suspension and zero expulsions

Conclusions from Parent, Teacher and Student Input:**Parents:**

- The entire community is familiar with school-wide rules and expectations.
- Slightly over half of the parents feel very familiar or familiar with the school's cyberbullying rules/expectations
- About eighty-six percent of the community acknowledge understanding of school expectations and how their children are recognized and supported in behaving positively.
- The community feels additional work needs to be done to reduce bullying.

Staff:

- Teachers, administrators, and other school staff are accessible to parents and support exploring new ideas.
- Staff expressed being familiar with the district's Wellness Connection webpage.
- One hundred percent of the staff understand school rules/expectations and cyberbullying rules/expectations.
- All staff members reported being very familiar with our safety drill procedures.

Students:

- The Student report reflects an understanding of classroom rules/expectations, school-wide rules/expectations, and cyberbullying rules/expectations.
- Over ninety percent of students are very familiar with our fire and earthquake drills, while a lower percentage of them are very familiar with the Shelter-in-Place, and Run-Hide-Defend procedures.
- Students feel they need to understand cyberbullying expectations better.

Suspension/Expulsion:

- We have had no suspensions in the current school year (2024-2025).
- There have been no expulsions in the previous three years.

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

EESD Safety Survey (Fall 2024)

PowerSchool Suspension and Expulsion data

Monthly Coffee With the Principal Meetings

Grade Level Leads/Instructional Leadership Team Meetings

Staff and Faculty Meetings

Staff and Community Safety Plan Public Meeting

School Site Council/English Learner Advisory (ELAC) Meetings

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

- Soul Shoppe Program
- Student Leadership Opportunities: Student Council, Peacemakers, student clubs, and yearbook
- Explicitly teaching kindness through donation of over \$26,000 to the Leukemia and Lymphoma Society
- Student-led Morning Announcements
- PTA-sponsored student and community events
- District Events
- JFS also has many fee-based programs well attended by students
- STEAM Lab
- Coffee with the Principal
- Principal's Message
- Run with the Principal
- Parent Square Communication
- Staff Bulletin
- Counseling by Social Worker Intern and the Social Worker
- PBIS Program
- Promotion of college/career exploration
- Increment of cultural competence
- Implementation of Profile of a Learner- Student-Led Conferences

Areas we wish to Change:

1.0 Social-Emotional Safety- Increase students' awareness of others, including emotional intelligence, to increase confidence and decrease negative interactions, particularly bullying behaviors.

1.1 Continue to use the Positive Behavioral Interventions and Supports (PBIS) program.

1.2 Educate students, staff, and the community on the difference between conflict and bullying (including cyberbullying).

2.0 Physical Safety - Maintain and improve procedures to increase student safety throughout the school day.

Goals Strategies and Activities

Component I – People and Programs

Goal

Increase students' emotional intelligence to build confidence and decrease negative interactions.

Measurable Objective:

By October, 2025, we will see a 10% reduction in students seeing or hearing about bullying, as measured by the Evergreen Safety Survey.

By October, 2025 we will see an increase of 5% of students solving conflict on their own after implementation of Soul Shoppe and Second Step and Peacemakers.

By October, 2025, we will work to decrease accusation of bullying and work to teach the definition of bullying.

Action Steps:

Emotional Intelligence/Social-Emotional Learning

1.0 Continue to use Soul Shoppe

1.1 Continue to use Second Step resources for staff, students, and community

1.2 Explore programs available to improve digital citizenship

PBIS

2.0 Continue to use Multi-tiered Systems of Support (MTSS), to teach expected behaviors, prevent undesired behaviors, and recognize and celebrate good citizenship

2.1 The PBIS team will continue to meet regularly to analyze data and make recommendations for clarifying the system and sharing it with staff and students

2.2 Share data with all staff regarding PBIS to improve the program

Conflict Resolution and Bullying Prevention

3.0 Continue to use and explore new strategies, programs, and tools to educate students, staff, and community regarding difference between conflict and bullying

Digital Citizenship

4.0 Explore resources to educate students, staff, and community on Internet safety, with Internet Crimes Against Children (ICAC) resources.

4.1 Partner with community organizations to deliver anti-bullying prevention education to students, staff, and the community.

5.0 Continue to offer opportunities for open dialogue between school and community, on current policies regarding school behavior expectations, culture and climate, and safety.

5.1 Communicate with parents regularly about school happenings and opportunities via in-person meetings and written communication

Who will take the lead?

School Site Council, PTA, Student Council, PBIS Team, Soul Shoppe Site Coordinators, Principal, Teachers, staff, volunteers, parents, students

Completion Date and Budget

October, 2025

\$5,000 PTA and \$4500 School Donations Account

Resources Needed

- Soul Shoppe curriculum subscription, professional development, teacher advisors, and trainers for the Peacemaker component
- Soul Shoppe for parents
- Second Step curriculum, professional development, and community education
- School Assemblies and Internet safety presentations
- Services for Anti-bullying prevention education to students, staff, and community
- PBIS Team & Program Materials
- Delivery of Anti-bullying presentations
- Clerical Assistance

How we will Monitor and evaluate?

- Purchase Orders
- Decrease in discipline referrals
- Leadership participation by students
- Community attendance at workshops and meetings
- Teachers documentation of delivery and assessment of Soul Shoppe, PBIS, and Second Step curriculum
- Staff sign-in/attendance at meetings
- Teachers organizing student leadership meetings

Component II – Place

Goal

We will maintain and improve procedures to increase student safety throughout the school day.

Measurable Objective:

By October 2025, 95% or more students will report feeling "very safe or safe," at school as measured by the Evergreen School District Safety Survey

By October 2025, 85% or more students will report understanding of the Shelter-in-Place and Run-Hide-Defend procedures "familiar or very familiar" as measured by the Evergreen School District Safety Survey

By October 2025, 100% of the staff will continue to report being "familiar or very familiar" with emergency procedures

By October 2025 100% of the staff will wear identifying badges

Action Steps:

Safety Drills

- 1.0 Continue monthly drills and practice at various times throughout the school day
- 1.2 Continue to review drills procedures with students and staff
- 1.3 Continue to communicate drills information with parents
- 1.4 Continue partnership with the SJPD to offer training for Run-Hide-Defend practice and support during a scheduled drill

Access and Communication Safety:

- 2.0 Maintain keeping exterior doors closed.
- 2.1 Provide locking devices to secure all doors during lockdowns
- 2.2 Improve radio communication and purchase additional radios

Traffic Safety

- 3.0 Partner with the City of San Jose's Transportation Department to access and improve school traffic safety
- 3.1 Work with the PTA to organize additional Walk-to-School events to decrease traffic around the school
- 3.2 Conduct Parent Education around traffic and implement new traffic safety protocol

School Safety

- 4.0 Maintain the provision of identity badges for all school personnel who work with students before, during, and after school.

Who will take the lead? Principal, School Site Council, Teachers, and Staff

Completion Date and Budget
October 2025
\$1,000 School Donations Account

Resources Needed

- Students, staff, and community education materials and presenters
- Emergency tools, signs, radios, student incentives, etc.

How we will Monitor and evaluate? Surveys, purchase orders, observations and feedback by the administration, staff, parents and students.

Communication

Method for Communicating Plan and Notifying Public: <i>Ed Code 32288</i>	<p>Date of Public Meeting: 12/17/24 Site of Public Meeting: ZOOM</p> <p>The School site council or school safety planning committee shall notify, in writing, the following persons and entities, if available, of the public meeting:</p> <ul style="list-style-type: none"> • Local Mayor • Representative of the local school employee organization • A representative of each parent organization at the school site, including the parent teacher association and parent teacher clubs • A representative of each teacher organization at the school site • A representative of the student body government <p>All persons who have indicated they want to be notified</p> <p>The School site council or school safety planning committee is encouraged to notify, in writing, the following persons and entities, if available, of the public meeting:</p> <ul style="list-style-type: none"> • A representative of the local churches • Local civic leaders • Local business organizations <p>In order to ensure compliance with this article, each School District or County Office of Education shall annually notify the State Department of Education by October 15 of any schools that have not complied with Ed Code 32281</p>
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	Name	Date
Review of Progress for Last Year	Ifeoma Obodozie	11-02-2024
Law Enforcement Review	Eric Calderon	12-23-2024
Site Council Approval	Sidarth Dalmia	12-17-2024
School Board Approval	EESD Board	1-23-2025

Evaluation

How was the previous plan monitored?

The school administrator and School Site Council monitored the progress of the plan through, agendas, sign-in sheets, agendas, school calendars, and survey summary data.

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

As of January 2024, progress toward our Social-Emotional Goal includes the following:

1.0 Emotional Intelligence/ Social-Emotional Learning

- JFS continues to use the Soul Shoppe Program
- The Second Step curriculum is being used regularly
- PBIS supports Emotional development as well as the aforementioned

2.0 Positive Behavior Interventions and Supports (PBIS)

- JFS has an established PBIS program that teaches lessons, recognizes desired behaviors, and collects data
- JFS PBIS Team meets regularly, and starting in January, the principal will share referral information with the entire staff regularly
- A box has been ordered for students to request to speak to a PeaceMaker
- Additional Peacemaker keys have been ordered for Peacemakers

3.0: Digital Citizenship

- Google Citizenship has not been implemented yet.

4.0 Community Forums

- The Parent Square platform is being used daily. It is being used to share information promptly with all school groups.
- The weekly Principal's Message
- Coffee with the Principal

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

As of October 2024 progress toward our Physical Safety Goal includes the following:

1.0 Safety Drills

- Continue to have a variety of emergency drills and share information with parents/guardians

2.0-2.1 Safe Places

- An SJPd officer will train staff annually on Run-Hide-Defend (RHD) procedures
- SJPd will assist with the RHD drill
- SJPd recommended stopping field trips to staging areas

3.0 Releasing Students

- Staff are familiar with procedures to release students to their families in an emergency
- Parent Square is used to communicate with families and staff
- Continue to improve radio communication

4.0 Public Health and Safety

- - All guidelines have been followed.

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

Adopted Board Policies

Alcohol and Other Drugs

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

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

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

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

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

Instruction

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

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

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

Enforcement/Discipline

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

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

Legal Reference:

EDUCATION CODE

44049 Known or suspected alcohol or drug abuse by student

44645 In-service training anabolic steroids

48900 Suspension or expulsion (grounds)

48900.5 Suspension, limitation on imposition; exception

48901 Smoking or use of tobacco prohibited

48901.5 Prohibition of electronic signaling devices

48902 Notification of law enforcement authorities; civil or criminal immunity

48909 Narcotics or other hallucinogenic drugs

48915 Expulsion; particular circumstances

49602 Confidentiality of pupil information

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

BUSINESS AND PROFESSIONS CODE

25608 Alcohol on school property; use in connection with instruction

HEALTH AND SAFETY CODE

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

PENAL CODE

13860-13864 Suppression of drug abuse in schools

VEHICLE CODE

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

WELFARE AND INSTITUTIONS CODE

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

UNITED STATES CODE, TITLE 20

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

Instruction AR 5131.6(a)

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

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

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

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

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

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

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

Intervention

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

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

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

Tobacco

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

Prohibition Against Tobacco Use

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

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

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

Instruction

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

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

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

Legal Reference:

EDUCATION CODE

48900 Suspension or expulsion (grounds)

48900.5 Suspension, limitation on imposition; exception

48901 Smoking or use of tobacco prohibited

51202 Instruction in personal and public health and safety

60041 Instructional materials, portrayal of effects of tobacco use

HEALTH AND SAFETY CODE

104350-104495 Tobacco-use prevention education

119405 Unlawful to sell or furnish electronic cigarettes to minors

PENAL CODE

308 Minimum age for tobacco possession

CODE OF REGULATIONS, TITLE 17

6800 Definition, health assessment

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

UNITED STATES CODE, TITLE 20

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

CODE OF FEDERAL REGULATIONS, TITLE 21

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

ATTORNEY GENERAL OPINIONS

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

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

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

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

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

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

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

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

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

Intervention/Cessation Services

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

Program Planning

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

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

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

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

Program Evaluation

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

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

Regulation approved: March 21, 2013

EVERGREEN SCHOOL DISTRICT

San Jose, California

Behavioral Interventions for Special Education Students

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

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

Definitions

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

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

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

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

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

Functional Analysis Assessment

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

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

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

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

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

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

Behavioral Intervention Plan

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Emergency Interventions

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

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

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

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

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

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

Prohibited Interventions

The district prohibits any use of the following:

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

Legal Reference:

EDUCATION CODE

49001 Prohibition of corporal punishment

56321 Notice of parental rights; consent of parents

56500-56508 Procedural safeguards, including due process rights

56520-56524 Behavioral Interventions

CODE OF REGULATIONS, TITLE 5

3001 Definitions

3052 Designated positive behavioral interventions

UNITED STATES CODE, TITLE 20

1412 State eligibility

1314 Procedural safeguards

CODE OF FEDERAL REGULATIONS, TITLE 34

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

Regulation approved: March 21, 2013

EVERGREEN SCHOOL DISTRICT

San Jose, California

Bullying

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

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

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

Bullying Prevention

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

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

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

Intervention

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

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

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

Complaints and Investigation

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

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

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

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

Discipline

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

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

32282 Comprehensive safety plan

35181 Governing board policy on responsibilities of students

35291-35291.5 Rules

48900-48925 Suspension or expulsion

48985 Translation of notices

PENAL CODE

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

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

653.2 Electronic communication devices, threats to safety

UNITED STATES CODE, TITLE 47

254 Universal service discounts (e-rate)

COURT DECISIONS

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

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

Child Abuse Prevention and Reporting

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

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

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

Child Abuse Reporting

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

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

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

Legal Reference:

EDUCATION CODE

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

PENAL CODE

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

WELFARE AND INSTITUTIONS CODE

15630-15637 Dependent adult abuse reporting

CODE OF REGULATIONS, TITLE 5

4650 Filing complaints with CDE, special education students

Definitions

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

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

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

Child abuse or neglect does not include:

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

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

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

Reportable Offenses

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

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

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

Responsibility for Reporting

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

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

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

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

Reporting Procedures

1. Initial Telephone Report

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

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

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

2. Written Report

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

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

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

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

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

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

3. Internal Reporting

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

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

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

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

Training

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

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

Victim Interviews by Social Services

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

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

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

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

Release of Child to Peace Officer

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

Parent/Guardian Complaints

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

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

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

Notifications

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

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

The Superintendent or designee also shall notify all employees that:

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

Regulation approved: March 21, 2013

EVERGREEN SCHOOL DISTRICT

San Jose, California

Comprehensive Safety Plan

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

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

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

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

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

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

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

Tactical Response Plan

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

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

Public Access to Safety Plans

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

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

Legal Reference:**EDUCATION CODE**

200-262.4 Prohibition of discrimination

32260-32262 Interagency School Safety Demonstration Act of 1985

32270 School safety cadre

32280-32289 School safety plans

32290 Safety devices

35147 School site councils and advisory committees

35183 School dress code; uniforms

35291 Rules

35291.5 School-adopted discipline rules

35294.10-35294.15 School Safety and Violence Prevention Act

41510-41514 School Safety Consolidated Competitive Grant Program

48900-48927 Suspension and expulsion

48950 Speech and other communication

49079 Notification to teacher; student act constituting grounds for suspension or expulsion

67381 Violent crime

PENAL CODE

422.55 Definition of hate crime

626.8 Disruptions

11164-11174.3 Child Abuse and Neglect Reporting Act

CALIFORNIA CONSTITUTION

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

CODE OF REGULATIONS, TITLE 5

11987-11987.7 School Community Violence Prevention Program requirements

11992-11993 Definition, persistently dangerous schools

UNITED STATES CODE, TITLE 20

7101-7165 Safe and Drug Free Schools and Communities

7912 Transfers from persistently dangerous schools

UNITED STATES CODE, TITLE 42

12101-12213 Americans with Disabilities Act

Development and Review of Comprehensive School Safety Plan

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

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

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

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

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

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

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

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

Content of the Safety Plan

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

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

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

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

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

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

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

Regulation approved: March 21, 2013

EVERGREEN SCHOOL DISTRICT

San Jose, California

Conduct

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

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

Prohibited student conduct includes, but is not limited to:

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

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

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

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

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

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

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

(Education Code 48901.5)

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

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

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

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

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

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

Legal Reference:

EDUCATION CODE

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

CIVIL CODE

1714.1 Liability of parents and guardians for willful misconduct of minor

PENAL CODE

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

VEHICLE CODE

23123-23124 Prohibitions against use of electronic devices while driving

CODE OF REGULATIONS, TITLE 5

300-307 Duties of students

UNITED STATES CODE, TITLE 42

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

COURT DECISIONS

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

Policy adopted: March 21, 2013

EVERGREEN SCHOOL DISTRICT
San Jose, California

Bus Conduct

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

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

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

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

Legal Reference:

EDUCATION CODE

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

GOVERNMENT CODE

6253-6270 California Public Records Act

CODE OF REGULATIONS, TITLE 5

14103 Authority of the driver

CODE OF REGULATIONS, TITLE 13

1200-1228 General provisions, school bus regulations

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 Family Educational Rights and Privacy

Bus Rider Rules

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

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

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

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

Regulation approved: March 21, 2013

EVERGREEN SCHOOL DISTRICT

San Jose, California

Discipline

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

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

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

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

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

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

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

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

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

Corporal Punishment

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

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

Legal Reference:

EDUCATION CODE

32280-32288 School safety plans

35146 Closed sessions

35291 Rules

35291.5-35291.7 School-adopted discipline rules

37223 Weekend classes

44807.5 Restriction from recess

48900-48926 Suspension and expulsion

48980-48985 Notification of parent/guardian

49000-49001 Prohibition of corporal punishment

49330-49335 Injurious objects

CIVIL CODE

1714.1 Parental liability for child's misconduct

CODE OF REGULATIONS, TITLE 5

307 Participation in school activities until departure of bus

353 Detention after school

DISCIPLINE

Site-Level Rules

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

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

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

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

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

Disciplinary Strategies

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

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

Recess Restriction

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

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

Detention After School

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

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

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

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

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

School Investigations and Authority To Detain Students

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

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

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

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

Community Service

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

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

Notice to Parents/Guardians and Students

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

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

Regulation approved: March 21,2013

EVERGREEN SCHOOL DISTRICT

San Jose, California

Emergencies and Disaster Preparedness Plan

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

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

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

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

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

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

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

Legal Reference:

EDUCATION CODE

32001 Fire alarms and drills

32049 Duty to equip school with first aid kit

32280-32289 School safety plans

32290 Safety devices

39834 Operating overloaded bus

46390-46392 Emergency average daily attendance in case of disaster

49505 Natural disaster; meals for homeless students; reimbursement

GOVERNMENT CODE

3100 Public employees as disaster service workers

8607 Standardized emergency management system

CODE OF REGULATIONS, TITLE 5

550 Fire drills

560 Civil defense and disaster preparedness plans

CODE OF REGULATIONS, TITLE 19

2400-2450 Standardized emergency management system

UNITED STATES CODE, TITLE 42

12101-12213 Americans with Disabilities Act

Components of the Plan

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

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

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

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

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

Fire Drills and Fires

Fire Drills

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

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

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

Fires

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

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

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

Legal Reference:

EDUCATION CODE

17074.50-17074.56 Automatic fire detection, alarm and sprinkler systems

32001 Uniform fire signals

32040 Duty to equip school with first aid kit

CODE OF REGULATIONS, TITLE 5

550 Fire drills

Regulation approved: March 21, 2013

EVERGREEN SCHOOL DISTRICT

San Jose, California

Bomb Threats

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

Receiving Threats

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

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

Response Procedure

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

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

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

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

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

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

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

Legal Reference:

EDUCATION CODE

44810 Willful interference with classroom conduct

48900 Grounds for suspension or expulsion

51202 Instruction in personal and public health and safety

PENAL CODE

17 Felony, misdemeanor, classification of offenses

148.1 False report of explosive or facsimile bomb

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

594 Vandalism; penalty

Earthquake Emergency Procedure System

Earthquake Preparedness

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

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

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

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

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

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

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

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

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

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

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

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

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

Earthquake While Indoors at School

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

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

Earthquake While Outdoors on School Grounds

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

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

Earthquake While on the Bus

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

Subsequent Emergency Procedures

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

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

Legal Reference: EDUCATION CODE

32280-32289 School safety plans

GOVERNMENT CODE

3100 Public employees as disaster service workers

8607 Standardized Emergency Management System

CODE OF REGULATIONS. TITLE 19

2400-2450 Standardized Emergency Management System

Regulation approved: March 21, 2013

EVERGREEN SCHOOL DISTRICT

San Jose, California

Emergency Schedules

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

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

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

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

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

Legal Reference:

EDUCATION CODE

41420 Required length of school term

41422 Schools not maintained for 175 days

46010 Total days of attendance

46100-46192 Attendance; maximum credit; minimum day

46390 Calculation of ADA in emergency

46391 Lost or destroyed ADA records

46392 Decreased attendance in emergency situation

VEHICLE CODE

34501.6 School buses; reduced visibility

Policy adopted: March 21, 2013

EVERGREEN SCHOOL DISTRICT

San Jose, California

Employee Security

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

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

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

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

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

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

Legal Reference:

EDUCATION CODE

32210-32212 Willful disturbance, public schools or meetings

32225-32226 Communication devices

35208 Liability insurance

35213 Reimbursement for loss, destruction or damage of school property

44014 Report of assault by pupil against school employee

44807 Duty concerning conduct of students

48201 Transfer of student records

48900-48926 Suspension or expulsion

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

49330-49335 Injurious objects

CIVIL CODE

51.7 Freedom from violence or intimidation

CODE OF CIVIL PROCEDURE

527.8 Workplace violence safety

GOVERNMENT CODE

995-996.4 Defense of public employees

3543.2 Scope of representation

PENAL CODE

71 Threatening public officers and employees and school officials

240-246.3 Assault and battery, including:

241.3 Assault against school bus drivers

241.6 Assault on school employee includes board member

243.3 Battery against school bus drivers

243.6 Battery against school employee includes board member

245.5 Assault with deadly weapon; school employee includes board member

290 Registration of sex offenders

601 Trespass by person making credible threat

626-626.11 School crimes

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

COURT DECISIONS

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

Policy adopted: March 21, 2013

EVERGREEN SCHOOL DISTRICT

San Jose, California

Hate-Motivated Behavior

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

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

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

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

Grievance Procedures

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

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

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

Legal Reference:

EDUCATION CODE

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

PENAL CODE

422.55 Definition of hate crime
422.6 Crimes, harassment

CODE OF REGULATIONS, TITLE 5

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

Policy adopted: March 21, 2013

EVERGREEN SCHOOL DISTRICT

San Jose, California

HIV/Aids Prevention Instruction

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

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

Parent/Guardian Notification and Excuse

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

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

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

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

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

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

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

Legal Reference:

EDUCATION CODE

220 Prohibition of discrimination

48980 Notice at beginning of term

51202 Instruction in personal and public health and safety

51210.8 Health education curriculum

51240 Excuse from instruction due to religious beliefs

51513 Materials containing questions about beliefs or practices

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

HEALTH AND SAFETY CODE

Comprehensive School Safety Plan

1255.7 Parents surrendering physical custody of a baby

PENAL CODE

243.4 Sexual battery

261.5 Unlawful sexual intercourse

271.5 Parents voluntarily surrendering custody of a baby

UNITED STATES CODE, TITLE 20

1232h Protection of student rights

7906 Sex education

Instruction and Materials

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

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

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

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

Additional Requirements for HIV/AIDS Prevention Instruction

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

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

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

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

Additional Requirements for Sexual Health Instruction

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

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

Professional Development

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

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

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

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

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

Use of Consultants or Guest Speakers

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

Parent/Guardian Notification

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

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

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

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

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

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

Regulation adopted: March 21,2013

EVERGREEN SCHOOL DISTRICT

San Jose, California

Married/Pregnant/Parenting Students

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

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

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

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

Expectant and Parenting Students

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

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

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

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

Legal Reference:

EDUCATION CODE

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

FAMILY CODE

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

HEALTH AND SAFETY CODE

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

CODE OF FEDERAL REGULATIONS, TITLE 34

106.40 Marital or parental status

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

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

Regulation approved: March 21, 2013

EVERGREEN SCHOOL DISTRICT

San Jose, California

Nondiscrimination/Harassment

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

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

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

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

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

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

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

Grievance Procedures

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

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

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

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

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

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

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

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

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

Legal Reference: EDUCATION CODE

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

CIVIL CODE

1714.1 Liability of parents/guardians for willful misconduct of minor

PENAL CODE

422.55 Definition of hate crime

422.6 Crimes, harassment

CODE OF REGULATIONS, TITLE 5

4600-4687 Uniform Complaint Procedures

4900-4965 Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 20

1681-1688 Title IX of the Education Amendments of 1972

UNITED STATES CODE, TITLE 42

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

2000h-2-2000h-6 Title IX of the Civil Rights Act of 1964

CODE OF FEDERAL REGULATIONS, TITLE 34

100.3 Prohibition of discrimination on basis of race, color or national origin

104.7 Designation of responsible employee for Section 504

106.8 Designation of responsible employee for Title IX

106.9 Notification of nondiscrimination on basis of sex

COURT DECISIONS

Donovan v. Poway Unified School District, (2008) 167 Cal.App.4th 567

Flores v. Morgan Hill Unified School District, (2003) 324 F.3d 1130

Procedures

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

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

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

Regulation approved: March 21, 2013 July 2003

EVERGREEN SCHOOL DISTRICT

San Jose, California

Safe Routes To School Program

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

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

Legal Reference:

EDUCATION CODE

32283 Comprehensive safety plan

45450-45451 Crossing guards

GOVERNMENT CODE

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

STREETS AND HIGHWAYS CODE

2333.5 Safe routes to schools construction program

VEHICLE CODE

21200-21212 Operation of bicycles, especially:

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

21949-21971 Pedestrian rights and duties

UNITED STATES CODE, TITLE 23

148 Highway safety improvement program

UNITED STATES CODE, TITLE 42

1751 Note Local wellness policy

Regulation approved: March 21, 2013

EVERGREEN SCHOOL DISTRICT

San Jose, California

Safety

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

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

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

Crossing Guards/Safety Patrol

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

Legal Reference:

EDUCATION CODE

8482-8484.6 After School Education and Safety Program

17280-17317 Building approvals (Field Act)

17365-17374 Fitness of school facilities for occupancy

32001 Fire alarms and drills

32020 School gates; entrances for emergency vehicles

32030-32034 Eye safety

32040 First aid equipment

32225-32226 Two-way communication devices in classrooms

32240-32245 Lead-free schools

32250-32254 CDE school safety and security resources unit

32280-32289 Safety plans

44807 Duty of teachers concerning conduct of students

44808 Exemption from liability when students are not on school property

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

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

GOVERNMENT CODE

810-996.6 California Tort Claims Act

HEALTH AND SAFETY CODE

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

PENAL CODE

245.6 Hazing

PUBLIC RESOURCES CODE

5411 Purchase of equipment usable by physically disabled persons

VEHICLE CODE

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

CODE OF REGULATIONS, TITLE 5

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

COURT DECISIONS

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

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

Release of Students

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

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

Supervision of Students

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

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

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

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

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

Student Safety Patrols

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

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

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

Playground Safety

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

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

Laboratory Safety

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

Eye Safety Devices

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

Protection Against Insect Bites

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

Regulation approved: March 21, 2013

EVERGREEN SCHOOL DISTRICT

San Jose, California

Students

Sexual Harassment

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

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

Instruction/Information

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

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

Complaint Process

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

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

Disciplinary Actions

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

Confidentiality and Record-Keeping

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

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

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex

48900 Grounds for suspension or expulsion

48900.2 Additional grounds for suspension or expulsion; sexual harassment

48904 Liability of parent/guardian for willful student misconduct

48980 Notice at beginning of term

CIVIL CODE

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

1714.1 Liability of parents/guardians for willful misconduct of minor

GOVERNMENT CODE

12950.1 Sexual harassment training

CODE OF REGULATIONS, TITLE 5

4600-4687 Uniform complaint procedures

4900-4965 Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 20

1681-1688 Title IX, discrimination

UNITED STATES CODE, TITLE 42

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

CODE OF FEDERAL REGULATIONS, TITLE 34

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

COURT DECISIONS

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

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

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

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

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

School-Level Complaint Process/Grievance Procedure

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Enforcement of District Policy

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

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

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

Notifications

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

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

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EVERGREEN SCHOOL DISTRICT

San Jose, California

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

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

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

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

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

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

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

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

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

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex

GOVERNMENT CODE

12900-12996 Fair Employment and Housing Act, especially:

12940 Prohibited discrimination

12950.1 Sexual harassment training

LABOR CODE

1101 Political activities of employees

1102.1 Discrimination: sexual orientation

CODE OF REGULATIONS, TITLE 2

7287.8 Retaliation

7288.0 Sexual harassment training and education

CODE OF REGULATIONS, TITLE 5

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

UNITED STATES CODE, TITLE 42

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

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

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

CODE OF FEDERAL REGULATIONS, TITLE 34

106.9 Dissemination of policy

COURT DECISIONS

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

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

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

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

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

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

Definitions

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

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

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

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

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

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

Training

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

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

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

Notifications

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

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

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

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

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

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

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EVERGREEN SCHOOL DISTRICT

San Jose, California

Student Disturbances

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

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

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

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

Legal Reference:

EDUCATION CODE

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

PENAL CODE

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

Prohibited Activities

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

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

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

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

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

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

Extension of Class Period and/or Dismissal of School

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

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

Vandalism and Graffiti

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

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

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

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

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

Legal Reference:

EDUCATION CODE

48900 Grounds for suspension or expulsion

48904 Willful misconduct, limit of liability of parent or guardian

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

CIVIL CODE

51.7 Right to be free from violence

52.1 Discrimination liability

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

GOVERNMENT CODE

53069.5 Reward for information

PENAL CODE

594 Vandalism

594.1 Aerosol containers of paint

594.2 Intent to commit vandalism or graffiti

594.6 Vandalism or graffiti, community service

640.5 Graffiti; facilities or vehicles of governmental entity

640.6 Graffiti

CODE OF REGULATIONS, TITLE 5

305 Student responsible for care of property

Policy adopted: March 21, 2013

EVERGREEN SCHOOL DISTRICT

San Jose, California

Supplemental School Counseling Program for Students in Grades 7-8

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

Personal Counseling

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

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

Legal Reference:**EDUCATION CODE**

221.5 Prohibited sex discrimination

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

41505-41508 Pupil Retention Block Grant

48431 Establishing and maintaining high school guidance and placement program

49600-49604 Educational counseling

51250 School age military dependents

51513 Personal beliefs

52378-52380 Supplemental School Counseling Program

REPEALED EDUCATION CODE FOR CATEGORICAL PROGRAMS

48431.6 Tenth grade counseling program

PENAL CODE

11166-11170 Reporting known or suspected cases of child abuse

CODE OF REGULATIONS, TITLE 5

4930-4931 Counseling

UNITED STATES CODE, TITLE 10

503 Military recruiter access to directory information

UNITED STATES CODE. TITLE 20

1232g Family Educational Rights and Privacy Act

7908 Armed forces recruiter access to students and student recruiting information

CODE OF FEDERAL REGULATIONS. TITLE 34

99.1-99.67 Family educational rights and privacy

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

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

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

The district shall provide the following services:

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

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

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

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

Notifications

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

Nondiscrimination

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

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

Regulation approved: March 21, 2013

EVERGREEN SCHOOL DISTRICT

San Jose, California

Suspension and Expulsion/due Process

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

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

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

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

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

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

Due Process

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

Removal from Class by a Teacher and Parental Attendance

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

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

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

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

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

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

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

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

Supervised Suspension Classroom

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

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

Decision Not to Enforce Expulsion Order

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

Legal Reference:

EDUCATION CODE

212.5 Sexual harassment

233 Hate violence

1981 Enrollment of students in community school

17292.5 Program for expelled students

32261 Interagency School Safety Demonstration Act of 1985

35145 Open board meetings

35146 Closed sessions (regarding suspensions)

35291 Rules (for government and discipline of schools)

35291.5 Rules and procedures on school discipline

48645.5 Readmission; contact with juvenile justice system

48660-48667 Community day schools

48853.5 Foster youth

48900-48927 Suspension and expulsion

48950 Speech and other communication

48980 Parental notifications

49073-49079 Privacy of student records

CIVIL CODE

47 Privileged communication

48.8 Defamation liability

CODE OF CIVIL PROCEDURE

1985-1997 Subpoenas; means of production

GOVERNMENT CODE

11455.20 Contempt

54950-54963 Ralph M Brown Act

HEALTH AND SAFETY CODE

11014.5 Drug paraphernalia

11053-11058 Standards and schedules

LABOR CODE

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

PENAL CODE

31 Principal of a crime, defined

240 Assault defined

241.2 Assault fines

242 Battery defined

243.2 Battery on school property

243.4 Sexual battery

245 Assault with deadly weapon

245.6 Hazing

261 Rape defined

266c Unlawful sexual intercourse

286 Sodomy defined

288 Lewd or lascivious acts with child under age 14

288a Oral copulation

289 Penetration of genital or anal openings

417.27 Laser pointers

422.55 Hate crime defined

422.6 Interference with exercise of civil rights

422.7 Aggravating factors for punishment

422.75 Enhanced penalties for hate crimes

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

626.9 Gun-Free School Zone Act of 1995

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

868.5 Supporting person; attendance during testimony of witness

WELFARE AND INSTITUTIONS CODE

729.6 Counseling

UNITED STATES CODE, TITLE 18

921 Definitions, firearm

UNITED STATES CODE, TITLE 20

1314(K) Placement in alternative educational setting

7151 Gun-free schools

COURT DECISIONS

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

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

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

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

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

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

ATTORNEY GENERAL OPINIONS

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

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

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

Definitions

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

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

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

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

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

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

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

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

Notice of Regulations

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

Grounds for Suspension and Expulsion

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

This notice shall also:

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

Suspension by Superintendent, Principal, or Designee

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

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

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

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

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

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

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

Suspensions shall be initiated according to the following procedures:

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

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

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

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

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

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

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

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

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

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

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

Suspension by the Board

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

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

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

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

Supervised Suspension Classroom

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

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

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

Authority to Expel

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

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

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

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

Mandatory Recommendation for Expulsion

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

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

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

Mandatory Recommendation and Mandatory Expulsion

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

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

However, possession of an imitation firearm, as defined in Education Code 48900(m), shall not be regarded as an offense requiring a mandatory recommendation of expulsion and mandatory expulsion.
2. Brandishing a knife as defined in Education Code 48915(g) at another person
3. Unlawfully selling a controlled substance listed in Health and Safety Code 1105311058
4. Committing or attempting to commit a sexual assault as defined in Penal Code 261, 266c, 286, 288, 288a, or 289, or committing a sexual battery as defined in Penal Code 243.4
5. Possessing an explosive as defined in 18 USC 921

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

Student's Right to Expulsion Hearing

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

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

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

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

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

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

Rights of Complaining Witness

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

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

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

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

Written Notice of the Expulsion Hearing

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

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

Legal counsel means an attorney or lawyer who is admitted to the practice of law in California and is an active member of the State Bar of California.

Nonattorney advisor means an individual who is not an attorney or lawyer, but who is familiar with the facts of the case and has been selected by the student or student's parent/guardian to provide assistance at the hearing.

6. The right to inspect and obtain copies of all documents to be used at the hearing.
7. The opportunity to confront and question all witnesses who testify at the hearing.
8. The opportunity to question all evidence presented and to present oral and documentary evidence on the student's behalf, including witnesses.

Additional Notice of Expulsion Hearing for Foster Youth

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

Conduct of Expulsion Hearing

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

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

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

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

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

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

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

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

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

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

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

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

Alternative Expulsion Hearing: Hearing Officer or Administrative Panel

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

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

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

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

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

Final Action by the Board

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

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

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

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

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

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

Written Notice to Expel

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

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

Decision Not to Enforce Expulsion Order

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

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

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

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

Right to Appeal

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

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

Notification to Law Enforcement Authorities

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

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

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

Post-Expulsion Placements

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

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

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

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

Readmission After Expulsion

Readmission procedures shall be as follows:

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

Maintenance of Records

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

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

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

Outcome Data

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

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

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

Suspension and Expulsion/due Process (Students With Disabilities)

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

Suspension

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

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

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

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

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

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

Interim Alternative Educational Placement Due to Dangerous Behavior

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

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

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

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

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

Manifestation Determination

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

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

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

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

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

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

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

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

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

Due Process Appeals

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

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

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

Readmission

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

Decision Not to Enforce Expulsion Order

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

Notification to Law Enforcement Authorities

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

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

Report to County Superintendent of Schools

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

Procedures for Students Not Yet Eligible for Special Education Services

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

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

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

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

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

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

Legal Reference:

EDUCATION CODE

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

PENAL CODE

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

UNITED STATES CODE. TITLE 18

930 Weapons
1365 Serious bodily injury

UNITED STATES CODE. TITLE 20

1412 State eligibility
1314 Procedural safeguards

UNITED STATES CODE. TITLE 21

812 Controlled substances

UNITED STATES CODE. TITLE 29

706 Definitions
794 Rehabilitation Act of 1973, Section 504

CODE OF FEDERAL REGULATIONS. TITLE 34

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

COURT DECISIONS

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

Regulation approved: March 21, 2013

EVERGREEN SCHOOL DISTRICT

San Jose, California

Uniform Complaint Procedures

The Governing Board recognizes that the district has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs. The district shall investigate and seek to resolve any complaints

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

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

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

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

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

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

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

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

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

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

8200-8498 Child care and development programs

8500-8538 Adult basic education

18100-18203 School libraries

32289 School safety plan, uniform complaint procedures

35186 Williams uniform complaint procedures

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

41500-41513 Categorical education block grants

48985 Notices in language other than English

49010-49013 Student fees

49060-49079 Student records

49490-49590 Child nutrition programs

52160-52178 Bilingual education programs

52300-52490 Career technical education

52500-52616.24 Adult schools

52800-52870 School-based program coordination

54000-54028 Economic impact aid programs

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

GOVERNMENT CODE

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

PENAL CODE

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

CODE OF REGULATIONS, TITLE 5

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

UNITED STATES CODE, TITLE 20

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

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

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

Compliance Officers

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

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

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

Notifications

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

The notice shall:

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

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

Procedures

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

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

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

Step 1: Filing of Complaint

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

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

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

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

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

Step 2: Mediation

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

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

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

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

Step 3: Investigation of Complaint

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

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

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

Step 4: Response

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

Step 5: Final Written Decision

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

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

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

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

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

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

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

Appeals to the California Department of Education

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

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

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

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

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

Civil Law Remedies

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

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

Board approved: November 14, 2013

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

Regulation approved: March 21, 2013

EVERGREEN SCHOOL DISTRICT

San Jose, California

Weapons and Dangerous Instruments

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

Possession of Weapons

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

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

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

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

Advance Permission for Possession of a Weapon for Educational Purposes

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

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

Possession of Pepper Spray

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

Reporting of Dangerous Objects

The Board encourages students to promptly report the presence of weapons, injurious objects, or other suspicious activity to school authorities. The identity of a student who reports such activity shall remain confidential to the extent permitted by law.

The Superintendent or designee shall develop strategies designed to facilitate student reporting of the presence of injurious objects on school grounds, such as tip hotlines, electronic transmissions, or other methods that preserve the student's anonymity. Incident reports and records shall not identify the student who reported the possession. The Superintendent or designee also shall inform staff, students, and parents/guardians that students who report the presence of injurious objects on school campuses are to be protected and their identity shielded.

Legal Reference:

EDUCATION CODE

35291 Governing board to prescribe rules for discipline of the schools
48900 Grounds for suspension/expulsion
48902 Notification of law enforcement authorities
48915 Required recommendation for expulsions
48916 Readmission
49330-49335 Injurious objects

PENAL CODE

245 Assault with deadly weapon
417.4 Imitation firearm; drawing or exhibiting
626.9 Gun-Free School Zone Act of 1995
626.10 Dirks, daggers, knives, razor or stun gun; bringing or possessing in school
653k Switchblade knife
16100-17350 Definitions
22810-23025 Tear gas weapon (pepper spray)
25200-25225 Firearms, access to children
30310 Prohibition against ammunition on school grounds

UNITED STATES CODE, TITLE 20

6301-7941 No Child Left Behind Act, especially:
7151 Gun-Free Schools Act

Prohibited weapons and dangerous instruments include, but are not limited to: (Education Code 48915, 49330; Penal Code 626.10, 16100-17350, 30310)

1. Firearms: pistols, revolvers, shotguns, rifles, "zip guns," "stun guns," tasers, and any other device capable of propelling a projectile by the force of an explosion or other form of combustion
2. Ammunition or reloaded ammunition
3. Knives, razor blades, and box cutters: any dirks, daggers, ice picks, or other weapons with a fixed, sharpened blade fitted primarily for stabbing, weapons with a blade fitted primarily for stabbing, weapons with a blade longer than 2-1/2 inches, folding knives with a blade that locks into place, and razors with an unguarded blade
4. Explosive and/or incendiary devices: pipe bombs, time bombs, cap guns, containers of inflammable fluids, and other hazardous devices
5. Any instrument that expels a metallic projectile, such as a BB or a pellet, through the force of air pressure, carbon dioxide pressure, or spring action, or any spot marker gun
6. Any other dangerous device, instrument, or weapon, including those defined in Penal Code 12020, including a blackjack, slingshot, billy, nunchaku, sandclub, sandbag, metal knuckles, or any metal plate with three or more radiating points with one or more sharp edges designed for use as a weapon
7. Any imitation firearm, defined as a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm

Any employee may take any weapon or dangerous instrument from the personal possession of a student while the student is on school premises or under the authority of the district. (Education Code 49331, 49332)

In determining whether to take possession of the weapon or dangerous instrument, the employee shall use his/her own judgment as to the dangerousness of the situation and, based upon this analysis, shall take one of the following actions:

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

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

The principal shall report any possession of a weapon or dangerous instrument to the student's parents/guardians by telephone or in person, and shall follow this notification with a letter.

The employee shall retain possession of the instrument until the risk of its use as a weapon has dissipated or, upon the request of the student's parent/guardian, until the parent/guardian appears and personally takes possession. (Education Code 49331, 49332)

Regulation approved: March 21, 2013

EVERGREEN SCHOOL DISTRICT

San Jose, California

Adaptations for Students with Disabilities

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

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

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

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

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

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

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

Legal Reference:

EDUCATION CODE

32001 Fire alarms and drills

32040 Duty to equip school with first aid kit 32280-32289 School safety plans

32290 Safety devices

39834 Operating overloaded bus

46390-46392 Emergency average daily attendance in case of disaster 49505 Natural disaster; meals for homeless students; reimbursement GOVERNMENT CODE

3100 Public employees as disaster service workers 8607 Standardized emergency management system CODE OF REGULATIONS, TITLE 5

550 Fire drills

560 Civil defense and disaster preparedness plans CODE OF REGULATIONS, TITLE 19

2400-2450 Standardized emergency management system UNITED STATES CODE, TITLE 42

12101-12213 Americans with Disabilities Act

EMERGENCIES AND DISASTER PREPAREDNESS PLAN

Components of the Plan

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

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

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

1. Regular inspection of school facilities and equipment and identification of risks

2. Instruction and practice for students and employees regarding emergency plans, including:
 - a. Training of staff in first aid and cardiopulmonary resuscitation
 - b. Regular practice of emergency procedures by students and staff
3. Specific determination of roles and responsibilities of staff during a disaster or other emergency, including determination of:
 - a. The appropriate chain of command at the district and, if communication between the district and site is not possible, at each site
 - b. Individuals responsible for specific duties
 - c. Designation of the principal or designee for the overall control and supervision of activities at each school during the emergency, including authorization to use his/her discretion in situations which do not permit execution of prearranged plans
 - d. Identification of at least one person at each site who holds a valid certificate in first aid and cardiopulmonary resuscitation
 - e. Assignment of responsibility for identification of injured persons and administration of first aid
4. Personal safety and security, including:
 - a. Identification of areas of responsibility for supervision of students
 - b. Procedures for evacuation of students and staff, including posting of evacuation routes
 - c. Procedures for release of students, including a procedure to release students when reference to the emergency card is not feasible
 - d. Identification of transportation needs, including a plan which allows bus seating capacity limits to be exceeded when a disaster or hazard requires students to be moved immediately to ensure their safety
 - e. Provision of a first aid kit to each classroom
 - f. Arrangements for students and staff with special needs
 - g. Upon notification that a pandemic situation exists, adjustment of attendance policies for students and sick leave policies for staff with known or suspected pandemic influenza or other infectious disease
5. Closure of schools, including an analysis of:
 - a. The impact on student learning and methods to ensure continuity of instruction
 - b. How to provide for continuity of operations for essential central office functions, such as payroll and ongoing communication with students and parents/guardians
6. Communication among staff, parents/guardians, the Board of Trustees, other governmental agencies, and the media during an emergency, including:
 - a. Identification of spokesperson(s)
 - b. Development and testing of communication platforms, such as hotlines, telephone trees, and web sites
 - c. Development of methods to ensure that communications are, to the extent practicable, in a language and format that is easy for parents/guardians to understand
 - d. Distribution of information about district and school site emergency procedures to staff, students, and parents/guardians
7. Cooperation with other state and local agencies, including:
 - a. Development of guidelines for law enforcement involvement and intervention
 - b. Collaboration with the local health department, including development of a tracking system to alert the local health department to a substantial increase of student or staff absenteeism as indicative of a potential outbreak of an infectious disease
8. Steps to be taken after the disaster or emergency, including:
 - a. Inspection of school facilities
 - b. Provision of mental health services for students and staff, as needed

Regulation approved: March 21, 2013
EVERGREEN SCHOOL DISTRICT
San Jose, California

Opioid Prevention and Life-Saving Response Procedures

The Board of Trustees believes that regular school attendance is critical to student learning and that students who need to take medication prescribed or ordered for them by their authorized health care providers should have an opportunity to participate in the educational program.

Any medication prescribed for a student with a disability who is qualified to receive services under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act of 1973 shall be administered in accordance with the student's individualized education program or Section 504 services plan as applicable.

For the administration of medication to other students during school or school- related activities, the Superintendent or designee shall develop protocols which shall include options for allowing a parent/guardian to administer medication to his/her child at school, designate other individuals to do so on his/her behalf, and, with the child's authorized health care provider's approval, request the district's permission for his/her child to self-administer a medication or self-monitor and/or self-test for a medical condition. Such processes shall be implemented in a manner that preserves campus security, minimizes instructional interruptions, and promotes student safety and privacy.

In addition, the Superintendent or designee shall collaborate with city and county emergency responders, including local public health administrators, to design procedures or measures for addressing an emergency such as a public disaster or epidemic.

Administration of Medication by School Personnel

Any medication prescribed by an authorized health care provider, including, but not limited to, emergency antiseizure medication for a student who suffers epileptic seizures, auto-injectable epinephrine, insulin, or glucagon, may be administered by the school nurse or other designated school personnel only when the Superintendent or designee has received written statements from both the student's parent/guardian and authorized health care provider. (Education Code 49414.7, 49423; 5 CCR 600)

When medically unlicensed school personnel are authorized by law to administer any medication to students, such as emergency antiseizure medication, auto- injectable epinephrine, insulin, or glucagon, the Superintendent or designee shall ensure that school personnel designated to administer any medication receive appropriate training and, as necessary, retraining from qualified medical personnel before any medication is administered. At a minimum, the training shall cover how and when such medication should be administered, the recognition of symptoms and treatment, emergency follow-up procedures, and the proper documentation and storage of medication. Such trained, unlicensed designated school personnel shall be supervised by, and provided with immediate communication access to, a school nurse, physician, or other appropriate individual. (Education Code 49414, 49414.5, 49414.7, 49423, 49423.1)

The Superintendent or designee shall maintain documentation of the training and ongoing supervision, as well as annual written verification of competency of other designated school personnel.

School nurses and other designated school personnel shall administer medications to students in accordance with law, Board policy, and administrative regulation and shall be afforded appropriate liability protection.

Legal Reference:

EDUCATION CODE

48980 Notification at beginning of term 49407 Liability for treatment

49408 Emergency information

49414 Emergency epinephrine auto-injectors

49414.5 Providing school personnel with voluntary emergency training 49414.7 Emergency medical assistance: administration of epilepsy medication 49422-49427 Employment of medical personnel, especially:

49423 Administration of prescribed medication for student 49423.1 Inhaled asthma medication

49480 Continuing medication regimen; notice BUSINESS AND PROFESSIONS CODE

2700-2837 Nursing, especially:

2726 Authority not conferred 2727 Exceptions in general 3501 Definitions

CODE OF REGULATIONS, TITLE 5

600-611 Administering medication to students

620-627 Administration of emergency antiseizure medication by trained volunteer nonmedical school personnel

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act of 1974 1400-1482 Individuals with Disabilities Education Act UNITED STATES CODE, TITLE 29

794 Rehabilitation Act of 1973, Section 504

Definitions

Authorized health care provider means an individual who is licensed by the State of California to prescribe or order medication, including, but not limited to, a physician or physician assistant.

Other designated school personnel may include any individual employed by the district who has consented to administer the medication or otherwise assist the student and who may legally administer the medication to the student or assist the student in the administration of the medication.

Medication may include not only a substance dispensed in the United States by prescription, but also a substance that does not require a prescription, such as over-the-counter remedies, nutritional supplements, and herbal remedies.

Emergency medical assistance for a student suffering an epileptic seizure means the administration of an emergency antiseizure medication such as diazepam rectal gel and other emergency medications approved by the federal Food and Drug Administration for patients suffering from epileptic seizures.

Notifications to Parents/Guardians

At the beginning of each school year, the Superintendent or designee shall notify parents/guardians of the options available to students who need to take prescribed medication during the school day and the rights and responsibilities of parents/guardians regarding those options.

In addition, the Superintendent or designee shall inform the parents/guardians of any student on a continuing medication regimen for a nonepisodic condition of the following requirements:

1. The parent/guardian is required to inform the school nurse or other designated employee of the medication being taken, the current dosage, and the name of the supervising physician.
2. With the parent/guardian's consent, the school nurse or other designated employee may communicate with the student's physician regarding the medication and its effects and may counsel school personnel regarding the possible effects of the medication on the student's physical, intellectual, and social behavior, as well as possible behavioral signs and symptoms of adverse side effects, omission, or overdose.

Parent/Guardian Responsibilities

The responsibilities of the parent/guardian of any student who may need medication during the school day shall include, but are not limited to:

1. Each year, providing required parent/guardian and authorized health care provider written statements as described in the sections "Parent/Guardian Statement" and "Health Care Provider Statement" below. In addition, the parent/guardian shall provide a new authorized health care provider's statement if the medication, dosage, frequency of administration, or reason for administration changes.
2. If the student is on a continuing medication regimen for a nonepisodic condition, informing the school nurse or other designated certificated employee of the medication being taken, the current dosage, and the name of the supervising physician.
3. If the student suffers from epilepsy, notifying the principal or designee whenever the student has had an emergency antiseizure medication administered to him/her within four hours before a school day.
4. Providing medications in properly labeled, original containers along with the authorized health care provider's instructions. For prescribed or ordered medication, the container also shall bear the name and telephone number of the pharmacy, the student's identification, and the name and phone number of the authorized health care provider.

Parent/Guardian Statement

When district employees are to administer medication to a student, the parent/guardian's written statement shall:

1. Identify the student

2. Grant permission for an authorized district representative to communicate directly with the student's authorized health care provider and pharmacist, as may be necessary, regarding the authorized health care provider's written statement or any other questions that may arise with regard to the medication
3. Contain an acknowledgment that the parent/guardian understands how district employees will administer or otherwise assist the student in the administration of medication
4. Contain an acknowledgment that the parent/guardian understands his/her responsibilities to enable district employees to administer or otherwise assist the student in the administration of medication including, but not limited to, the parent/guardian's responsibility to provide a written statement from the authorized health care provider, to ensure that the medication is delivered to the school in a proper container by an individual legally authorized to be in possession of the medication, and to provide all necessary supplies and equipment
5. Contain an acknowledgment that the parent/guardian may terminate consent for such administration at any time

In addition to the requirements in items #1-5 above, if a parent/guardian has requested that his/her child be allowed to carry and self-administer prescription auto- injectable epinephrine or prescription inhaled asthma medication, the parent/guardian's written statement shall:

1. Consent to the self-administration
2. Release the district and school personnel from civil liability if the student suffers an adverse reaction as a result of self-administering the medication

In addition to the requirements in items #1-5 above, if a parent/guardian wishes to designate an individual who is not an employee of the district to administer medication to his/her child, the parent/guardian's written statement shall clearly identify the individual and shall state:

1. The individual's willingness to accept the designation
2. That the individual is permitted to be on the school site
3. Any limitations on the individual's authority

Health Care Provider Statement

When district employees are to administer medication to a student or when a student is to be allowed to carry and self-administer prescription diabetes medication, auto- injectable epinephrine, or prescription inhaled asthma medication during school hours, the authorized health care provider's written statement shall include:

1. Clear identification of the student
2. The name of the medication
3. The method, amount, and time schedules by which the medication is to be taken
4. If a parent/guardian has requested that his/her child be allowed to self- administer medication, confirmation that the student is able to self-administer the medication
5. For medication that is to be administered on an as-needed basis, the specific symptoms that would necessitate administration of the medication, allowable frequency for administration, and indications for referral for medical evaluation
6. Possible side effects of the medication
7. Name, address, telephone number, and signature of the student's authorized health care provider

When authorizing a district employee to administer emergency antiseizure medication to a student, the authorized health care provider's written statement shall also include the following:

1. Detailed seizure symptoms, including frequency, type, or length of seizures that identify when the administration of the medication becomes necessary
2. A protocol for observing the student after a seizure, including, but not limited to, whether he/she should rest in the school office or return to his/her class, the length of time for direct observation, and a requirement to contact the school nurse and the student's parent/guardian to continue the observation plan

District Responsibilities

The school nurse or other designated school personnel shall:

1. Administer or assist in administering medications in accordance with the authorized health care provider's written statement
2. Accept delivery of medications from parents/guardians and count and record them upon receipt
3. Maintain a list of students needing medication during the school day, including those authorized to self-administer medications, and note on the list the type of medication and the times and dosage to be administered
4. Maintain a medication log which may:
 - a. Specify the student's name, medication, dose, method of administration, time of administration during the regular school day, date(s) on which the student is required to take the medication, and the authorized health care provider's name and contact information
 - b. Contain space for daily recording of the date, time, and amount of medication administered, and the signature of the individual administering the medication
5. Maintain a medication record which may include the authorized health care provider's written statement, the parent/guardian's written statement, the medication log, and any other written documentation related to the administration of medication to the student
6. Ensure that student confidentiality is appropriately maintained
7. Coordinate the administration of medication during field trips and after-school activities
8. Report to the parent/guardian and the site administrator any refusal by the student to take his/her medication
9. Keep all medication to be administered by the district in a locked drawer or cabinet
10. As needed, communicate with the authorized health care provider and pharmacist regarding the medication and its effects
11. Counsel other designated school personnel regarding the possible effects of the medication on the student's physical, intellectual, and social behavior, as well as possible behavioral signs and symptoms of adverse side effects, omission, or overdose
12. Ensure that unused, discontinued, or outdated medication is returned to the student's parent/guardian at the end of the school year or, if the medication cannot be returned, dispose of it in accordance with state laws and local ordinances
13. Provide immediate medical assistance, if needed, and report to the site administrator and parent/guardian instances when the medication is not administered properly, including administration of the wrong medication or failure to administer the medication in accordance with authorized health care provider's written statement

Upon receiving such notification, the site administrator may notify the student's authorized health care provider and shall document the error in the medication log.

Additional Requirements for Management of Epileptic Seizures

In addition to other applicable provisions in preceding sections, the Superintendent or designee shall make arrangements for assisting students with epilepsy who may suffer a seizure at school. Such arrangements shall include the following: (Education Code 49414.7)

1. The notification of any parent/guardian who requests that a nonmedical district employee be trained to provide emergency medical assistance to his/her child that the child may qualify for services or accommodations under a Section 504 plan or an individualized education program (IEP).

The Superintendent or designee shall assist the parent/guardian to explore that option and shall encourage him/her to adopt the option if the student is determined to be eligible for such service or accommodation.

2. The creation of an individualized health plan, seizure action plan, or other appropriate health plan designed to acknowledge and prepare for the child's health care needs in school, if a parent/guardian refuses to have his/her child assessed for services or accommodations under the Section 504 plan or an IEP.

3. The distribution of an electronic notice to school staff, no more than twice per school year, for each student whose parent/guardian has requested provision of emergency medical assistance pursuant to Education Code 49414.7. The notice shall be in bold print and, in accordance with Education Code 49414.7, shall contain a description of the volunteer request, the training that the volunteer will receive, the voluntary nature of the program, and the timelines for the volunteer to rescind his/her offer.

If no employee volunteers to administer emergency antiseizure medication to a student, the Superintendent or designee shall renotify the student's parent/guardian of the option to be assessed for services and accommodations under Section 504 and the federal Individuals with Disabilities Education Act.

4. An assurance that any employee who volunteers to administer an emergency antiseizure medication receives training from a licensed health care professional before administering such medication. When a trained employee has not administered an emergency antiseizure medication to a student within two years after completing the training, he/she shall attend a new training program to retain the ability to administer an emergency antiseizure medication.

5. An assurance that any training provided for district employees who volunteer to administer emergency antiseizure medications to students includes, but is not limited to:

- a. Recognition and treatment of different types of seizures
- b. Administration of an emergency antiseizure medication

c. Basic emergency follow-up procedures, including, but not limited to, a requirement for the principal or designee to call the emergency 911 telephone number and to contact the student's parent/guardian, but not necessarily to transport the student to an emergency room

d. Techniques and procedures to ensure student privacy

6. A process for notifying the credentialed school nurse, or the Superintendent or designee as applicable, whenever an employee administers an emergency antiseizure medication to a student at a school site.

Emergency Epinephrine Auto-Injectors

The Superintendent or designee shall provide epinephrine auto-injectors to school nurses or other employees who have volunteered to administer them in an emergency and have received training. The school nurse, or a volunteer employee when a school nurse or physician is unavailable, may administer an epinephrine auto-injector to provide emergency medical aid to any person suffering, or reasonably believed to be suffering, from potentially life-threatening symptoms of anaphylaxis at school or a school activity. (Education Code 49414)

At least once per school year, the Superintendent or designee shall distribute to all staff a notice requesting volunteers to be trained to administer an epinephrine auto-injector and describing the training that the volunteer will receive. (Education Code 49414)

The principal or designee at each school may designate one or more volunteers to receive initial and annual refresher training, which shall be provided by a school nurse or other qualified person designated by a physician and surgeon authorized pursuant to Education Code 49414, and shall be based on the standards developed by the Superintendent of Public Instruction. Written materials covering the required topics for training shall be retained by the school for reference. (Education Code 49414)

A school nurse or other qualified supervisor of health, or a district administrator if the district does not have a qualified supervisor of health, shall obtain a prescription for epinephrine auto-injectors for each school from an authorized physician and surgeon. Such prescription may be filled by local or mail order pharmacies or epinephrine auto-injector manufacturers. Elementary schools shall, at

a minimum, be provided one adult (regular) and one junior epinephrine auto-injector. Secondary schools shall be provided at least one adult (regular) epinephrine auto-injector, unless there are any students at the school who require a junior epinephrine auto-injector. (Education Code 49414)

If an epinephrine auto-injector is used, the school nurse or other qualified supervisor of health shall restock the epinephrine auto-injector as soon as reasonably possible, but no later than two weeks after it is used. In addition, epinephrine auto-injectors shall be restocked before their expiration date. (Education Code 49414)

Information regarding defense and indemnification provided by the district for any and all civil liability for volunteers administering epinephrine auto-injectors shall be provided to each volunteer and retained in his/her personnel file. (Education Code 49414)

Revised: May 12, 2015

Regulation

approved: March 21, 2013

EVERGREEN SCHOOL DISTRICT

San Jose, California

Response Procedures for Dangerous, Violent, or Unlawful Activity

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

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

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

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

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

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

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

Tactical Response Plan

Notwithstanding the process described above, any portion of a comprehensive safety plan that includes tactical responses to criminal incidents that may result in death or serious bodily injury at the school site, including steps to be taken to safeguard students and staff, secure the affected school premises, and apprehend the criminal perpetrator(s), shall be developed by district administrators in accordance with Education Code 32281. In developing such strategies, district administrators shall consult with law enforcement officials and with a representative of an employee bargaining unit, if he/she chooses to participate.

When reviewing the tactical response plan, the Board may meet in closed session to confer with law enforcement officials, provided that any vote to approve the tactical response plan is announced in open session following the closed session.

Public Access to Safety Plan(s)

The Superintendent or designee shall ensure that an updated file of all safety-related plans and materials is readily available for inspection by the public.

However, those portions of the comprehensive safety plan that include tactical responses to criminal incidents shall not be publicly disclosed.

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

32260-32262 Interagency School Safety Demonstration Act of 1985 32270 School safety cadre

32280-32289 School safety plans 32290 Safety devices

35147 School site councils and advisory committees 35183 School dress code; uniforms

35291 Rules

35291.5 School-adopted discipline rules

35294.10-35294.15 School Safety and Violence Prevention Act 41510-41514 School Safety Consolidated Competitive Grant Program

48900-48927 Suspension and expulsion

48950 Speech and other communication

49079 Notification to teacher; student act constituting grounds for suspension or expulsion 67381 Violent crime

PENAL CODE

422.55 Definition of hate crime

626.8 Disruptions

11164-11174.3 Child Abuse and Neglect Reporting Act CALIFORNIA CONSTITUTION

Article 1, Section 28(c) Right to Safe Schools CODE OF REGULATIONS, TITLE 5

11987-11987.7 School Community Violence Prevention Program requirements 11992-11993 Definition, persistently dangerous schools

UNITED STATES CODE, TITLE 20

7101-7165 Safe and Drug Free Schools and Communities 7912 Transfers from persistently dangerous schools UNITED STATES CODE, TITLE 42

12101-12213 Americans with Disabilities Act

Policy

adopted: March 21, 2013

EVERGREEN SCHOOL DISTRICT

San Jose, California

COMPREHENSIVE SAFETY PLAN

Development and Review of Comprehensive School Safety Plan

The school site council shall consult with local law enforcement in writing and developing the comprehensive school safety plan. When practical, the school site council also shall consult with other school site councils and safety committees.

The school site council may delegate the responsibility for developing a comprehensive safety plan to a school safety planning committee. This committee shall be composed of the following members:

1. The principal or designee
2. One teacher who is a representative of the recognized certificated employee organization
3. One parent/guardian whose child attends the school
4. One classified employee who is a representative of the recognized classified employee organization
5. Other members, if desired

Before adopting its comprehensive safety plan, the school site council or school safety planning committee shall hold a public meeting at the school in order to allow members of the public the opportunity to express an opinion about the plan.

The school site council or safety planning committee shall notify, in writing, the following persons and entities of the public meeting:

1. The local mayor
2. A representative of the local school employee organization
3. A representative of each parent organization at the school, including the parent teacher association and parent teacher clubs
4. A representative of each teacher organization at the school
5. A representative of the school's student body government
6. All persons who have indicated that they want to be notified

In addition, the school site council or safety planning committee may notify, in writing, the following entities of the public meeting:

1. Representatives of local religious organizations
2. Local civic leaders
3. Local business organizations

Content of the Safety Plan

Each comprehensive safety plan shall include an assessment of the current status of school crime committed on campus and at school-related functions.

The assessment may include, but not be limited to, data on reports of school crime, suspension and expulsion rates, and surveys of students, parents/guardians, and staff regarding their perceptions of school safety.

The plan also shall identify appropriate strategies and programs that will provide or maintain a high level of school safety and address the school's procedures for complying with existing laws related to school safety, including all of the following:

1. Child abuse reporting procedures consistent with Penal Code 11164
2. Routine and emergency disaster procedures including, but not limited to:
 - a. Adaptations for students with disabilities in accordance with the Americans with Disabilities Act
 - b. An earthquake emergency procedure system in accordance with Education Code 32282
 - c. A procedure to allow public agencies, including the American Red Cross, to use school buildings, grounds, and equipment for mass care and welfare shelters during disasters or other emergencies affecting the public health and welfare
3. Policies pursuant to Education Code 48915(d) for students who commit an act listed in Education Code 48915(c) and other school-designated serious acts which would lead to suspension, expulsion, or mandatory expulsion recommendations
4. Procedures to notify teachers of dangerous students pursuant to Education Code 49079
5. A policy consistent with the prohibition against discrimination, harassment, intimidation, and bullying pursuant to Education Code 200-262.4
6. If the school has adopted a dress code prohibiting students from wearing "gang- related apparel" pursuant to Education Code 35183, the provisions of that dress code and the definition of "gang-related apparel"
7. Procedures for safe ingress and egress of students, parents/guardians, and employees to and from school
8. A safe and orderly school environment conducive to learning
9. The rules and procedures on school discipline adopted pursuant to Education Code 35291 and 35291.5
10. Hate crime reporting procedures

Among the strategies for providing a safe environment, the school safety plan may also include:

1. Development of a positive school climate that promotes respect for diversity, personal and social responsibility, effective interpersonal and communication skills, self-esteem, anger management, and conflict resolution
2. Disciplinary policies and procedures that contain prevention strategies, such as strategies to prevent bullying, hazing, and cyberbullying, as well as behavioral expectations and consequences for violations
3. Curriculum that emphasizes prevention and alternatives to violence, such as multicultural education, character/values education, media analysis skills, conflict resolution, community service learning, and education related to the prevention of dating violence
4. Parent involvement strategies, including strategies to help ensure parent/guardian support and reinforcement of the school's rules and increase the number of adults on campus
5. Prevention and intervention strategies related to the sale or use of drugs and alcohol which shall reflect expectations for drug-free schools and support for recovering students
6. Collaborative relationships among the city, county, community agencies, local law enforcement, the judicial system, and the schools that lead to the development of a set of common goals and community strategies for violence prevention instruction
7. Procedures for responding to the release of a pesticide or other toxic substance from properties located within one-quarter mile of the school
8. Procedures for receiving verification from law enforcement that a violent crime has occurred on school grounds and for promptly notifying parents/guardians and employees of that crime
9. Assessment of the school's physical environment, including a risk management analysis and development of ground security measures such as procedures for the closing campuses to outsiders, installing surveillance systems, securing the campus perimeter, protecting buildings against vandalism, and providing for a law enforcement presence on campus
10. Crisis prevention and intervention strategies, which may include the following:
 - a. Identification of possible crises that may occur, determination of necessary tasks that need to be addressed, and development of procedures relative to each crisis, including the involvement of law enforcement and other public safety agencies as appropriate
 - b. Threat assessment strategies to determine the credibility and seriousness of a threat and provide appropriate interventions for the potential offender(s)
 - c. Assignment of staff members responsible for each identified task and procedure
 - d. Development of an evacuation plan based on an assessment of buildings and grounds and opportunities for students and staff to practice the evacuation plan
 - e. Coordination of communication to schools, Board of Trustees members, parents/guardians, and the media
 - f. Development of a method for the reporting of violent incidents
 - g. Development of follow-up procedures that may be required after a crisis has occurred, such as counseling
11. Staff development in violence prevention and intervention techniques, including preparation to implement the elements of the safety plan

Regulation
approved: March 21, 2013

EVERGREEN SCHOOL DISTRICT
San Jose, California

Threatening a School Employee

1. Continued willful disobedience, habitual profanity or vulgarity, open persistent defiance of the authority of the school personnel or continued abuse of school personnel, assault or battery upon school or any threat of force or violence directed toward school personnel, at any time or place, shall constitute good cause for suspension or expulsion from school; however, no pupil shall be suspended or expelled unless the conduct for which he is to be disciplined is related to school attendance.
2. Every person who, with the intent to cause, attempts to cause, or causes any officer or employee of any public or private educational institution or any public officer or employee to do, or refrain from doing, any act in the performance of his duties, by means of a threat, directly communicated to such person, to inflict an unlawful injury upon any person or property, and it reasonably appears to the recipient of the threat that such threat could be carried out, is guilty of a public offense.
3. Whenever any school district employee is attacked, assaulted, or menaced by a pupil, it is the duty of the employee and his supervisor, if he has knowledge of the incident, promptly to report the matter to the law enforcement authorities. Failure to make such a report is a misdemeanor punishable by a fine. Any employee of any school district, a county supervisor of schools, or one of his staff, or a board member who attempts directly or indirectly to dissuade a person under duty to make the above report is guilty of a misdemeanor and may be assessed a fine.
4. School Administrator's Responsibility in Case of Assault by Pupil Against School Employees.
 - a. A complete written report is to be mailed without delay to the appropriate law enforcement agency. A copy of the form should be retained in school and district office files.
 - b. The principal should make every reasonable attempt to notify the pupil's parents of all pertinent factors.

Legal Reference:

EDUCATION CODE

32030-32034 Eye safety

32225-32226 Communications devices in classrooms 32280-32289 School safety plans

44984 Required rules for industrial accident and illness leave of absence GOVERNMENT CODE

3543.2 Scope of bargaining LABOR CODE

3300 Definitions

6305 Occupational safety and health standards; special order 6310 Retaliation for filing complaint prohibited

6400-6413.5 Responsibilities and duties of employers and employees, especially: 6401.7 Injury and illness prevention program

CODE OF REGULATIONS, TITLE 8

3203 Injury and illness prevention program 3400 Medical services and first aid

5095-5100 Control of noise exposure

CODE OF FEDERAL REGULATIONS, TITLE 29

1910.95 Noise standards

Regulation

approved: March 21, 2013

EVERGREEN SCHOOL DISTRICT

San Jose, California

Instructional Continuity Plan

Pending Enactment of Education Code 32282 on July 1, 2025

Additional Site Attachments

Count of How safe do you feel at school?

Not safe at all

2.2%

Very safe

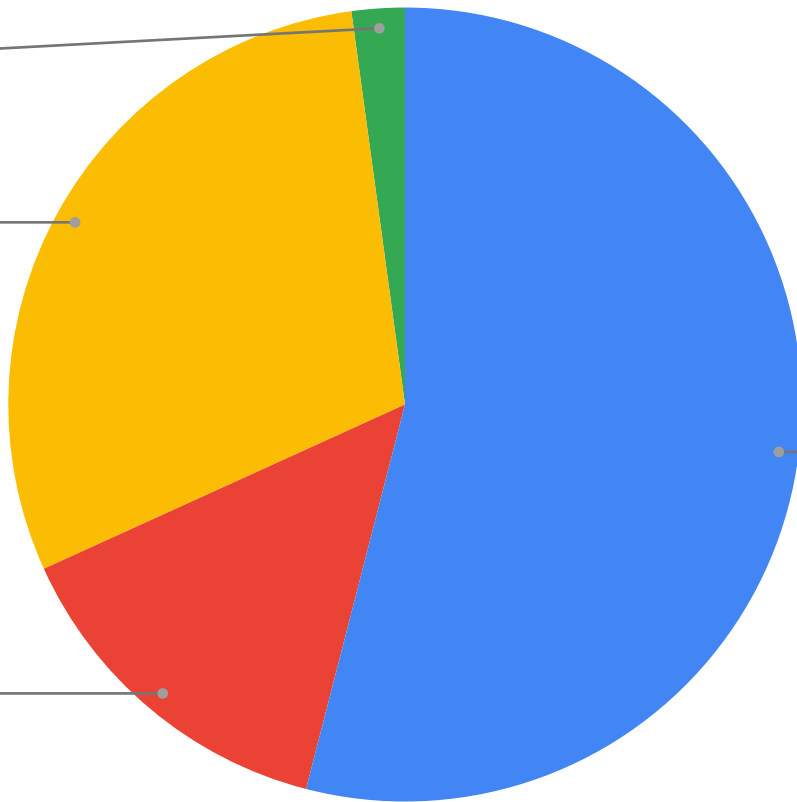
29.6%

Somewhat safe

14.2%

Safe

54.0%



James Franklin Smith Elementary School

Fire Drill Procedures

1. **THE FIRE DRILL WILL BEGIN WITH THE FIRE ALARM SOUNDING.** Office staff will evacuate to the blacktop/grass area with any students from the health office. Secretary will remain to turn off fire alarm and make announcement at end of drill.
2. **STUDENTS EXIT THE CLASSROOM IN QUIET, WALKING LINES WITH TEACHER FOLLOWING.**
3. **E.T. (Emergency Team) MEMBERS (Any Staff Without Students) WILL ASSEMBLE IN BACK OF MEDIA CENTER NEAR BLUE TABLES.**
TEACHERS WILL:
 - 4.1 DISMISS STUDENTS TO EXIT CLASSROOMS IN QUIET, WALKING LINES
 - 4.2 COLLECT ROLLBOOK AND EMERGENCY PACKET FROM THE WALL NEAR THE DOOR
 - 4.3 TURN-OFF LIGHTS AND CLOSE CLASSROOM DOOR
 - 4.4 EXIT THE ROOM
 - 4.5 REPORT ANY INJURIES, DAMAGE, PROBLEMS, OR MISSING STUDENTS TO E.T. RUNNER
5. **E.T. RUNNERS WILL:**
 - 5.1 CHECK WITH EACH CLASSROOM TEACHER IN THEIR COMMAND FOR INJURIES OR MISSING STUDENTS
 - 5.2 REPORT ALL FINDINGS TO THE COMMAND CENTER IN PERSON OR BY RADIO (Usually principal near blue tables) 3rd/TK/Kinder/6th E.T. RUNNERS USE RADIOS
6. **TEACHERS ARRIVING AT THE SAFE AREA WILL:**
 - 6.1 TAKE ROLL AFTER YOU HAVE EVACUATED YOUR STUDENTS TO THE "SAFE AREA"
 - 6.2 RECEIVE ANY STUDENTS WHO MAY BE WITH A SPECIALIST OR AIDE
 - 6.3 REPORT ALL FINDINGS TO THE E.T. IN CHARGE OF YOUR GRADE LEVEL
7. **SPECIALIST WILL:**
 - 7.1 INITIALLY KEEP ANY AND ALL STUDENTS WHO YOU ARE SERVING WITH YOU DURING A DISASTER
 - 7.2 EVACUATE YOUR STUDENTS TO THE "SAFE AREA"
 - 7.3 TAKE ATTENDANCE ONCE YOU ARRIVE WITH STUDENTS TO THE "SAFE AREA"
 - 7.4 RETURN YOUR STUDENTS TO THEIR RESPECTIVE CLASSROOMS
 - 7.5 REPORT ALL INFORMATION TO COMMAND CENTER. YOU WILL BECOME A MEMBER OF THE E.T. AT THIS TIME
8. **E.T. RUNNERS WILL:**
 - 8.1 AFTER REPORTING TO THE SAFE AREA, CHECK IN WITH ASSIGNED GRADE LEVELS AND REPORT INFORMATION TO THE COMMAND CENTER.
 - 8.2 ASSIST TEACHERS IN COLLECTING STUDENTS FROM SPECIALIST OR AIDES
 - 8.3 AFTER ALL CLASSES ARE ACCOUNTED FOR HELP SUPERVISE AND MONITOR STUDENTS
9. **Return to class following an announcement that the drill is over.**
10. **ALL VISITORS ON CAMPUS MUST PARTICIPATE IN THE EMERGENCY DRILL**

James Franklin Smith Elementary School
Fire Drill Procedures

EMERGENCY TEAM (E.T.) RUNNERS AND THEIR RESPONSIBILITIES

Off Kindergarten Teacher - - - - - Kindergarten Rooms

Library Center Staff - - - - - Evacuate Students from Library

Casquinha/Chavez - - - - - Office

Casquinha/Chavez - - - - - Staff Lounge, Library

Tate/Aguilar - - - - -Electrical, Gas & Water Valves

Obodozie - - - - -Outside

Hart/Beier- - - - -Primary A-Wing, TK, Kinder

Nunes/Tort- - - - - C-Wing, including Specialists

Munoz/Feci- - - - -Upper Grade A-Wing

Luzod/Swenor/Jones/Quijano- - - - -Primary B-Wing, including YMCA

NOTE:

FIRE DRILL

- Exit All Students/Persons Immediately
- Take Emergency Backpack
- Turn Off Lights
- CLOSE** Door
- Report to Evacuation Location
- Take Roll, Report Findings to Leader

EARTHQUAKE

- Assume Duck and Cover
- Hold Position
- Wait for ET Leader's Instruction
- Exit on Command w/SMALL Groups
- Take Emergency Backpack
- Leave Door **OPEN**
- Report to Evacuation Location
- Take Roll, Report Findings to Leader

**** Common Sense Overrides Procedures. Be prepared to make decisions based on the situation and circumstances!***

James Franklin Smith Elementary School
EARTHQUAKE DRILL PROCEDURES
2024-2025

1. An actual Earthquake Drill will begin with an announcement from the office: ***"This is an Earthquake Drill. The ground IS shaking."***
REPEAT, ***"This is an Earthquake Drill"***. (wait 20 sec.) Say, ***"The ground has STOPPED shaking."*** ***"All Clear for Evacuation by Emergency Team"***. The Health Clerk will evacuate to the blacktop/ grass area with any students from the health office. Secretary will assist 6th, TK and Kinder evacuate to the blacktop/grass area.
2. **ASSUME THE DUCK, COVER HOLD AND REMAIN IN POSITION**
 - a. ANY STAFF MEMBER WITHOUT STUDENTS WILL REPORT TO THE COMMAND CENTER--BLACKTOP (BALL WALL)
3. **TEACHER WILL DUCK, COVER, HOLD:**
 - 3.1 OPEN DOOR
 - 3.2 COLLECT ROLL BOOK AND EMERGENCY PACKET BY THE DOOR
 - 3.3 AWAIT EMERGENCY TEAM RUNNERS INSTRUCTIONS TO EXIT THE ROOM
 - 3.4 REPORT ANY INJURIES, DAMAGE, PROBLEMS TO THE E.T. RUNNER
 - 3.5 EVACUATE STUDENTS IN SMALL GROUPS TO EVACUATION LOCATION, EVENTUALLY MEETING AT THE UPPER BLACKTOP/GRASS AREA
 - 3.6 TURN-OFF LIGHTS, LEAVE THE DOOR OPEN FOR E.T. RUNNERS TO CLOSE
4. **EMERGENCY TEAM RUNNERS WILL OPEN INTERIOR DOORS, CLOSE EXTERIOR DOORS**
 - 4.1 1ST TIME: CHECK EACH CLASSROOM FOR INJURIES, DAMAGE AND POTENTIAL HAZARDS. IF ALL ARE SAFE---WAIT FOR "ALL CLEAR" FROM COMMAND, THEN DISMISS
 - 4.2 2ND TIME: CHECK THE ROOM TO ENSURE THAT IT IS CLEAR OF STUDENTS AND TEACHER. MAKE SURE LIGHTS ARE OFF AND CLOSE THE EXTERIOR DOOR AFTER YOU
 - 4.3 REPORT ALL FINDINGS TO THE COMMAND CENTER
5. **TEACHERS ARRIVING AT THE SAFE AREA WILL:**
 - 5.1 TAKE ROLL AFTER EVACUATION OF STUDENTS TO THE BLACKTOP/GRASS AREA
 - 5.2 TURN IN ATTENDANCE SHEET TO THE EMERGENCY RUNNER ASSIGNED TO YOUR WING
 - 5.3 WAIT TO RECEIVE ANY STUDENTS WHO MAY BE WITH A SPECIALIST OR AIDE
 - 5.4 REPORT ALL FINDINGS TO THE COMMAND CENTER
6. **SPECIALIST WILL:**
 - 6.1 INITIALLY KEEP ANY AND ALL STUDENTS WHO YOU ARE SERVING WITH YOU DURING AN EARTHQUAKE OR ANY DISASTER
 - 6.2 EVACUATE YOUR STUDENTS TO THE BLACKTOP/GRASS AREA (IF YOU HAVE A LARGE GROUP, YOU WILL NEED TO EVACUATE IN SMALL GROUPS
 - 6.3 TAKE ATTENDANCE ONCE YOU ARRIVE W/STUDENTS TO THE BLACKTOP/GRASS AREA
 - 6.4 RETURN YOUR STUDENTS TO THEIR RESPECTIVE CLASSROOMS
 - 6.5 REPORT ALL INFORMATION TO THE COMMAND CENTER. YOU WILL BECOME A MEMBER OF THE E.T. AT THIS TIME.
7. **EMERGENCY TEAM RUNNERS WILL:**
 - 7.1 ASSIST TEACHER/S IN COLLECTING STUDENTS FROM SPECIALISTS OR AIDES AFTER CHECKING ALL ROOMS AND REPORTING TO THE SAFE AREA,
 - 7.2 HELP SUPERVISE AND MONITOR STUDENTS AFTER ALL CLASSES ARE ACCOUNTED FOR

RETURN TO CLASS FOLLOWING AN ANNOUNCEMENT THAT THE DRILL IS OVER
ALL VISITORS ON CAMPUS MUST PARTICIPATE IN THE EMERGENCY DRILL

James Franklin Smith Elementary School

CAMPUS EMERGENCY ASSIGNMENT SHEET

(All adults without students or assignments report to command post)

2024/2025

Emergency Team Leaders

Assigned Areas/Duties

Obodozie / J. Jones/ *Tort	Outside Blacktop / Command Post
Casquinha / *Chavez	Office / MPR / Outside Front of School
Chavez / *Casquinha	Office / Staff Lounge
Tate / *Aguilar	Electrical, Gas, Water Valves / Command Post
Sandoval	Library / Floater / Command Post
Beier/*Ouellette	Kindergarten Wing
Hart/ *Machado	Primary A-Wing
Munoz/ * Feci	Upper Grade A-Wing
Swenor / *T. Jones	Primary B-Wing (B1--B8) / YMCA / Allstars
Luzod/ * Quijano	Primary B-Wing (B9--B15)
Nunes/ *Tort	C-Wing / Specialist's Offices / Command Post

* Back-up person to assist or take over duties when needed

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### FIRE DRILL

- Exit All Students/Persons Immediately
- Take Emergency Backpack
- Turn Off Lights
- CLOSE Door
- Report to Evacuation Location
- Take Roll, Report Findings to Leader

### EARTHQUAKE

- Assume Duck and Cover
- Hold Position
- Wait for ET Leader's Instruction
- Exit on Command w/SMALL Groups
- Take Emergency Backpack
- Leave Door OPEN
- Report to Evacuation Location
- Take Roll, Report Findings to Leader

*Common sense overrules procedures. Be prepared to make decisions based on the situation and the circumstances--remember we are a team, use your resources and communicate your needs.*

ALL ADULT STAFF:

IFEOMA OBODOZIE - PRINCIPAL  
KATHY CASQUINHA - SECRETARY  
CYNTHIA CHAVEZ - HEALTH CLERK  
RICHARD TATE - DAY CUSTODIAN  
EMMANUEL AGUILAR - NIGHT CUSTODIAN  
KIRAN BAL - NURSE  
DIANA SANDOVAL - LIBRARY  
JENNIFER JONES - RSP TEACHER  
HERMINIA TORT - RSP AIDE  
SAMANTHA COELHO - PSYCHOLOGIST  
EMILIE MCCORMICK - SPEECH  
GEETA CHADDA- ELD AIDE  
- BAND  
VAIDEHI PAREKH - ART PREP  
JOSEFINA CANDELAS - TKINDER AIDE  
HA GIANG - KINDER AIDE  
LOURDES LAGUINDINO - KINDER AIDE  
DARSHANA MISTRY - KINDER AIDE  
BRIANNA- YMCA





# James Franklin Smith Elementary School

## Code of Conduct/ Behavior Matrix

| We are...                               | KIND                                                                                                                                                      | RESPONSIBLE                                                                                                                                                                                | SAFE                                                                                                                                                                                                                                              |
|-----------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>GENERAL EXPECTATIONS</b>             | <ul style="list-style-type: none"><li>- Listen with your whole body.</li><li>- Treat others the way you want to be treated.</li></ul>                     | <ul style="list-style-type: none"><li>- Actively participate in lessons.</li><li>- Follow the directions of all adults.</li><li>- Be prepared with necessary materials.</li></ul>          | <ul style="list-style-type: none"><li>- Walk in the building.</li><li>- Wait and line up in the appropriate place.</li></ul>                                                                                                                      |
| <b>PARKING LOTS (ARRIVAL/DISMISSAL)</b> | <ul style="list-style-type: none"><li>- Communicate respectfully to adults and students.</li><li>- Treat others the way you want to be treated.</li></ul> | <ul style="list-style-type: none"><li>- Follow the directions of all adults.</li><li>- Be on time.</li><li>- Actively look for your ride.</li><li>- Collect all your belongings.</li></ul> | <ul style="list-style-type: none"><li>- Walk directly to your designated area.</li><li>- Car must pull all the way forward, before entering or exiting the vehicle.</li><li>- Use the crosswalk.</li><li>- Stay behind the safety line.</li></ul> |
| <b>CLASSROOM</b>                        | <ul style="list-style-type: none"><li>- Listen with your whole body.</li><li>- Treat others the way you want to be treated.</li></ul>                     | <ul style="list-style-type: none"><li>- Stay on task.</li><li>- Do your personal best.</li><li>- Keep your area clean.</li><li>- Be prepared with necessary materials.</li></ul>           | <ul style="list-style-type: none"><li>- Walk in the classroom.</li><li>- Use school materials appropriately.</li></ul>                                                                                                                            |

| <b>We are...</b>                 | <b>KIND</b>                                                                                                                                                                                | <b>RESPONSIBLE</b>                                                                                                                                                                                                                                       | <b>SAFE</b>                                                                                                                                                                                                           |
|----------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>HALLWAY /<br/>STAIRS/RAMP</b> | <ul style="list-style-type: none"> <li>- Be mindful of the people around you and in classrooms.</li> <li>- Use appropriate voice level.</li> </ul>                                         | <ul style="list-style-type: none"> <li>- Keep hands, feet, and objects to yourself.</li> <li>- Clean up after yourself.</li> </ul>                                                                                                                       | <ul style="list-style-type: none"> <li>- Stay to the right.</li> <li>- Walk at all times.</li> <li>- Move carefully when using the stairs and ramp.</li> </ul>                                                        |
| <b>MPR/LUNCH AREA</b>            | <ul style="list-style-type: none"> <li>- Use good table manners.</li> <li>- Use appropriate voice level.</li> <li>- Respect others' personal space.</li> </ul>                             | <ul style="list-style-type: none"> <li>- Follow the directions of all adults.</li> <li>- Stay with your class.</li> <li>- Wait to be excused.</li> <li>- Keep tables and floors clean.</li> <li>- Take all of your belongings when you leave.</li> </ul> | <ul style="list-style-type: none"> <li>- Walk at all times.</li> <li>- Only eat your own food.</li> <li>- Report spills and messes.</li> </ul>                                                                        |
| <b>RESTROOM</b>                  | <ul style="list-style-type: none"> <li>- Respect the privacy of others.</li> </ul>                                                                                                         | <ul style="list-style-type: none"> <li>- Restrooms are for bathroom use only.</li> <li>- Flush the toilet and wash your hands.</li> <li>- Keep the bathroom clean.</li> </ul>                                                                            | <ul style="list-style-type: none"> <li>- Use designated primary or upper grade restrooms.</li> <li>- Report spills and messes.</li> </ul>                                                                             |
| <b>PLAYGROUND<br/>(BLACKTOP)</b> | <ul style="list-style-type: none"> <li>- Follow the rules of the games.</li> <li>- Take turns and use equipment fairly.</li> <li>- Treat others the way you want to be treated.</li> </ul> | <ul style="list-style-type: none"> <li>- Eat in the snack areas.</li> <li>- Throw away your trash.</li> <li>- Freeze and hold equipment when the first freeze-bell rings.</li> <li>- Line up after the whistle blows.</li> </ul>                         | <ul style="list-style-type: none"> <li>- Wait for the yard duty before entering the play area.</li> <li>- Walk on the blacktop.</li> <li>- Only eat your own snack.</li> <li>- Stay within the boundaries.</li> </ul> |

| <b>We are...</b>                       | <b>KIND</b>                                                                                                                                                                                                                           | <b>RESPONSIBLE</b>                                                                                                                                                       | <b>SAFE</b>                                                                                                                                                                                       |
|----------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>PLAYGROUND<br/>(FIELD)</b>          | <ul style="list-style-type: none"> <li>- Follow the rules of the games.</li> <li>- Take turns and use equipment fairly.</li> <li>- Treat others the way you want to be treated.</li> </ul>                                            | <ul style="list-style-type: none"> <li>- Take care of all equipment.</li> <li>- Run to the edge of the blacktop when the first freeze bell rings.</li> </ul>             | <ul style="list-style-type: none"> <li>-Wait for the yard duty before entering the play area.</li> <li>- Move hands and feet safely.</li> <li>- Stay within boundaries.</li> </ul>                |
| <b>PLAYGROUND<br/>(PLAY STRUCTURE)</b> | <ul style="list-style-type: none"> <li>- Follow the rules of the games.</li> <li>- Be understanding of all abilities.</li> <li>- Take turns on the play structure.</li> <li>- Treat others the way you want to be treated.</li> </ul> | <ul style="list-style-type: none"> <li>- Use the play structure appropriately.</li> <li>- Walk to the edge of the play area when the first freeze bell rings.</li> </ul> | <ul style="list-style-type: none"> <li>-Wait for yard duty before entering the play area.</li> <li>- Walk on and around the play structure.</li> <li>- Follow equipment safety rules.</li> </ul>  |
| <b>OFFICE</b>                          | <ul style="list-style-type: none"> <li>- Use an appropriate voice level.</li> <li>- Wait patiently.</li> <li>- Politely ask for what you need.</li> </ul>                                                                             | <ul style="list-style-type: none"> <li>-Follow the directions of all adults.</li> <li>-Get permission from an adult to go to the office.</li> </ul>                      | <ul style="list-style-type: none"> <li>- Stay behind the plastic barrier when speaking to the office staff.</li> <li>- Get permission to enter the Health Office / Principal's Office.</li> </ul> |
| <b>DRILLS</b>                          | <ul style="list-style-type: none"> <li>- Be helpful and aware of others.</li> </ul>                                                                                                                                                   | <ul style="list-style-type: none"> <li>- Follow the directions of all adults.</li> <li>- Follow the drill procedures.</li> </ul>                                         | <ul style="list-style-type: none"> <li>- Walk to your designated area.</li> <li>- Listen to the instructions given by the adults.</li> <li>- Stay calm and quiet.</li> </ul>                      |

| We are... | KIND                                                                                                                                                                                 | RESPONSIBLE                                                                                                                                         | SAFE                                                                                                                                                      |
|-----------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------|
| LIBRARY   | <ul style="list-style-type: none"> <li>- Use an appropriate voice level.</li> <li>- Be respectful of others' reading levels.</li> <li>- Use manners when asking for help.</li> </ul> | <ul style="list-style-type: none"> <li>- Return books on time.</li> <li>- Stay on task.</li> <li>- Take care of library space and books.</li> </ul> | <ul style="list-style-type: none"> <li>- Walk at all times.</li> <li>- Carry books safely.</li> <li>- Push in chairs when leaving the library.</li> </ul> |

1. Listen for this announcement over the loudspeaker: *“THIS IS A RUN/HIDE/DEFEND DRILL, Implement drill procedures now.”*

2. Teachers and all staff will participate:

- Secure your door/s Cinchlock or bolt
- Students need to get behind an internal barricade/shelter  
This is where all students/adults ‘hide’ silently  
(students may assist you in building the barricade/s)
- Windows should be covered as much as possible or blinds drawn
- Turn off all lights
- HAVE YOUR CELL PHONE READY, we are going to call you on your cell phone if you do not respond, we will call you on your room phone. We will need the correct PASSWORD response from you. #\_\_\_\_\_ + #\_\_\_\_\_ = **9**.
- Keep your computer on and accessible, it is another way to communicate
- Keep your emergency pack and all emergency gear/materials accessible

3. At the end, I will announce over the loudspeaker, “ALL CLEAR--Our RUN/HIDE/DEFEND Drill is over--thanks for your participation.”

4. IN THE EVENT OF A ‘REAL’ RUN/HIDE/DEFEND Drill and you are outside and RHD is initiated, you will have to make a decision to go inside and implement RHD procedures OR evacuate the premises to our designated SAFE AREAS.

5. SAFE AREAS:

- Fire Station on Yerba Buena and Silver Creek Road
- Silver Creek Linear Park on Yerba Buena next to Fire Station
- New Seasons Plaza on Silver Creek Valley Road
- Montgomery Elementary on Daniel Mahoney Drive

6. IF YOU HAVE EVACUATED, call the school and district offices once you have arrived JFS: 408-532-2150 or Armando 831-229-9222 (text possible) District: 408-270-6840 or 408-270-6809

7. STUDENTS OUTSIDE THE CLASSROOM

- Receiving services outside the classroom will stay with that adult/teacher
- In restrooms will go into the nearest class or exit the building
- Notify the office right away if a student is missing or if an extra student joined your class

**IMPORTANTLY, REMAIN SECURE IN PLACE UNTIL  
YOU GET AN ‘ALL CLEAR’ MESSAGE FROM THE OFFICE OR POLICE.**

# **RUN/HIDE/DEFEND ASSESSMENT ITEMS**

**2024-2025**

## **RUN** (If you can evacuate safely.)

- QUICKLY EVACUATE FROM DANGER
- LEAVE BELONGINGS BEHIND BUT TAKE CELL PHONE
- HELP OTHERS ESCAPE IF POSSIBLE
- KEEP HANDS VISIBLE
- CALL 911 WHEN AWAY FROM DANGER

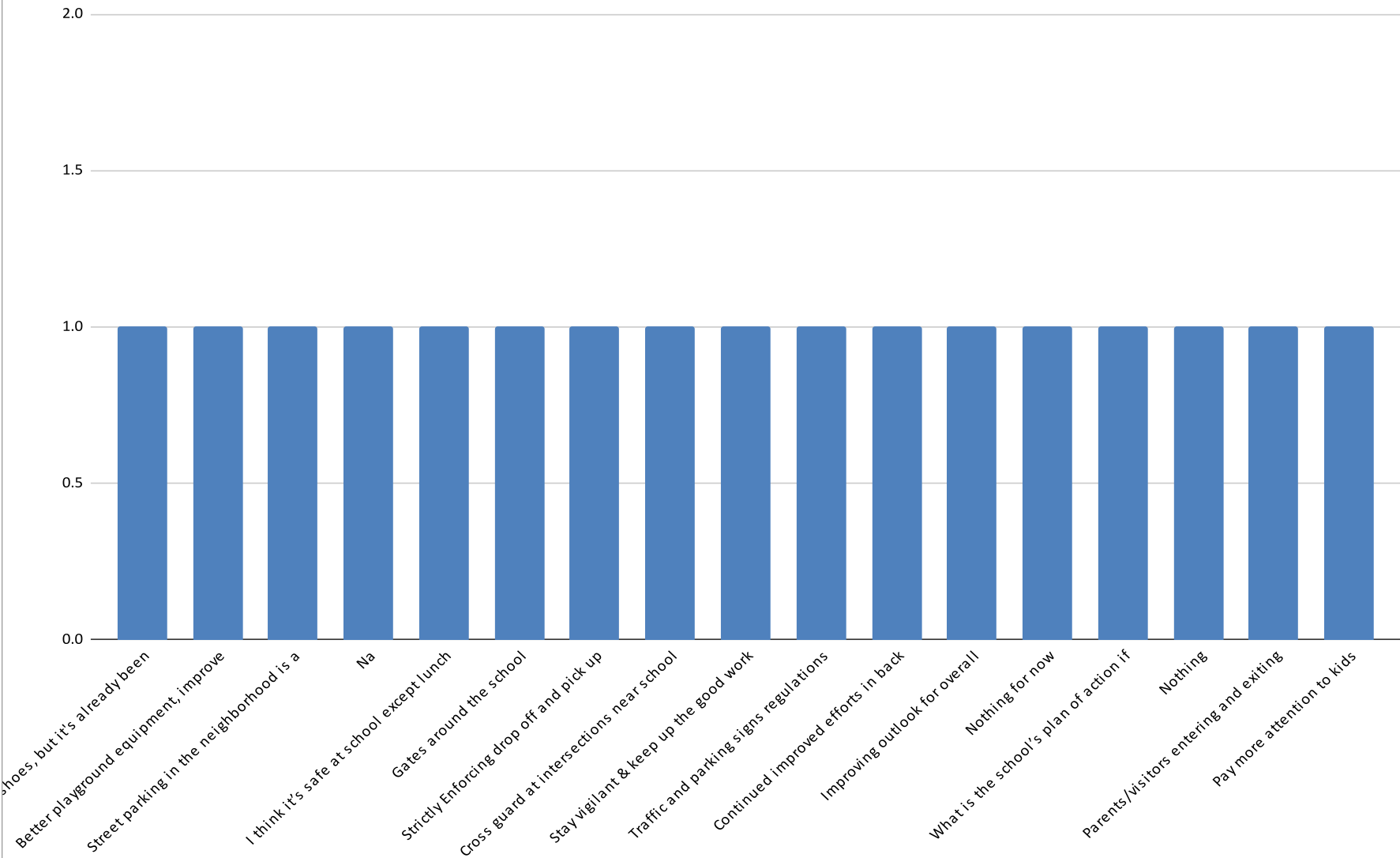
## **HIDE** (If you cannot evacuate safely)

- QUIET CLASSROOM
- LIGHTS OFF
- DOOR BLOCKED
- CLOSED BLINDS / COVERED WINDOWS
- ENTRY BARRICADED
- PEOPLE AWAY FROM WINDOWS AND DOORS
- KEEP COMPUTER ACCESSIBLE AND CHECK EMAIL FREQUENTLY
- SILENCE CELL PHONES & COMPUTER/ DIM SCREEN
- NO STUDENTS / STAFF OUTSIDE ROOMS

## **DEFEND** (As a last resort, if the shooter enters the room)

- COMMIT TO ACTIONS
- ACT AGGRESSIVELY
- IMPROVISED WEAPONS
- YELL AND MAKE LOUD NOISES

Count of What is something you would like to see improved regarding safety at your school?/Open-Ended Response



Count of What is something you would like to see improved regarding safety at your school?/Open-Ended Response

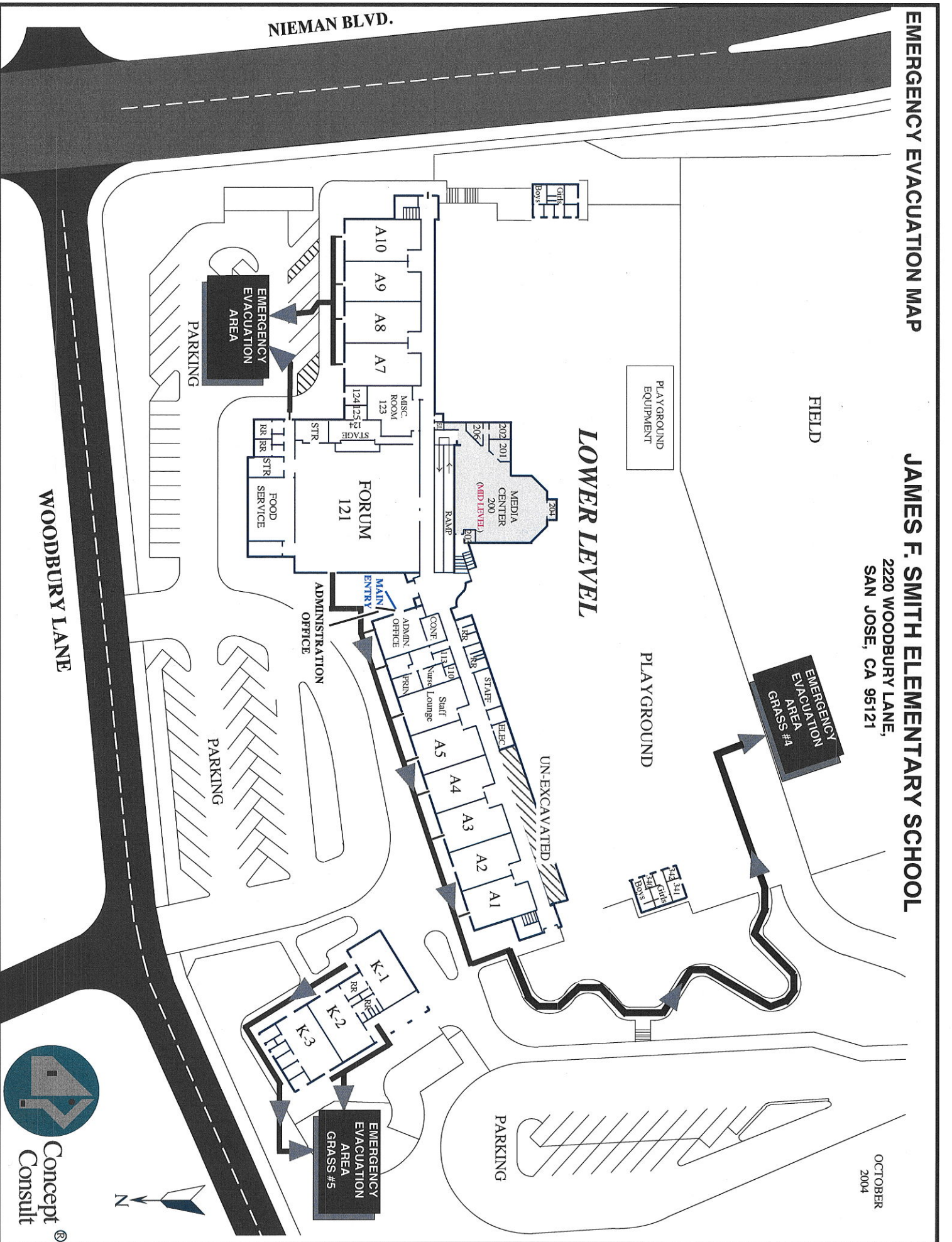


EMERGENCY EVACUATION MAP

JAMES F. SMITH ELEMENTARY SCHOOL

2220 WOODBURY LANE,  
SAN JOSE, CA 95121

OCTOBER  
2004





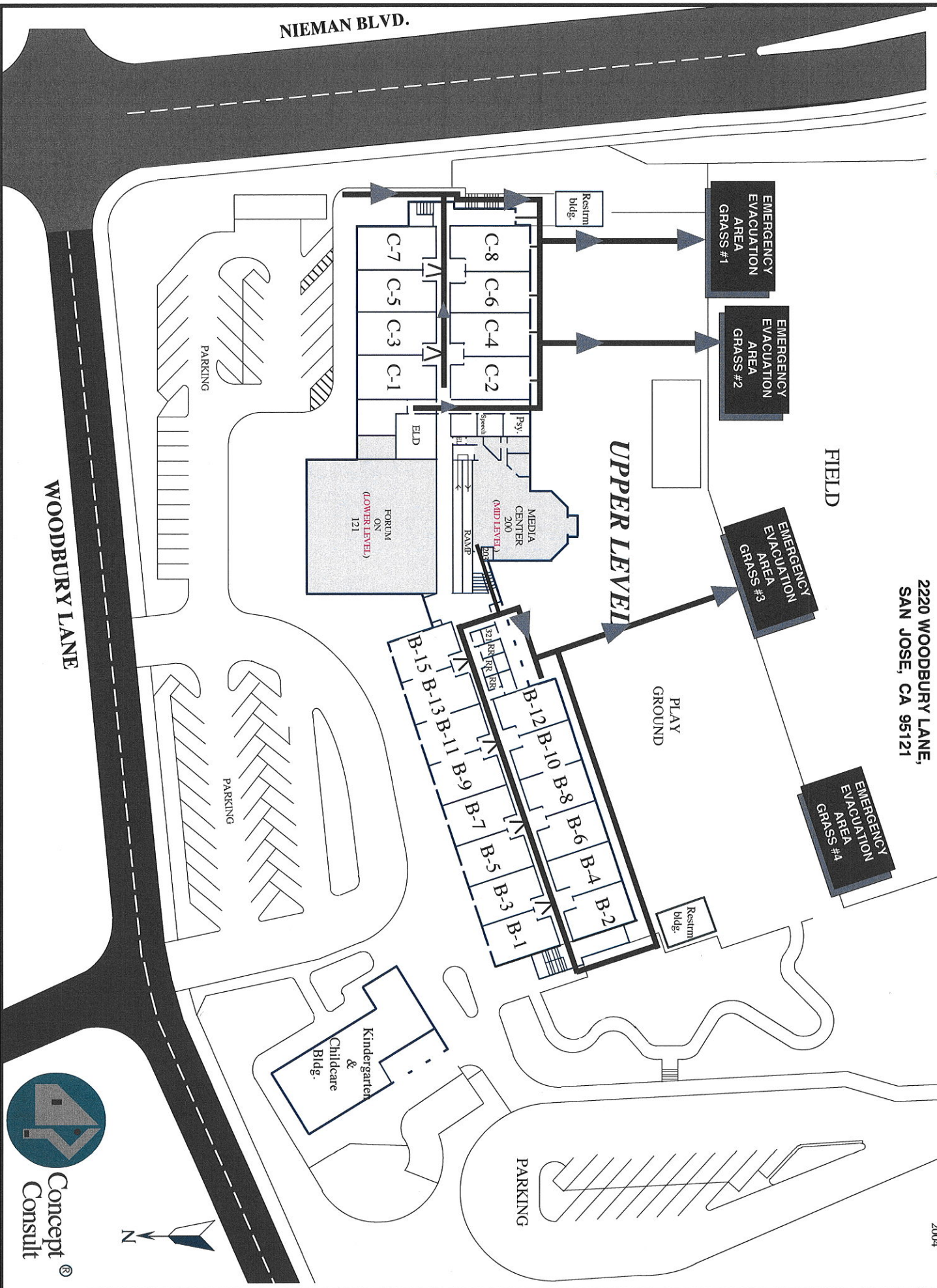
EXEMPTARY

# EMERGENCY EVACUATION MAP

JAMES F. SMITH ~~MIDDLE~~ SCHOOL

2220 WOODBURY LANE,  
SAN JOSE, CA 95121

OCTOBER  
2004



# JAMES F. SMITH

## Staff Handbook



2220 Woodbury Lane  
San Jose, CA, 95121-3233

Phone: (408) 532-2150

Fax: (408) 532-2165

# JAMES F. SMITH

## Staff Handbook

2024 - 2025

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# James Franklin Smith

## 2024/2025 Staff Roster

**IFEOMA OBODOZIE – Principal** X1875  
 Kathy Casquinha - Secretary X1871  
 Cynthia Chavez - Health Clerk X1872  
 Richard Tate, Day Custodian  
 Kiran Ball, Nurse **cell 408-599-1736** X1880  
 Library - 532-2162 X1860

Main Office Phone - 532-2150  
 FAX Phone - 532-2165  
**YMCA– B-2 & B-4 532-2151 X1822**  
 Emmanuel Aguilar, Night Custodian  
 Kitchen - 532-2163 X1885 Analiza Cendana  
 Gate – X1866

| <b>TEACHER</b>     | <b>GRADE</b>                     | <b>ROOM #</b> | <b>EXT</b> | <b>E-MAIL</b>                                                  |
|--------------------|----------------------------------|---------------|------------|----------------------------------------------------------------|
| Beth McMinn        | TK                               | Rm K-A1       | X 1811     | <a href="mailto:bmcminn@eesd.org">bmcminn@eesd.org</a>         |
| Kate Beier         | K                                | Rm 1          | X 1851     | <a href="mailto:kbeier@eesd.org">kbeier@eesd.org</a>           |
| Bobbi Ouellette    | K                                | Rm 2          | X 1852     | <a href="mailto:bouellette@eesd.org">bouellette@eesd.org</a>   |
| Brianna Anguiano   | K                                | Rm 3          | X 1853     | <a href="mailto:banguiano@eesd.org">banguiano@eesd.org</a>     |
| Beth Cacciaroni    | 1 <sup>st</sup>                  | Rm B-7        | X 1827     | <a href="mailto:ecacciaroni@eesd.org">ecacciaroni@eesd.org</a> |
| Mandeep Matharu    | 1 <sup>st</sup>                  | Rm B-8        | X 1828     | <a href="mailto:mmatharu@eesd.org">mmatharu@eesd.org</a>       |
| Rina Quijano       | 1 <sup>st</sup>                  | Rm B-9        | X 1829     | <a href="mailto:rquijano@eesd.org">rquijano@eesd.org</a>       |
| Tennille Jones     | 2 <sup>nd</sup>                  | Rm B-5        | X 1825     | <a href="mailto:tjones@eesd.org">tjones@eesd.org</a>           |
| Karina Luzod       | 2 <sup>nd</sup>                  | Rm B-11       | X 1831     | <a href="mailto:kluzod@eesd.org">kluzod@eesd.org</a>           |
| Janie Swenor       | 2 <sup>nd</sup>                  | Rm B-6        | X 1826     | <a href="mailto:tswenor@eesd.org">tswenor@eesd.org</a>         |
| Jennifer Alexander | 3 <sup>rd</sup>                  | Rm A-5        | X 1815     | <a href="mailto:jalexander@eesd.org">jalexander@eesd.org</a>   |
| Sarah Ciccarello   | 3 <sup>rd</sup>                  | Rm A-3        | X 1813     | <a href="mailto:sciccarello@eesd.org">sciccarello@eesd.org</a> |
| Brooke Hart        | 3 <sup>rd</sup>                  | Rm A-2        | X 1812     | <a href="mailto:bhart@eesd.org">bhart@eesd.org</a>             |
| Susana Machado     | 3 <sup>rd</sup>                  | Rm A-4        | X 1814     | <a href="mailto:smachado@eesd.org">smachado@eesd.org</a>       |
| Jessica Hosler     | 4 <sup>th</sup>                  | Rm C-8        | X 1848     | <a href="mailto:jhosler@eesd.org">jhosler@eesd.org</a>         |
| Amy McCormick      | 4 <sup>th</sup>                  | Rm C-4        | X 1844     | <a href="mailto:amccormick@eesd.org">amccormick@eesd.org</a>   |
| Sharon Noyes       | 4 <sup>th</sup> /5 <sup>th</sup> | Rm C-2        | X 1842     | <a href="mailto:snoyes@eesd.org">snoyes@eesd.org</a>           |
| Cindy Nunes        | 5 <sup>th</sup>                  | Rm C-7        | X 1847     | <a href="mailto:cnunes@eesd.org">cnunes@eesd.org</a>           |
| Taline Orloff      | 5 <sup>th</sup>                  | Rm C-5        | X 1845     | <a href="mailto:tsearles@eesd.org">tsearles@eesd.org</a>       |
| Bryan Feci         | 5 <sup>th</sup> /6 <sup>th</sup> | Rm A-7        | X 1817     | <a href="mailto:bfeci@eesd.org">bfeci@eesd.org</a>             |
| Lori Gaspar        | 6 <sup>th</sup>                  | Rm A-9        | X 1819     | <a href="mailto:lgaspar@eesd.org">lgaspar@eesd.org</a>         |
| Mark Munoz         | 6 <sup>th</sup>                  | Rm A-10       | X 1820     | <a href="mailto:mmunoz@eesd.org">mmunoz@eesd.org</a>           |
| Janette Sciba      | 6 <sup>th</sup>                  | Rm A-8        | X 1818     | <a href="mailto:jsciba@eesd.org">jsciba@eesd.org</a>           |
| Marie Park         | SDC Primary                      | Rm B-15       | X 1835     | <a href="mailto:mpark@eesd.org">mpark@eesd.org</a>             |
| Lixiang Wang       | SDC Upper                        | Rm B-13       | X 1833     | <a href="mailto:lwang@eesd.org">lwang@eesd.org</a>             |

### **SPECIALIST**

|                  |                   |               |        |                                                              |
|------------------|-------------------|---------------|--------|--------------------------------------------------------------|
| Jennifer Jones   | RSP               | RSP Rm C-3    | X 1843 | <a href="mailto:jjones@eesd.org">jjones@eesd.org</a>         |
| Herminia Tort    | RSP Aide          | RSP Rm C-3    | X 1843 | <a href="mailto:htort@eesd.org">htort@eesd.org</a>           |
| Samantha Coelho  | Psychologist      | Psych (3days) | X 1863 | <a href="mailto:scoelho@eesd.org">scoelho@eesd.org</a>       |
| Emilie McCormick | Speech/Language   | Speech        | X 1864 | <a href="mailto:emccormick@eesd.org">emccormick@eesd.org</a> |
| Geeta Chadda     | ELD               | ELD B-3       | X 1823 | <a href="mailto:gchadda@eesd.org">gchadda@eesd.org</a>       |
| Diana Sandoval   | Media Clerk       | Library       | X 1860 | <a href="mailto:dsandoval@eesd.org">dsandoval@eesd.org</a>   |
| Kiran Ball       | Nurse             | Office        | X 1873 | <a href="mailto:kbal@eesd.org">kbal@eesd.org</a>             |
| Matthew Powell   | Band              | Gate Rm       | X 1866 | <a href="mailto:mpowell@eesd.org">mpowell@eesd.org</a>       |
| Cynthia Howard   | Social Worker     |               | X 1816 | <a href="mailto:choward@eesd.org">choward@eesd.org</a>       |
| Wendy Siguenza   | Social Worker Int |               | X 1867 | <a href="mailto:wsiquenza@eesd.org">wsiquenza@eesd.org</a>   |
| Tran Quy         | Art Prep          | Rm C-6        | X 1846 | <a href="mailto:qtran@eesd.org">qtran@eesd.org</a>           |

### **Miscellaneous Rooms**

|                 |        |                |        |
|-----------------|--------|----------------|--------|
| Staff Lounge    | X 1881 | Upper Workroom | X 1834 |
| Lower Workroom  | X 1865 | Kinder Office  | X 1852 |
| Conference Room | X 1882 |                |        |

### **Noon Duty**

Rosa Lorenzana, Akhtar Kazi, Masooma Kakar, Roya Amini

### **Kinder Aide**

Darshana Mistry K-3, Ha Giang K-1, Lourdes Lagundino K-2, Josefina Candelas K-A1

### **SDC Aides**

Jonah Rivera – B-13, Balwinder Kaur B-13, Avani Solanki B-13, Sowvalli Palepu B-15, Kim Armendariz B-15  
 (rev 10/30/24)

**DISTRICT OFFICE**

**INTERNAL USE ONLY**

**Ext. SUPERINTENDENT'S OFF** MAIN: 270-6800 FAX: 274-3894

**Ext. BUSINESS OFFIC** MAIN: 270-6863 FAX: 223-3374

814 Dr. Antoine Hawkins      Superintendent  
 6811 Johanna Villareal      Chief of Staff  
 6812 Amy Shaffer      Support Specialist  
 6806 Jessica Villalobos      Support Specialist

6843 Victoria Knutson      Asst Superintendent, Business Svcs  
 6809 Sheetal Mistry      Director, Fiscal Services  
 6360 Danielle Nunes      Supervisor, Fiscal Services  
 6846 Kim McNiven      Business Services Specialist  
 6861 Robin Hill      Benefits  
 6847 Ly Ablao      Payroll/Account Analyst  
 6933 Haydee Rodriguez      Payroll Acct Analyst (A - K)  
 6859 Vahlya "V" Eldredge      Payroll Acct Analyst (L - Z)  
 6849 Trudy Tran      Accountant  
 6819 Tiffanie Nguyen      Account Technician  
 6822 Martha (Patty) Maci      Account Assistant II  
 6863 Casey Wick      Account Assistant II  
 6857 Pauline Benton      Purchasing Analyst  
 6850 Sam Sweilem      Manager, Information Services  
 6821 Karla Torres      Network System Technician  
 6867 Lucero Garcia      Technology Project Technician I  
 6932 Gina Gutierrez      Student Data Coordinator  
 6766 Evelyn Allen      Student Info System/Data Specialist  
 6855 Daniel Gonzalez      Network Analyst  
 6810 Venus Te      Student Info System/Data Specialist  
 6852 Thomas Benton      Technology Project Technician I  
 6856 TBD      Technology Project Technician II

**HUMAN RESOURCES**

MAIN: 270-6817 FAX: 270-6856

6816 Sam Bass      Asst Superintendent, HR  
 6829 Gina Fierro      Director of Human Resources  
 6817 Laura Quisenberry      Staff Secretary/Sub Line Coord.  
 6805 Aracely Stephens      Administrative Secretary/Classified  
 6804 Elvia (Patty) Medrano      Staff Secretary/COVID/Frontline  
 6807 Ruth Liu      HR Specialist/Certificated

**EDUCATIONAL SERVICES** MAIN: 270-6827 FAX: 223-4580

**ELD** MAIN: 270-6818 FAX: 223-4580

**SPECIAL EDUCATION** MAIN: 270-6836 FAX: 223-4580

6831 Deborah Ashmore      Asst Superintendent, Educational Services  
 6830 Tonya Trim      Director, Educational Services  
 6832 Kim Kianidehkian      Director, Educational Services  
 6841 Dr. Eddy McLachlan      Director, Special Education  
 6851 Dr. Marena Doxie      Director, Child Welfare and Attendance  
 6844 Rachel Trowbridge      TOSA - Educational Services  
 6828 Diana Halteh      TOSA - Induction  
 6838 Jennifer Anderson-Chaffee      Coordinator, Special Education  
 6818 Connie Cornejo      Staff Secretary  
 6836 Esme Herrera      Administrative Secretary  
 6835 Kathryn Rossi      Staff Secretary  
 6827 Katie Coates      Ed Services Specialist  
 6824 Karin Sanders      TOSA/Instructional Technology  
 6853 Lori Lim      District Librarian  
 6823 Eva Marlow      Coordinator, Assess & Accountability  
 6834 Ashley Morefield      TOSA/Early Intervention Data Specialist  
 6868 Hye Han      TOSA - Special Education  
     Jennifer Oien-Chen      TOSA - Special Education

**M.O.T.**

MAIN: 270-6797 FAX: 270-6799

**Maintenance & Operations**

6808 Casino Fajardo      Director, Maintenance & Operations  
 6876 Steve Fowles      Supervisor, Maintenance & Operations  
 6748 Marissa Nunez      Administrative Assistant  
 6795 Kathleen Rael      Supervisor, Transportation/Warehouse  
 6750 Catherine Ramirez      Clerical Assistant

**Transportation**

6749 Theresa Vallejo      Lead Bus Driver  
 6864 Fidel Hernandez      Shop Mechanic  
 6748 Rafael Carillo      Maintenance III  
 6748 Mike Cuneo      Maintenance III  
 6748 Anthony Soto      Maintenance III  
 6748 Jeff Ferranti      Maintenance III  
 6748 Jesse Martinez      Maintenance III  
 6748 Jose Yanez      Maintenance III

**Warehouse**

FAX: 270-6852

6862 Luis Hernandez      Warehouse Driver/Delivery

**Central Kitchen**

MAIN: 223-4500 FAX: 223-4507

4505 Shan Gao      Supervisor, CNS  
 4503 Shilpa Sinha      Assistant Supervisor, CNS  
 4500 Carlos Casas-Hawkins      Administrative Secretary  
 4502 Diane Valdez      Production Manager  
 4506 David Correa      Warehouse Driver/Delivery  
 4506 Ernie Maldonado      Warehouse Driver/Delivery  
 4506 Victor Hernandez Lopez      Warehouse Driver/Delivery  
 4501 Shelly Chavira      Office Assistant

**SCHOOLS**

| <u>Ext.</u> | <u>Principal</u> | <u>FAX</u>                      |
|-------------|------------------|---------------------------------|
| 0400        | Cadwallader      | Jennifer Diehl 223-4839         |
| 0700        | Cedar Grove      | Lea Peery 223-4852              |
| 1500        | Chaboya          | 223-6916                        |
| 1900        | Carolyn Clark    | Loan Dinh 223-4567*             |
| 0100        | Evergreen        | Diana Nakano (Interim) 270-4968 |
| 0500        | Holly Oak        | Armando Lara 223-4513*          |
| 0900        | LeyVa            | Jim Grassi 270-5462*            |

| <u>Ext.</u> | <u>Principal</u>       | <u>FAX</u>               |
|-------------|------------------------|--------------------------|
| 1700        | Matsumoto              | Gokcen Ceran 223-4883    |
| 1300        | Millbrook              | Steve Sweeney 223-4887   |
| 1000        | Montgomery             | Jaime Hammond 223-4848   |
| 1200        | Norwood Creek          | Tonya Bailey 223-9266*   |
| 0600        | Quimby Oak             | Ginger Gaeta 223-4533    |
| 1600        | Silver Oak             | Heather Cardona 223-4540 |
| 1800        | J. F. Smith            | Linda Mora 532-2165      |
| 0200        | Katherine Smith        | Cesar Gaytan 270-6877    |
| 0300        | O. B. Whaley           | Gina Ornellas 223-4536   |
| 6840        | Wellness Center @LeyVa |                          |

\* Dial 7 digit fax number

**INTERNAL USE ONLY**

**CADWALLADER SCHOOL (1966)**

99 Cadwallader Avenue 95121-1114  
 Telephone: 270-4950  
 Principal: Jennifer Diehl  
 Secretary: Dilly Bhoot  
 Health Office Assistant: Sherry Gilmore  
 CNS Line Assistant: Lan Trinh  
 Custodians: Armando Borecguin (AM) Jose Borecguin (PM)

**7 - CEDAR GROVE SCHOOL (1969)**

2702 Sugarplum Drive 95148-2042  
 Telephone: 270-4958  
 Principal: Lea Peery  
 Secretary: Lisa Davidson  
 Health Office Assistant: Ube Rosas  
 CNS Assistant: Vivian Wong  
 Custodians: Crispin Ruiz (AM) Sandra Ramos Barragan

**15 - CHABOYA MIDDLE SCHOOL (1991)**

3276 Cortona Drive 95135-1180  
 Telephone: 270-6900  
 Principal: Michal Nozik  
 Assistant Principal: Diana Haltch  
 Secretary: Alicia Hom  
 Health Office Assistant: Regina Zamora  
 CNS Line Assistant: Tammy Minicelli  
 CNS Assistant: Sanggeeta Chhabra  
 Custodians: Steve Greves (AM) Kamaljeet Badwal  
 Teresa Aguilar  
 Pedro Perez (PM)

**19 - CAROLYN CLARK SCHOOL (2004)**

3701 Rue Mirassou 95148-4382  
 Telephone: 223-4560  
 Principal: Loan Dinh  
 Secretary: Zusy Zamora  
 Health Office Assistant: Rosemarie Torio  
 CNS Assistant: Jeanette Carranza  
 Custodians: Martin Castaneda (AM) John Penn (PM)

**1 - EVERGREEN SCHOOL (1860)**

10 Fowler Road 95135-1017  
 Telephone: 270-4966  
 Principal: (Interim) Diana Nakano  
 Secretary: Christina Cerniglia  
 Health Office Assistant: Chitra Shah  
 CNS Assistant: Ernestina Gonzalez  
 Custodians: Leo Larios (AM) Sandra Sanchez Quintro

**5 - HOLLY OAK SCHOOL (1967)**

2995 Rossmore Way 95148-3527  
 Telephone: 270-4975  
 Principal: Armando Lara  
 Secretary: Ayesha Bilal  
 Health Office Assistant: Rika Wellbaum  
 CNS Assistant: Laknesha Miller  
 Custodians: James Herrera (AM) Juan Salinas Nava (PM)

**9 - G. V. LEYVA MIDDLE SCHOOL (1973)**

1865 Monrovia Drive 95122-1505  
 Telephone: 270-4992  
 Principal: James Grassi  
 Assistant Principal: Charaine Lucas  
 Assistant Principal: Lisa Soares  
 Secretary: Rene't Juco  
 Health Office Assistant: Sue Escobar  
 CNS Assistant: Bonnie Fujii  
 CNS Assistant: Mary Escobar-Asciutto  
 CNS Assistant: Sarjit Birk  
 Custodians: Matthew Herrera (AM) Christine Huynh  
 Jorge Guitron (PM)

**9 - BULLDOG TECH AT LEYVA (2012)**

Telephone: 270-6710  
 Clerical Assistant: Kim Beckwell  
 Custodian: Albino Da Silva

**17 - TOM MATSUMOTO SCHOOL (1998)**

4121 Mackin Woods Lane 95135-1159  
 Telephone: 223-4873  
 Principal: Gokcen Ceran  
 Secretary: Lisa Oshita  
 Health Office Assistant: Maggie Rodriguez  
 CNS Line Assistant: Tazyeen Nafis  
 Custodians: Juan Gonzales Jimenez Ester Corona (PM)

**13 - MILLBROOK SCHOOL (1985)**

3200 Millbrook Drive 95148-3681  
 Telephone: 270-6767  
 Principal: Steve Sweeney  
 Secretary: Alma Ahumada Alcantar  
 Health Office Assistant: Stephanic Trejo  
 CNS Assistant: Michael Bravo  
 Custodians: John Martinez (AM) Barbara Liu  
 Jacob Balderrama (PM)

**10 - J. L. MONTGOMERY SCHOOL (1975)**

2010 Daniel Maloney Drive 95121-1328  
 Telephone: 270-6718  
 Principal: Jaime Hammond  
 Secretary: Veronica Sepulveda  
 Health Office Assistants: Laura Amaya  
 CNS Assistant: Elsa Isais  
 Custodians: Jermaine Baker (AM) Salvador Figueroa (PM)

**12 - NORWOOD CREEK SCHOOL (1981)**

3241 Remington Way 95148-2757  
 Telephone: 270-6727  
 Principal: Tonya Bailey  
 Secretary: Pat Colatiano  
 Health Office Assistant: Gail Regalado  
 CNS Assistant: Veronica Castillo  
 Custodians: Eric Delgado Grady Turner (PM)

**6 - QUIMBY OAK MIDDLE SCHOOL (1968)**

3190 Quimby Road 95148-3022  
 Telephone: 270-6735  
 Principal: Ginger Gaeta  
 Assistant Principal: Camille Gingrich  
 Assistant Principal: Mallory Sloniker  
 Secretary: Susan Mills-Gabler  
 Health Office Assistant: Sharon Pinter  
 CNS Assistant: Velia Estrada  
 Custodians: Barbara Fuzere  
 Alfredo Rodriguez (AM) Karla Negrete (PM)

**6 - LOBO SCHOOL OF INNOVATION (2016)**

Telephone: 270-6735

**16 - SILVER OAK SCHOOL (1994)**

5000 Farnsworth Drive 95138-2336  
 Telephone: 223-4515  
 Principal: (Interim) Heather Cardona  
 Secretary: Liz Martinez  
 Health Office Assistant: Cassie Giannotta  
 Clerical Assistant: Karen McFarland  
 CNS Assistant: Carmella Perinet  
 Custodian: Jesus Gonzalez Esparza Judith Hernandez (PM)

**18 - JAMES F. SMITH SCHOOL (2000)**

2220 Woodbury Lane 95121-3233  
 Telephone: 532-2150  
 Principal: Ifeoma "Ify" Obodozie  
 Secretary: Kathy Casquinha  
 Health Office Assistant: Cynthia Chavez  
 CNS Assistant: Analiza Condana  
 Custodians: Richard Tate (AM) Emmanuel Ayala (PM)

**2 - KATHERINE SMITH SCHOOL (1962)**

2025 Clarice Drive 95122-1297  
 Telephone: 270-6751  
 Principal: Cesar Gaytan  
 Secretary: Leonie Hollenkamp  
 Health Office Assistant: Jennifer Chavez  
 Community School Asst: Barbara Gould  
 CNS Assistant: Lorie Wilson  
 Custodians: Daniel Ahumada (AM) Claribel Ramirez Soria (PM)

**3 - O. B. WHALEY SCHOOL (1965)**

2655 Alvin Avenue 95121-1698  
 Telephone: 270-6759  
 Principal: Gina Ornellas  
 Secretary: Andrea Fangonilo  
 Health Office Assistant: Satinder Banwait  
 CNS Assistant: Maria Hernandez Carrillo  
 Custodians: Elias Diaz Mota (AM) Javier Robelo Cuevas (PM)

**EVERGREEN DISTRICT OFFICE**

3188 Quimby Road 95148-3099  
 Telephone: 270-6800

**CORPORATION YARD**

2976 Fowler Road 95135-1015  
 Telephone: 270-6797

**CENTRAL KITCHEN (1993)**

2828 Corda Drive 95122-1506  
 Telephone: 223-4500  
 Custodian: Albino Da Silva

**EAST SIDE UNION  
HIGH SCHOOL DISTRICT**

District Office  
 830 N. Capitol Avenue  
 San Jose, CA 95133  
 Telephone: 347-5000

**Evergreen Valley High School**

3300 Quimby Road  
 San Jose, CA 95148  
 Telephone: 347-7000

**Mt. Pleasant High School**

1750 South White Road  
 San Jose, CA 95127  
 Telephone: 937-2800

**Silver Creek High School**

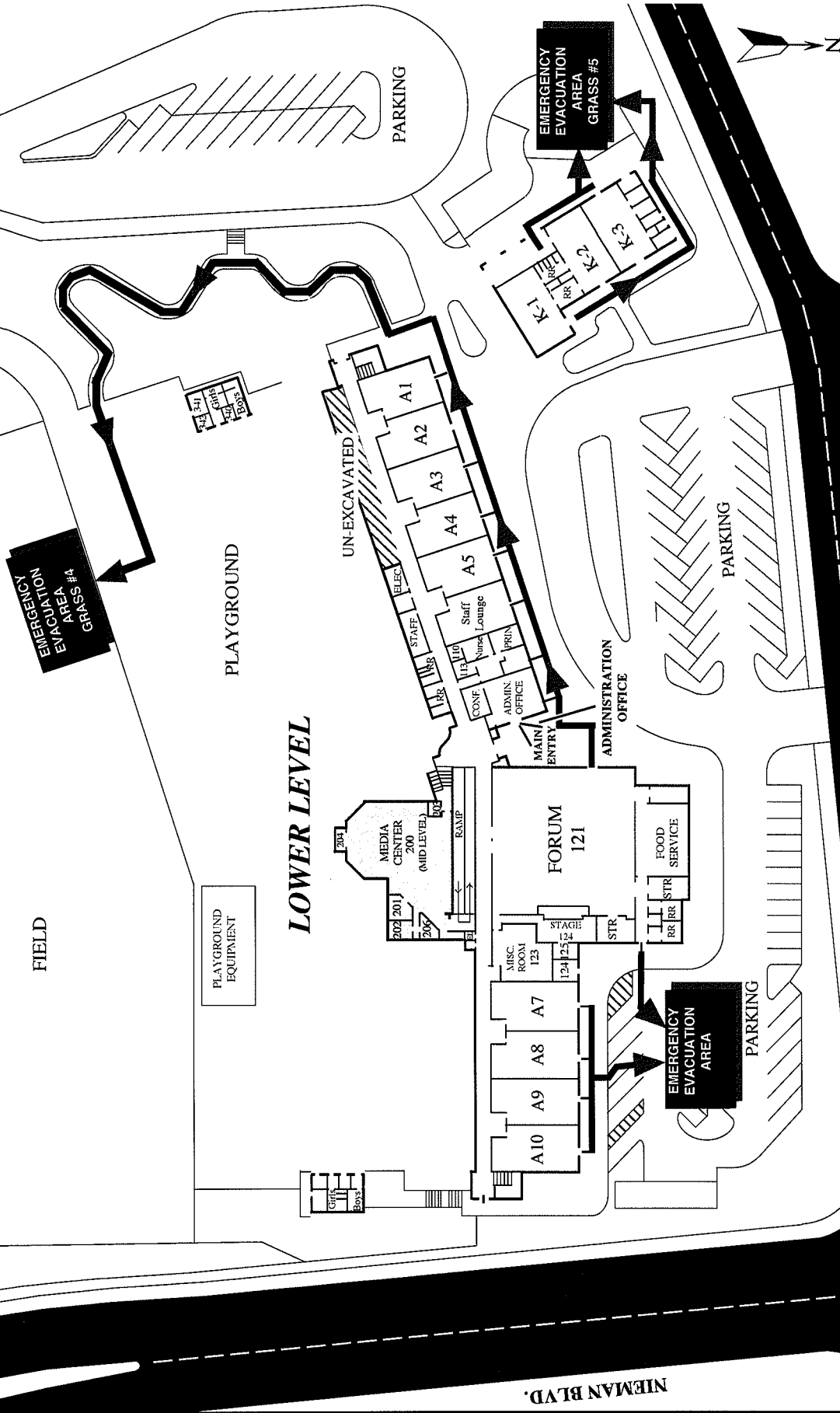
3434 Silver Creek Road  
 San Jose, CA 95121  
 Telephone: 347-5600

EMERGENCY EVACUATION MAP

JAMES F. SMITH ELEMENTARY SCHOOL

2220 WOODBURY LANE,  
SAN JOSE, CA 95121

OCTOBER  
2004



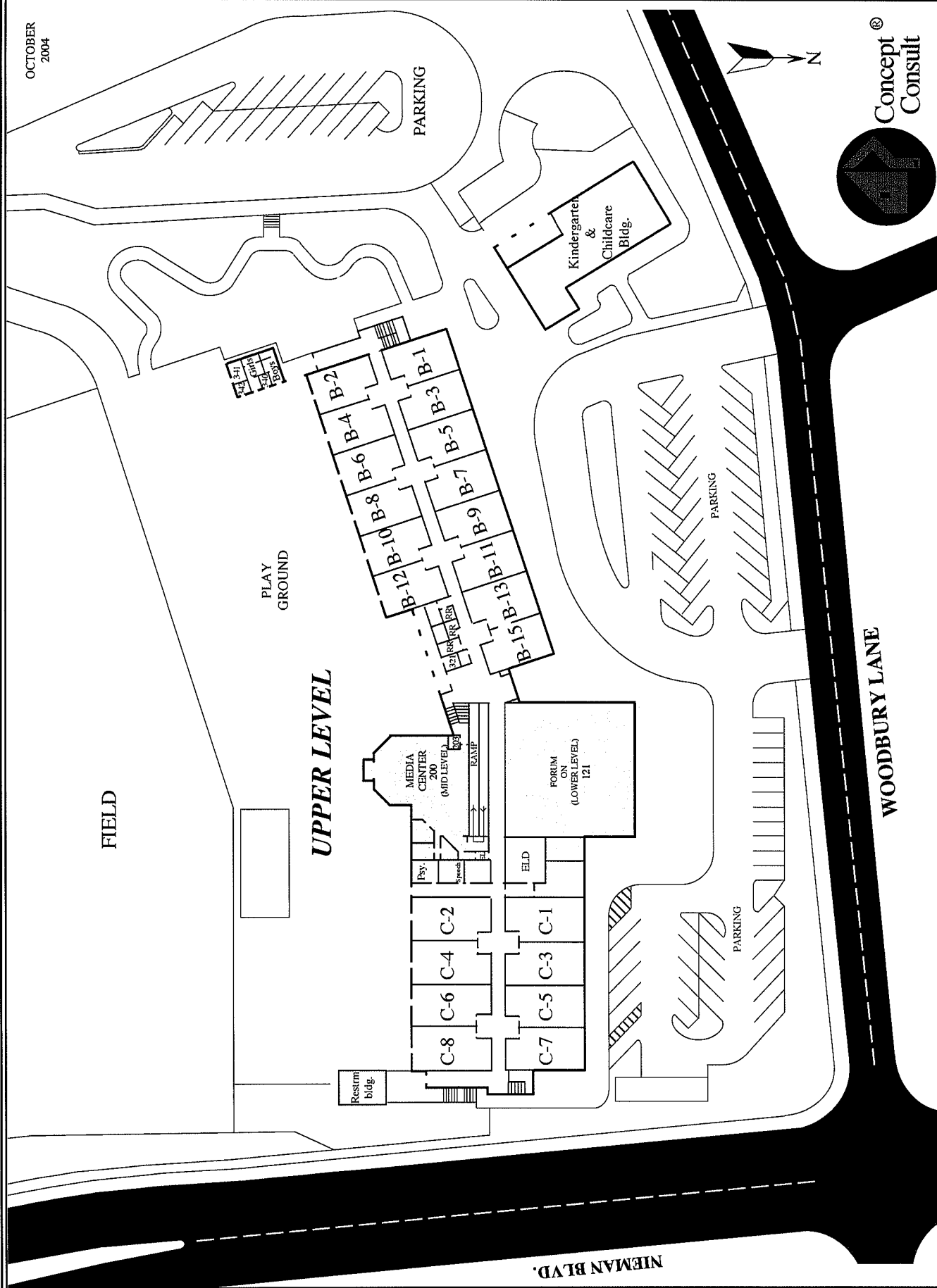
WOODBURY LANE

NIEMAN BLVD.

Concept  
Consult



OCTOBER  
2004



Concept  
Consult<sup>®</sup>



**James F. Smith Elementary School**  
**2220 Woodbury Lane**  
**San Jose, CA 95121**

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**2024-2025 BELL SCHEDULE**

**TK/ KINDERGARTEN**

|           | <b>ARRIVAL</b> | <b>MINIMUM DAY</b> |
|-----------|----------------|--------------------|
| Arrival   | 8:05 A.M.      | 8:05 A.M.          |
| Recess    | 9:00 A.M.      | 8:50 A.M.          |
| Lunch     | 11:20 A.M.     | 11:00 A.M.         |
| Recess    | 1:00 P.M.      | -----              |
| Dismissal | 2:00 P.M.      | 12:30 P.M.         |

**GRADES 1 – 3**

|                 | <b>REGULAR DAY</b> | <b>MINIMUM DAY</b> |
|-----------------|--------------------|--------------------|
| Arrival         | 8:05 A.M.          | 8:05 A.M.          |
| Recess          | 9:30 A.M.          | 9:05 A.M.          |
| Lunch Gr. 1 & 2 | 11:20 A.M.         | 11:00 A.M.         |
| Lunch Gr. 3     | 12:00 P.M.         | 11:30 A.M.         |
| Recess          | 1:20 P.M.          | -----              |
| Dismissal       | 2:15 P.M.          | 12:45 P.M.         |

**GRADES 4 – 6**

|                 | <b>REGULAR DAY</b> | <b>MINIMUM DAY</b> |
|-----------------|--------------------|--------------------|
| Arrival         | 8:05 A.M.          | 8:05 A.M.          |
| Recess          | 9:55 A.M.          | 9:35 A.M.          |
| Lunch Gr. 4     | 12:05 P.M.         | 11:30 A.M.         |
| Lunch Gr. 5 & 6 | 12:40 P.M.         | 12:00 P.M.         |
| Dismissal       | 2:15 P.M.          | 12:45 P.M.         |

**NOTE: Students are not allowed on campus before 7:45 a.m. daily.**

(Rev. 6/21/24)

James F. Smith Elementary  
2220 Woodbury Ln.  
San Jose, CA 95121

**2024/2025**  
**INSTRUCTION SCHEDULE**

**REGULAR DAY**

**Transitional Kindergarten**

8:05 a.m. – 9:00 a.m. (55 min)  
9:00 a.m. – 9:20 a.m. (20 min)  
9:20 a.m. – 11:20 a.m. (120 min)  
11:20 a.m. – 12:00 p.m. (40 min)  
12:00 p.m. – 1:00 p.m. (60 min)  
1:00 p.m. – 1:15 p.m. (15 min)  
1:15 p.m. – 2:00 p.m. (45 min)

**Instruction**  
**Recess**  
**Instruction**  
**Lunch**  
**Instruction**  
**Recess**  
**Instruction**

**Kindergarten**

8:05 a.m. - 9:30 a.m. (85 min)  
9:30 a.m. – 9:50 a.m. (20 min)  
9:50 a.m. – 11:20 a.m. (90 min)  
11:20 a.m. – 12:00 p.m. (40 min)  
12:00 p.m. – 1:00 p.m. (60 min)  
1:00 p.m. – 1:15 p.m. (15 min)  
1:15 p.m. – 2:00 p.m. (45 min)

**Total time per day = 280 minutes**

**REGULAR DAY**

**Grade 1 & 2**

8:05 a.m. – 9:30 a.m. (85 min)  
9:30 a.m. – 9:50 a.m. (20 min)  
9:50 a.m. - 11:20 a.m. (90 min)  
11:20 a.m. – 12:00 p.m. (40 min)  
12:00 p.m. – 1:20 p.m. (80 min)  
1:20 p.m. - 1:35 p.m. (15 min)  
1:35 p.m. – 2:15 p.m. (40 min)

**Instruction**  
**Recess**  
**Instruction**  
**Lunch**  
**Instruction**  
**Recess**  
**Instruction**

**Grade 3**

8:05 a.m. – 9:30 a.m. (85 min)  
9:30 a.m. – 9:50 a.m. (20min)  
9:50 a.m. – 12:00 p.m. (130 min)  
12:00 p.m. – 12:40 p.m. (40 min)  
12:40 p.m. – 1:20 p.m. (40 min)  
1:20 p.m. – 1:35 p.m. (15 min)  
1:35 p.m. – 2:15 p.m. (40 min)

**Total time per day = 295 minutes**

**REGULAR DAY**

**Grade 4**

8:05 a.m. - 9:55 a.m. (110 min)  
9:55 a.m. - 10:15 a.m. (20 min)  
10:15 a.m. – 12:05 p.m. (110 min)  
12:05 p.m. - 12:40 p.m. (35 min)  
12:40 p.m. – 2:15 p.m. (95 min)

**Instruction**  
**Recess**  
**Instruction**  
**Lunch**  
**Instruction**

**Grade 5 & 6**

8:05 a.m. - 9:55 a.m. (110 min)  
9:55 a.m. - 10:15 a.m. (20 min)  
10:15 a.m. - 12:40 p.m. (145 min)  
12:40 p.m. – 1:15 p.m. (35 min)  
1:15 p.m. - 2:15 p.m. (60 min)

**Total time per day = 315 minutes**

James F. Smith Elementary  
2220 Woodbury Ln.  
San Jose, CA 95121

**2024/2025**  
**INSTRUCTION SCHEDULE (MD)**

**MINIMUM DAY**

**Transitional Kindergarten**

8:05 a.m. – 8:50 a.m. (45 min)  
8:50 a.m. – 9:10 a.m. (20 min)  
9:10 a.m. – 11:00 a.m. (110 min)  
11:00 a.m. – 11:30 a.m. (30 min)  
11:30 a.m. – 12:30 p.m. (60 min)

**Instruction**  
**Recess**  
**Instruction**  
**Lunch**  
**Instruction**

**Kindergarten**

8:05 a.m. – 9:15 a.m. (90 min.)  
9:15 a.m. – 9:35 a.m. (20 min.)  
9:35 a.m. – 11:00 a.m. (85 min)  
11:00 a.m. – 11:30 a.m. (30 min)  
11:30 a.m. – 12:30 p.m. (60 min)

**Total time per day = 215 minutes**

**MINIMUM DAY**

**Grade 1 & 2**

8:05 a.m. - 9:05 a.m. (60 min)  
9:05 a.m. – 9:25 a.m. (20 min)  
9:25 a.m. - 11:00 a.m. (95 min)  
11:00 a.m. - 11:30 a.m. (30 min)  
11:30 a.m. - 12:45 p.m. (75 min)

**Instruction**  
**Recess**  
**Instruction**  
**Lunch**  
**Instruction**

**Grade 3**

8:05 a.m. - 9:05 a.m. (60 min)  
9:05 a.m. – 9:25 a.m. (20 min)  
9:25 a.m. - 11:30 a.m. (125 min)  
11:30 a.m. - 12:00 p.m. (30 min)  
12:00 p.m. - 12:45 p.m. (45 min)

**Total time per day = 230 minutes**

**MINIMUM DAY**

**Grade 4**

8:05 a.m. - 9:35 a.m. (90 min)  
9:35 a.m. - 9:45 a.m. (10 min)  
9:45 a.m. - 11:30 a.m. (105 min)  
11:30 a.m. - 12:00 p.m. (30 min)  
12:00 p.m. - 12:45 p.m. (45 min)

**Instruction**  
**Recess**  
**Instruction**  
**Lunch**  
**Instruction**

**Grade 5 & 6**

8:05 a.m. - 9:35 a.m. (90 min)  
9:35 a.m. - 9:45 a.m. (10 min)  
9:45 a.m. - 12:00 p.m. (135 min)  
12:00 p.m. - 12:30 p.m. (30 min)  
12:30 p.m. - 12:45 p.m. (15 min)

**Total time per day = 240 minutes**



# Evergreen School District

## 2024-2025

## Academic Calendar: Revised

| JULY |    |    |    |    |  |  |
|------|----|----|----|----|--|--|
| M    | T  | W  | TH | F  |  |  |
| 1    | 2  | 3  | 4  | 5  |  |  |
| 8    | 9  | 10 | 11 | 12 |  |  |
| 15   | 16 | 17 | 18 | 19 |  |  |
| 22   | 23 | 24 | 25 | 26 |  |  |
| 29   | 30 | 31 |    |    |  |  |

| AUGUST |    |    |    |    |  |  |
|--------|----|----|----|----|--|--|
| M      | T  | W  | TH | F  |  |  |
|        |    |    | 1  | 2  |  |  |
| 5      | 6  | 7  | 8  | 9  |  |  |
| 12     | 13 | 14 | 15 | 16 |  |  |
|        | 20 | 21 | 22 | 23 |  |  |
| 26     | 27 | 28 | 29 | 30 |  |  |

| SEPTEMBER |    |    |    |    |  |  |
|-----------|----|----|----|----|--|--|
| M         | T  | W  | TH | F  |  |  |
| 2         | 3  | 4  | 5  | 6  |  |  |
| 9         | 10 | 11 | 12 | 13 |  |  |
| 16        | 17 | 18 | 19 | 20 |  |  |
| 23        | 24 | 25 | 26 | 27 |  |  |
| 30        |    |    |    |    |  |  |

| OCTOBER |    |    |    |    |  |  |
|---------|----|----|----|----|--|--|
| M       | T  | W  | TH | F  |  |  |
|         | 1  | 2  | 3  | 4  |  |  |
| 7       | 8  | 9  | 10 | 11 |  |  |
| 14      | 15 | 16 | 17 | 18 |  |  |
| 21      | 22 | 23 | 24 | 25 |  |  |
| 28      | 29 | 30 | 31 |    |  |  |

| STAFF HOLIDAYS (17)   |  |  |  |       |              |  |
|-----------------------|--|--|--|-------|--------------|--|
| Independence Day      |  |  |  | Jul   | 4            |  |
| Labor Day             |  |  |  | Sept  | 2            |  |
| Veteran's Day         |  |  |  | Nov   | 11           |  |
| Thanksgiving          |  |  |  | Nov   | 27, 28, & 29 |  |
| Winter Holiday        |  |  |  | Dec   | 24 & 25      |  |
| New Years Holiday     |  |  |  | Dec   | 31 & Jan 1   |  |
| MLK Day               |  |  |  | Jan   | 20           |  |
| President's Birthdays |  |  |  | Feb   | 17 & 18      |  |
| Spring Holiday        |  |  |  | April | 18 & Apr 21  |  |
| Memorial Day          |  |  |  | May   | 26           |  |
| Juneteenth            |  |  |  | June  | 19           |  |

| NOVEMBER |    |    |    |    |  |  |
|----------|----|----|----|----|--|--|
| M        | T  | W  | TH | F  |  |  |
|          |    |    |    | 1  |  |  |
| 4        | 5  | 6  | 7  | 8  |  |  |
| 11       | 12 | 13 | 14 | 15 |  |  |
| 18       | 19 | 20 | 21 | 22 |  |  |
| 25       | 26 | 27 | 28 | 29 |  |  |

| DECEMBER |    |    |    |    |  |  |
|----------|----|----|----|----|--|--|
| M        | T  | W  | TH | F  |  |  |
| 2        | 3  | 4  | 5  | 6  |  |  |
| 9        | 10 | 11 | 12 | 13 |  |  |
| 16       | 17 | 18 | 19 | 20 |  |  |
| 23       | 24 | 25 | 26 | 27 |  |  |
| 30       | 31 |    |    |    |  |  |

| JANUARY |    |    |    |    |  |  |
|---------|----|----|----|----|--|--|
| M       | T  | W  | TH | F  |  |  |
|         |    | 1  | 2  | 3  |  |  |
| 6       | 7  | 8  | 9  | 10 |  |  |
| 13      | 14 | 15 | 16 | 17 |  |  |
| 20      | 21 | 22 | 23 | 24 |  |  |
| 27      | 28 | 29 | 30 | 31 |  |  |

| FEBRUARY |    |    |    |    |  |  |
|----------|----|----|----|----|--|--|
| M        | T  | W  | TH | F  |  |  |
| 3        | 4  | 5  | 6  | 7  |  |  |
| 10       | 11 | 12 | 13 | 14 |  |  |
| 17       | 18 | 19 | 20 | 21 |  |  |
| 24       | 25 | 26 | 27 | 28 |  |  |
|          |    |    |    |    |  |  |

| IMPORTANT DATES              |  |  |  |     |             |  |
|------------------------------|--|--|--|-----|-------------|--|
| All Teachers Inservice Day   |  |  |  | Aug | 15 & 16     |  |
| First Day of Instruction     |  |  |  | Aug | 19          |  |
| First Elementary Minimum Day |  |  |  | Aug | 22          |  |
| Staff Development Days       |  |  |  | Oct | 10 & Jan 9  |  |
| Conference Day               |  |  |  | Nov | 20          |  |
| Thanksgiving Break           |  |  |  | Nov | 25 to 29    |  |
| Winter Break                 |  |  |  | Dec | 23 to Jan 3 |  |
| President's Break            |  |  |  | Feb | 17 to 21    |  |
| Cesar Chavez Day             |  |  |  | Mar | 31          |  |
| Spring Break                 |  |  |  | Apr | 18 to 25    |  |
| Last Day of Instruction      |  |  |  | Jun | 12          |  |

| MARCH |    |    |    |    |  |  |
|-------|----|----|----|----|--|--|
| M     | T  | W  | TH | F  |  |  |
| 3     | 4  | 5  | 6  | 7  |  |  |
| 10    | 11 | 12 | 13 | 14 |  |  |
| 17    | 18 | 19 | 20 | 21 |  |  |
| 24    | 25 | 26 | 27 | 28 |  |  |
| 31    |    |    |    |    |  |  |

| APRIL |    |    |    |    |  |  |
|-------|----|----|----|----|--|--|
| M     | T  | W  | TH | F  |  |  |
|       | 1  | 2  | 3  | 4  |  |  |
| 7     | 8  | 9  | 10 | 11 |  |  |
| 14    | 15 | 16 | 17 | 18 |  |  |
| 21    | 22 | 23 | 24 | 25 |  |  |
| 28    | 29 | 30 |    |    |  |  |

| MAY |    |    |    |    |  |  |
|-----|----|----|----|----|--|--|
| M   | T  | W  | TH | F  |  |  |
|     |    |    | 1  | 2  |  |  |
| 5   | 6  | 7  | 8  | 9  |  |  |
| 12  | 13 | 14 | 15 | 16 |  |  |
| 19  | 20 | 21 | 22 | 23 |  |  |
| 26  | 27 | 28 | 29 | 30 |  |  |

| JUNE |    |    |    |    |  |  |
|------|----|----|----|----|--|--|
| M    | T  | W  | TH | F  |  |  |
| 2    | 3  | 4  | 5  | 6  |  |  |
| 9    | 10 | 11 | 12 | 13 |  |  |
| 16   | 17 | 18 | 19 | 20 |  |  |
| 23   | 24 | 25 | 26 | 27 |  |  |
| 30   |    |    |    |    |  |  |

### KEY

|                                                 |   |
|-------------------------------------------------|---|
| First/ Last Day of Instruction                  | ☆ |
| Classified Staff Holiday                        | ○ |
| Holiday/No School                               | □ |
| Summer Break                                    | □ |
| Staff Development Day/ Conference (no students) | △ |



**EVERGREEN**  
SCHOOL DISTRICT  
SAN JOSE, CALIFORNIA

## REPORTING PERIODS 2024-2025

| <b>Elementary K-6</b>      | <b>Reporting Period Ends</b> | <b>Reports Go Home</b> | <b>Grades Locked in PowerSchool</b>                      |
|----------------------------|------------------------------|------------------------|----------------------------------------------------------|
| <b>Progress 1</b> 24 days  | September 20                 | September 27           | Elementary Progress grades are not locked in PowerSchool |
| <b>Trimester 1</b> 53 days | November 1                   | At Conference          | December 9                                               |
| <b>Progress 2</b> 32 days  | January 10                   | January 17             | Elementary Progress grades are not locked in PowerSchool |
| <b>Trimester 2</b> 61 days | February 28                  | March 7                | March 17                                                 |
| <b>Progress 3</b> 29 days  | April 11                     | April 17               | Elementary Progress grades are not locked in PowerSchool |
| <b>Trimester 3</b> 63 days | June 12                      | June 12                | June 16                                                  |

**Trimester Report Cards Go Home No Later Than November 22 , March 7, and June 12.**

| <b>Grades 7 - 8</b>          | <b>Reporting Period Ends</b> | <b>Report Cards Go Home</b> | <b>Grades Locked in PowerSchool</b>                  |
|------------------------------|------------------------------|-----------------------------|------------------------------------------------------|
| <b>Progress</b> 19 days      | September 13                 | September 20                | Middle Progress grades are not locked in PowerSchool |
| <b>First Quarter</b> 43 days | October 18                   | October 25                  | November 1                                           |
| <b>Progress</b> 23 days      | November 22                  | December 6                  | Middle Progress grades are not locked in PowerSchool |
| <b>Semester Ends</b> 47 days | January 17                   | January 24                  | February 7                                           |
| <b>Progress</b> 24 days      | February 28                  | March 7                     | Middle Progress grades are not locked in PowerSchool |
| <b>Third Quarter</b> 44 days | March 28                     | April 4                     | April 11                                             |
| <b>Progress</b> 23 days      | May 9                        | May 16                      | Middle Progress grades are not locked in PowerSchool |
| <b>Final Quarter</b> 46 days | June 12                      | June 12                     | June 16                                              |

***Once grades are locked in PowerSchool, they can no longer be edited or changed.***

\* Phone # 408 299-2071

FAX# 408 975-5851

## DEFINITIONS AND GENERAL INSTRUCTIONS FOR COMPLETION OF FORM SS 8572

All Penal Code (PC) references are located in Article 2.5 of the PC. This article is known as the Child Abuse and Neglect Reporting Act (CANRA). The provisions of CANRA may be viewed at: <http://www.leginfo.ca.gov/calaw.html> (specify "Penal Code" and search for Sections 11164-11174.3). A mandated reporter must complete and submit the form SS 8572 even if some of the requested information is not known. (PC Section 11167(a).)

### I. MANDATED CHILD ABUSE REPORTERS

- Mandated child abuse reporters include all those individuals and entities listed in PC Section 11165.7.

### II. TO WHOM REPORTS ARE TO BE MADE ("DESIGNATED AGENCIES")

- Reports of suspected child abuse or neglect shall be made by mandated reporters to any police department or sheriff's department (not including a school district police or security department), the county probation department (if designated by the county to receive mandated reports), or the county welfare department. (PC Section 11165.9.)

### III. REPORTING RESPONSIBILITIES

- Any mandated reporter who has knowledge of or observes a child, in his or her professional capacity or within the scope of his or her employment, whom he or she knows or reasonably suspects has been the victim of child abuse or neglect shall report such suspected incident of abuse or neglect to a designated agency immediately or as soon as practically possible by telephone and shall prepare and send a written report thereof *within 36 hours* of receiving the information concerning the incident. (PC Section 11166(a).)
- No mandated reporter who reports a suspected incident of child abuse or neglect shall be held civilly or criminally liable for any report required or authorized by CANRA. Any other person reporting a known or suspected incident of child abuse or neglect shall not incur civil or criminal liability as a result of any report authorized by CANRA unless it can be proven the report was false and the person knew it was false or made the report with reckless disregard of its truth or falsity. (PC Section 11172(a).)

### IV. INSTRUCTIONS

- SECTION A - REPORTING PARTY:** Enter the mandated reporter's name, title, category (from PC Section 11165.7), business/agency name and address, daytime telephone number, and today's date. Check yes-no whether the mandated reporter witnessed the incident. The signature area is for either the mandated reporter or, if the report is telephoned in by the mandated reporter, the person taking the telephoned report.

### IV. INSTRUCTIONS (Continued)

- SECTION B - REPORT NOTIFICATION:** Complete the name and address of the designated agency notified, the date/time of the phone call, and the name, title, and telephone number of the official contacted.
  - SECTION C - VICTIM (One Report per Victim):** Enter the victim's name, address, telephone number, birth date or approximate age, sex, ethnicity, present location, and, where applicable, enter the school, class (indicate the teacher's name or room number), and grade. List the primary language spoken in the victim's home. Check the appropriate yes-no box to indicate whether the victim may have a developmental disability or physical disability and specify any other apparent disability. Check the appropriate yes-no box to indicate whether the victim is in foster care, and check the appropriate box to indicate the type of care if the victim was in out-of-home care. Check the appropriate box to indicate the type of abuse. List the victim's relationship to the suspect. Check the appropriate yes-no box to indicate whether photos of the injuries were taken. Check the appropriate box to indicate whether the incident resulted in the victim's death.
  - SECTION D - INVOLVED PARTIES:** Enter the requested information for: Victim's Siblings, Victim's Parents/Guardians, and Suspect. Attach extra sheet(s) if needed (provide the requested information for each individual on the attached sheet(s)).
  - SECTION E - INCIDENT INFORMATION:** If multiple victims, indicate the number and submit a form for each victim. Enter date/time and place of the incident. Provide a narrative of the incident. Attach extra sheet(s) if needed.
- ### V. DISTRIBUTION
- Reporting Party:** After completing Form SS 8572, retain the yellow copy for your records and submit the top three copies to the designated agency.
  - Designated Agency:** *Within 36 hours* of receipt of Form SS 8572, send **white copy** to police or sheriff's department, **blue copy** to county welfare or probation department, and **green copy** to district attorney's office.

#### ETHNICITY CODES

|                   |                    |              |                           |                   |                           |
|-------------------|--------------------|--------------|---------------------------|-------------------|---------------------------|
| 1 Alaskan Native  | 6 Caribbean        | 11 Guamanian | 16 Korean                 | 22 Polynesian     | 27 White-Armenian         |
| 2 American Indian | 7 Central American | 12 Hawaiian  | 17 Laotian                | 23 Samoan         | 28 White-Central American |
| 3 Asian Indian    | 8 Chinese          | 13 Hispanic  | 18 Mexican                | 24 South American | 29 White-European         |
| 4 Black           | 9 Ethiopian        | 14 Hmong     | 19 Other Asian            | 25 Vietnamese     | 30 White-Middle Eastern   |
| 5 Cambodian       | 10 Filipino        | 15 Japanese  | 21 Other Pacific Islander | 26 White          | 31 White-Romania          |

\* MAKE 3 copies of the Report - Submit 1 to Principal

1 to Pupil Services  
1 for your Records

# SUSPECTED CHILD ABUSE REPORT

To Be Completed by **Mandated Child Abuse Reporters**  
Pursuant to Penal Code Section 11166

CASE NAME: \_\_\_\_\_

PLEASE PRINT OR TYPE

CASE NUMBER: \_\_\_\_\_

|           |                                                             |                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                              |                            |        |                                                                                                                                                                                                                     |                                                                                                                                          |                                                                                                         |     |           |
|-----------|-------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|--------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------|-----|-----------|
| <b>A.</b> | <b>REPORTING PARTY</b>                                      | NAME OF MANDATED REPORTER                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                              | TITLE                      |        | MANDATED REPORTER CATEGORY                                                                                                                                                                                          |                                                                                                                                          |                                                                                                         |     |           |
|           |                                                             | REPORTER'S BUSINESS/AGENCY NAME AND ADDRESS                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                              |                            | Street | City                                                                                                                                                                                                                | Zip                                                                                                                                      | DID MANDATED REPORTER WITNESS THE INCIDENT?<br><input type="checkbox"/> YES <input type="checkbox"/> NO |     |           |
|           |                                                             | REPORTER'S TELEPHONE (DAYTIME)<br>(     )                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                              | SIGNATURE                  |        | TODAY'S DATE                                                                                                                                                                                                        |                                                                                                                                          |                                                                                                         |     |           |
| <b>B.</b> | <b>REPORT NOTIFICATION</b>                                  | <input type="checkbox"/> LAW ENFORCEMENT <input type="checkbox"/> COUNTY PROBATION                                                                                                       |                                                                                                                                                                                                                                                                                                                                              | AGENCY                     |        |                                                                                                                                                                                                                     |                                                                                                                                          |                                                                                                         |     |           |
|           |                                                             | <input type="checkbox"/> COUNTY WELFARE / CPS (Child Protective Services)                                                                                                                |                                                                                                                                                                                                                                                                                                                                              |                            |        |                                                                                                                                                                                                                     |                                                                                                                                          |                                                                                                         |     |           |
|           |                                                             | ADDRESS                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                              | Street                     | City   | Zip                                                                                                                                                                                                                 | DATE/TIME OF PHONE CALL                                                                                                                  |                                                                                                         |     |           |
|           |                                                             | OFFICIAL CONTACTED - TITLE                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                              |                            |        | TELEPHONE<br>(     )                                                                                                                                                                                                |                                                                                                                                          |                                                                                                         |     |           |
| <b>C.</b> | <b>VICTIM</b><br><small>One report per victim</small>       | NAME (LAST, FIRST, MIDDLE)                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                              |                            |        | BIRTHDATE OR APPROX. AGE                                                                                                                                                                                            | SEX                                                                                                                                      | ETHNICITY                                                                                               |     |           |
|           |                                                             | ADDRESS                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                              | Street                     | City   | Zip                                                                                                                                                                                                                 | TELEPHONE<br>(     )                                                                                                                     |                                                                                                         |     |           |
|           |                                                             | PRESENT LOCATION OF VICTIM                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                              |                            | SCHOOL |                                                                                                                                                                                                                     | CLASS                                                                                                                                    | GRADE                                                                                                   |     |           |
|           |                                                             | PHYSICALLY DISABLED?<br><input type="checkbox"/> YES <input type="checkbox"/> NO                                                                                                         | DEVELOPMENTALLY DISABLED?<br><input type="checkbox"/> YES <input type="checkbox"/> NO                                                                                                                                                                                                                                                        | OTHER DISABILITY (SPECIFY) |        |                                                                                                                                                                                                                     | PRIMARY LANGUAGE<br>SPOKEN IN HOME                                                                                                       |                                                                                                         |     |           |
|           |                                                             | IN FOSTER CARE?<br><input type="checkbox"/> YES<br><input type="checkbox"/> NO                                                                                                           | IF VICTIM WAS IN OUT-OF-HOME CARE AT TIME OF INCIDENT, CHECK TYPE OF CARE:<br><input type="checkbox"/> DAY CARE <input type="checkbox"/> CHILD CARE CENTER <input type="checkbox"/> FOSTER FAMILY HOME <input type="checkbox"/> FAMILY FRIEND<br><input type="checkbox"/> GROUP HOME OR INSTITUTION <input type="checkbox"/> RELATIVE'S HOME |                            |        | TYPE OF ABUSE (CHECK ONE OR MORE)<br><input type="checkbox"/> PHYSICAL <input type="checkbox"/> MENTAL <input type="checkbox"/> SEXUAL <input type="checkbox"/> NEGLECT<br><input type="checkbox"/> OTHER (SPECIFY) |                                                                                                                                          |                                                                                                         |     |           |
|           |                                                             | RELATIONSHIP TO SUSPECT                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                              |                            |        | PHOTOS TAKEN?<br><input type="checkbox"/> YES <input type="checkbox"/> NO                                                                                                                                           | DID THE INCIDENT RESULT IN THIS<br>VICTIM'S DEATH? <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNK |                                                                                                         |     |           |
|           |                                                             | VICTIMS                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                              | SIBLINGS                   |        | NAME                                                                                                                                                                                                                |                                                                                                                                          | BIRTHDATE                                                                                               | SEX | ETHNICITY |
|           |                                                             | 1. _____                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                              | 2. _____                   |        | 3. _____                                                                                                                                                                                                            |                                                                                                                                          | 4. _____                                                                                                |     |           |
| <b>D.</b> | <b>INVOLVED PARTIES</b><br><small>PARENTS/GUARDIANS</small> | NAME (LAST, FIRST, MIDDLE)                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                              |                            |        | BIRTHDATE OR APPROX. AGE                                                                                                                                                                                            | SEX                                                                                                                                      | ETHNICITY                                                                                               |     |           |
|           |                                                             | ADDRESS                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                              | Street                     | City   | Zip                                                                                                                                                                                                                 | HOME PHONE<br>(     )                                                                                                                    | BUSINESS PHONE<br>(     )                                                                               |     |           |
|           |                                                             | NAME (LAST, FIRST, MIDDLE)                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                              |                            |        | BIRTHDATE OR APPROX. AGE                                                                                                                                                                                            | SEX                                                                                                                                      | ETHNICITY                                                                                               |     |           |
|           |                                                             | ADDRESS                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                              | Street                     | City   | Zip                                                                                                                                                                                                                 | HOME PHONE<br>(     )                                                                                                                    | BUSINESS PHONE<br>(     )                                                                               |     |           |
|           |                                                             | SUSPECT'S NAME (LAST, FIRST, MIDDLE)                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                              |                            |        | BIRTHDATE OR APPROX. AGE                                                                                                                                                                                            | SEX                                                                                                                                      | ETHNICITY                                                                                               |     |           |
|           |                                                             | ADDRESS                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                              | Street                     | City   | Zip                                                                                                                                                                                                                 | TELEPHONE<br>(     )                                                                                                                     |                                                                                                         |     |           |
|           |                                                             | OTHER RELEVANT INFORMATION                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                              |                            |        |                                                                                                                                                                                                                     |                                                                                                                                          |                                                                                                         |     |           |
|           |                                                             |                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                              |                            |        |                                                                                                                                                                                                                     |                                                                                                                                          |                                                                                                         |     |           |
| <b>E.</b> | <b>INCIDENT INFORMATION</b>                                 | IF NECESSARY, ATTACH EXTRA SHEET(S) OR OTHER FORM(S) AND CHECK THIS BOX <input type="checkbox"/> IF MULTIPLE VICTIMS, INDICATE NUMBER: _____                                             |                                                                                                                                                                                                                                                                                                                                              |                            |        |                                                                                                                                                                                                                     |                                                                                                                                          |                                                                                                         |     |           |
|           |                                                             | DATE / TIME OF INCIDENT                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                              | PLACE OF INCIDENT          |        |                                                                                                                                                                                                                     |                                                                                                                                          |                                                                                                         |     |           |
|           |                                                             | NARRATIVE DESCRIPTION (What victim(s) said/what the mandated reporter observed/what person accompanying the victim(s) said/similar or past incidents involving the victim(s) or suspect) |                                                                                                                                                                                                                                                                                                                                              |                            |        |                                                                                                                                                                                                                     |                                                                                                                                          |                                                                                                         |     |           |

SS 8572 (Rev. 12/02)

## DEFINITIONS AND INSTRUCTIONS ON REVERSE

DO NOT submit a copy of this form to the Department of Justice (DOJ). The investigating agency is required under Penal Code Section 11169 to submit to DOJ a Child Abuse Investigation Report Form SS 8583 if (1) an active investigation was conducted and (2) the incident was determined not to be unfounded.



**Evergreen School District  
James Franklin Smith Elementary  
2024-25 School Year**

**1 of 4**

**CAMPUS EMERGENCY ASSIGNMENT SHEET  
STAGING AREAS/EMERGENCY RESPONSE**

**Mandate:**

This will help you ensure that you have coverage for all critical positions during a school emergency. Ensure that each position is assigned as early as possible in the school year and that all positions are assigned, even if you think that it will not be necessary to fill the positions during an actual emergency. To guard against the absence of key personnel when an emergency threatens, it is strongly recommended that backup personnel also be assigned and that key personnel are cross-trained in critical job requirements.

| <b>Position</b>                 | <b>Staff Assigned</b> | <b>Backup Personnel</b>                 |
|---------------------------------|-----------------------|-----------------------------------------|
| <b>Incident Commander</b>       | Ifeoma Obodozie       | 1. Bryan Feci<br>2. Jennifer Jones      |
| Safety Officer                  | Sharon Noyes          | 1. Hermina Tort<br>2. Bobbi Ouellette   |
| Public Information Officer      | Kathy Casquinha       | 1. Brooke Hart<br>2. Jennifer Alexander |
| Liaison Officer                 | Sarah Ciccarello      | 1. Emilie McCormick<br>2. Rina Quijano  |
| <b>Operations Section Chief</b> | Richard Tate          | 1. Susana Machado<br>2. Mark Munoz      |
| Site Facility Check/Security    | Mark Munoz            | 1. Brianna Anguiano<br>2. Cindy Nunes   |
| Search & Rescue Team Leader     | Taline Orloff         | 1. Karina Luzod<br>2. Mandeep Matharu   |
| S&R Team #1                     | Diana Sandoval        | 1. Rina Quijano<br>2. Tennille Jones    |
| S&R Team #2                     | Bryan Feci            | 1. Taline Orloff<br>2. Sarah Ciccarello |
| Medical Team Leader             | Cindy Nunes           | 1. Bryan Feci<br>2. Lixiang Wang        |
| Triage                          | Kiran Bal             | 1. Bobbi Ouellette<br>2. Brooke Hart    |
| Treatment                       | Cynthia Chavez        | 1. Brianna Anguiano<br>2. Rina Quijano  |
| Psychological First Aid         | Emilie McCormick      | 1. Kate Beier<br>2. Mandeep Matharu     |
| Morgue                          | Janette Sciba         | 1. Sharon Noyes<br>2. Tennille Jones    |
| Student Care Director           | Jennifer Alexander    | 1. Bobbi Ouellette<br>2. Janie Swenor   |
| Student Release Coordinator     | Mandeep Matharu       | 1. Kathy Casquinha<br>2. Cynthia Chavez |

Cont--

**Evergreen School District**  
**CAMPUS EMERGENCY ASSIGNMENT SHEET (continued)**

**2 of 4**

| <b>Position</b>                                 | <b>Staff Assigned</b> | <b>Backup Personnel</b>                   |
|-------------------------------------------------|-----------------------|-------------------------------------------|
| <b>Planning Section Chief</b>                   | Bobbi Ouellette       | 1. Diana Sandoval<br>2. Tennille Jones    |
| Documentation                                   | Kate Beier            | 1. Amy McCormick<br>2. Bobbi Ouellette    |
| Situation Analysis                              | Jennifer Jones        | 1. Janette Sciba<br>2. Kathy Casquinha    |
| <b>Logistics Section Chief</b>                  | Amy McCormick         | 1. Rina Quijano<br>2. Taline Orloff       |
| Supplies/Facilities                             | Karina Luzod          | 1. Hermina Tort<br>2. Rina Quijano        |
| Staffing                                        | Jessica Hosler        | 1. Beth Cacciaroni<br>2. Emilie McCormick |
| Communications                                  | Susana Machado        | 1. Mandeep Matharu<br>2. Marie Park       |
| <b>Finance/Administration<br/>Section Chief</b> | Janie Swenor          | 1. Mark Munoz<br>2. Robert Sevilla        |
| Timekeeping                                     | Brianna Anguiano      | 1. Jessica Hosler<br>2. Hermina Tort      |
| Purchasing                                      | Beth Cacciaroni       | 1. Sarah Ciccarello<br>2. Bobbi Ouellette |

**Updated: 8/2024**

**EMERGENCY RESPONSE STAGING AREAS 2023-24**

**Date: June 25, 2024**

**School: James F. Smith Elementary**

**Address: 2220 Woodbury Lane**

**Phone Number: 408-532-2150**

**Staging Area 1: ComericaBank/New Seasons/Starbucks Shopping Center**

**Address: 5601 Silver Creek Valley Road**

**Phone Number: 408 528-9140**

**Staging Area 2: San Jose Fire Station**

**Address: 3910 Silver Creek Road**

**Phone Number: 911**

**Staging Area 3: Silver Creek Linear Park**

**Address: Next to Fire Station on Yerba Buena/Silver Creek**

**Phone Number: None**

**Staging Area 4: Montgomery Elementary**

**Address: 2010 Daniel Maloney Drive**

**Phone Number: 408-270-6718**

**Emergency Response Contact Information**

**Date:** June 25, 2024

**School Name:** James Franklin Smith Elementary **School**

**Address:** 2220 Woodbury Lane, San Jose, CA. 95121

**Phone #:** 408-532-2150

**Principal Name:** Ifeoma Obodozie

**Cell #:** 831-594-3759

**Email:** iobodozie@eesd.org

**Assistant Principal:** N/A

**Acting Principal** N/A

**Cell #:**

**Email:**

**Primary Contact and phone #**

**1.** Kathy Casquinha, Secretary,  
Cell# 408-916-8171

**Secondary Contact and phone #**

**2.** Cynthia Chavez, School Health Clerk,  
Cell# 408-623-8804

**Safety Alert Email Address:**

**3.** iobodozie@eesd.org

## JFS EMERGENCY TEAM (ET) LEADER/S

(All adults without students or assignments report to command post)

### ET LEADERS:

Obodozie / J. Jones/ \*Tort

Casquinha / \*Chavez

Chavez / \*Casquinha

Tate / \*Aguilar

Sandoval

Beier/\*Ouellette

Hart/ \*Machado

Munoz/ \* Feci

Swenor / \*T. Jones

Luzod/ \* Quijano

Nunes/ \*Tort

### ASSIGNED AREAS / DUTIES:

Outside Blacktop / Command Post

Office / MPR / Outside Front of School

Office / Staff Lounge

Electrical, Gas, Water Valves / Command Post

Library / Floater / Command Post

Kindergarten Wing

Primary A-Wing

Upper Grade A-Wing

Primary B-Wing (B1--B8) / YMCA / Allstars

Primary B-Wing (B9--B15)

C-Wing / Specialist's Offices / Command Post

\* Back-up person to assist or take over duties when needed

~~~~~

FIRE DRILL

- Exit All Students/Persons Immediately
- Take Emergency Backpack
- Turn Off Lights
- CLOSE Door
- Report to Evacuation Location
- Take Roll, Report Findings to Leader

EARTHQUAKE

- Assume Duck and Cover
- Hold Position
- Wait for ET Leader's Instruction
- Exit on Command w/SMALL Groups
- Take Emergency Backpack
- Leave Door OPEN
- Report to Evacuation Location
- Take Roll, Report Findings to Leader

Common sense overrules procedures. Be prepared to make decisions based on the situation and the circumstances--remember we are a team, use your resources and communicate your needs.

ALL ADULT STAFF:

IFEOMA OBODOZIE - PRINCIPAL
KATHY CASQUINHA - SECRETARY
CYNTHIA CHAVEZ - HEALTH CLERK
RICHARD TATE - DAY CUSTODIAN
EMMANUEL AGUILAR - NIGHT CUSTODIAN
KIRAN BAL - NURSE
DIANA SANDOVAL - LIBRARY
JENNIFER JONES - RSP TEACHER
HERMINIA TORT - RSP AIDE
SAMANTHA COELHO - PSYCHOLOGIST
EMILIE MCCORMICK - SPEECH
GEETA CHADDA- ELD AIDE
- BAND
VAIDEHI PAREKH - ART PREP
JOSEFINA CANDELAS - TKINDER AIDE
HA GIANG - KINDER AIDE
LOURDES LAGUINDINO - KINDER AIDE
DARSHANA MISTRY - KINDER AIDE
BRIANNA- YMCA

UPDATED: 8/8024

**James Franklin Smith RUN/HIDE/DEFEND=RHD
PROCEDURES/GUIDANCE SHEET**

1. Listen for this announcement over the loudspeaker: *"THIS IS A RUN/HIDE/DEFEND DRILL, Implement drill procedures now."*

2. Teachers and all staff will participate:

- Secure your door/s Cinchlock or bolt
- Students need to get behind an internal barricade/shelter
This is where all students/adults 'hide' silently
(students may assist you in building the barricade/s)
- Windows should be covered as much as possible or blinds drawn
- Turn off all lights
- HAVE YOUR CELL PHONE READY, we are going to call you on your cell phone if you do not respond, we will call you on your room phone. We will need the correct PASSWORD response from you. #_____ + #_____ = 9.
- Keep your computer on and accessible, it is another way to communicate
- Keep your emergency pack and all emergency gear/materials accessible

3. At the end, I will announce over the loudspeaker, "ALL CLEAR--Our RUN/HIDE/DEFEND Drill is over--thanks for your participation."

4. IN THE EVENT OF A 'REAL' RUN/HIDE/DEFEND Drill and you are outside and RHD is initiated, you will have to make a decision to go inside and implement RHD procedures OR evacuate the premises to our designated SAFE AREAS.

5. SAFE AREAS:

- Fire Station on Yerba Buena and Silver Creek Road
- Silver Creek Linear Park on Yerba Buena next to Fire Station
- New Seasons Plaza on Silver Creek Valley Road
- Montgomery Elementary on Daniel Mahoney Drive

6. IF YOU HAVE EVACUATED, call the school and district offices once you have arrived
JFS: 408-532-2150 or Armando 831-229-9222 (text possible) District: 408-270-6840 or 408-270-6809

7. STUDENTS OUTSIDE THE CLASSROOM

- Receiving services outside the classroom will stay with that adult/teacher
- In restrooms will go into the nearest class or exit the building
- Notify the office right away if a student is missing or if an extra student joined your class

**IMPORTANTLY, REMAIN SECURE IN PLACE UNTIL
YOU GET AN 'ALL CLEAR' MESSAGE FROM THE OFFICE OR POLICE**

RUN HIDE DEFEND ASSESSMENT ITEMS

2021

RUN (If you can evacuate safely)

- QUICKLY EVACUATE FROM DANGER
- LEAVE BELONGINGS BEHIND BUT TAKE CELL PHONE
- HELP OTHERS ESCAPE IF POSSIBLE
- KEEP HANDS VISIBLE
- CALL 911 WHEN AWAY FROM DANGER

HIDE (If you cannot evacuate safely)

- QUIET CLASSROOM
- LIGHTS OFF
- DOOR BLOCKED
- CLOSED BLINDS / COVERED WINDOWS
- ENTRY BARRICADED
- PEOPLE AWAY FROM WINDOWS AND DOORS
- KEEP COMPUTER ACCESSIBLE AND CHECK EMAIL FREQUENTLY
- SILENCE CELL PHONES & COMPUTER/ DIM SCREEN
- NO STUDENTS / STAFF OUTSIDE ROOMS

DEFEND (As a last resort, if the shooter enters the room)

- COMMIT TO ACTIONS
- ACT AGGRESSIVELY
- IMPROVISED WEAPONS
- YELL AND MAKE LOUD NOISES

James Franklin Smith EARTHQUAKE and DISASTER Procedures

(Maintain Social Distance - 6 ft. apart whenever possible)

1. An actual Earthquake Drill will begin with an announcement from the office: ***"This is an Earthquake Drill. The ground IS shaking."*** REPEAT, ***"This is an Earthquake Drill"***. (wait 20 sec.) Say, ***"The ground has STOPPED shaking."*** ***"All Clear for Evacuation by Emergency Team"***. Health Clerk will evacuate to the blacktop/ grass area with any students from the health office. Secretary will assist 6th, TK and Kinder evacuate to the blacktop/grass area.

2. ASSUME THE DUCK, COVER HOLD AND REMAIN IN POSITION

- a. ANY STAFF MEMBER WITHOUT STUDENTS WILL REPORT TO THE COMMAND CENTER--BLACKTOP (BALL WALL)

3. TEACHER WILL DUCK, COVER, HOLD:

- 3.1 OPEN DOOR
- 3.2 COLLECT ROLL BOOK AND EMERGENCY PACKET BY THE DOOR
- 3.3 AWAIT EMERGENCY TEAM RUNNERS INSTRUCTIONS TO EXIT THE ROOM
- 3.4 REPORT ANY INJURIES, DAMAGE, PROBLEMS TO THE E.T. RUNNER
- 3.5 EVACUATE STUDENTS IN SMALL GROUPS TO EVACUATION LOCATION, EVENTUALLY MEETING AT THE UPPER BLACKTOP/GRASS AREA
- 3.6 TURN-OFF LIGHTS, LEAVE THE DOOR OPEN FOR E.T. RUNNERS TO CLOSE

4. EMERGENCY TEAM RUNNERS WILL OPEN INTERIOR DOORS, CLOSE EXTERIOR DOORS

- 4.1 1ST TIME: CHECK EACH CLASSROOM FOR INJURIES, DAMAGE AND POTENTIAL HAZARDS. IF ALL ARE SAFE---WAIT FOR "ALL CLEAR" FROM COMMAND, THEN DISMISS
- 4.2 2ND TIME: CHECK THE ROOM TO ENSURE THAT IT IS CLEAR OF STUDENTS AND TEACHER. MAKE SURE LIGHTS ARE OFF AND CLOSE THE EXTERIOR DOOR AFTER YOU
- 4.3 REPORT ALL FINDINGS TO THE COMMAND CENTER

5. TEACHERS ARRIVING AT THE SAFE AREA WILL:

- 5.1 TAKE ROLL AFTER EVACUATION OF STUDENTS TO THE BLACKTOP/GRASS AREA
- 5.2 TURN IN ATTENDANCE SHEET TO THE EMERGENCY RUNNER ASSIGNED TO YOUR WING
- 5.3 WAIT TO RECEIVE ANY STUDENTS WHO MAY BE WITH A SPECIALIST OR AIDE
- 5.4 REPORT ALL FINDINGS TO THE COMMAND CENTER

6. SPECIALIST WILL:

- 6.1 INITIALLY KEEP ANY AND ALL STUDENTS WHO YOU ARE SERVING WITH YOU DURING AN EARTHQUAKE OR ANY DISASTER
- 6.2 EVACUATE YOUR STUDENTS TO THE BLACKTOP/GRASS AREA (IF YOU HAVE A LARGE GROUP, YOU WILL NEED TO EVACUATE IN SMALL GROUPS)
- 6.3 TAKE ATTENDANCE ONCE YOU ARRIVE W/STUDENTS TO THE BLACKTOP/GRASS AREA
- 6.4 RETURN YOUR STUDENTS TO THEIR RESPECTIVE CLASSROOMS
- 6.5 REPORT ALL INFORMATION TO THE COMMAND CENTER. YOU WILL BECOME A MEMBER OF THE E.T. AT THIS TIME.

7. EMERGENCY TEAM RUNNERS WILL:

- 7.1 ASSIST TEACHER/S IN COLLECTING STUDENTS FROM SPECIALISTS OR AIDES AFTER CHECKING ALL ROOMS AND REPORTING TO THE SAFE AREA,
- 7.2 HELP SUPERVISE AND MONITOR STUDENTS AFTER ALL CLASSES ARE ACCOUNTED FOR

**RETURN TO CLASS FOLLOWING AN ANNOUNCEMENT THAT THE DRILL IS OVER
ALL VISITORS ON CAMPUS MUST PARTICIPATE IN THE EMERGENCY DRILL**

REV. August 2021

Assessment Dates 2024-2025 School Year

Date(s)	Grade(s)	Test
8/5/24 - 6/12/25	K - 8	Initial ELPAC* & Initial Alternate ELPAC Testing
2/3/25 - 6/12/25	K - 8	Summative ELPAC & Summative Alternate ELPAC
8/6/24 - 9/13/24 12/2/24 - 12/20/24 3/3/25 - 3/21/25	K - 8	iReady Test (ALL students)
5/5/25 - 5/16/25	3 - 8	CAASPP Smarter Balanced/CAA ELA, Math, CAST Science
2/3/25 - 5/16/25	5 & 7	CA Physical Fitness
5/21/25 - 5/28/25	6	Math Diagnostic Assessment

District Programs/Surveys

Date(s)	Grade(s)	District Program/Survey
9/3/24 - 9/27/24	TK - 8	Attendance Awareness Week
12/2/24 - 12/6/24	TK - 8	Cyber Awareness Week/ Computer Science Awareness Week
10/7/24 - 11/22/24	3-8	Comprehensive School Safety Plan Survey

District Events

Date	Grade(s)	Event/Location
10/9/24		DAC/DELAC Parent Training
10/17/24	TK - 8	Great Shakeout
10/18/24	TK - 8	College Day
3/14/25	4 - 6	Spell Off/Chaboya
3/17/25 - 3/21/25	TK - 8	Site Science Fair
4/30/25		EL Reclassification- Quimby Oak

*ELPAC - English Language Proficiency Assessment of California

7/1/2024

YARD DUTY RESPONSIBILITIES: JFS, 2024-2025								
AM Front Loop	AM Back Loop	AM Blacktop	PM Foyer	PM Front Loop	PM Back Loop			
-one person blocking crosswalk to 6th grade parking lot -two people blocking lanes into parking lot from the entrance (so parents learn to go through the loop, and not park in the lot) -others spread out along the loop reminding drivers to pull forward and students to exit curb-side -grab a few clip boards on the first day of school***	-spread out along the loop reminding drivers to pull forward and students to exit curb-side -make sure families do not park	-supervise students -help students find their lines and grab a few clip boards on the first day of school***	-make sure students stay in the building and go downstairs through the inside (NOT the blacktop) -make sure students don't linger, go into the cafeteria, or fool around -make your way to the Front Loop and close the exterior doors once all students have exited	-Supervise students as they find their families -Remind families to use the crosswalk -Keep adults on the curb (remind them not to wait any driving lanes) -Remind students that they should not be playing	THIS IS WHERE THE MOST HELP IS NEEDED: -spread out along the curb and remind drivers to pull forward -remind drivers NOT to park and wait on the curb -help enforce traffic laws			
Jessica	Karina	Rina	Jen A	Mandeep	Beth			
Janie	Tennille	Mandeep	Karina	Tennille	Janie		Staff List (21 1st-6th grade)	
Susana	Jen A.	Brooke	Brooke	Rina	Susana		1st grade	
Sharon	Amy	Beth	Jessica	Amy	Sharon		2nd grade	
Sarah	Taline	Cindy		Taline	Sarah		3rd grade	
Janette	Lori	Mark		Lori	Janette		4th grade	
Bryan	Lixiang	Marie		Lixiang	Bryan		5th grade	
					Cindy		6th grade	
					Mark		SDC	
					Marie			
Primary Recesses			Upper Recess					
1st recess blacktop	1st recess blacktop (upper side)	Breakfast line (then head to blacktop)	Recess blacktop (primary side)	Recess blacktop (upper side)	Breakfast line (then head to blacktop)			
Brooke	Jen A.	Beth	Jessica	Amy	Sharon			
Karina	Tennille	Janie	Cindy	Taline	Mark			
			Lori	Bryan	Janette			

[illegible]

Nov, Dec, & Jan.

***Please plan your instructional minutes accordingly. You may need to dismiss your class a few minutes early in order to be at your scheduled duty ON TIME.
SET A TIMER TO REMIND YOURSELF***

Arrival Duties are from 7:45-8:05
Dismissal Duties are from 2:15-2:35

	Week 12	Week 13	Week 14	Week 15	Week 16	Week 17	Week 18	Week 19	Week 20	Week 21
PRIMARY ARRIVAL GROUP	Nov 4-8	Nov 11-15	Nov 18-22	Dec 2-6	Dec 9-13	Dec 16-20	Jan 6-10	Jan 13-17	Jan 20-24	Jan 27-31
Arrival Primary Blacktop	Susana	Beth	Karina	Janie	Karina	Susana	Beth	Karina	Janie	Karina
1st Recess: Primary Blacktop	Karina	Susana	Beth	Marie			Susana	Beth	Marie	Janie
Arrival Front Loop #2 (crosswalk to 6th grade loop)	Janie	Karina	Susana	Beth			Karina	Susana	Beth	Beth
2nd Recess: Upper Blacktop	Marie	Janie	Marie	Susana			Janie	Marie	Susana	Marie
Break	Beth	Marie	Janie	Karina	Susana	Beth	Marie	Janie	Karina	Susana

***note: Marie is only able to do recess yard duty to support her students during arrival and dismissal. Therefore, I have swapped folks on the weeks when it is necessary.

PRIMARY DISMISSAL GROUP										
2nd Recess: Primary Blacktop	Brooke	Tennille	Mandeep	Rina	Sarah	Jen	Brooke	Tennille	Mandeep	Rina
Dismissal Back Loop #1	Jen	Brooke	Tennille	Mandeep	Rina	Sarah	Jen	Brooke	Tennille	Mandeep
1st Recess: breakfast & check in	Sarah	Jen	Brooke	Tennille	Mandeep	Rina	Sarah	Jen	Brooke	Tennille
Dismissal Front Loop #2	Rina	Sarah	Jen	Brooke	Tennille	Mandeep	Rina	Sarah	Jen	Brooke
1st Recess: Upper Blacktop	Mandeep	Rina	Sarah	Jen	Brooke	Tennille	Mandeep	Rina	Sarah	Jen
Break	Tennille	Mandeep	Rina	Sarah	Jen	Brooke	Tennille	Mandeep	Rina	Sarah

	Week 12	Week 13	Week 14	Week 15	Week 16	Week 17	Week 18	Week 19	Week 20	Week 21
UPPER ARRIVAL GROUP	Nov 4-8	Nov 11-15	Nov 18-22	Dec 2-6	Dec 9-13	Dec 16-20	Jan 6-10	Jan 13-17	Jan 20-24	Jan 27-31
Recess: Upper Blacktop	Cindy	Sharon	Jessica	Amy	Janette	Taline	Cindy	Sharon	Jessica	Amy
Arrival Upper Blacktop	Taline	Cindy	Sharon	Jessica	Amy	Janette	Taline	Cindy	Sharon	Jessica
Break	Janette	Taline	Cindy	Sharon	Jessica	Amy	Janette	Taline	Cindy	Sharon
Arrival Back Loop (close gate)	Amy	Janette	Taline	Cindy	Sharon	Jessica	Amy	Janette	Taline	Cindy
Arrival Front Loop (open foyer doors)	Jessica	Amy	Janette	Taline	Cindy	Sharon	Jessica	Amy	Janette	Taline
Break	Sharon	Jessica	Amy	Janette	Taline	Cindy	Sharon	Jessica	Amy	Janette

UPPER DISMISSAL GROUP										
Dismissal Front Loop #1 (start inside foyer & close MPR doors; then move outside)	Lori	Mark	Lixiang	Lori	Lori	Mark	Lori	Lori	Lori	Mark
Recess: Primary Blacktop	Bryan	Lixiang	Mark	Bryan	Bryan	Lixiang	Mark	Bryan	Bryan	Lixiang
Dismissal Back Loop #2	Lixiang	Bryan	Lori	Mark	Lixiang	Bryan	Lixiang	Mark	Lixiang	Bryan
Break	Mark	Lori	Bryan	Lixiang	Mark	Lori	Bryan	Lixiang	Mark	Lori

***Note for PM group: Lori volunteered to move to the PM group to help balance the schedule, with the preference of doing foyer duty. So, I did the rotation, and then swapped whoever was in that spot with her. Let me know if you have any questions or concerns about this.

[illegible]

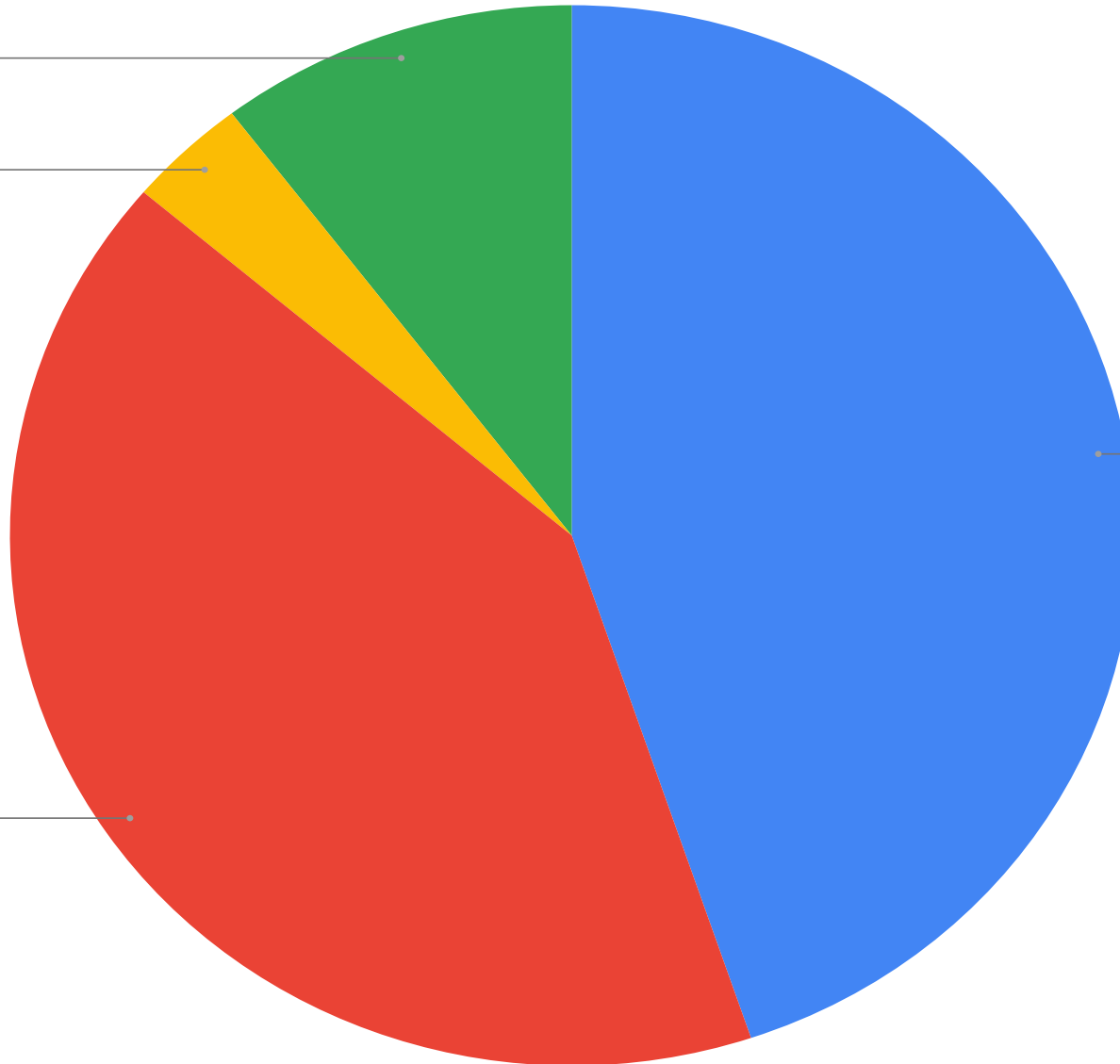
Count of My child's school has a way to recognize positive behavior among students.

I don't know
10.3%

Mildly Disagree
3.4%

Strongly agree
41.4%

Agree
44.8%



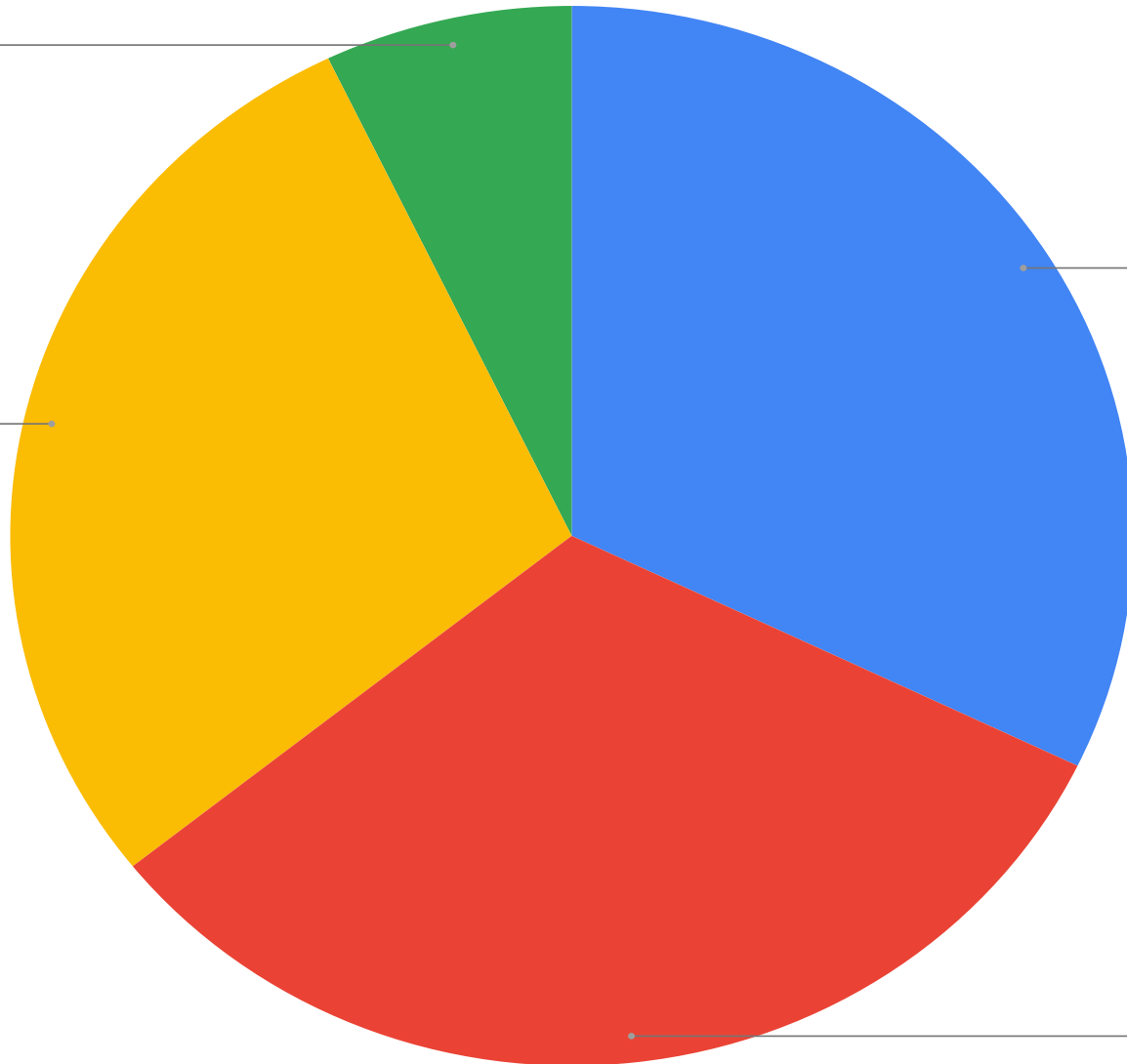
Count of How familiar are you with the following at your child's school? [Cyberbullying rules and consequences when those rules are broken.]

Somewhat familiar
7.1%

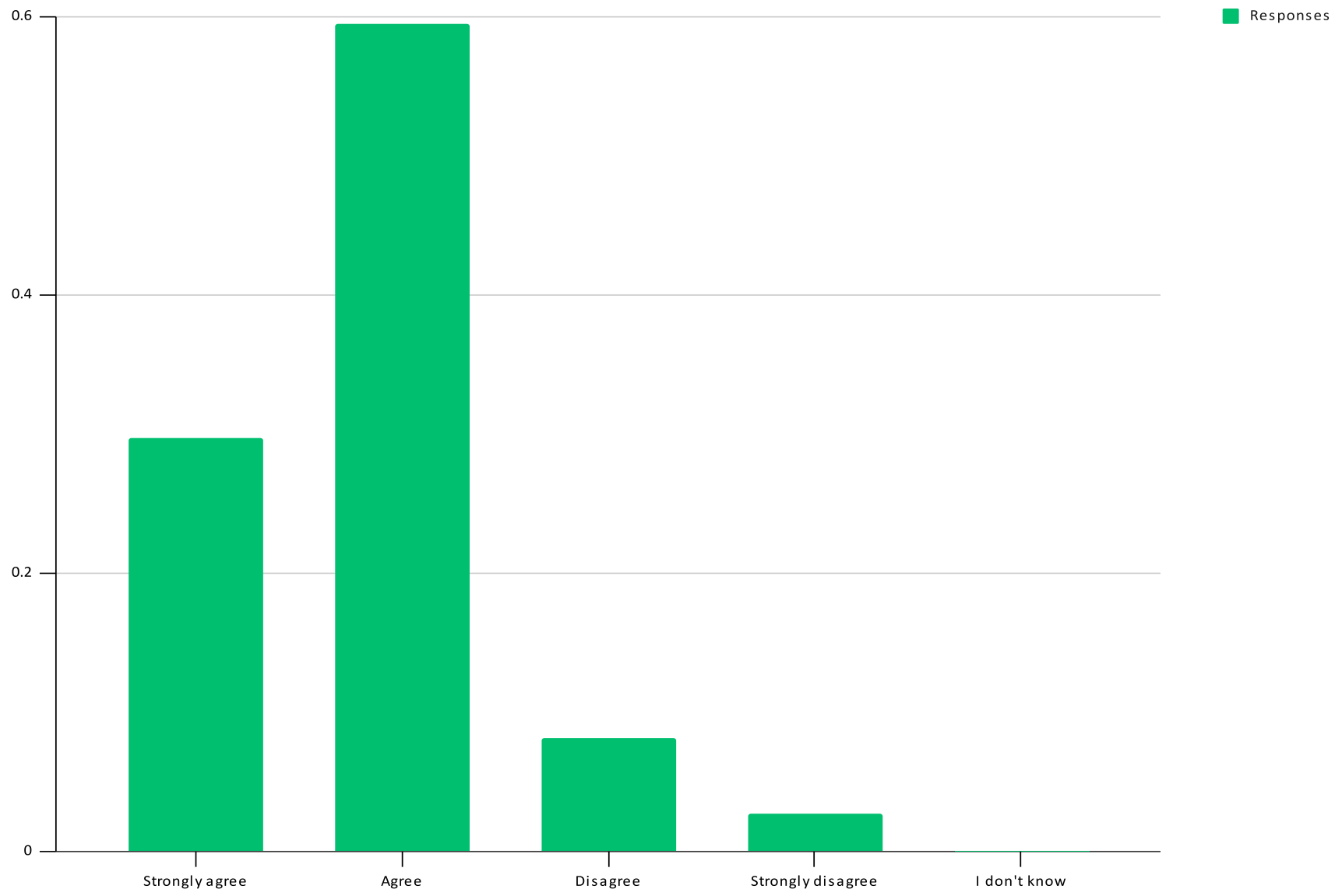
Not familiar at all
28.6%

Very familiar
32.1%

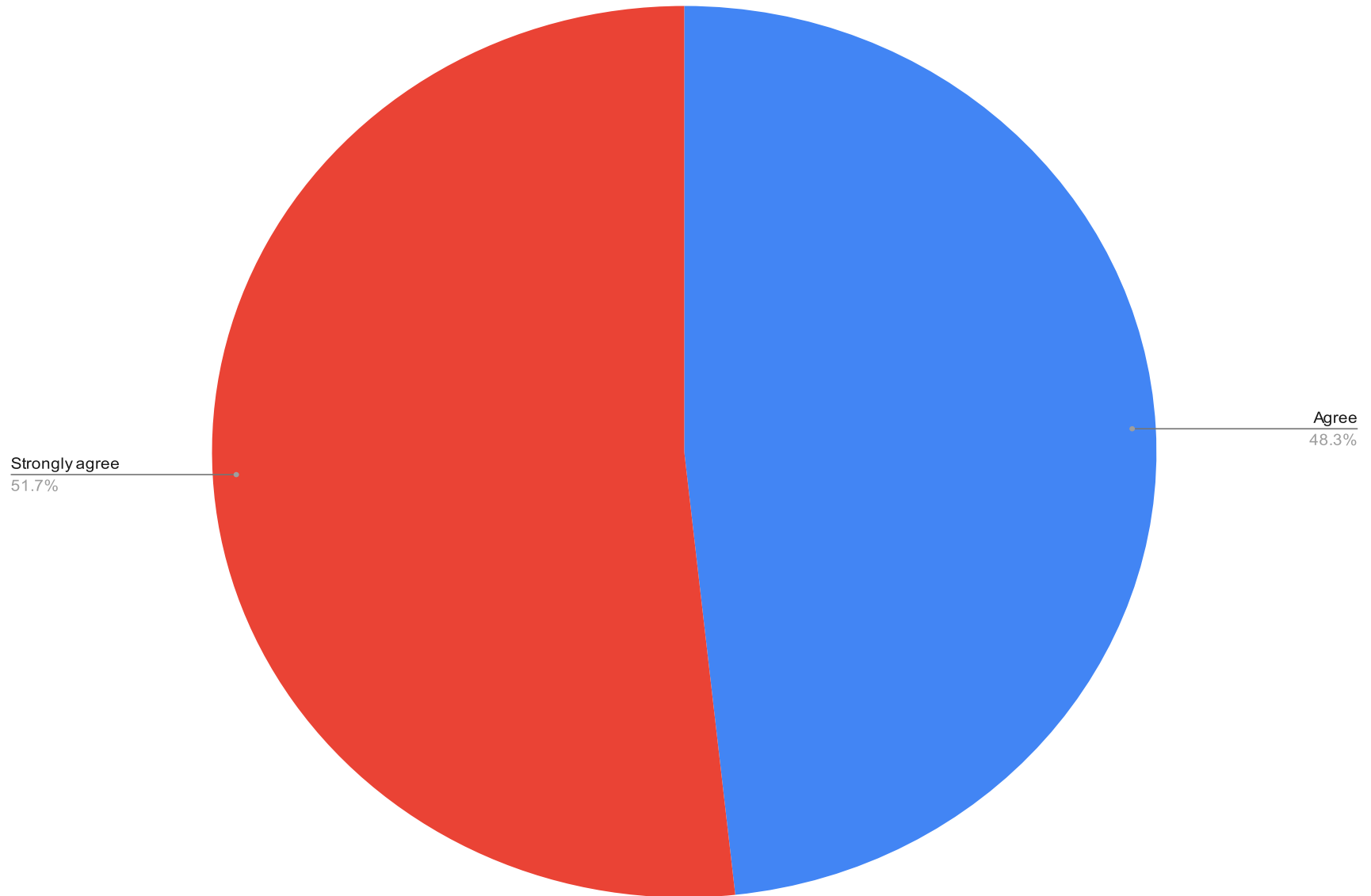
Familiar
32.1%



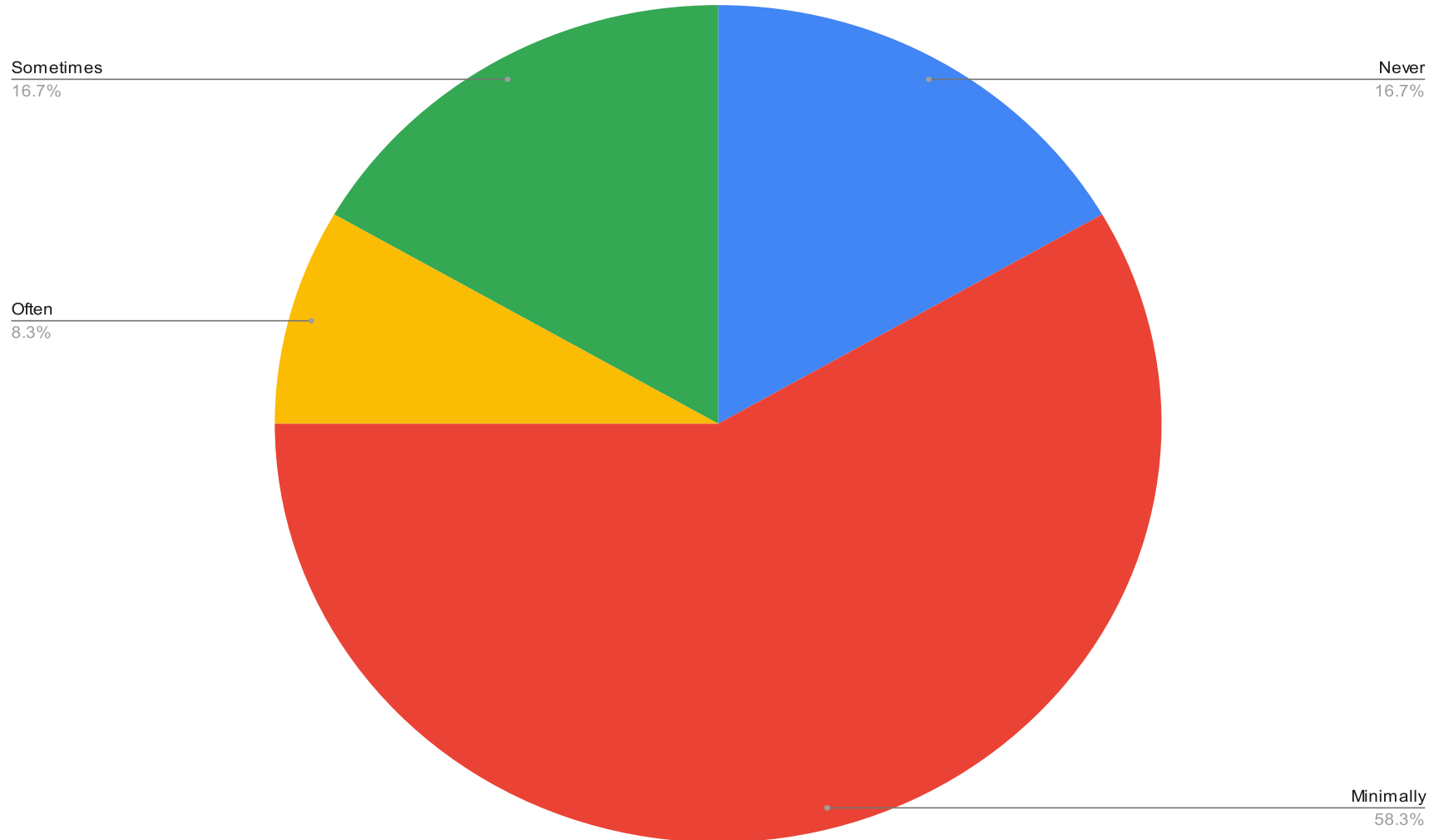
The facilities and grounds are well maintained at my child's school.



Count of The rules and expectations of the school are clear and well known to me.



Count of How often do you hear or see any act of bullying at your school? Definition of bullying: When someone is being hurt either by words or actions on purpose, usually more than once, feels bad because of it, and has a hard time stopping what is happening to them. Types of bullying include: physical, verbal, emotional, social, and cyberbullying.

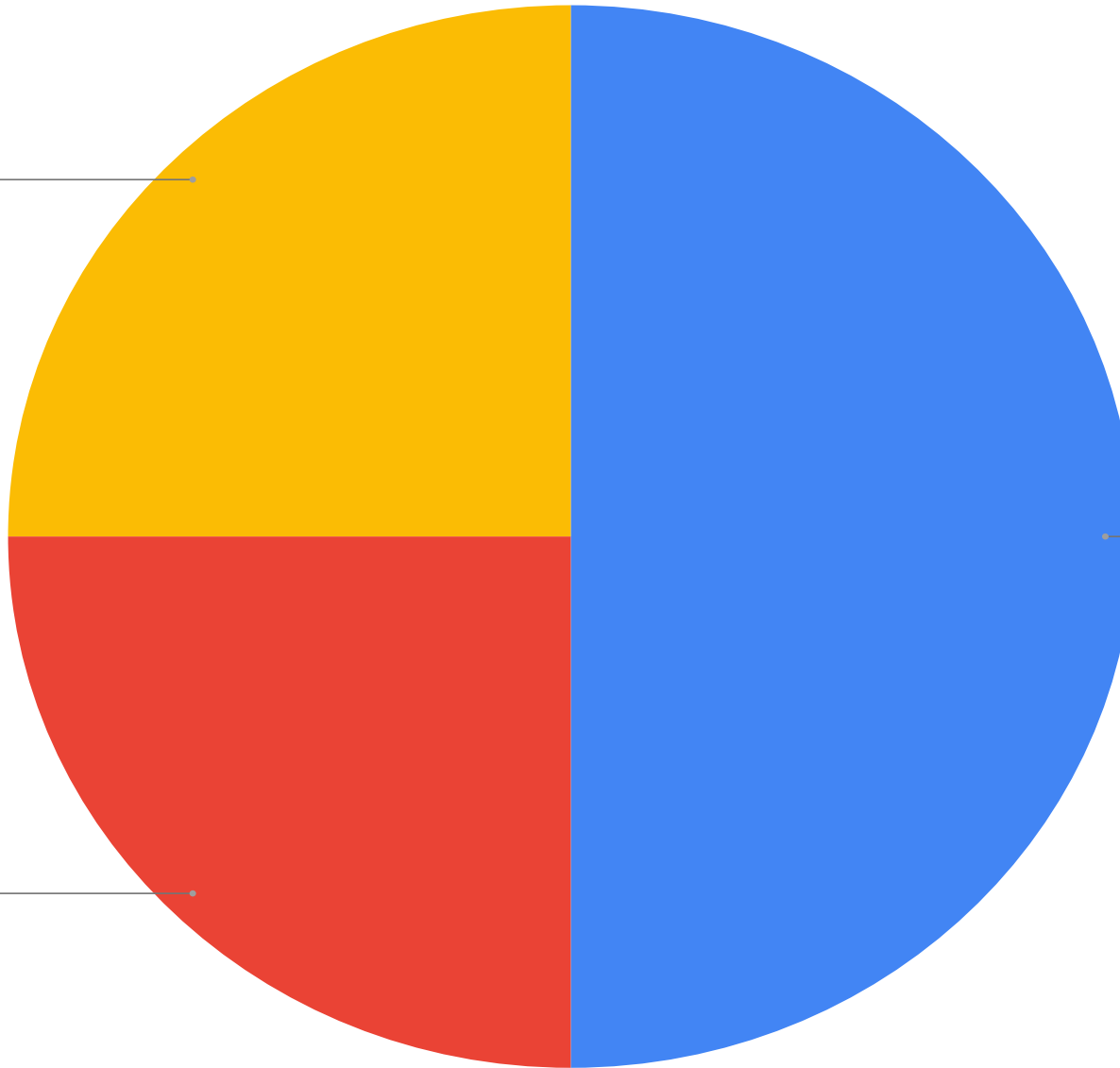


Count of The facilities and grounds are well maintained at my school.

Mildly disagree
25.0%

Agree
25.0%

Strongly agree
50.0%

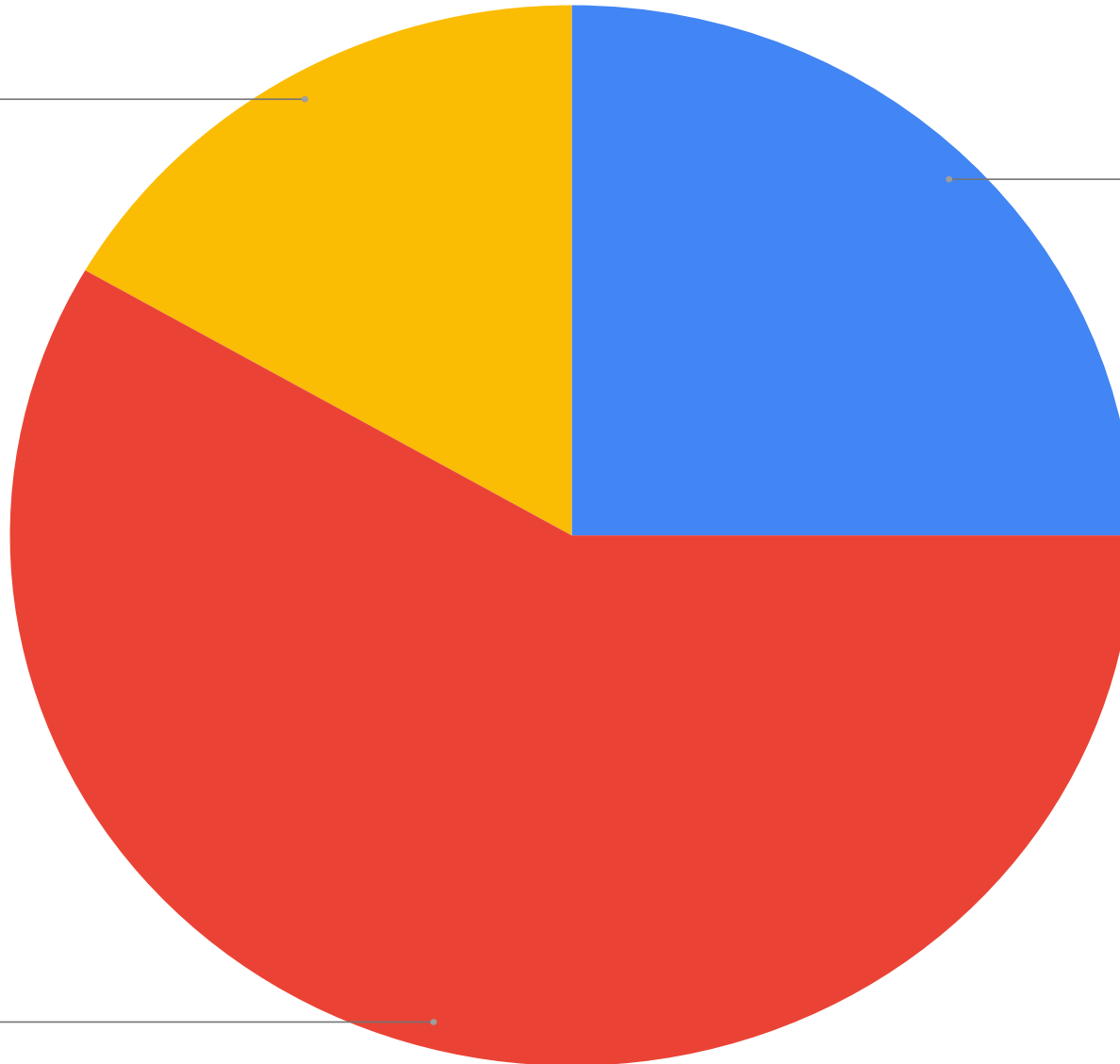


Count of I think Staff enforces rules fairly and appropriately.

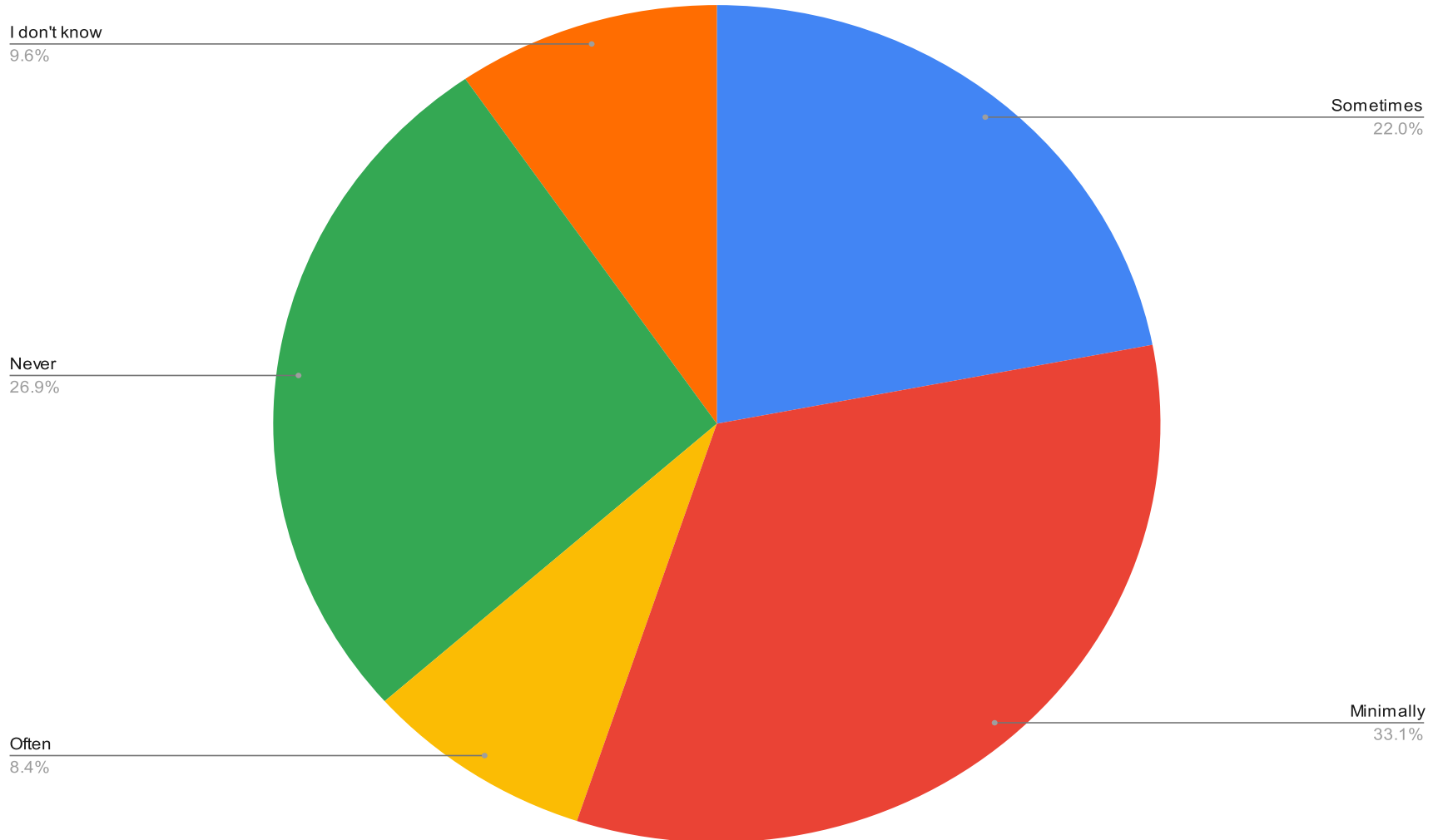
Mildly disagree
16.7%

Strongly agree
25.0%

Agree
58.3%



Count of How often do you hear or see any act of bullying at your school? Definition of bullying: When someone is being hurt either by words or actions on purpose, usually more than once, feels bad because of it, and has a hard time stopping what is happening to them. Types of bullying include: physical, verbal, emotional, social, and cyberbullying.



Count of How well do understand your school Emergency procedures? [Earthquake Drill]

I don't know

0.6%

Somewhat familiar

3.4%

Not familiar at all

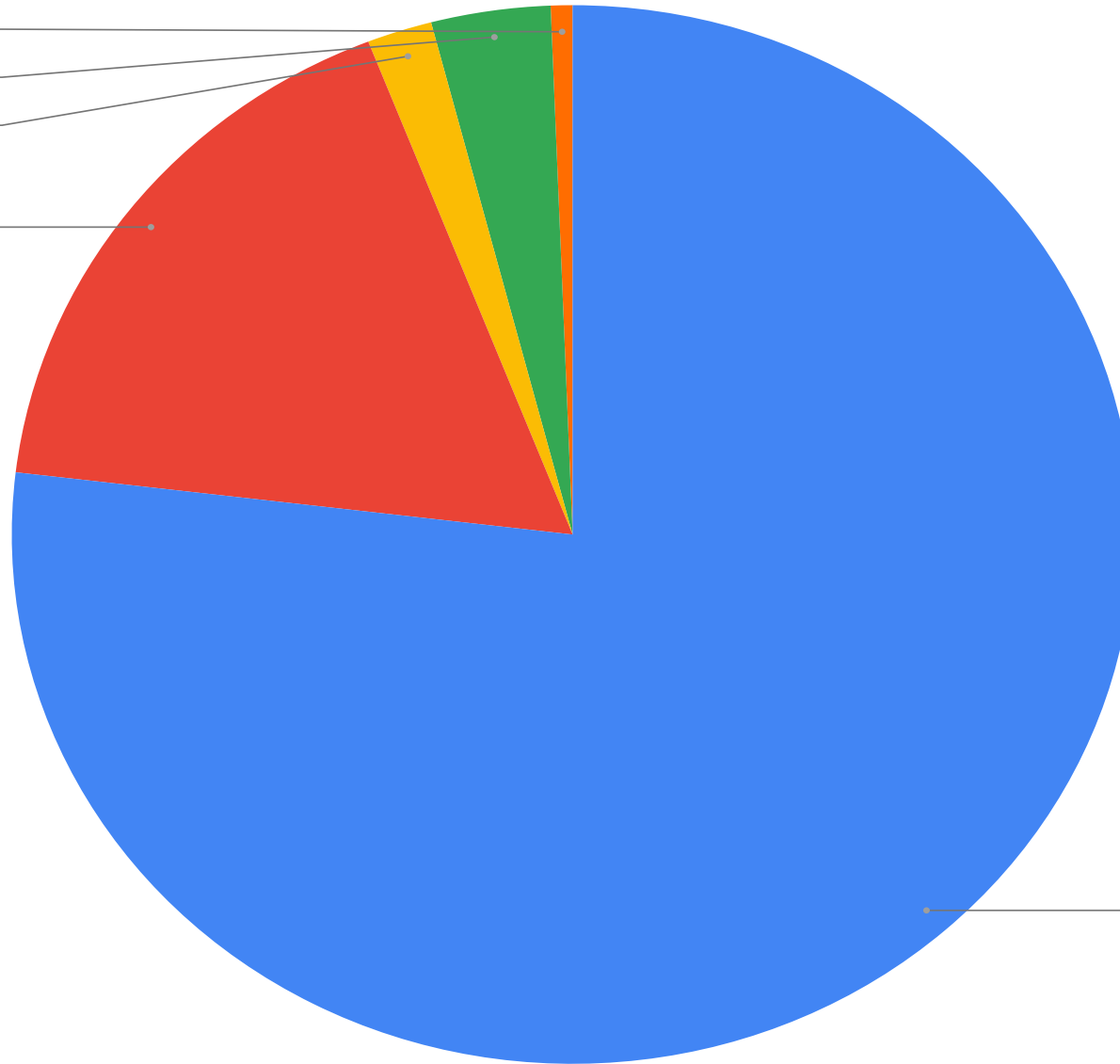
1.9%

Familiar

17.2%

Very familiar

76.9%



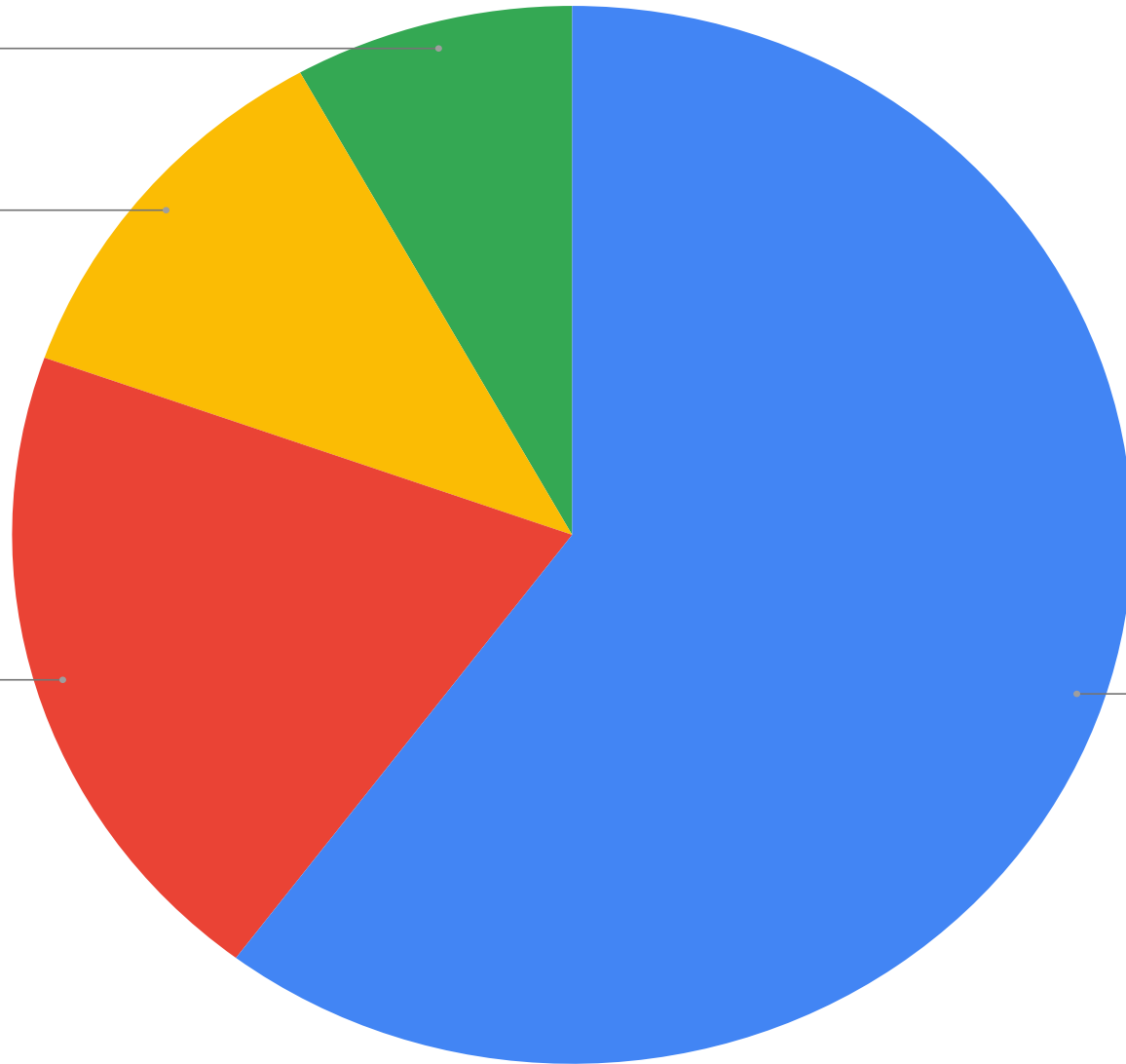
Count of How familiar are you with the following? [School-wide rules and consequences when those rules are broken.]

Not familiar at all
8.1%

Somewhat familiar
11.5%

Familiar
20.2%

Very familiar
60.2%



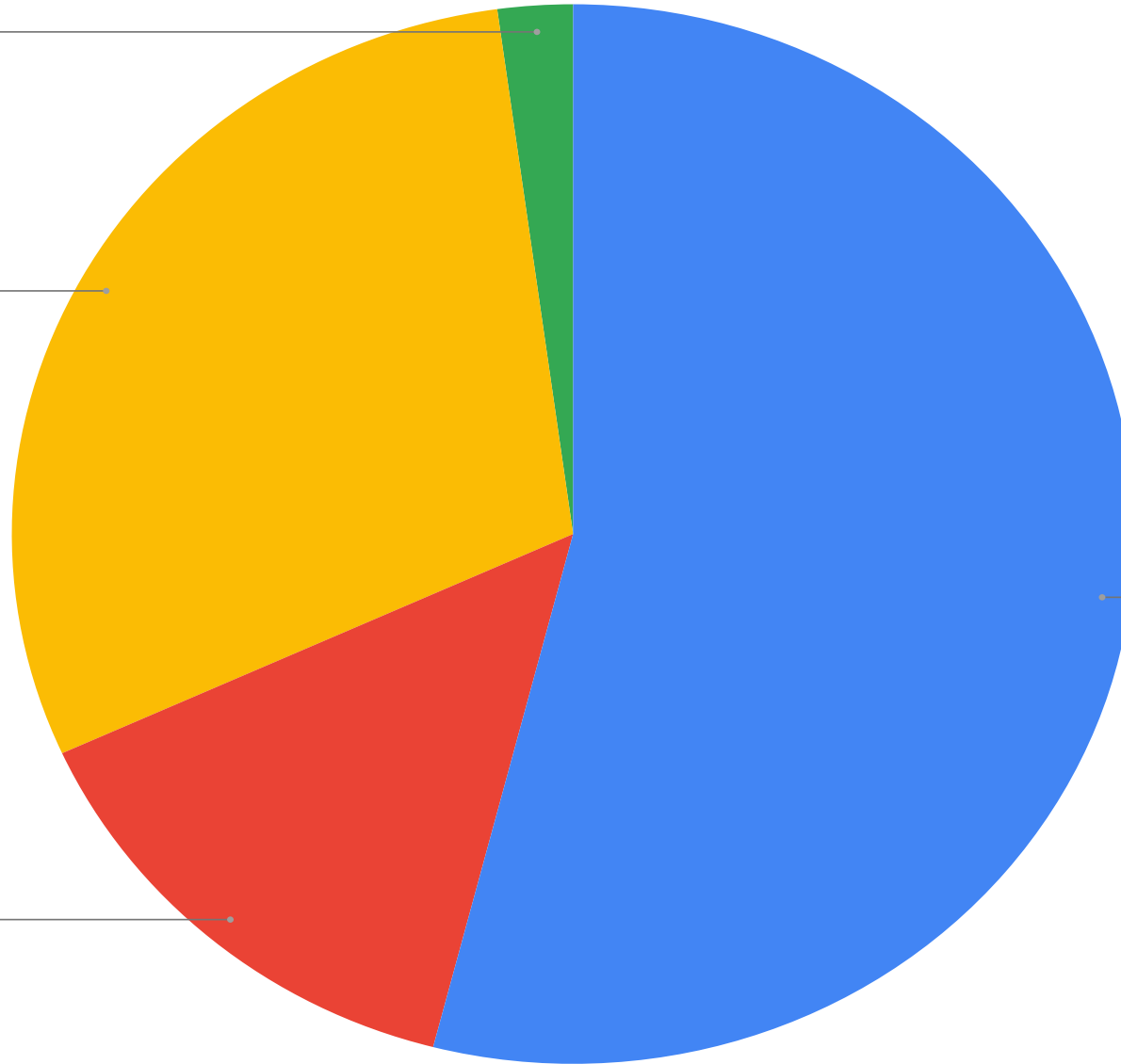
Count of How safe do you feel at school?

Not safe at all
2.2%

Very safe
29.6%

Somewhat safe
14.2%

Safe
54.0%



Count of How well do understand your school Emergency procedures? [Fire Drill]

I don't know

0.9%

Somewhat familiar

2.5%

Familiar

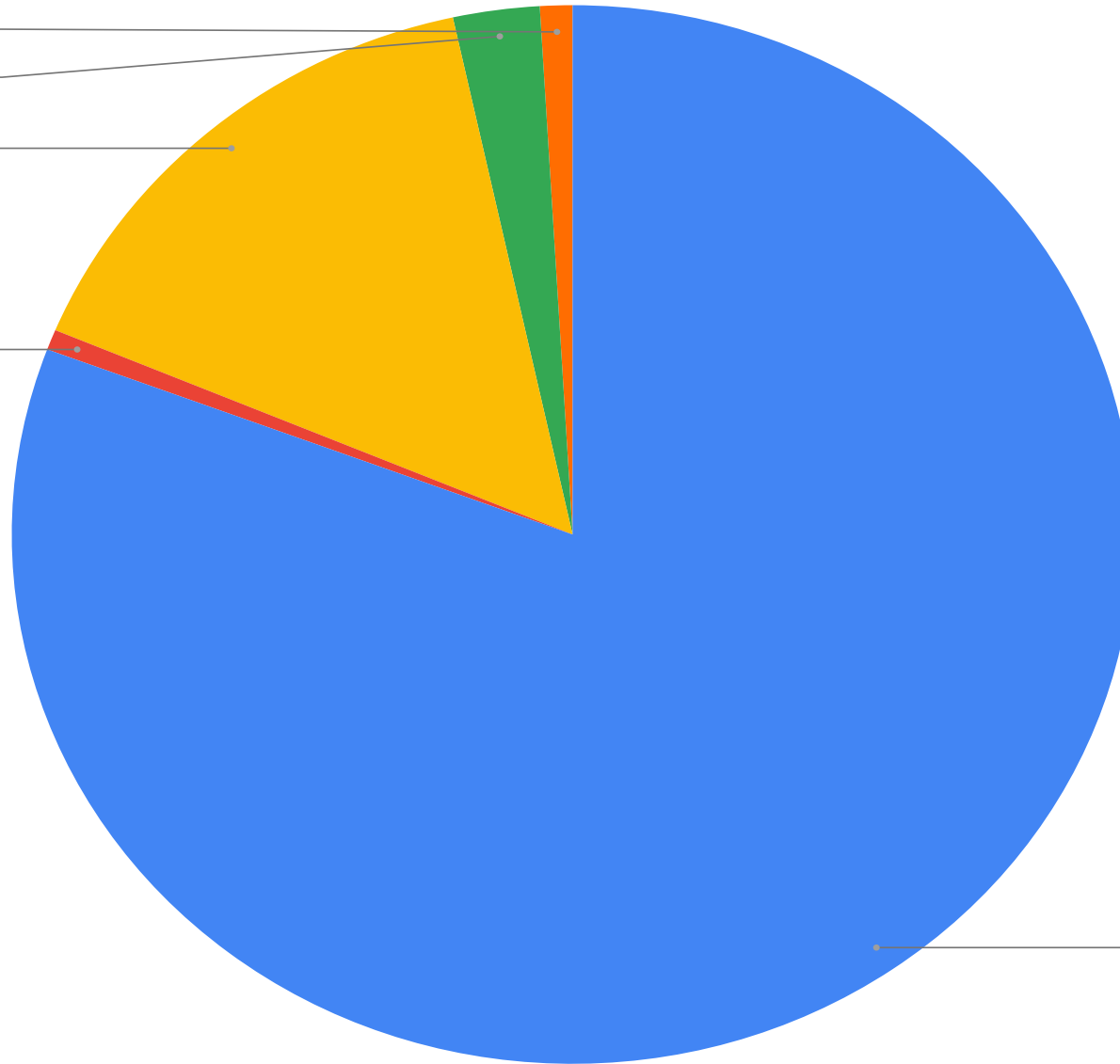
15.3%

Not familiar at all

0.6%

Very familiar

80.7%



Count of How well do understand your school Emergency procedures? [Run, Hide, Defend]

Not familiar at all

7.3%

I don't know

4.1%

Somewhat familiar

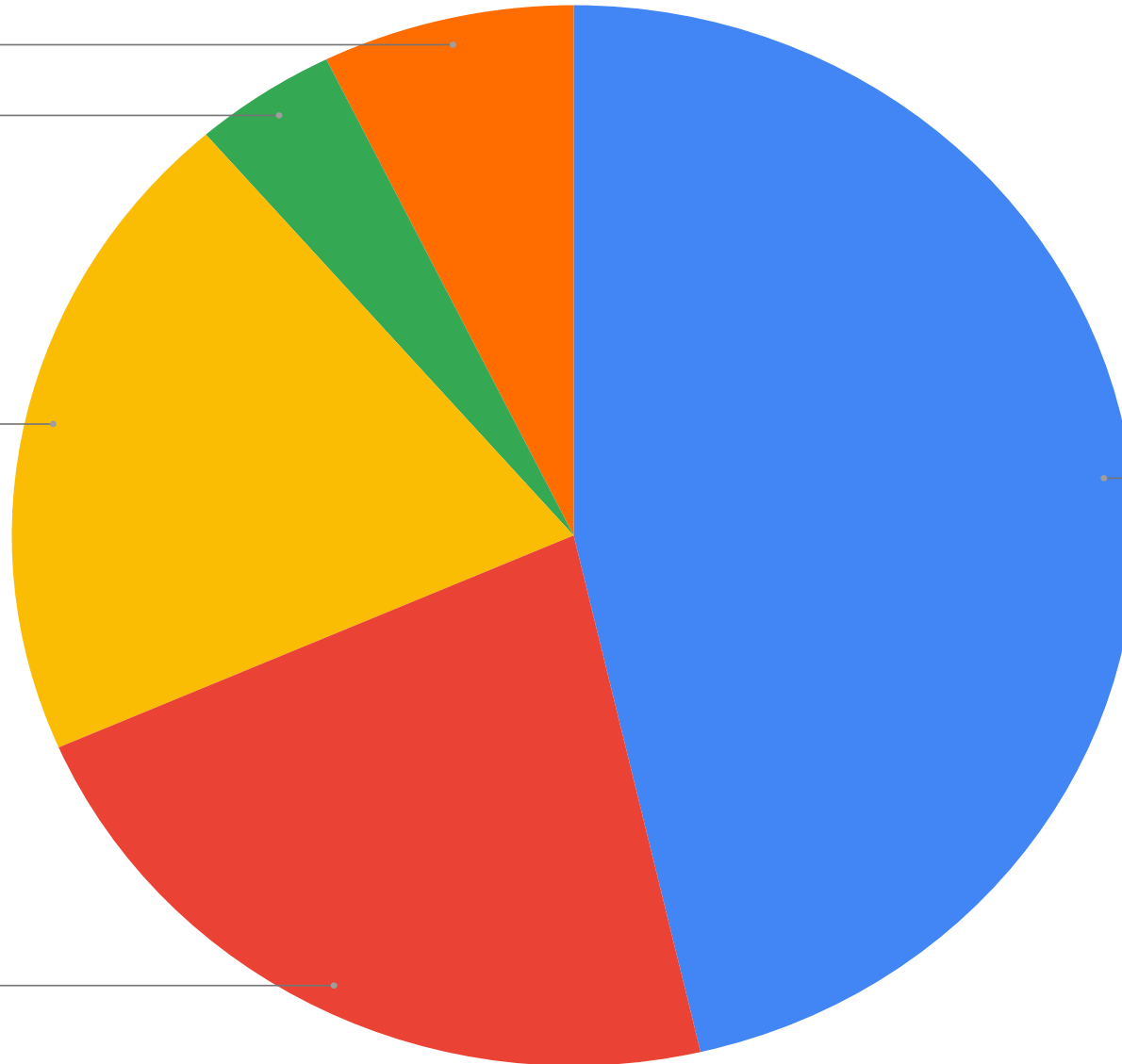
20.2%

Familiar

22.1%

Very familiar

46.4%



Count of How well do understand your school Emergency procedures? [Shelter in Place]

I don't know

3.1%

Not familiar at all

4.7%

Familiar

26.3%

Somewhat familiar

12.8%

Very familiar

53.1%

