2025-26 Comprehensive School Safety Plan

Lincoln Elementary School
Newark Unified School District

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Presented to the Newark Unified School District
Board of Education on February 2025

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2025-26 Comprehensive School Safety Plan Timeline & Approval

Comprehensive School Safety Plan Timeline

Phase 1: Public Review and Input
Phase 2: Annual Revision of Plan
Phase 3: Approval by Board of Education

Comprehensive School Safety Plan Approval

The undersigned members of Lincoln Elementary School's Safety Committee ***or*** School Site Council certify that the requirements of California Education Code 32280-32282 have been met in the development of the following Comprehensive School Safety Plan.

John Daniels, Principal	Date: December 16, 2024
Karen Chapman, Newark Teachers Association Representative	Date: December 16, 2024
Humberto Ayala, California School Employees Association Representative	Date: December 16, 2024
Carrie Vermazen, Parent	Date: December 16, 2024
, Student (Optional)	Date:
, Law Enforcement Agency	Date:
, ELAC President	Date:

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Newark Unified School District
Comprehensive School Safety Plan Overview

What is a Comprehensive School Safety Plan?

A Comprehensive School Safety Plan (CSSP) is an annually-revised plan to develop strategies aimed at the prevention of, and education about, potential incidents involving crime and violence on the school campus. All California K-12 public schools must develop a CSSP that addresses the safety concerns identified through a systematic planning process in cooperation with local law enforcement agencies, community leaders, parents, pupils, teachers, administrators, and other persons who may be interested in the prevention of campus crime and violence.

The requirements and mandate for CSSPs are outlined in Education Code Sections 32280 - 32289 School Safety Plans.

Who develops a CSSP?

Per Education Code Section 32281, the School Site Council (SSC) writes and develops a comprehensive school safety plan relevant to the needs and resources of that particular school.

The SSC may delegate this responsibility to a school safety planning committee made up of the following members:

- The principal or the principal's designee
- One teacher who is a representative of the recognized certificated employee organization
- One parent whose child attends the school
- One classified employee who is a representative of the recognized classified employee organization
- Other members, if desired

The SSC or school safety planning committee shall consult with a representative from a law enforcement agency in the writing and development of the comprehensive school safety plan. Law enforcement agencies include local police departments, county sheriffs' offices, school district police or security departments, probation departments, and district attorneys' offices.

Recommendations for CSSP Development

- It is the intent of the Legislature that schools develop comprehensive school safety plans using existing resources, including the materials and services of the partnership.
    - It is the intent of the Legislature that schools use the handbook developed and distributed by the School/Law Enforcement Partnership Program entitled "Safe Schools: A Planning Guide for Action" in conjunction with developing their plan for school safety.
    - The department shall electronically distribute disaster preparedness educational materials and lesson plans that are currently available to school districts and county offices of education.
    - The department shall ensure that the disaster preparedness materials are available in at least the three most dominant primary languages spoken by English learners in California.
    - The department shall coordinate with the Office of Emergency Services to make sure that all materials are reviewed and updated annually.
    - The Department of Justice and the State Department of Education shall coordinate statewide workshops for school districts, county offices of education, and school site personnel, and in particular school principals, to assist them in the development of their respective school safety and crisis response plans, and provide training in the prevention of bullying.

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    - The department shall develop an online training module to assist all school staff, school administrators, parents, pupils, and community members in increasing their knowledge of the dynamics of bullying and cyberbullying. The online training module shall include, but is not limited to, identifying an act of bullying or cyberbullying, and implementing strategies to address bullying and cyberbullying.
- Each School Site Council or school safety planning committee, in developing and updating a comprehensive school safety plan, shall, where practical, consult, cooperate, and coordinate with other School Site Councils or school safety planning committees.
- The comprehensive school safety plan may be evaluated and amended, as needed, by the school safety planning committee, but shall be evaluated at least once a year, to ensure that the comprehensive school safety plan is properly implemented. An updated file of all safety-related plans and materials shall be readily available for inspection by the public.
- The comprehensive school safety plan shall be submitted for approval.

What is included in a CSSP?

Education Code Sections 32282 - 32284 lays out the items that must or may be included in the CSSP.

Must be Included in CSSP (Education Code Section 32282)

- Assessment of the current status of school crime committed on school campuses and at school-related functions.
- Identification of 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, which shall include the development of all of the following:
    - Child abuse reporting procedures.
    - Disaster procedures, routine and emergency, including adaptations for pupils with disabilities in accordance with the federal Americans with Disabilities Act of 1990. The disaster procedures shall also include, but not be limited to, both of the following:
        - Establishing an earthquake emergency procedure system in every public school building having an occupant capacity of 50 or more pupils or more than one classroom. The system shall include, but not be limited to, all of the following:
            I. A school building disaster plan, ready for implementation at any time, for maintaining the safety and care of pupils and staff.
            II. A drop procedure whereby each pupil and staff member takes cover under a table or desk, dropping to his or her knees, with the head protected by the arms, and the back to the windows. A drop procedure practice shall be held at least once each school quarter in elementary schools and at least once a semester in secondary schools.
            III. Protective measures to be taken before, during, and following an earthquake.
            IV. A program to ensure that pupils and both the certificated and classified staff are aware of, and properly trained in, the earthquake emergency procedure system.
        - Establishing a procedure to allow a public agency, 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. The school district or county office of education shall cooperate with the public agency in furnishing and maintaining the services as the school district or county office of education may deem necessary to meet the needs of the community.
    - Policies for pupils who committed designated serious acts which would lead to suspension, expulsion, or mandatory expulsion recommendations.
    - Procedures to notify teachers of dangerous pupils.
    - A discrimination and harassment policy consistent with the prohibition against discrimination.

- The provisions of any adopted school-wide dress code that prohibits pupils from wearing "gang-related apparel."
- Procedures for safe ingress and egress of pupils, parents, and school employees to and from school.
- A safe and orderly environment conducive to learning at the school.
- The rules and procedures on school discipline.

- The Legislature encourages all plans, to the extent that resources are available, to include policies and procedures aimed at the prevention of bullying.

May be Included in CSSP (Education Code Sections 32282.1, 32284)

- Clear guidelines for the roles and responsibilities of mental health professionals, community intervention professionals, school counselors, school resource officers, and police officers on school campuses, if the school district uses these people. Plans are encouraged to include both of the following:
    1. Primary strategies to create and maintain a positive school climate, promote school safety, and increase pupil achievement, and prioritize mental health and intervention services, restorative and transformative justice programs, and positive behavior interventions and support.
    2. Protocols to address the mental health care of pupils who have witnessed a violent act at any time, including, but not limited to, any of the following:
        A. While on school grounds.
        B. While going to or coming from school.
        C. During a lunch period whether on or off campus.
        D. During, or while going to or coming from, a school-sponsored activity.
- The comprehensive school safety plan may also include, at local discretion of the governing board of the school district and using local funds, procedures for responding to the release of a pesticide or other toxic substance from properties located within one-quarter mile of a school. No funds received from the state may be used for this purpose.

How often is a CSSP evaluated and revised?

Each school shall review and update its plan by March 1 every year. Each school shall report on the status of its school safety plan, including a description of its key elements in the annual school accountability report card. (Education Code Section 32286)

Newark Unified School District School Accountability Report Cards (SARCs) are available: https://www.newarkunified.org/departments/educational-services/accountability-and-testing/school-accountability-report-cards

Additional Resources

- Education Code Sections 32280 - 32289 School Safety Plans: https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?division=1.&chapter=2.5.&part=19.&lawCode=EDC&title=1.&article=5
- California Department of Education: https://www.cde.ca.gov/ls/ss/
- California Office of Emergency Services: https://www.caloes.ca.gov/office-of-the-director/operations/planning-preparedness-prevention/planning-preparedness/school-emergency-planning-safety/

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Current Safety Assessment

Assessment of the Current Status of School Crime

The committee assessed the current status of school crime committed on the school campus and at school-related functions. We found:
After the examination of behavior referrals, suspensions, and contact with Newark Police Department, it is determined that to date in the 2024 - 2025 school year, there has been no crime committed on school grounds or during school-related functions.

Data Sources Reviewed

The committee drew on a variety of data sources to assess the current status of safety at Lincoln Elementary School, including:
- Local law enforcement crime data http://www.fbi.gov/stats-services/crimestats
- Suspension/Expulsion data from CALPADS
- Behavior Referrals
- Attendance rates/School Attendance Review Board data
- California Healthy Kids Survey data
- School Improvement Plan
- Property Damage data
- Student and Parent Surveys and/or focus groups
- DataQuest

2023 - 2024 Summary Data:
Current Suspension Rate: 0.3%
Current Expulsion Rate: 0%
Current Chronic Absenteeism Rate: 16.9%

Conclusions

After reviewing the above data, we conclude that our campus….
As part of our ongoing commitment to foster and ensure a secure campus, Lincoln Elementary will continue to uphold the highest standards of safety for students and certificated and classified staff.

After reviewing the above data, we conclude that our campus' areas of pride and strength are:
- high parent involvement and extracurricular activities
- committed and caring teachers, staff, and community

After reviewing the above data, we conclude that our campus areas to change are:
- student attendance rates
- continue to refine our Positive Behavior Intervention and Support (PBIS) implementation
- increase student academic engagement

Strategies and Programs for School Safety

An identification of appropriate strategies and programs that provide/maintain a high level of school safety.
Education Code 32282.(a)(2)

Appropriate strategies and programs that provide/maintain a high level of school safety include the following at Lincoln Elementary School. Staff wear identification badges and volunteers must check in at the front office to receive a visitor's pass. Campus monitors have been hired to monitor campus grounds during the school day. Regular fire, earthquake, lockdown and evacuation drills are regularly conducted and prepare students and staff for emergencies. Parent Square, a communication platform informs students, staff, and parents during emergencies. The site administrator has a radio to communicate with the front office staff. All staff participate in yearly mandated trainings for child abuse reporting and harassment via Keenan courses. Finally COST (Coordination of Services Team) provide families with needed resources for academics, individual emotional or social concerns, basic resources, behavior concerns, and mental health services. Our site's safety plan may be requested at any time from front office staff.

Procedures for Complying with Existing Laws

Narrative confirming the SSC/Planning Committee reviewed and addressed, as needed, the school's procedures for complying with existing laws related to school safety.
Education Code 32282.(a)(2)

Lincoln Elementary Site Council and Planning Committee reviewed and addressed, as needed, the school's procedures for complying with existing laws related to school safety.

Child Abuse Reporting Procedures

NUSD Policies, Regulations

The Governing Board is committed to supporting the safety and well-being of district students and desires to facilitate the prevention of and response to child abuse and neglect. The Superintendent or designee shall develop and implement strategies for preventing, recognizing, and promptly reporting known or suspected child abuse and neglect.

Child Abuse Reporting

District 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.

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

Reportable Offenses

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

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

Any district employee who reasonably believes that he/she has observed the commission of a murder, rape, or lewd or lascivious act by use of force, violence, duress, menace, or fear of immediate and unlawful bodily injury, against a victim who is a child under age 14 shall notify a peace officer. (Penal Code 152.3, 288)

Responsibility for Reporting

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

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

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

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

Reporting Procedures

1. Initial Telephone Report

    Immediately or as soon as practicable after knowing or observing suspected child abuse or neglect, a mandated reporter shall make an initial report by telephone to any police department (excluding a school district

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

Child Protective Services and/or Newark Police Department
2300 Fairmont Drive
San Leandro, CA 94402,
(510) 483-9300

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

2. Written Report

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

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

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

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

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

The mandated reporter may give to an investigator from an agency investigating the case, including a licensing agency, any information relevant to an incident of child abuse or neglect or to a report made for serious emotional damage pursuant to Penal Code 11166.05. (Penal Code 11167)

3. Internal Reporting

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

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

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

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

Disaster Response Procedures

Site Emergency Plan

Lincoln Elementary School has a school building disaster plan, ready for implementation at any time, for maintaining the safety and care of pupils and staff.

Lincoln has a school building disaster plan, ready for implementation at any time, for maintaining the safety and care of pupils and staff. Our school disaster plan includes information about emergency drills practiced during the school year that are not high intensity drills. Lincoln's 24-25 Emergency Preparedness Plan can be viewed at: https://drive.google.com/file/d/1TRmBWe5mv5omnZn3QevfrvXmcpPkSqt9/view?usp=sharing

Earthquake Procedures

Every public school building having an occupant capacity of 50 or more pupils or more than one classroom is required to establish an earthquake emergency procedure system. (Education Code 32282)

Before an Earthquake

Our earthquake preparedness activities include a drop procedure in which each pupil and staff member takes cover under a table or desk, dropping to his or her knees, with the head protected by the arms, and the back to the windows. We ensure that pupils and both the certificated and classified staff are aware of, and properly trained in, the earthquake emergency procedure system by practicing the drop procedure at least once each school quarter, and reviewing our site's emergency procedures 2025-2026.

We also take protective measures to mitigate nonstructural risks by performing routine maintenance such as moving furniture to clear egress routes or securing shelving to walls with small steel angles. Portable cabinets and shelving are not installed in main access corridors or where they could tip over and block doorways.

During an Earthquake

When an earthquake occurs, the following actions shall be taken:

- Inside buildings and classrooms:
    - 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.
    - In laboratories, burners should be extinguished, if possible, before taking cover.
    - As soon as possible, staff shall move students away from windows, shelves, and heavy objects or furniture that may fall.
    - 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.
    - 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.
- The following actions shall be taken by staff or other persons in authority who are outdoors on school grounds:
    - Staff shall direct students to walk away from buildings, trees, overhead power lines, power poles, or exposed wires.
    - Staff shall have students perform the drop procedure.
    - Staff shall have students stay in the open until the earthquake is over or until further directions are given.

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- If students are on a 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.

After an Earthquake

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

- Staff shall extinguish small fires if safe.
- Staff shall provide first aid to any injured students, take roll, and report missing students to the principal or designee.
- Staff and students shall refrain from lighting any stoves or burners or operating any electrical switches until the area is declared safe.
- All buildings shall be inspected for water and gas leaks, electrical breakages, and large cracks or earth slippage affecting buildings.
- 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.
- 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.
- The principal or designee shall contact the Superintendent or designee and request further instructions after assessing the earthquake damage.
- 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.

In the Event of an Evacuation

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.

Procedures for Public Agency Use of Site

Newark Unified School District and/or Alameda County Office of Education will cooperate with public agencies in furnishing and maintaining the services deemed necessary to meet the needs of the community. A public agency, such as the American Red Cross, may use school buildings, grounds, and equipment for mass care and welfare shelters during disasters or other emergencies affecting the public health and welfare.

This cooperation will be coordinated by the NUSD Office of the Superintendent and Maintenance, Operations and Transportation Department.

Considerations for Pupils with Disabilities

Lincoln Elementary School is a safe place for all our students, staff, parents/guardians, and visitors. We have made the following adaptations for pupils with disabilities in accordance with the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.):

*Teachers and aides of pupils with disabilities teach them the evacuation routes for all students including those with limited mobility.

* Drill practices are conducted frequently to help students with the following:

- Maintain silence

- Follow directions very quickly
- Maintain a position/location
- Manage feelings of stress/frustration without acting out
- Manage changes to schedule

*Common strategies for supports may include:
-social stories related to disaster
-additional exposure to alarms
-use of preferred items or rewards
-Stress-reducing tools

Staff as Disaster Service Workers

Pursuant to Government Code 3100, all public employees are declared to be disaster service workers. As such, in the event that a local or state emergency has been proclaimed or a federal disaster declaration has been made, district staff may be directed to perform jobs other than their usual duties for periods of time exceeding their normal working hours.

Additional Resources

- American Red Cross: http://www.redcross.org
- California Governor's Office of Emergency Services: http://www.caloes.ca.gov
- Federal Emergency Management Agency: https://www.ready.gov/earthquakes
- National Incident Management System: http://www.fema.gov/emergency/nims
- Earthquake Country Alliance: http://www.earthquakecountry.org/sevensteps/

Suspension & Expulsion Policies

NUSD Policies, Regulations

Site-level rules shall be consistent with district policies and administrative regulations. It shall be the duty of each employee of the school to enforce the school rules on student discipline. (Educ. Code 35291)

To the extent possible, staff shall use disciplinary strategies that keep students in school and participating in the instructional program. (NUSD AR 5144 Discipline)

Suspension and Expulsion

District staff shall enforce the rules concerning suspension and expulsion of students fairly, consistently, equally, and in accordance with the district's nondiscrimination policies. (NUSD BP/AR 5144.1 Suspension And Expulsion/Due Process)

Except when otherwise permitted by law, a student may be suspended or expelled only when his/her behavior is related to a school activity or school attendance occurring within any district school or another school district, regardless of when it occurs. (Educ. Code 48900(s))

Grounds for Suspension and Expulsion, Grades K-12

Acts for which a grade K-12 student, including a student with disabilities, may be suspended or expelled shall be only those specified as follows:

1. Caused, attempted to cause, or threatened to cause physical injury to another person; willfully used force or violence upon another person (Educ. Code 48900(a) and (t))
2. Possessed, sold, or otherwise furnished any firearm, knife, explosive, or other dangerous object (Educ. Code 48900(b))
3. Unlawfully possessed, used, sold, otherwise furnished, or was under the influence of any controlled substance, alcoholic beverage, or intoxicant of any kind (Educ. Code 48900(c))
4. Unlawfully offered, arranged, or negotiated to sell any controlled substance, 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 (Educ. Code 48900(d))
5. Committed or attempted to commit robbery or extortion (Educ. Code 48900(e))
6. Caused or attempted to cause damage to school property or private property (Educ. Code 48900(f))
7. Stole or attempted to steal school property or private property (Educ. Code 48900(g))
8. Possessed or used tobacco or products containing tobacco or nicotine products (Educ. Code 48900(h))
9. Committed an obscene act or engaged in habitual profanity or vulgarity (Educ. Code 48900(i))
10. Unlawfully possessed, offered, arranged, or negotiated to sell any drug paraphernalia (Educ. Code 48900(j))
11. Knowingly received stolen school property or private property (Educ. Code 48900(l))
12. Possessed an imitation firearm (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) (Educ. Code 48900(m))
13. 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 (Educ. Code 48900(n))
14. Harassed, threatened, or intimidated a student who is a complaining witness or witness in a school disciplinary proceeding (Educ. Code 48900(o))
15. Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma (Educ. Code 48900(p))
16. Engaged in, or attempted to engage in, hazing (Educ. Code 48900(q))
17. Engaged in an act of bullying (Educ. Code 48900(r))

18. Aided or abetted the infliction or attempted infliction of physical injury on another person, as defined in Penal Code 31. (Educ. Code 48900(t))
19. Made terrorist threats against school officials and/or school property. (Educ. Code 48900.7)

Additional Grounds for Suspension and Expulsion, Grades 4-12

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

1. Committed sexual harassment as defined as 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. (Educ. Code 212.5, 48900.2)
2. Caused, attempted to cause, threatened to cause, or participated in an act of hate violence as defined as 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. (Educ. Code 233, 48900.3)
3. 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 (Educ. Code 48900.4)

Mandatory Expulsion

As required by law, the Superintendent or principal shall recommend expulsion and the Board shall expel any student found to have committed any of the following "mandatory recommendation and mandatory expulsion" acts at school or at a school activity off school grounds: (Educ. Code 48915)

1. Possessing a firearm which is not an imitation firearm
2. Selling or otherwise furnishing a firearm
3. Brandishing a knife at another person
4. Unlawfully selling a controlled substance listed in Health and Safety Code 11053-11058
5. 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
6. Possessing an explosive as defined in 18 USC 921

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. (Educ. Code 48911, 48915, 48915.5, 48918)

Suspension and Expulsion for Students with Disabilities

A student identified as an individual with a disability is subject to the same grounds for suspension and expulsion that apply to students without disabilities. Depending upon the circumstances, such a student may have additional procedural safeguards applicable to students with disabilities.

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. The principal or designee also shall notify appropriate city or county law enforcement authorities of any student acts which may involve the possession or sale of narcotics or of a controlled substance or possession of weapons or firearms in violation of Penal Code 626.9 and 626.10. (Educ. Code 48902)

Procedures for Notifying Teachers about Dangerous Pupils

NUSD Policies, Regulations

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.

Notice Regarding Student Offenses Committed While Under School Jurisdiction

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

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

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

Notice Regarding Student Offenses Committed While Outside School Jurisdiction

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

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

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

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

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

Procedures to Maintain Confidentiality of Student Offenses

This document is available for public inspection in the main office of this school during regular business hours.

In order to maintain confidentiality when providing information about student offenses to counselors and teachers of classes/programs to which a student is assigned, the principal or designee shall send the staff member a written notification that one of his/her students has committed an offense that requires his/her review of a student's file in the school office. This notice shall not name or otherwise identify the student.

Discrimination & Harassment Policy

NUSD Policies, Regulations

The Governing Board 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.

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

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

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

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.

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; Government Code 12940; 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 other 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 other individual's work or has the purpose or effect of creating an intimidating, hostile, or offensive work or educational environment. Regardless of whether or not the alleged harasser was motivated by sexual desire, 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, 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

Dress Code Prohibiting Gang Attire

School Dress Code

Lincoln Elementary implements Newark Unified Dress Code Policy. This information and guidance can also be viewed in The NUSD Student and Family Handbook pages 30-32.
URL:
https://resources.finalsite.net/images/v1724281498/newarkunifiedorg/xfij22scy6oibrqfw2hs/FinalDocumentENGLISH2024-25NUSDStudentFamilyHandbook2.pdf

Lincoln Elementary staff believes that appropriate dress and grooming contribute to a productive learning environment. Pupils should give proper attention to personal cleanliness and should wear clothes that are suitable for school activities in which they participate. Clothing must not present a health or safety hazard or a distraction that would interfere with school operations or the educational process.

NUSD Policies, Regulations

Regulation 5132: Dress And Grooming

Status: ADOPTED

Original Adopted Date: 04/06/2004 | **Last Revised Date:** 03/19/2024 | **Last Reviewed Date:** 03/19/2024

In cooperation with teachers, students, and parents/guardians, the principal or designee may establish school rules governing student dress and grooming which are consistent with law, Board policy, and administrative regulations. These school dress codes shall be regularly reviewed.

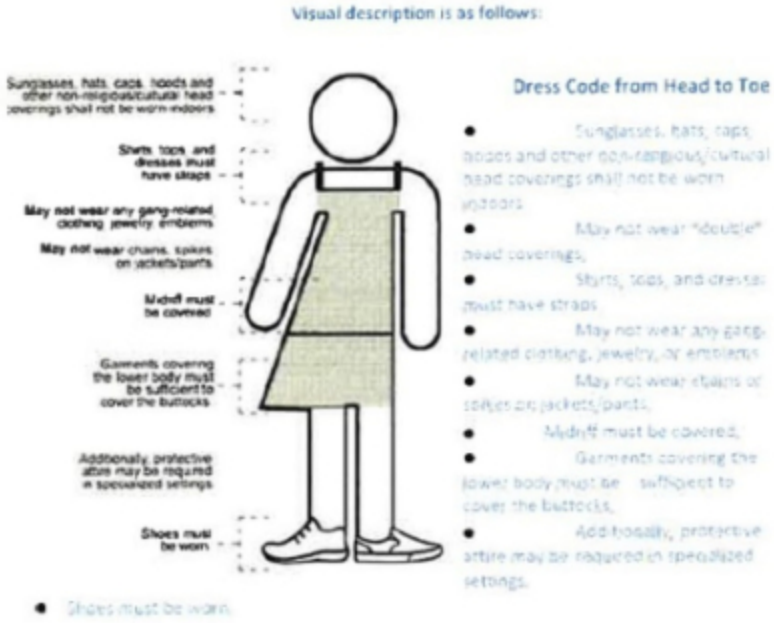
The following guidelines shall apply to all regular school activities:

1. Clothing, jewelry, and personal items shall be free of writing, pictures, or any other insignia which is vulgar, lewd, obscene, profane, or sexually suggestive or which promotes the use of alcohol, drugs, tobacco, or other illegal activity.

2. No steel-toed or shoes with spikes.

3. Sunglasses, hats, caps and other non-religious/cultural head coverings are not to be worn Indoors at any time. When worn outdoors, they must be worn as intended, ie. baseball caps worn w/ the bill forward. "Double" head coverings are NOT allowed at anytime on campus, ie. a beanie or BB cap worn under a hoodie.

4. Clothes shall be sufficient to cover undergarments. See through clothing is prohibited. No inappropriate body parts can be exposed, specifically
   - No strapless tops ie. tube tops, bustiers.
   - Pants/shorts must fully cover the buttocks and/or not sag inappropriately low.



The dress code shall be modified as appropriate to accommodate a student's religious or cultural observance, health condition, or other circumstance deemed necessary by the principal or designee. In addition, the principal or designee may impose dress requirements to accommodate the needs of special school activities, physical education classes, athletic activities, and other extracurricular and cocurricular activities.

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

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

Gang-Related Apparel

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

Because gang-related symbols are constantly changing, definitions of gang-related apparel shall be reviewed at least once each semester and updated whenever related information is received. As necessary, the school shall collaborate with law enforcement agencies to update definitions of gang-related apparel.

Uniforms

In schools that require a schoolwide uniform, the principal, staff, and parents/guardians of the school shall jointly select the specific uniform to be worn. (Education Code 35183)

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

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

The Superintendent or designee shall establish criteria for determining student eligibility for financial assistance when purchasing uniforms.

Students who participate in a nationally recognized youth organization shall be allowed to wear organization uniforms on days when the organization has a scheduled meeting. (Education Code 35183)

Safe Ingress and Egress

Site Policies and Procedures

Drop off and Pick Up Procedures:

Morning Drop Off:
Students may be dropped off at school after 7:30 am every morning where adult supervision is available in the school's cafeteria. At 8:00 am, students walk to a designated area on campus. Parents are asked to stay at the perimeter area of the school yard.

There are three ways students can arrive to school in the morning and be picked up at the end of the day valet, escort and/or walk/ride a bike:

1. Valet: Families may drive to the front of the school and are asked to pull forward to a designated orange cone. Student volunteers assist classmates out of cars. At the end of the school day, families drive to the front of the school and locate their child who will be waiting with assigned supervision.
2. Escort: Family members park on neighboring streets in front of the school and walk their child to the front of campus. When the 8:00 am bell rings students walk to their designated area on campus and wait for their teacher to take them to their classrooms.
3. Walk/Ride Bike: Students who walk or ride their bikes to school walk to their designated area on campus at 8:00 am an wait for their teacher to take them to their classrooms.

TK and Kindergarten Drop Off and Pick Up
TK and Kindergarten students should not arrive before their designated time. When the bell rings, Kindergarteners have spots to line up in the Kindergarten playground area. Kindergarteners are released from class out the gate next to the Kindergarten playground. A few minutes before the end of school, the playground gates will be unlocked. Please meet your kindergartener near the playground area. TK students will enter the Kindergarten area at 8:20am and meet their teacher. They will be dismissed at 12:20pm at Gate 1.

Parking Lot – The gate from the parking lot to the campus is locked and for staff access only. The front parking lot is for staff only and has designated a Visitor's spot. Please do not park in front unless in designated Visitor parking

Parking in the drop-off/pick up zone is not allowed.

Schedules

Our regular school hours are listed below. Occasionally, our schedule will be adjusted (i.e. for a Staff Development Day, Conferences). Parents are notified of any changes.

FULL DAY SCHEDULE
Transitional Kindergarten: Monday-Friday 8:10-12:10 pm

Kindergarten - Fifth Grade: Monday-Thursday 8:00-2:32 pm, Friday 8:00-1:05 pm

This document is available for public inspection in the main office of this school during regular business hours.

RECESS SCHEDULE:
Monday-Friday Recess: 10:20-10:45 am

LUNCH SCHEDULE: (Monday - Friday)
12:20-1:00 pm (TK-2)
11:40-12:20 pm (3-5)

Visitors to Campus

Lincoln Elementary School welcomes visitors to our campus.
Lincoln Elementary School welcomes visitors to our school. All visitors must check in at the main office and wear a visitor's badge at all times while a guest on campus. Additionally, visitors must check out of the office when leaving so the site has an accurate list of individuals on campus at all times. Below are the procedures when visitors are on campus:

- All gates to access campus are kept locked during the school day
- Visitors must enter through the front office
- Visitors sign in using our Visitor and Volunteer booklet and provide their name, date, location visiting, purpose, and time they are coming on campus
- Visitors are given a badge and must wear the badge so that they can be easily identified on campus
- Visitors exit through the front office so secured gates are not opened and indicate the time they are leaving the school site.

Maps, Diagrams

Include maps and materials to outline the procedures for safe ingress and egress. The following maps are shared below:

A map indicating student drop off and pick-up locations and the traffic flow patterns during arrival and dismissal from school.

A map indicating the supervision postings during arrival and dismissal from school. (This is considered to be "tactical information" that will be withheld from the public view version of this plan.)

A map and supervision schedule outlining supervision posts during school hours. (This is considered to be "tactical information" that will be withheld from the public view version of this plan.)

2025-2026 Comprehensive School Safety Plan

This replaces one page with tactical information that cannot be included in the public version of this safety plan.

Newark Unified School District

This document is available for public inspection in the main office of this school during regular business hours.

2025-2026 Comprehensive School Safety Plan

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Newark Unified School District

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Safe and Orderly Environment

Site Policies and Procedures

Lincoln Elementary School is a safe place for students to learn. Staff maintain a safe and orderly environment conducive to learning by:
- Open/Closed doors during instruction
- Strategies to prevent loud noises during instruction
- Minimizing interruptions from office
- Minimizing interruptions from visitors
- Encouraging students to walk on campus quietly and orderly demonstrating respect for classes in session.

BEHAVIORAL GUIDELINES
Positive Behavioral Interventions and Support
PBIS Handbook Link: https://drive.google.com/file/d/1x-kukEOr7KdEUFCeEmINeK0YL0Nvq6mG/view?usp=sharing
District Family and Student Handbook: https://www.newarkunified.org/families-students/student-family-handbook

Purpose
Lincoln Elementary School has adopted Positive Behavioral Interventions and Support (PBIS) to promote a positive learning experience for all Lincoln students. The goal is to teach students what behaviors are expected of them and to help students take responsibility for their learning and behavior. Clear procedures for discipline, reasonable rules, and logical consequences are fundamental in a positive school climate. The students themselves can take the credit. Knowing what to expect helps students evaluate situations, make responsible decisions, and behave appropriately. When students clearly understand the consequence of an action, they can then choose intelligent and responsible behavior.

School Rules
Lincoln Elementary's three basic rules are simple and important for promoting educational excellence and maintaining a safe school.
Be Safe
Be Respectful
Be Responsible

At the beginning of each school year teachers and staff explicitly teach each of the school rules across various school settings so that students know what is expected of them in all areas of campus.

Passing Period Procedures

- Walk quietly and keep your hands to yourself at all times.
- No running between wings and on the black top at any time.

Pesticide Use on District Property

The Healthy Schools Act of 2000 (AB 2260) and Education Code 17611.5, 17612 and 48980.3 require that notification be given to parents/guardians and staff regarding the use of pesticides in public schools. This bill also encourages an Integrated Pesticide Management (IPM) approach be taken in dealing with "pests." IPM for the District means using less chemicals; when chemicals are used that they be the safest possible; establishing a level of pests that we will accept before chemicals are used; mechanical weed removal; non-chemical rodent abatement, etc.

A warning sign shall be visible to all persons entering any treated areas and shall be posted 24 hours before the application and remain posted until 72 hours after the application. In case of a pest control emergency, the warning sign shall be posted immediately upon application and shall remain posted until 72 hours after the application. The warning sign shall prominently display the term "Warning/Pesticide Treated Area" and shall include the product name, manufacturer's name, the United States Environmental Protection Agency's product registration number, intended date and areas of application, and reason for the pesticide application.

If you have further questions, or want to see a digest of AB 2260, a product list, and Material Safety Data Sheets (MSDS) on the chemicals to be used at your school, please contact the Director of Maintenance, Operations and Transportation at (510) 818-4271.

More information on pesticides and their alternatives is available through the California Department of Pesticide Regulation at http://www.cdpr.ca.gov.

The following pesticides may be stocked and used at schools by authorized and trained employees:

Pesticide	Active Ingredient(s)
DuPont Advion (Cockroach gel Bait)	Indoxacarb (S)-methyl 7-chloro-2,5-dihydro-2-(methoxycarbonyl) [4(trifluoromethoxy)phenyl]amino]- carbonyl]indeno[1,2-e]1,3,4] oxadiazine-4a- (3H)-carboxylate 0.6%
Ranger Pro Pesticide	Isopropylamine salt of N- (phosphonomethyl) glycine: (Isopropylamine salt of glyphosate) Composition: Isopropylamine salt of glyphosate 41% by Weight; Other ingredients: 59%
Essentria™ IC3 Insecticide Concentrate	Rosemary Oil 10.0 Geraniol 5.0 Peppermint Oil 2.0 Ingredients not precisely identified are proprietary or non-hazardous.
DuPont Advion (Ant Gel)	Indoxacarb* (S)-methyl 7-chloro-2,5-dihydro-2-[[(methoxycarbonyl)[4(trifluoromethoxy)phenyl]amino]- carbonyl]indeno[1,2-e][1,3,4]oxadiazine-4a- (3H)-carboxylate 0.05%
Chlorophacinone	0.005% Chlorophacinone
Contrac AW Blox	0.005% Bromadiolone
Diphacinone 0.01%	0.01% Diphacinone
Fumitoxin Tablets	55.0% Aluminum Phosphide
Gopher Getter Type 2 AG Bait	0.005% Diphacinone
Martins Gopher Bait 50r	0.50% Strychnine Alkaloid
Omega Gopher Grain Bait	0.50% Strychnine Alkaloid
Talprid Mole Bait	0.025% Bromethalin
ZP Rodent Oat Bait AG	2% Zinc Phosphide

This document is available for public inspection in the main office of this school during regular business hours.

E.P.A. registered chemicals are applied by employees who currently possess a valid “Qualified Applicator Certificate” issued by the State of California or have completed the California E.P.A. Pesticide Safety Series N training.

If a pesticide product not included in the annual notification is subsequently intended for use at the school site, the school designee shall provide written notification of its intended use at least 72 hours before application. (Educ. Code 17612)

Request for Individual Pesticide Application Notification

Parents/guardians may register to receive notification of individual pesticide applications at a specified school site. Persons who register for notification shall be notified of individual pesticide applications at least 72 hours before the application. The notice shall include the product name, the active ingredient or ingredients in the product, and the intended date of application.

To register, send the following information via email to jquintana@newarkunified.org with “Request for Individual Pesticide Application Notification” in the subject, or submit the information in writing to your site principal:

- Student’s school
- Student’s name
- Name of parent/guardian
- Date of request
- Preferred method of contact: mailing address or email address

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Additional Resources

- Newark Unified School District 2024-25 Student & Parent Handbook: 2024-25 Manual para estudiantes y padre/tutor

Rules and Procedures on School Discipline

Site Policies and Procedures

In alignment with the district's Student and Family Handbook, site-level rules shall be consistent with district policies and administrative regulations. It shall be the duty of each employee of the school to enforce the school rules on student discipline. (Educ. Code 35291)
To the extent possible, staff shall use disciplinary strategies that keep students in school and participating in the instructional program. (NUSD AR 5144 Discipline) (District Handbook: https://resources.finalsite.net/images/v1724281498/newarkunifiedorg/xfij22scy6oibrqfw2hs/FinalDocumentENGLISH2024-25NUSDStudentFamilyHandbook2.pdf, starting on page 63)

Lincoln Elementary School Rules are the following: (ROAR)
Remain Safe
Be Responsible
And Be Respectful

The Lincoln Leopard Pledge
If it's not right, I will not do it.
If it's not mine, I will not take it.
If it's not true, I will not say it.
I will be kind.
I will be safe.
I will respect people and property.
I will do my best at all times.

The NUSD district handbook is distributed to new parents yearly and a copy is posted on the school website. The district is reviewed annually before the first day of school. All families will receive an updated district handbook in the first month of each school year.

The Lincoln Elementary PBIS staff handbook was initially developed in the 2016-17 school year with ongoing annual revisions by our PBIS team. The PBIS Team meets regularly to determine implementation and receives feedback from staff to revise. A feedback survey is given to staff to assess effectiveness.

PBIS HANDBOOK: https://drive.google.com/file/d/1x-kukEOr7KdEUFCeEmINeK0YL0Nvq6mG/view?usp=sharing
District Student and Family Handbook: https://www.newarkunified.org/families-students/student-family-handbook

Bullying Prevention Policies and Procedures

Site Policies and Procedures

Lincoln Elementary School is dedicated to provide a safe learning environment for all students. We support and implement NUSD Policies and Regulations regarding bullying as described in detail below.

Lincoln Elementary has a no tolerance policy for bullying. Lincoln is a Positive Behavior Intervention System (PBIS) school. All school staff have been fully trained in PBIS expectations. At the beginning of every year, for the first two weeks of school, all students are explicitly taught the behavior expectations in all areas of school. Behavior is retaught as needed individually, small group, whole class, or whole school. PBIS expectations are explicitly taught again after long breaks. Students are taught to not tolerate bullying and reach out to adults immediately if they are being bullied. Students have the support of teachers, support staff, behaviorist, campus monitors.

Lincoln also teaches all students the importance of values through the Character Strong program. Weekly lessons are taught to students regarding a selected monthly value. Questions are posed so students to push their thinking and to help them implement the learned values in their own lives. The taught character traits are also a consistent focus during school announcements.

NUSD Policies, Regulations

The Governing Board recognizes the harmful effects of bullying on student learning and school attendance and desires to provide safe school environments that protect students from physical and emotional harm. District employees shall establish student safety as a high priority and shall not tolerate bullying of any student.
No individual or group shall, through physical, written, verbal, or other means, harass, sexually harass, threaten, intimidate, retaliate, cyberbully, cause bodily injury to, or commit hate violence against any student or school personnel.

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

Bullying Prevention
To the extent possible, district schools shall focus on the prevention of bullying by establishing clear rules for student conduct and implementing strategies to promote 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 engaging in bullying.

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 an act of bullying shall immediately intervene to stop the incident when it is safe to do so. (Education Code 234.1)

This document is available for public inspection in the main office of this school during regular business hours.

When appropriate based on the severity or pervasiveness of the bullying, the Superintendent or designee shall notify the parents/guardians of victims and perpetrators and may contact law enforcement.

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

Discipline
Corrective actions for a student who commits an act of bullying of any type may include counseling, behavioral intervention and education, and may include suspension or expulsion in accordance with district policies and regulations.

Any employee who permits or engages in bullying or retaliation related to bullying shall be subject to disciplinary action, up to and including dismissal.

Positive School Climate

Primary Strategies

Lincoln Elementary School promotes a positive school climate through our Positive Behavioral Interventions and Supports (PBIS) program. The fundamental purpose of PBIS is to make schools more effective and equitable learning environments by:

- Increasing attendance and academic performance
- Improving school culture, sense of safety, organizational efficiency, and social-emotional competence
- Reducing problem/bullying behavior and staff turnover

PBIS is a multi-tiered framework for establishing the social culture and behavioral supports needed for a school to achieve behavioral and academic outcomes for all students.

- During the initial planning year, staff:
    - Establish a PBIS team and staff support
    - Define behaviors and positive school-wide expectations
    - Create an acknowledgement system
    - Develop a clear, consistent consequence system
    - Establish a data collection system
    - Ongoing communication with staff
- In the second year of implementation, *Tier 1*, staff:
    - Implement school-wide and classroom-wide systems for all students, staff, and settings
- In the third year of implementation, *Tier 2*, staff:
    - Implement specialized group systems for students with at-risk behavior based on discipline data
- In the fourth year of implementation, *Tier 3*, staff:
    - Implement specialized, individualized systems for students with high-risk behavior based on discipline data
    - Collaborate with Special Education
    - Integrate Coordination of Services Teams (COST)
    - Connect to intensive on-site and/or off-site supports

Lincoln Elementary School is in year 9/Tier 3 of PBIS implementation.

Lincoln Elementary has a robust positive support system. Recent initiatives added to our existing plan include:
- positive communication and support in school attendance
- school-wide PBIS points and celebrations
- school attendance rewards and positive reinforcements
- PBIS Handbook PDF: https://drive.google.com/file/d/1x-kukEOr7KdEUFCeEmINeK0YL0Nvq6mG/view?usp=drive_link

Site Roles and Responsibilities

Lincoln Elementary School PBIS work and a general positive school climate are supported by all of our staff. The following staff members, consultants, community partners and agencies provide targeted support in this area:
Mental health professionals (EBAC Counselor, Contracted Counselor, and School Psychologist)
EBAC provides mental health counseling for qualified students.

- attend and participate actively in the Coordination of Services Team (COST) at Lincoln

- offer group support for students referred to COST.
- provide individual support for students referred to COST.
- provide crisis support, including suicide risk assessments as needed, following protocol identified by Lincoln and NUSD.
- collaborate and consult with district and site administrators and staff regarding behavioral health and wellness services.
- conduct student needs assessments to provide services that best meet the identified needs.
- provide resources to staff in areas such as student referral process, mandated reporting protocol, suicide prevention, early identification of behavioral health needs, and psychological stressors, as these impact student learning.
- submit suspected child abuse reports as necessary, follow mandated reporting protocol and communicate with site administrator

Community Intervention Professionals (Parent Partners)

- act as liaisons between the school, families, and regional resources to provide wrap around support

Newark Police School Resource Officer:
-assist school in addressing situations where campus and student safety is at risk upon being contacted for support.

Support for Pupils Who Have Witnessed a Violent Act

Lincoln Elementary School will provide support to any student who witnesses a violent act while on school grounds, while going to or coming from school, during a lunch period, or while attending or traveling for a school-sponsored activity.

The response to the situation should be commensurate with the severity of the violent act witnessed and number of students impacted. The response can include one or more of the following actions:

- Site Administrator calls 911 (if needed) and secures campus (if appropriate)
- Site Administrator notifies Superintendent's Office, Pupil Services, and Educational Services
- Site Administrator and Pupil Services assemble the Director of Special Education and the Health & Wellness Consultant to triage the impact of the event and develop a planned response
    - This team assists with coordination and calls in additional human resources, as needed
- Site Administrator contacts impacted family (if appropriate) and gathers information to share with the school community
- Site Administrator works with Educational Services to draft letters to staff, students, and families with information about what has happened and what supports are available
- Site Administrator welcomes and orients providers arriving on campus
- Site Administrator identifies students in closest proximity to the traumatic event (either physically or relationally, and students who may be otherwise affected)
- Site Administrator and Health & Wellness Consultant link Mental Health Providers with classroom teachers to assist in facilitating classroom circles
- Mental Health Providers (e.g. EBAC Clinicians, School Counselors, School Psychologists, Mental Health Clinician and other Community Partners) meet with students individually and/or in groups using the circle format
- Site Administrator, Health & Wellness Consultant and COST Coordinator (if available) assist teachers to identify students and staff who may need additional support and connect those students with a provider
- Site Administrator works with school community to set up a memorial area where students and staff can pay their respects on campus (if appropriate)

- Site Administrator, with support of Educational Services, makes a home visit to the family of the deceased (if appropriate) to give condolences and inform them of available supports
- Site Administrator arranges meeting with all-staff to discuss the impact of the event, and provide information about available supports
- Site Administrator and COST Coordinator (if available) continue to triage on a daily basis, responding to the needs of the school community until the overarching need has been met
- Site Administrator and Educational Services close the response with a de-briefing of teachers and providers in which lessons learned are shared and documented and self-care is emphasized
- Site Administrator and Educational Services evaluate response effectiveness, document ongoing needs, and coordinate follow-up activities

Comprehensive School Safety Plan Self-Monitoring Tool

CSSP Requirements per California Education Code Sections 32280–32289	Satisfied By
Plan is written and developed by a school site council (SSC), or the SSC may delegate this responsibility to a school safety planning committee comprised of: principal/designee, teacher, parent of child who attends the school, classified employee, and others. *Education Code 32281.(b)*	last modified: 12/16/2024
SSC/Planning Committee consulted with a representative from a law enforcement agency in the writing and development of the Comprehensive School Safety Plan. ● Identify tactical info. *Education Code 32281.(b)(3)*	
The Comprehensive School Safety Plan includes, but is not limited to:	
a. An assessment of the current status of school crime committed on the school campus and at school-related functions. You may accomplish this by reviewing the following types of information: ● Local law enforcement crime data ● Suspension/Expulsion data found in the California Longitudinal Pupil Achievement Data System ● Behavior Referrals ● Attendance rates/School Attendance Review Board data ● California Healthy Kids Survey data ● School Improvement Plan ● Property Damage data *Education Code 32282.(a)(1)*	last modified: 12/16/2024
b. An identification of appropriate strategies and programs that provide/maintain a high level of school safety. *Education Code 32282.(a)(2)*	last modified: 12/16/2024
The SSC/Planning Committee reviewed and addressed, as needed, the school's procedures for complying with existing laws related to school safety. *Education Code 32282.(a)(2)*	last approved: 12/16/2024
The Comprehensive School Safety Plan must include all of the following: *Education Code 32282.(a)(2)*	
A. Child Abuse Reporting procedures *Education Code 32282.(a)(2)(A)*	included
B. Disaster procedures, routine and emergency, including adaptations for pupils with disabilities. *Education Code 32282.(a)(2)(B)*	included

This document is available for public inspection in the main office of this school during regular business hours.

• Earthquake emergency procedures that include:
  ○ A school building disaster plan
  ○ A drop procedure
  ○ Dates/times of drop procedure drills held once each quarter in elementary; once each semester in secondary schools
  ○ Protective measures to be taken before, during, and after an earthquake
  ○ A program to ensure that pupils and both certificated and classified staff are aware of and are trained in the earthquake emergency procedure system
Education Code 32282.(a)(2)(B)(i) (I-IV)	

• Procedures to allow a public agency to use school buildings, grounds, and equipment for mass care and welfare shelters during an emergency which affects public health or welfare. *Education Code 32282.(a)(2)(B)(ii)*	
C. Policies and procedures which lead to suspension and/or expulsion. *Education Code 32282.(a)(2)(C)*	included
D. Procedures to notify teachers of dangerous pupils. *Education Code 32282.(a)(2)(D)*	included
E. Policy prohibiting discrimination, harassment, intimidation, and bullying. *Education Code 32282.(a)(2)(E)*	included
F. Provisions of any school site dress code, including prohibition of “gang-related” apparel. *Education Code 32282.(a)(2)(F)*	included
G. Procedures for safe ingress and egress of pupils, parents, and employees from school site; including procedures for visitor access to the school campus. *Education Code 32282.(a)(2)(G)*	included
H. Goals and plans that create a safe and orderly environment conducive to learning at the school. *Education Code 32282.(a)(2)(H)*	included
I. The rules and procedures on school discipline. *Education Code 32282.(a)(2)(I)*	included
J. Hate crime reporting procedures and policies.	included
The plan may include clear guidelines for the roles and responsibilities of mental health professionals, community intervention professionals, school counselors, school resource officers, and police officers on campus. *Education Code 32282.1*	included
The plan may include procedures for responding to the release of a pesticide or other toxic substance from properties located within one-quarter mile of a school. *Education Code 32284*	included

The plan should include verification that the school safety plan was evaluated at least once a year, and revised by March 1 every year. *Education Code 32286*	
The plan should include documentation that school safety plan was submitted for approval to either the district office or county office of education. Evidence of approval at the district or county level should be included. *Education Code 32288*	
The plan should include verification that the SSC/Planning Committee communicated the school safety plan to the public at a public meeting at the school site. *Education Code 32288.(b)*	
Public View version available for review during business hours. ● Remove Tactical Information from Public View copy. ● Recommended review procedures: ○ ID check ○ Staff present during review ○ No copies ● Do need to comply with a CA Public Information Act request. *Education Code 32288.(b)(2)*	

Opioid Prevention and Life-Saving Response Procedures

Students receive education on the dangers of opioids consistent with California Education Standards

In conjunction with Newark Unified School District Board Policy and Administrative Regulation 5141.21, Naloxone Hydrochloride is available at our school campus for the purpose of providing emergency medical aid to persons suffering, or reasonably believed to be suffering, from an opioid overdose.

Most staff are trained to recognize the signs of an opioid overdose and volunteer staff are trained on the administration of emergency Naloxone Hydrochloride.

Recognizing the Signs of an Opioid Overdose

Anyone who uses opioids can experience an overdose at any time. The Substance Abuse and Mental

Health Services Administration's Opioid Overdose Toolkit describes the signs of an opioid overdose as:

- Unconsciousness or inability to waken
- Slow or shallow breathing or breathing with difficulty such as choking sounds or a gurgling/snoring

noise from a person who cannot be awakened

- Fingernails or lips turning blue/purple
- Cold/clammy skin

If an opioid overdose is suspected, stimulate the person by:

- Calling out their name loudly
- Vigorously grind knuckles into the sternum (the breastbone in the middle of the chest) or or rub

knuckles on the person's upper lip

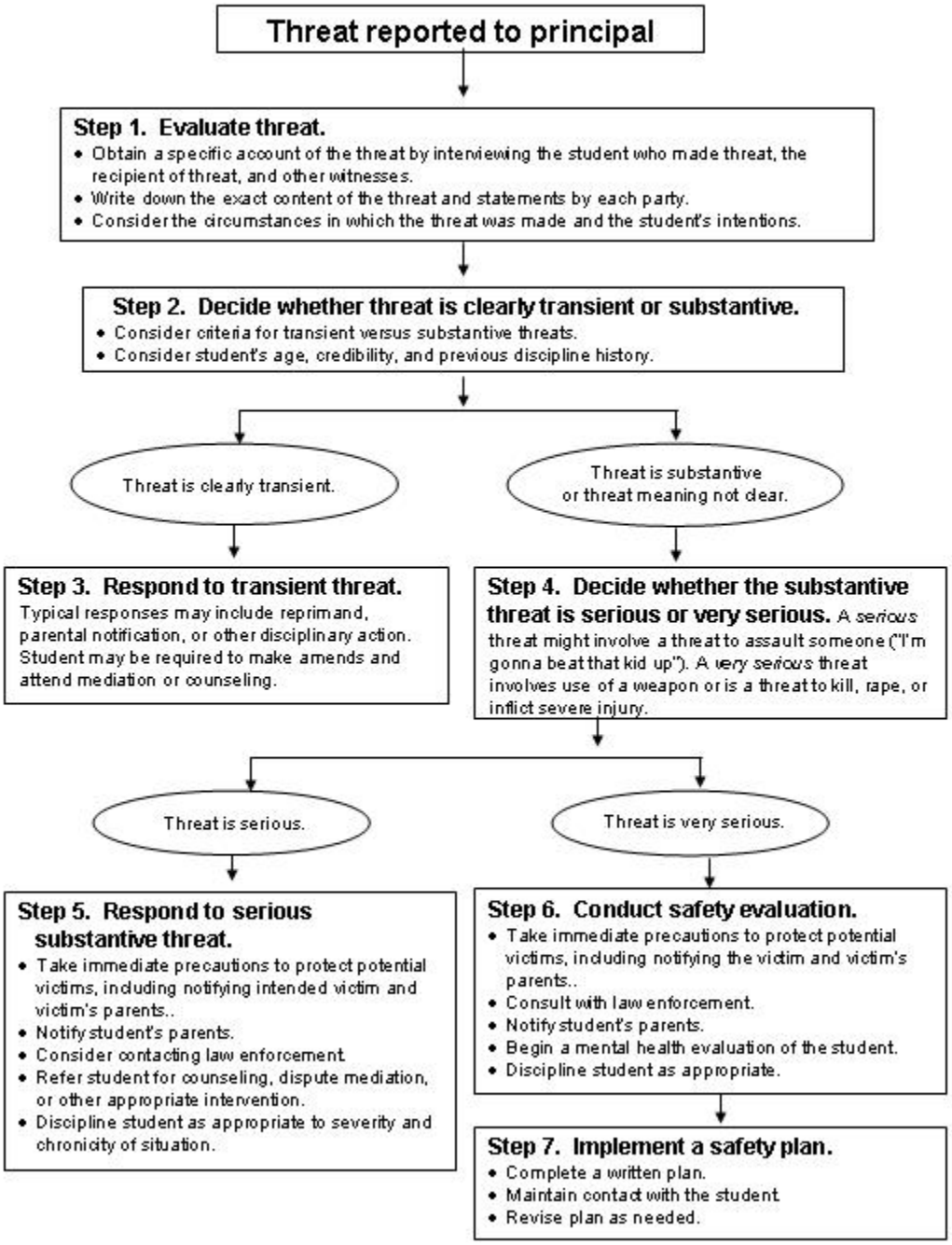
Responding to an Opioid Overdose

- If the person responds, assess whether they can maintain responsiveness and breathing

- Start the chain of survival by calling 911
- Retrieve and administer Naloxone Hydrochloride and monitor breathing
- Provide rescue breathing (CPR) if breathing is slow or has stopped
- If there is no response after 2-3 minutes, administer another dose of Naloxone Hydrochloride
- Once the person is breathing again, place them in recovery position (on their side with their top leg and arm crossed over the body to prevent choking
- Continue to monitor the individual until EMS arrives

Response Procedures for Dangerous, Violent, or Unlawful Activities

The below graphic is cited in Newark Unified School District Crisis Management Handbook. The district's Crisis Management Handbook can be viewed at the district office by request.



This document is available for public inspection in the main office of this school during regular business hours.

Instructional Continuity Plan

A Continuity of Operations plan has been developed to establish communication with students and their families and to provide instruction to students when in-person instruction is disrupted due to an emergency, such as fire, flood, impassable roads, epidemic, earthquakes, imminence of a major safety hazard as determined by local law enforcement, a strike involving transportation services to students provided by a non-school entity, snow storm, order of a military officer, inability to hold a teacher, illness of a teacher, to name a few (California Education Code 32282).
Procedures for pupil engagement, as soon as practicable, and no later than five calendar days following the emergency - to the establishment of two-way communication with students and families and identify and provide support for students' social-emotional, mental health, and academic needs:

Communication with staff: (Executive Cabinet):

- Schedule regular communication with affected site principal(s) and district office staff. Topics to include, but not limited to:
- Status of facilities
- Availability of support resources for staff, students, and families
- Guidance on engaging pupils - including methods available and frequency ? Information on supply, instructional material, technology distribution for staff and students
- Site Principal(s) to then communicate with site staff:
- Relay all updates from district
- Create a communication schedule, include mode of delivery so staff can stay informed
- Establish expectations for staff on student engagement and future preparations based on preliminary information of facility/in-person availability
- Inform staff of resources available to them and how to access them

Communications with students and families: (Executive Cabinet, Site Principal(s):

- Establish regular communication with students and families, including a schedule of when and how families can expect communications (i.e., daily or every other day; Parent Square, phone call, text)
- Ensure communications are translated to all applicable languages
- Provide students and parents with methods to contact school and/or district personnel.
- Inform families and students (when age appropriate) of the following:

Availability of support resources for students and families and how to access them (facilities updates, student engagement protocols and expectations)

Facility considerations: (Executive Cabinet, affected site principal(s):

- If the emergency resulted to damage to the school building, an inspection will be conducted to determine:
- The extent of damage
- How long repairs will take
- Can any of the buildings be used to house students
- Estimate of when the building will be safe for staff and students to reenter

Additional Considerations:

- Is there another location that can house students for the duration the building is out of commission
- Is there a place on the campus or a nearby site where support services can be set up for students and families
- Determine a distribution center if supplies, instructional materials, and/or technological items need to be distributed
- Ensure that any alternative/temporary facilities are handicap accessible

This document is available for public inspection in the main office of this school during regular business hours.

Record management:

- Preservation of cumulative files/student records
- Preservation/backing up of staff files
- Establish a system of documenting staff and pupil engagement

Collaboration with community partners: (Student Pupil Services):

- Coordinating with local emergency management agencies, health care providers, behavioral health providers, and other community organizations to provide support to students, families and staff following the emergency

A plan to provide access to in-person instruction or remote instruction (Sections 41747 &51749.5) as soon as practicable, but no later than 10 instructional days following the emergency - may include support to students and families to enroll in or be temporarily reassigned to another school district or charter school:

Communication with staff: (Executive Cabinet):

- Schedule regular communication with affected site principal(s) and district office staff including, but not limited to:
- Status of facilities
- Availability of support resources for staff, students, and families
- Guidance on engaging pupils - including methods available
- Information on supply, instructional material, technology distribution for staff and students.
- Establish instruction/curricular expectations and delivery method (i.e., virtual or in-person)

Communications with students and families: (Executive Cabinet, Site Principal(s):

- Establish regular communication with students and families, including a schedule of when and how families can expect communications (i.e., daily or every other day; Parent Square, phone call, text)
- Ensure communications are translated to all applicable languages
- Provide students and parents with methods to contact school and/or district personnel. ? Inform families and students (when age appropriate) of the following: ? Availability of support resources for students and families and how to access them
- Facilities updates
- Student engagement protocols and expectations

Facility considerations: (Executive Cabinet, affected site principal(s):

- Continue to monitor facility availability
- Is there another location that can house students for the duration the building is out of commission
- Determine a method for delivering instruction, virtual or in-person at an alternative location - Is there a place on the campus or a nearby site where support services can be set up for students and families
- Determine a distribution center if supplies, instructional materials, and/or technological items need to be distributed
- Ensure that any alternative/temporary facilities are handicap accessible

Record management:

- System of documenting staff and pupil attendance
- Record keeping of students dropping for alternative in-person programing

Collaboration with community partners: (Student Pupil Services)

- Coordinating with local emergency management agencies, health care providers, behavioral health providers, and other community organizations to provide support to students, families and staff following the emergency.

This document is available for public inspection in the main office of this school during regular business hours.

Medical Emergencies

The following procedures should be activated for any Medical Emergency at a school or district site. IF A MEDICAL EMERGENCY EXISTS, IMMEDIATELY CALL 9-1-1. If first aid, more than minor injury, is required take the student to the campus office where the school nurse or designee will administer first aid, as required.

TREATING A STUDENT - LIFE THREATING

1. Stay calm and DO NOT move the student unless there is danger of further injury.
    - Give your name, telephone number, campus, room number and location of student.
    - Describe the nature and severity of the medical emergency.

2. Ask someone to dispatch a first aid/CPR-trained employee to the student.

3. Determine if student may be having an allergic reaction and experiencing anaphylactic shock, if so notify office, request Epi-Pen assistance. If suspected overdose administer Narcan

4. DO NOT give the student anything to eat or drink.

5. When an ambulance arrives, request information as to which hospital the student will be taken to notify the parents.

6. Give the ambulance driver the student's emergency numbers and guardian name(s).

7. If possible, assign a staff member to accompany a student to the hospital.

8. Work with staff to complete DISTRICT Report of Student Injury form, which can be obtained at the campus main office, and return to Principal.

TREATING A STUDENT - NOT LIFE THREATING

1. In case of a minor injury or illness, take the student to the office where the school Health Clerk will administer first aid, as required.

2. Work with staff to complete District Incident Report of Student Injury form, which can be obtained at the campus main office, and return to Principal.

TREATING A DISTRICT EMPLOYEE OR OTHER-LIFE THREATING

1. Follow steps 1 through 7 above.

2. Complete the District Report of Employee Incident/Injury form which can be obtained and returned to your Supervisor.

TREATING A DISTRICT EMPLOYEE OR OTHER - NOT LIFE THREATING

1. Report to the campus office where the school Health Clerk will administer first aid, as required, or get minor first aid supplies from your campus first aid box.

2. Complete the District Employee Incident/Injury form which can be obtained and

returned to your reporting Supervisor.

If student has a significant disability, ensure program support staff remains with the student and those working with the student understand any impact of the student's disability.

Appendix

California Education Code Sections 32280 - 32289 School Safety Plans

Updated: 2019
Available:https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?division=1.&chapter=2.5.&part=19.&lawCode=EDC&title=1.&article=5

EDUCATION CODE - EDC
TITLE 1 GENERAL EDUCATION CODE PROVISIONS [1. - 32527]
(Title 1 enacted by Stats. 1976, Ch. 1010.)
DIVISION 1 GENERAL EDUCATION CODE PROVISIONS [1. - 32527]
(Division 1 enacted by Stats. 1976, Ch. 1010.)
PART 19. MISCELLANEOUS [32001 - 32454]
(Part 19 enacted by Stats. 1976, Ch. 1010.)
CHAPTER 2.5. Interagency School Safety Demonstration Act of 1985 [32260 - 32295.5]
(Chapter 2.5 added by Stats. 1985, Ch. 1457, Sec. 1.)

ARTICLE 5. School Safety Plans [32280 - 32289.5]
(Heading of Article 5 renumbered from Article 10.3 by Stats. 2003, Ch. 828, Sec. 11.)

32280.

It is the intent of the Legislature that all California public schools, in kindergarten, and grades 1 to 12, inclusive, operated by school districts, in cooperation with local law enforcement agencies, community leaders, parents, pupils, teachers, administrators, classified employees, and other persons who may be interested in the prevention of campus crime and violence, develop a comprehensive school safety plan that addresses the safety concerns identified through a systematic planning process. It is also the intent of the Legislature that all school staff be trained on the comprehensive school safety plan. For the purposes of this section, law enforcement agencies include local police departments, county sheriffs' offices, school district police or security departments, probation departments, and district attorneys' offices. For purposes of this section, a "safety plan" means a plan to develop strategies aimed at the prevention of, and education about, potential incidents involving crime and violence on the school campus.
(Amended by Stats. 2018, Ch. 806, Sec. 1. (AB 1747) Effective January 1, 2019.)

32281.

(a) Each school district and county office of education is responsible for the overall development of all comprehensive school safety plans for its schools operating kindergarten or any of grades 1 to 12, inclusive.
(b) (1) Except as provided in subdivision (d) with regard to a small school district, the school site council established pursuant to former Section 52012, as it existed before July 1, 2005, or Section 52852 shall write and develop a comprehensive school safety plan relevant to the needs and resources of that particular school.
(2) The school site council may delegate this responsibility to a school safety planning committee made up of the following members:

(A) The principal or the principal's designee.

(B) One teacher who is a representative of the recognized certificated employee organization.

(C) One parent whose child attends the school.

(D) One classified employee who is a representative of the recognized classified employee organization.

(E) Other members, if desired.

(3) The school site council shall consult with a representative from a law enforcement agency, a fire department, and other first responder entities in the writing and development of the comprehensive school safety plan. The comprehensive school safety plan and any updates to the plan shall be shared with the law enforcement agency, the fire department, and the other first responder entities.

(4) In the absence of a school site council, the members specified in paragraph (2) shall serve as the school safety planning committee.

(c) This article does not limit or take away the authority of school boards as guaranteed under this code.
(d) (1) Subdivision (b) shall not apply to a small school district, as defined in paragraph (2), if the small school district develops a districtwide comprehensive school safety plan that is applicable to each school site.

(2) As used in this article, "small school district" means a school district that has fewer than 2,501 units of average daily attendance at the beginning of each fiscal year.

(e) (1) When a principal or his or her designee verifies through local law enforcement officials that a report has been filed of the occurrence of a violent crime on the school site of an elementary or secondary school at which he or she is the principal, the principal or the principal's designee may send to each pupil's parent or legal guardian and each school employee a written notice of the occurrence and general nature of the crime. If the principal or his or her designee chooses to send the written notice, the Legislature encourages the notice be sent no later than the end of business on the second regular workday after the verification. If, at the time of verification, local law enforcement officials determine that notification of the violent crime would hinder an ongoing investigation, the notification authorized by this subdivision shall be made within a reasonable period of time, to be determined by the local law enforcement agency and the school district. For purposes of this section, an act considered a "violent crime" shall meet the definition of Section 67381 and be an act for which a pupil could or would be expelled pursuant to Section 48915.

(2) This subdivision does not create any liability in a school district or its employees for complying with paragraph (1).

(f) (1) Notwithstanding subdivision (b), a school district or county office of education may, in consultation with law enforcement officials, elect to not have its schoolsite council develop and write those portions of its comprehensive school safety plan that include tactical responses to criminal incidents that may result in death or serious bodily injury at the schoolsite. The portions of a comprehensive school safety plan that include tactical responses to criminal incidents may be developed by administrators of the school district or county office of education in consultation with law enforcement officials and with a representative of an exclusive bargaining unit of employees of that school district or county office of education, if he or she chooses to participate. The school district or county office of education may elect not to disclose those portions of the comprehensive school safety plan that include tactical responses to criminal incidents.

(2) As used in this article, "tactical responses to criminal incidents" means steps taken to safeguard pupils and staff, to secure the affected school premises, and to apprehend the criminal perpetrator or perpetrators.

(3) This subdivision does not preclude the governing board of a school district or county office of education from conferring in a closed session with law enforcement officials pursuant to Section 54957 of the Government Code to approve a tactical response plan developed in consultation with those officials pursuant to this subdivision. Any vote to approve the tactical response plan shall be announced in open session following the closed session.

(4) This subdivision does not reduce or eliminate the requirements of Section 32282.

(Amended by Stats. 2018, Ch. 806, Sec. 2. (AB 1747) Effective January 1, 2019.)

32282.

(a) The comprehensive school safety plan shall include, but not be limited to, both of the following:

(1) Assessing the current status of school crime committed on school campuses and at school-related functions.

(2) Identifying 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, which shall include the development of all of the following:

(A) Child abuse reporting procedures consistent with Article 2.5 (commencing with Section 11164) of Chapter 2 of Title 1 of Part 4 of the Penal Code.

(B) (i) Disaster procedures, routine and emergency, including adaptations for pupils with disabilities in accordance with the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.), the federal Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.), and Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794(a)). The disaster procedures shall also include, but not be limited to, both of the following:

(I) Establishing an earthquake emergency procedure system in every public school building having an occupant capacity of 50 or more pupils or more than one classroom. A school district or county office of education may work with the Office of Emergency Services and the Alfred E. Alquist Seismic Safety Commission to develop and establish the earthquake emergency procedure system. The system shall include, but not be limited to, all of the following:

(ia) A school building disaster plan, ready for implementation at any time, for maintaining the safety and care of pupils and staff. The department shall provide general direction to school districts and county offices of education on what to include in the school building disaster plan.

(ib) A drop procedure whereby each pupil and staff member takes cover under a table or desk, dropping to their knees, with the head protected by the arms, and the back to the windows. A drop procedure practice shall be held at least once a school quarter in elementary schools and at least once a semester in secondary schools.

(ic) Protective measures to be taken before, during, and following an earthquake.

(id) A program to ensure that pupils and both the certificated and classified staff are aware of, and properly trained in, the earthquake emergency procedure system.

(II) Establishing a procedure to allow a public agency, 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. The school district or county office of education shall cooperate with the public agency in furnishing and maintaining the services as the school district or county office of education may deem necessary to meet the needs of the community.

(ii) The evaluation of a comprehensive school safety plan pursuant to subdivision (d) and the review of a school safety plan pursuant to clause (iii) of subparagraph (F) of paragraph (5) of subdivision (c) of Section 47605 or clause (iii) of subparagraph (G) of paragraph (5) of subdivision (b) of Section 47605.6, as applicable, shall include ensuring that the plan includes appropriate adaptations for pupils with disabilities, as required pursuant to clause (i).

(iii) (I) After the first evaluation or review, as applicable, for purposes of subdivision (d) and clause (ii) is conducted, and after each annual evaluation or review thereafter, a school employee, a pupil's parent, guardian, or educational rights holder, or a pupil themselves may bring concerns about an individual pupil's ability to access disaster safety procedures described in the comprehensive school safety plan or the school safety plan to the school principal. If the school principal determines there is merit to a concern, the principal shall direct the school site council, school safety planning committee, or charter school, as applicable, to make appropriate modifications to the comprehensive school safety plan or school safety plan, as applicable, during the evaluation of the comprehensive school safety plan pursuant to subdivision (d) or the review of the school safety plan pursuant to clause (iii) of subparagraph (F) of paragraph (5) of subdivision (c) of Section 47605 or clause (iii) of subparagraph (G) of paragraph (5) of subdivision (b) of Section 47605.6, as applicable. The school principal may direct the school site council, the school safety planning committee, or the charter school, as applicable, to make such modifications before the evaluation of the comprehensive school safety plan pursuant to subdivision (d) or the review of the school safety plan pursuant to clause (iii) of subparagraph (F) of paragraph (5) of subdivision (c) of Section 47605 or clause (iii) of subparagraph (G) of paragraph (5) of subdivision (b) of Section 47605.6, as applicable.

(II) Subclause (I) does not prohibit a school employee, a pupil's parent, guardian, or educational rights holder, or a pupil themselves from bringing their concerns to the school principal before an evaluation or review, as applicable, for purposes of subdivision (d) and clause (ii) is conducted.

(iv) All deliberations of the school site council, school safety planning committee, or charter school, as applicable, related to individual pupils with disabilities for purposes of the requirements of clauses (i) to (iii), inclusive, shall be subject to applicable state and federal laws regarding the privacy of pupil information.

(C) Policies pursuant to subdivision (d) of Section 48915 for pupils who committed an act listed in subdivision (c) of Section 48915 and other school-designated serious acts that would lead to suspension, expulsion, or mandatory expulsion recommendations pursuant to Article 1 (commencing with Section 48900) of Chapter 6 of Part 27 of Division 4 of Title 2.

(D) Procedures to notify teachers of dangerous pupils pursuant to Section 49079.

(E) A discrimination and harassment policy consistent with the prohibition against discrimination contained in Chapter 2 (commencing with Section 200) of Part 1.

(F) The provisions of any schoolwide dress code, pursuant to Section 35183, that prohibits pupils from wearing "gang-related apparel," if the school has adopted that type of a dress code. For those purposes, the comprehensive school safety plan shall define "gang-related apparel." The definition shall be limited to apparel that, if worn or displayed on a school campus, reasonably could be determined to threaten the health and safety of the school environment. A schoolwide dress code established pursuant to this section and Section 35183 shall be enforced on the school campus and at any school-sponsored activity by the principal of the school or the person designated by the principal. For purposes of this subparagraph, "gang-related apparel" shall not be considered a protected form of speech pursuant to Section 48950.

(G) Procedures for safe ingress and egress of pupils, parents, and school employees to and from school.

(H) A safe and orderly environment conducive to learning at the school.

(I) The rules and procedures on school discipline adopted pursuant to Sections 35291, 35291.5, 47605, and 47605.6.

(J) Procedures for conducting tactical responses to criminal incidents, including procedures related to individuals with guns on school campuses and at school-related functions. The procedures to prepare for active shooters or other armed assailants shall be based on the specific needs and context of each school and community.

(K) Procedures to assess and respond to reports of any dangerous, violent, or unlawful activity that is being conducted or threatened to be conducted at the school, at an activity sponsored by the school, or on a school bus serving the school.

(L) For schools that serve pupils in any of grades 7 to 12, inclusive, a protocol in the event a pupil is suffering or is reasonably believed to be suffering from an opioid overdose.

(b) It is the intent of the Legislature that schools develop comprehensive school safety plans using existing resources, including the materials and services of the partnership, pursuant to this chapter. It is also the intent of the Legislature that schools use the handbook developed and distributed in partnership by the State Department of Education's Safe Schools and Violence Prevention Center and the Attorney General's Crime and Violence Prevention Center entitled "Safe Schools: A Planning Guide for Action" in conjunction with developing their plan for school safety.
(c) Each school site council or school safety planning committee, in developing and updating a comprehensive school safety plan, shall, where practical, consult, cooperate, and coordinate with other school site councils or school safety planning committees.
(d) The comprehensive school safety plan may be evaluated and amended, as needed, by the school safety planning committee, but shall be evaluated at least once a year, to ensure that the comprehensive school safety plan is properly implemented. An updated file of all safety-related plans and materials shall be readily available for inspection by the public.
(e) As comprehensive school safety plans are reviewed and updated, the Legislature encourages all plans, to the extent that resources are available, to include policies and procedures aimed at the prevention of bullying.
(f) The comprehensive school safety plan, as written and updated by the school site council or school safety planning committee, shall be submitted for approval pursuant to subdivision (a) of Section 32288.
(g) The department shall maintain and conspicuously post on its internet website a compliance checklist for developing a comprehensive school safety plan, and shall update the checklist when necessary.
(Amended by Stats. 2023, Ch. 856, Sec. 2.3. (SB 10) Effective January 1, 2024.)

32282.1.

(a) As comprehensive school safety plans are reviewed and updated, the Legislature encourages all plans, to the extent that resources are available, to include clear guidelines for the roles and responsibilities of mental health professionals, community intervention professionals, school counselors, school resource officers, and police officers on school campuses, if the school district uses these people.
(b) The guidelines developed pursuant to subdivision (a) are encouraged to include both of the following:
(1) Primary strategies to create and maintain a positive school climate, promote school safety, and increase pupil achievement, and prioritize mental health and intervention services, restorative and transformative justice programs, and positive behavior interventions and support.

(2) Consistent with paragraph (2) of subdivision (a) of Section 32282, protocols to address the mental health care of pupils who have witnessed a violent act at any time, including, but not limited to, any of the following:

(A) While on school grounds.

(B) While going to or coming from school.

(C) During a lunch period whether on or off campus.

(D) During, or while going to or coming from, a school-sponsored activity.

(Amended by Stats. 2014, Ch. 794, Sec. 2. (AB 1271) Effective January 1, 2015.)

32282.5.

(a) The department shall electronically distribute disaster preparedness educational materials and lesson plans that are currently available to school districts and county offices of education.
(b) The department shall ensure that the disaster preparedness materials are available in at least the three most dominant primary languages spoken by English learners in California, according to the language census.
(c) The department shall coordinate with the Office of Emergency Services to make sure that all materials are reviewed and updated annually.
(Amended by Stats. 2013, Ch. 352, Sec. 70. (AB 1317) Effective September 26, 2013. Operative July 1, 2013, by Sec. 543 of Ch. 352.)

32283.

The Department of Justice and the State Department of Education, in accordance with Section 32262, shall contract with one or more professional trainers to coordinate statewide workshops for school districts, county offices of education, and school site personnel, and in particular school principals, to assist them in the development of their respective school safety and crisis response plans, and provide training in the prevention of bullying as defined in subdivision (r) of Section 48900. The Department of Justice and the State Department of Education shall work in cooperation with regard to the workshops coordinated and presented pursuant to the contracts. Implementation of this section shall be contingent upon the availability of funds in the annual Budget Act.
(Amended by Stats. 2011, Ch. 732, Sec. 4. (AB 1156) Effective January 1, 2012. Operative July 1, 2012, by Sec. 8 of Ch. 732.)

32283.5.

(a) The department shall develop and post on its internet website an online training module to assist all school staff, school administrators, parents, pupils, and community members in increasing their knowledge of the dynamics of bullying and cyberbullying. The online training module shall include, but is not limited to, identifying an act of bullying or cyberbullying and implementing strategies to address bullying and cyberbullying.
(b) The department shall post on its internet website and annually update a list of available online training modules relating to bullying or bullying prevention.
(c) A school operated by a school district or a county office of education and a charter school shall annually make available the online training module developed by the department pursuant to subdivision (a) to certificated school site employees and all other school site employees who have regular interaction with pupils.
(Amended by Stats. 2019, Ch. 497, Sec. 43. (AB 991) Effective January 1, 2020.)

32284.

The comprehensive school safety plan may also include, at local discretion of the governing board of the school district and using local funds, procedures for responding to the release of a pesticide or other toxic substance from properties located within one-quarter mile of a school. No funds received from the state may be used for this purpose.
(Added by renumbering Section 35294.4 by Stats. 2003, Ch. 828, Sec. 16. Effective January 1, 2004.)

32286.

(a) Each school shall adopt its comprehensive school safety plan by March 1, 2000, and shall review and update its plan by March 1, every year thereafter. A new school campus that begins offering classes to pupils after March 1, 2001, shall adopt a comprehensive school safety plan within one year of initiating operation, and shall review and update its plan by March 1, every year thereafter.
(b) Commencing in July 2000, and every July thereafter, each school shall report on the status of its school safety plan, including a description of its key elements in the annual school accountability report card prepared pursuant to Sections 33126 and 35256.
(Added by renumbering Section 35294.6 by Stats. 2003, Ch. 828, Sec. 18. Effective January 1, 2004.)

32287.

If the Superintendent of Public Instruction determines that there has been a willful failure to make any report required by this article, the superintendent shall do both of the following:
(a) Notify the school district or the county office of education in which the willful failure has occurred.
(b) Make an assessment of not more than two thousand dollars ($2,000) against that school district or county office of education. This may be accomplished by deducting an amount equal to the amount of the assessment from the school district's or county office of education's future apportionment.
(Added by renumbering Section 35294.7 by Stats. 2003, Ch. 828, Sec. 19.5. Effective January 1, 2004.)

32288.

(a) (1) In order to ensure compliance with this article, each school shall forward its comprehensive school safety plan to the school district or county office of education for approval.

(2) The department shall develop and post on its Internet Web site best practices for reviewing and approving school safety plans.

(b) (1) Before adopting its comprehensive school safety plan, the school site council or school safety planning committee shall hold a public meeting at the school site in order to allow members of the public the opportunity to express an opinion about the school safety plan.

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

(A) The local mayor.

(B) A representative of the local school employee organization.

(C) A representative of each parent organization at the school site, including the parent teacher association and parent teacher clubs.

(D) A representative of each teacher organization at the school site.

(E) A representative of the student body government.

(F) All persons who have indicated they want to be notified.

(3) 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:

(A) A representative of the local churches.

(B) Local civic leaders.

(C) Local business organizations.

(c) In order to ensure compliance with this article, each school district or county office of education shall annually notify the department by October 15 of any schools that have not complied with Section 32281.
(Amended by Stats. 2018, Ch. 806, Sec. 4. (AB 1747) Effective January 1, 2019.)

32289.

A complaint of noncompliance with the school safety planning requirements of Title IV of the federal No Child Left Behind Act of 2001 (20 U.S.C. Sec. 7114 (d)(7)) may be filed with the department under the Uniform Complaint Procedures as set forth in Chapter 5.1 (commencing with Section 4600) of Title 5 of the California Code of Regulations.
(Amended (as added by Stats. 2004, Ch. 896, Sec. 29) by Stats. 2015, Ch. 303, Sec. 70. (AB 731) Effective January 1, 2016.)

32289.5.

(a) The department shall collect, and local educational agencies shall provide, data pertaining to lockdown or multioption response drills conducted at school sites within school districts, county offices of education and charter schools providing instructional services to pupils in kindergarten or in any of grades 1 to 12, inclusive. The data may be collected from a representative sample of school sites, with a methodology to be determined by the Superintendent. Specifically, the department shall collect data including, but not limited to, all of the following information:

(1) The portion of school sites conducting drills and the population they serve.

(2) The types of drills performed and their frequency.

(3) Information about staff training in preparation for drills.

(4) Information pertaining to school site evaluations, if any, of the drill impacts.

(5) Information pertaining to staff and parental notifications of drills.

(b) The department shall either conduct, or contract with a nonprofit research entity to conduct, a study that identifies best practices for age-appropriate drills, the effectiveness of lockdown or multioption response drills in schools, and the effects drills have on pupil emotional wellbeing and emergency preparedness.
(c) (1) The department shall submit to the Governor and relevant policy committees of the Legislature on or before November 1, 2021, a report containing data collected pursuant to subdivision (a) and findings and recommendations from the study conducted pursuant to subdivision (b).

(2) Pursuant to Section 10231.5 of the Government Code, this subdivision shall become inoperative on November 1, 2025.

(Added by Stats. 2019, Ch. 786, Sec. 1. (SB 541) Effective January 1, 2020.)

NUSD Board Policy 5141.4 Child Abuse Prevention And Reporting

Updated: June 15, 2023
Available:https://simbli.eboardsolutions.com/Policy/ViewPolicy.aspx?S=36030599&revid=Kqig5LRosjmR9OkvzjD7ig==&st=child%20abuse&mt=Exact

The Governing Board is committed to supporting the safety and well-being of district students and desires to facilitate the prevention of and response to child abuse and neglect. The Superintendent or designee shall develop and implement strategies for preventing, recognizing, and promptly reporting known or suspected child abuse and neglect.

The Superintendent or designee may provide a student who is a victim of abuse with school-based mental health services or other support services and/or may refer the student to resources available within the community as needed.

Child Abuse Prevention

The district's instructional program may provide age-appropriate and culturally sensitive child abuse prevention curriculum which explains students' right to live free of abuse, includes instruction in the skills and techniques needed to identify unsafe situations and react appropriately and promptly, informs students of available support resources, and teaches students how to obtain help and disclose incidents of abuse.

The district's program also may include age-appropriate curriculum in sexual abuse and sexual assault awareness and prevention. Upon written request of a student's parent/guardian, the student shall be excused from taking such instruction. (Education Code 51900.6)

The Superintendent or designee may display posters, in areas on campus where students frequently congregate, notifying students of the appropriate telephone number to call to report child abuse or neglect. (Education Code 33133.5)

In addition, student identification cards for students in grades 7-12 shall include the National Domestic Violence Hotline telephone number. (Education Code 215.5)

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

Child Abuse Reporting

The Superintendent or designee shall establish procedures for the identification and reporting of known and suspected child abuse and neglect in accordance with law.

Procedures for reporting child abuse shall be included in the district and/or school comprehensive safety plan. (Education Code 32282)

District 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.

The Superintendent or designee shall provide training regarding the duties of mandated reporters as required by law and as specified in the accompanying administrative regulation. (Education Code 44691; Penal Code 11165.7)

NUSD Administrative Regulation 5141.4 Child Abuse Prevention And Reporting

Updated: June 15, 2023
Available:https://simbli.eboardsolutions.com/Policy/ViewPolicy.aspx?S=36030599&revid=yLeZI5Wg02QTi9yXMIBIfw==&st=child%20abuse&mt=Exact

Definitions

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

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

Child abuse or neglect does not include:

1. A mutual affray between minors (Penal Code 11165.6)
2. An injury caused by reasonable and necessary force used by a peace officer acting within the course and scope of employment (Penal Code 11165.5, 11165.6)
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 legally privileged to exercise, not exceeding the amount of physical control reasonably necessary to maintain order, protect property, protect the health and safety of students, or maintain proper and appropriate conditions conducive to learning (Education Code 44807)
4. An injury caused by a school employee's use of force that is reasonable and necessary to quell a disturbance threatening physical injury to persons or damage to property, for purposes of self-defense, or to obtain weapons or

other dangerous objects within the control of a student (Education Code 49001)

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

6. Homelessness or classification as an unaccompanied minor (Penal Code 11165.15)

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; athletic coaches, administrators, and directors; licensees, administrators, and employees of a licensed child day care facility; Head Start program teachers; district police or security officers; licensed nurses or health care providers; and administrators, presenters, and counselors of a child abuse prevention program. (Penal Code 11165.7)

Reasonable suspicion means that it is objectively reasonable for a person to entertain a suspicion, based upon facts that could cause a reasonable person in a like position, drawing when appropriate on the person's training and experience, to suspect child abuse or neglect. However, reasonable suspicion does not require certainty that child abuse or neglect has occurred nor does it require a specific medical indication of child abuse or neglect. (Penal Code 11166)

Reportable Offenses

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

Any mandated reporter who has knowledge of or who reasonably suspects that a child is suffering serious emotional damage or is at a substantial risk of suffering serious emotional damage, based on evidence of severe anxiety, depression, withdrawal, or untoward aggressive behavior toward self or others, may make a report to the appropriate agency. (Penal Code 11165.9, 11166.05, 11167)

Any district employee who reasonably believes to have observed the commission of a murder, rape, or lewd or lascivious act by use of force, violence, duress, menace, or fear of immediate and unlawful bodily injury against a victim who is a child under age 14 shall notify a peace officer. (Penal Code 152.3, 288)

Responsibility for Reporting

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

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

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

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

Reporting Procedures

1. Initial Telephone Report

Immediately or as soon as practicable after knowing or observing suspected child abuse or neglect, a mandated reporter shall make an initial report by telephone to any police department (excluding a school district police/security department), sheriff's department, county probation department if designated by the county to receive such reports, or county welfare department. (Penal Code 11165.9, 11166)

Such reports shall be made to the following agency(ies):

Child Protective Services and/or Newark Police Department
24100 Amador Street, Hayward, CA 94544
510-259-1800

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 prepare and either send, fax, or electronically transmit to the appropriate agency a written follow-up report, which includes a completed California Department of Justice (DOJ) form (BCIA 8572). (Penal Code 11166, 11168)

The DOJ form may be obtained from the district office or other appropriate agencies, such as the police department, sheriff's department, or county probation or welfare department.

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

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

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(s) 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 the mandated reporter. (Penal Code 11167)

The mandated reporter may give to an investigator from an agency investigating the case, including a licensing agency, any information relevant to an incident of child abuse or neglect or to a report made for serious emotional damage pursuant to Penal Code 11166.05. (Penal Code 11167)

3. Internal Reporting

The mandated reporter shall not be required to disclose the mandated reporter's identity to a supervisor, the principal, or the Superintendent or designee. (Penal Code 11166)

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

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

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

Training

Within the first six weeks of each school year, or within the first six weeks of employment if hired during the school year, the Superintendent or designee shall provide training on mandated reporting requirements to district employees and persons working on their behalf who are mandated reporters. (Education Code 44691; Penal Code 11165.7)

The Superintendent or designee shall use the online training module provided by the California Department of Social Services (CDSS). (Education Code 44691)

The training shall include, but not necessarily be limited to, training in identification and reporting of child abuse and neglect. In addition, the training shall include information that failure to report an incident of known or reasonably suspected child abuse or neglect as required by law is a misdemeanor punishable by imprisonment and/or a fine as specified. (Education Code 44691; Penal Code 11165.7)

The Superintendent or designee shall obtain and retain proof of each mandated reporter's completion of the training. (Education Code 44691)

In addition, at least once every three years, school personnel may receive training in the prevention of child abuse, including sexual abuse, on school grounds, by school personnel, or in school-sponsored programs. (Education Code 44691)

Victim Interviews by Social Services

Whenever CDSS or another government agency is investigating suspected child abuse or neglect that occurred within the child's home or out-of-home care facility, the student may be interviewed by an agency representative during school hours, on school premises. The Superintendent or designee shall give the student the choice of being interviewed in private or in the presence of any adult school employee or volunteer aide selected by the student. (Penal Code 11174.3)

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

1. The purpose of the selected person's presence at the interview is to lend support to the child and enable the child to be as comfortable as possible.

2. The selected person shall not participate in the interview.

3. The selected person shall not discuss the facts or circumstances of the case with the child.

4. The selected person is subject to the confidentiality requirements of the Child Abuse and Neglect Reporting Act, a violation of which is punishable as specified in Penal Code 11167.5.

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

Release of Child to Peace Officer

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

Parent/Guardian Complaints

Upon request, the Superintendent or designee shall provide parents/guardians with 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 guidelines and/or 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 shall also file a report when obligated to do so pursuant to Penal Code 11166 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 3200-3205.

Notifications

This document is available for public inspection in the main office of this school during regular business hours.

The Superintendent or designee shall provide to all new employees who are mandated reporters a statement that informs them of their status as mandated reporters, their reporting obligations under Penal Code 11166, and their confidentiality rights under Penal Code 11167. The district also shall provide these new employees with a copy of Penal Code 11165.7, 11166, and 11167. (Penal Code 11165.7, 11166.5)

Before beginning employment, any person who will be a mandated reporter by virtue of the person's position shall sign a statement indicating knowledge of the reporting obligations under Penal Code 11166 and compliance with such provisions. The signed statement shall be retained by the Superintendent or designee. (Penal Code 11166.5)

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

The Superintendent or designee also shall notify all employees that:

1. A mandated reporter who reports a known or suspected instance of child abuse or neglect shall not be held civilly or criminally liable for making a report and this immunity shall apply even if the mandated reporter acquired the knowledge or reasonable suspicion of child abuse or neglect outside of the mandated reporter's professional capacity or outside the scope of employment. Any other person making a report shall not incur civil or criminal liability unless it can be proven that the person knowingly made a false report or made a report with reckless disregard of the truth or falsity of the report. (Penal Code 11172)

2. If a mandated reporter fails to timely report an incident of known or reasonably suspected child abuse or neglect, the mandated reporter may be guilty of a crime punishable by a fine and/or imprisonment. (Penal Code 11166)No employee shall be subject to any sanction by the district for making a report unless it can be shown that the employee knowingly made a false report or made a report with reckless disregard of the truth or falsity of the report. (Penal Code 11166, 11172)

Mandated Reporter Suspected Child Abuse Report Form

Accessed: January 11, 2024
Available: https://oag.ca.gov/sites/all/files/agweb/pdfs/childabuse/ss_8572.pdf

Print

SUSPECTED CHILD ABUSE REPORT

Reset Form

To Be Completed by **Mandated Child Abuse Reporters**
Pursuant to Penal Code Section 11166

PLEASE PRINT OR TYPE

CASE NAME: _____

CASE NUMBER: _____

A. REPORTING PARTY

NAME OF MANDATED REPORTER	TITLE		MANDATED REPORTER CATEGORY
REPORTER'S BUSINESS/AGENCY NAME AND ADDRESS	Street	City Zip	DID MANDATED REPORTER WITNESS THE INCIDENT? ☐ YES ☐ NO
REPORTER'S TELEPHONE (DAYTIME) ( )	SIGNATURE		TODAY'S DATE

B. REPORT NOTIFICATION

☐ LAW ENFORCEMENT ☐ COUNTY PROBATION ☐ COUNTY WELFARE / CPS (Child Protective Services)	AGENCY		
ADDRESS Street	City	Zip	DATE/TIME OF PHONE CALL
OFFICIAL CONTACTED - TITLE			TELEPHONE ( )

C. VICTIM
One report per victim

NAME (LAST, FIRST, MIDDLE)			BIRTHDATE OR APPROX. AGE	SEX / ETHNICITY
ADDRESS Street	City	Zip	TELEPHONE ( )	
PRESENT LOCATION OF VICTIM	SCHOOL		CLASS	GRADE
PHYSICALLY DISABLED? ☐ YES ☐ NO	DEVELOPMENTALLY DISABLED? ☐ YES ☐ NO	OTHER DISABILITY (SPECIFY)	PRIMARY LANGUAGE SPOKEN IN HOME	
IN FOSTER CARE? ☐ YES ☐ NO	IF VICTIM WAS IN OUT-OF-HOME CARE AT TIME OF INCIDENT, CHECK TYPE OF CARE: ☐ DAY CARE ☐ CHILD CARE CENTER ☐ FOSTER FAMILY HOME ☐ FAMILY FRIEND ☐ GROUP HOME OR INSTITUTION ☐ RELATIVE'S HOME		TYPE OF ABUSE (CHECK ONE OR MORE) ☐ PHYSICAL ☐ MENTAL ☐ SEXUAL ☐ NEGLECT ☐ OTHER (SPECIFY)	
RELATIONSHIP TO SUSPECT	PHOTOS TAKEN? ☐ YES ☐ NO		DID THE INCIDENT RESULT IN THIS VICTIM'S DEATH? ☐ YES ☐ NO ☐ UNK	

D. INVOLVED PARTIES

VICTIM'S SIBLINGS

NAME	BIRTHDATE	SEX	ETHNICITY	NAME	BIRTHDATE	SEX	ETHNICITY
1.				3.			
2.				4.			

VICTIM'S PARENTS/GUARDIANS

NAME (LAST, FIRST, MIDDLE)			BIRTHDATE OR APPROX. AGE	SEX	ETHNICITY
ADDRESS Street	City	Zip	HOME PHONE ( )	BUSINESS PHONE ( )	
NAME (LAST, FIRST, MIDDLE)			BIRTHDATE OR APPROX. AGE	SEX	ETHNICITY
ADDRESS Street	City	Zip	HOME PHONE ( )	BUSINESS PHONE ( )	

SUSPECT

SUSPECT'S NAME (LAST, FIRST, MIDDLE)			BIRTHDATE OR APPROX. AGE	SEX / ETHNICITY
ADDRESS Street	City	Zip	TELEPHONE ( )	
OTHER RELEVANT INFORMATION				

E. INCIDENT INFORMATION

IF NECESSARY, ATTACH EXTRA SHEET(S) OR OTHER FORM(S) AND CHECK THIS BOX ☐ *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.

WHITE COPY-Police or Sheriff's Department; BLUE COPY-County Welfare or Probation Department; GREEN COPY- District Attorney's Office; YELLOW COPY-Reporting Party

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-Romanian

http://ag.ca.gov/childabuse/pdf/8572_instruct.pdf

NUSD Board Policy 5144.1 Suspension And Expulsion/Due Process

Updated: August 1, 2023
Available:https://simbli.eboardsolutions.com/Policy/ViewPolicy.aspx?S=36030599&revid=UIZRtIjobQzKrFIXor4IBg==&st=suspension%20and%20expulsion&mt=Exact

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.

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

Except when otherwise permitted by law, a student may be suspended or expelled only when the behavior is related to a school activity or school attendance occurring within any district school or another school district, regardless of when it occurs, including, but not limited to, the following: (Education Code 48900(s))

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

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

Appropriate Use of Suspension Authority

Except when a student's act violates Education Code 48900(a)-(e), as listed in Items #1-5 under "Grounds for Suspension and Expulsion: Grades K-12" of the accompanying administrative regulation, or when the student's presence causes a danger to others, suspension shall be used only when other means of correction have failed to bring about proper conduct. (Education Code 48900.5, 48900.6)

A student's parents/guardians shall be notified as soon as possible when there is an escalating pattern of misbehavior that could lead to on-campus or off-campus suspension.

No student may be suspended for disruption or willful defiance, except by a teacher pursuant to Education Code 48910. (Education Code 48900)

Students shall not be suspended or expelled for truancy, tardiness, or absenteeism from assigned school activities.

On-Campus Suspension

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 shall 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)

Authority to Expel

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

As required by law, the Superintendent or principal shall recommend expulsion and the Board shall expel any student found to have committed any of the following "mandatory recommendation and mandatory expulsion" acts at school or at a school activity off school grounds: (Education Code 48915)

1. Possessing a firearm which is not an imitation firearm, as verified by a certificated employee, 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. Selling or otherwise furnishing a firearm

3. Brandishing a knife at another person

4. Unlawfully selling a controlled substance listed in Health and Safety Code 11053-11058

5. Committing or attempting to commit a sexual assault as defined in Penal Code 261, 266c, 286, 287, 288, or 289, or former 288a, or committing a sexual battery as defined in Penal Code 243.4

6. Possessing an explosive as defined in 18 USC 921

For all other violations listed in the accompanying administrative regulation, the Superintendent or principal shall have the discretion to recommend expulsion of a student. If expulsion is recommended, the Board shall order the student expelled only if it 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

A vote to expel a student shall be taken in an open session of a Board meeting.

The Board may vote to suspend the enforcement of the expulsion order pursuant to the requirements of law and the accompanying administrative regulation. (Education Code 48917)

No student shall be expelled for disruption or willful defiance. (Education Code 48900)

No child enrolled in a preschool program shall be expelled except under limited circumstances as specified in AR 5148.3 - Preschool/Early Childhood Education.

Due Process

The Board shall provide for the fair and equitable treatment of students facing suspension and/or 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, 48918)

Maintenance and Monitoring of Outcome Data

The Superintendent or designee shall maintain outcome data related to student suspensions and expulsions in accordance with Education Code 48900.8 and 48916.1, including, but not limited to, the number of students recommended for expulsion, the grounds for each recommended expulsion, the actions taken by the Board, the types of referral made after each expulsion, and the disposition of the students after the expulsion period. For any expulsion that involves the possession of a firearm, such data shall include the name of the school and the type of firearm involved, as required pursuant to 20 USC 7961. Suspension and expulsion data shall be reported to the Board annually and to the California Department of Education when so required.

In presenting the report to the Board, the Superintendent or designee shall disaggregate data on suspensions and expulsions by school and by numerically significant student subgroups, including, but not limited to, ethnic subgroups, socioeconomically disadvantaged students, English learners, students with disabilities, foster youth, and homeless students. Based on the data, the Board shall address any identified disparities in the imposition of student discipline and shall determine whether and how the district is meeting its goals for improving school climate as specified in its local control and accountability plan.

NUSD Administrative Regulation 5144.1 Suspension And Expulsion/Due Process

Updated: August 1, 2023
Available:https://simbli.eboardsolutions.com/Policy/ViewPolicy.aspx?S=36030599&revid=0DaNpeiLmMgAjsDrczRlXw==&st=suspension%20and%20expulsion&mt=Exact

Definitions

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

1. Reassignment to another education program or class at the same school where the student will receive continuing instruction for the length of day prescribed by the Governing Board for students of the same grade level

2. Referral to a certificated employee designated by the principal to advise students

3. Removal from the class, but without reassignment to another class or program, for the remainder of the class period without sending the student to the principal or designee as provided in Education Code 48910, so long as removal from a particular class does 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)

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: Grades K-12

Acts for which a student, including a student with disabilities, may be suspended or expelled shall be only those specified as follows and in the sections "Additional Grounds for Suspension and Expulsion: Grades 4-12" and "Additional Grounds for Suspension and Expulsion: Grades 9-12" below:

1. Caused, attempted to cause, or threatened to cause physical injury to another person; willfully used force or violence upon another person, except in self-defense; or committed as an aider or abettor, as adjudged by a juvenile court, a crime of physical violence in which the victim suffered great or serious bodily injury (Education Code 48900(a) and (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 11053-11059, 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 11053-11059, alcoholic beverage, or intoxicant of any kind, and then sold, delivered, or otherwise furnished to any person another liquid, substance, or material and represented the same as a 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 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 48900(j))

11. Knowingly received stolen school property or private property (Education Code 48900(l))

12. 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))

13. Committed or attempted to commit a sexual assault as defined in Penal Code 261, 266c, 286, 287, 288, 289, or former 288a, or committed a sexual battery as defined in Penal Code 243.4 (Education Code 48900(n))

14. 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))

15. Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma (Education Code 48900(p))

16. 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. (Education Code 48900(q))

17. 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(s) in fear of harm to self or property; cause the student to experience a substantially detrimental effect on physical or mental health; or cause the student to experience substantial interferences with academic performance or ability to participate in or benefit from the services, activities, or privileges provided by a school. (Education Code 48900(r))

    Bullying includes any act of sexual harassment, hate violence, or harassment, threat, or intimidation, as defined in Education Code 48900.2, 48900.3, or 48900.4 and below in the section "Additional Grounds for Suspension and Expulsion: Grades 4-12," that has any of the effects described above on a reasonable student.

    Bullying also includes an act of cyber sexual bullying by a student through the dissemination of, or the solicitation

or incitement to disseminate, a photograph or other visual recording that depicts a nude, semi-nude, or sexually explicit photograph or other visual recording of an identifiable minor, when such dissemination is to another student or to school personnel by means of an electronic act and has or can be reasonably predicted to have one or more of the effects of bullying described above. Cyber sexual bullying does not include a depiction, portrayal, or image that has any serious literary, artistic, educational, political, or scientific value or that involves athletic events or school-sanctioned activities.

Electronic act means the creation or transmission originated on or off the school site by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager, of a communication including, but not limited to: (Education Code 48900(r))

a. A message, text, sound, video, or image

b. A post on a social network Internet web site, including, but not limited to, posting to or creating a burn page or creating 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 the student's age, or for a person of the student's age and disability. (Education Code 48900(r))

Burn page means an internet web site created for the purpose of causing a reasonable student any of the effects of bullying described above. (Education Code 48900(r))

Credible impersonation means to knowingly and without consent impersonate a student for the purpose of bullying the student and such that the student would reasonably believe, or has reasonably believed, that the student was or is the student who was impersonated. (Education Code 48900(r))

False profile means a profile of a fictitious student or profile using the likeness or attributes of an actual student other than the student who created the false profile. (Education Code 48900(r))

An electronic act is not considered pervasive conduct solely on the basis that it has been transmitted to the internet or is currently posted on the internet. (Education Code 48900(r))

18. Aided or abetted the infliction or attempted infliction of physical injury on another person, as defined in Penal Code 31 (Education Code 48900(t))

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 out the crime. (Education Code 48900.7)

Additional Grounds for Suspension and Expulsion: Grades 4-12

A student in grades 4-12 shall be subject to suspension or recommendation for expulsion when it is determined that the student:

1. 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)

2. 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)

3. 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)

Additional Grounds for Suspension and Expulsion: Grades 9-12

Any student in grades 9-12 may be suspended, but not expelled, for disrupting school activities or otherwise willfully defying 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))

Suspension from Class by a Teacher

A teacher may suspend a student from class for the remainder of the day and the following day for any of the acts specified in Education Code 48900 and listed as Items #1-19 under "Grounds for Suspension and Expulsion: Grades K-12" above or for disruption or willful defiance at any grade level, including grades K-8. (Education Code 48910)

When suspending a student from 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, the student shall be appropriately supervised during the class periods from which the student has been suspended. (Education Code 48910)

As soon as possible after the teacher decides to suspend the student, the teacher shall ask the student's parent/guardian to attend a parent-teacher conference regarding the suspension. 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 suspended from class shall not be returned to class during the period of the suspension without the approval of the teacher of the class and the principal or designee. (Education Code 48910)

A student suspended from class shall not be placed in another regular class during the period of suspension. However, a student assigned to more than one class per day may continue to attend other regular classes except those held at the same time as the class from which the student was suspended. (Education Code 48910)

A teacher may also refer a student, for any of the acts specified above in Education Code 48900, to the principal or designee for consideration of a suspension from school. (Education Code 48910)

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

Suspension by Superintendent, Principal or Principal's Designee

To implement disciplinary procedures at a school site, the principal may, in writing, designate as the principal's designee another administrator or, if the principal is the only administrator at the school site, a certificated employee. As necessary, the principal may, in writing, also designate another administrator or certificated employee as the secondary designee to assist with disciplinary procedures when the principal and the principal's primary designee are absent from the school site.

The Superintendent, principal, or designee shall immediately suspend any student found at school or at a school activity away from school to have committed any of the acts listed in the Board policy under "Authority to Expel" for which a recommendation of expulsion is required. (Education Code 48915(c))

The Superintendent, principal, or designee may impose a suspension for a first offense if it is determined that the student violated any of Items #1-5 listed under "Grounds for Suspension and Expulsion: Grades K-12" above or if the student's presence causes a danger to persons. (Education Code 48900.5)

For all other offenses, 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. (Education Code 48900.5)

When other means of correction are implemented prior to imposing suspension upon a student, including supervised suspension, the Superintendent, principal, or designee shall document the other means of correction used and retain the documentation in the student's record. (Education Code 48900.5)

Length of Suspension

The Superintendent, principal, or designee may suspend a student from school for not more than five consecutive school days. (Education Code 48911)

A student may be suspended from school for not more than 20 school days in any school year. However, if a student enrolls in or is transferred to another regular school, an opportunity school or class, or continuation school or class for the purpose of adjustment, the student may be suspended for not more than 30 school days in a school year. 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,

48911, 48912)

These restrictions on the number of days of suspension shall not apply when the suspension is extended pending an expulsion. (Education Code 48911)

Due Process Procedures for Suspension

Suspensions shall be imposed in accordance with 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, including the other means of correction that were attempted before the suspension as required pursuant to Education Code 48900.5, and the evidence against the student, and shall be given the opportunity to present the student's version and evidence in the student's 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, the student, the student's parent/guardian, or if the student is a foster youth, the foster youth's educational rights holder, attorney, and county social worker, or if the student is an Indian child, the Indian child's tribal social worker and, if applicable, county social worker, shall be notified of the student's right to a conference and the right to return to school for the purpose of the conference. The conference shall be held within two school days, unless the student waives the 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 for the conference. (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, or if the student is a foster youth, the foster youth's educational rights holder, attorney, and county social worker, or if the student is an Indian child, the Indian child's tribal social worker, and, if applicable, the county social worker, in person, by email, or by telephone. Whenever a student is suspended, the parent/guardian, or, if applicable, the foster youth's educational rights holder, attorney, and county social worker, or the Indian child's tribal social worker and, if applicable, the county social worker, shall also 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)

4. In addition, the notice may state the date and time when the student may return to school.

5. Parent/Guardian Conference: Whenever a student is suspended, school officials may conduct a meeting 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)

If school officials request to meet with the parent/guardian, a foster youth's educational rights holder, attorney, and county social worker, or an Indian child's tribal social worker, and, if applicable, the county social worker, the notice may state that the law requires such individuals to respond to the request without delay. However, the student shall not be penalized for the failure of the parent/guardian, a foster youth's educational rights holder, attorney, and county social worker, or an Indian child's tribal social worker, and, if applicable, the county social worker, to attend such a conference. The student may not be denied reinstatement solely because such individuals failed to attend the conference. (Education Code 48911)

6. 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, provided the following requirements are followed: (Education Code 48911)

a. The extension of the original period of suspension is 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.

b. 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.

c. If the student involved is a foster youth or Indian child, the Superintendent or designee shall notify the district's educational liaison of the need to invite the foster youth's educational rights holder, attorney and county social worker, or the Indian child's tribal social worker or, if applicable, the county social worker, to attend the meeting. (Education Code 48853.5, 48911, 48918.1)

d. If the student involved is a homeless child or youth, the Superintendent or designee shall notify the district liaison for homeless students. (Education Code 48918.1)

e. In lieu of or 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 the behavior and keep the student in school.

Suspension by the Board

The Board may suspend a student for any of the acts listed under "Grounds for Suspension and Expulsion: Grades K-12," "Additional Grounds for Suspension and Expulsion: Grades 4-12," and "Additional Grounds for Suspension and Expulsion: Grades 9-12" above and within the limits specified under "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. 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 a closed session if a public hearing would lead to disclosure of information that would violate

a student's right to privacy under Education Code 49073-49079. (Education Code 35146, 48912)

The Board shall provide the student and 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)

On-Campus Suspension

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

1. The on-campus suspension classroom shall be staffed in accordance with law.

2. The student shall have access to appropriate counseling services.

3. The on-campus suspension classroom shall promote completion of schoolwork and tests missed by the student during the suspension.

4. The student shall be responsible for contacting the student's 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 an on-campus suspension classroom, the principal or designee shall notify the student's parent/guardian, or if the student is a foster youth, the foster youth's educational rights holder, attorney, and county social worker, or, if the student if an Indian child, the Indian child's tribal social worker and, if applicable, county social worker, in person, by email, or by telephone. When the assignment is for longer than one class period, this notification shall be made in writing. (Education Code 48911.1)

Superintendent or Principal's Authority to Recommend Expulsion

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

1. Causing serious physical injury to another person, except in self-defense

2. Possession of any knife 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 11053-11059, except for:

a. The first offense for the possession of not more than one ounce of marijuana, other than concentrated cannabis

b. The student's possession of over-the-counter medication for use by the student for medical purposes

c. Medication prescribed for the student 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 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)

Student's Right to Expulsion Hearing

Any student recommended for expulsion shall be entitled to a hearing to determine whether the student should be expelled. The hearing shall be held within 30 school days after the Superintendent, principal, or designee determines that the student has committed the act(s) that form the basis for the expulsion recommendation. (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))

Stipulated Expulsion

After a determination that a student has committed an offense for which the student may be expelled, the Superintendent, principal, or designee shall offer the student, the student's parent/guardian, or, when applicable, other person holding the right to make educational decisions for the student, the option to waive a hearing and stipulate to the expulsion or to a suspension of the expulsion under certain conditions. The offer shall be made only after written notice of the expulsion hearing pursuant to Education Code 48918 has been given.

The stipulation agreement shall be in writing and shall be signed by the student, the student's parent/guardian, or, when applicable, the person holding the right to make educational decisions for the student. The stipulation agreement shall include notice of all the rights that the student is waiving, including the waiving of the right to have a full hearing, to appeal the expulsion to the County Board of Education, and to consult legal counsel.

A stipulated expulsion agreed to by the student, the student's parent/guardian, or, when applicable, the person

holding the right to make educational decisions for the student, shall be effective upon approval by the Board.

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, the Superintendent or designee shall give the complaining witness a copy of the district's suspension and expulsion policy and regulation and shall advise the witness of the right to: (Education Code 48918.5)

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

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

Written Notice of the Expulsion Hearing

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

1. The date and place of the hearing
2. A statement of the specific facts, charges, and offense upon which the proposed expulsion is based
3. A copy of district disciplinary rules which relate to the alleged violation
4. Notification of the student's or parent/guardian's obligation, pursuant to Education Code 48915.1, to provide information about the student's status in the district to any other district in which the student seeks enrollment

   This obligation applies when a student is expelled for acts other than those described in Education Code 48915(a) or (c).

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

   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 adviser 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, Homeless Students, and Indian Children

If the student facing expulsion is a foster student or Indian child, the Superintendent or designee shall also send notice of the hearing to the foster youth's' educational rights holder, attorney, and county social worker, or the Indian child's tribal social worker and, if applicable, county social worker, at least 10 calendar days prior to the hearing. (Education Code 48918.1)

If the student facing expulsion is a homeless student, the Superintendent or designee shall also send notice of the hearing to the district liaison for homeless students at least 10 calendar days prior to the hearing. (Education Code 48918.1)

Any notice for these purposes may be provided by the most cost-effective method possible, including by email or a telephone call. (Education Code 48918.1)

Conduct of Expulsion Hearing

1. Closed Session: Notwithstanding 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 to the extent that privacy rights of other students are not violated. (Education Code 48918)

2. Whether the expulsion hearing is held in closed or public session, the Board may meet in closed session to deliberate and determine whether 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 testify 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, a videotaped deposition or contemporaneous examination in another place communicated to the hearing room by closed-circuit television. (Education Code 48918(c))

3. 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))

4. 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 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 #6 below. (Education Code 48918(i))

5. 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: Grades K-12," "Additional Grounds for Suspension and Expulsion: Grades 4-12," and "Additional Grounds for Suspension and Expulsion: Grades 9-12" above. (Education Code 48918(h))

6. Findings of fact shall be based solely on the evidence at the hearing. Although 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.

7. Testimony by Complaining Witnesses: The following procedures shall be observed when a hearing involves 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 the 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 who 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.

i. The district shall provide a room separate from the hearing room for the use of the complaining witness before and during breaks in testimony.

ii. 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 the complaining witness may leave the hearing room.

iii. 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 normal school hours, 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

8. 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 school, 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. The Board may also 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)

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 a 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 and permitted to return to the classroom instructional program from which the referral was made, unless another placement is requested in writing by the student's parent/guardian. Before the student's placement decision is made by the student's parent/guardian, the Superintendent or designee shall consult with the parent/guardian and district staff, including the student's teachers, regarding other placement options for the student in addition to the option to return to the classroom instructional program from which the student's expulsion referral was made. 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. If the hearing officer or administrative panel recommends that the Board expel a student but suspend the enforcement of the expulsion, the student shall not be reinstated and permitted to return to the classroom instructional program from which the referral was made until the Board has ruled on the recommendation. (Education Code 48917, 48918)

Final Action by the Board

Whether the expulsion hearing is conducted in closed or open session by the Board, a hearing officer, or an administrative panel or is waived through the signing of a stipulated expulsion agreement, the final action to expel shall be taken by the Board in public. (Education Code 48918(j))

The Board's decision is final. If the decision is to not expel, the student shall be reinstated immediately. If the decision is to suspend the enforcement of the expulsion, the student shall be reinstated under the conditions of the suspended expulsion.

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 "mandatory recommendation and mandatory expulsion" act listed in the section "Authority to Expel" in the accompanying Board policy, 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: Grades K-12," "Additional Grounds for Suspension and Expulsion: Grades 4-12," or "Additional Grounds for Suspension and Expulsion: Grades 9-12" (Education Code 48900.8)

2. The fact that a description of readmission procedures will be made available to the student and parent/guardian (Education Code 48916)

3. Notice of the right to appeal the expulsion to the County Board (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 to Suspend 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 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: Grades K-12," "Additional Grounds for Suspension and Expulsion: Grades 4-12," or "Additional Grounds for Suspension and Expulsion: Grades 9-12" 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 the student's status with the expelling district, pursuant to Education Code 48915.1(b). (Education Code 48918(j))

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)

Appeal

If a student is expelled from school, 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)

If the student submits 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 shall notify appropriate city or county law enforcement authorities of any student acts which may involve the possession or sale of narcotics or of a controlled substance, or of any student acts involving the possession, sale, or furnishing 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 county or district 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)

Placement During Expulsion

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 any of these

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 only acts described in Items #6-12 under "Grounds for Suspension and Expulsion: Grades K-12" and Items #1-3 under "Additional Grounds for Suspension and Expulsion: Grades 4-12" 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

Prior to the date set by the Board for the student's readmission:

1. The Superintendent or designee shall hold a conference with the student's parent/guardian, or other person holding the right to make educational decisions for the student, 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 the student's parent/guardian or other person holding the right to make educational decisions for the student shall be asked to indicate in writing their willingness to comply with these regulations.

2. The Superintendent or designee shall transmit to the Board a recommendation regarding readmission. The Board shall consider this recommendation in closed session. If a written request for open session is received from the student's parent/guardian or other person holding the right to make educational decisions for the student, or adult student, it shall be honored to the extent that privacy rights of other students are not violated.

3. If the readmission is granted, the Superintendent or designee shall notify the student and the student's parent/guardian, or other person holding the right to make educational decisions for the student, by registered mail, of the Board's decision regarding readmission.

4. 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)

5. 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.

6. The Board shall provide written notice to the expelled student and the student's parent/guardian, or other person holding the right to make educational decisions for the student, 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.

   No student shall be denied readmission into the district based solely on the student's arrest, adjudication by a juvenile court, formal or informal supervision by a probation officer, detention in a juvenile facility, enrollment in a juvenile court school, or other such contact with the juvenile justice system. (Education Code 48645.5)

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)

NUSD Board Policy 4158 Employee Security (relevant excerpt)

Original Adopted Date: 05/21/1996 **| Last Revised Date:** 02/20/2024 **| Last Reviewed Date:** 02/20/2024

Available:https://simbli.eboardsolutions.com/Policy/ViewPolicy.aspx?S=36030599&revid=F2khXV7AYDjZeeDSoUyd5Q==&st=4158&mt=Exact

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

Any person who threatens the safety of others at any district facility may be removed by the Superintendent or designee in accordance with AR 3515.2 - Disruptions.
Any employee against whom violence or any threat of violence has been directed in the workplace shall notify the Superintendent or designee immediately. As appropriate, the Superintendent or designee shall initiate legal and security measures to protect the employee and others in the workplace. Such measures may include seeking a temporary

restraining order on behalf of the employee pursuant to Code of Civil Procedure 527.8 and/or a gun violence restraining order pursuant to Penal Code 18150 and 18170.

Upon request by an employee who is a victim of domestic violence, sexual assault, or stalking, the Superintendent or designee shall provide reasonable accommodations in accordance with Labor Code 230-230.1 and the accompanying administrative regulation to protect the employee's safety while at work.
The Superintendent or designee may pursue legal action on behalf of an employee against a student or the student's parent/guardian to recover damages for injury to the employee's person or property caused by the student's willful misconduct that occurred on district property, at a school or district activity, or in retaliation for lawful acts of the employee in the performance of the employee's duties. (Education Code 48904, 48905)

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

In accordance with law, the Superintendent or designee shall inform teachers, administrators, and/or counselors of crimes and offenses committed by students who may pose a danger in the classroom. (Education Code 48201, 49079; Welfare and Institutions Code 827)

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

Use of Pepper Spray

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

Reporting of Injurious Objects

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

1. Confiscate the object and deliver it to the principal immediately

2. Immediately notify the principal, who shall take appropriate action

3. Immediately call 911 and the principal

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

NUSD Administrative Regulation 4158 Employee Security (relevant excerpt)

Original Adopted Date: 05/21/1996 **| Last Revised Date:** 02/20/2024 **| Last Reviewed Date:** 02/20/2024

Available:https://simbli.eboardsolutions.com/Policy/ViewPolicy.aspx?S=36030599&revid=ipU8easlshlfBdVtjpDkndotA==&st=4158&mt=Exact

An employee may use reasonable and necessary force for self-defense or defense of another person, to quell a disturbance threatening physical injury to others or damage to property, or to obtain possession of weapons or other dangerous objects within the control of a student. (Education Code 44807, 49001)

An employee shall promptly report to the principal or other immediate supervisor any attack, assault, or physical threat made against the employee by a student or by any other individual in relation to the performance of the employee's duties, and any action the employee took in response. Reports of an attack, assault, or threat shall be forwarded immediately to the Superintendent or designee.
In addition, the employee and the principal or other immediate supervisor shall promptly report to local law enforcement authorities an attack, assault, or physical threat made against the employee by a student. (Education Code 44014)

Notice Regarding Student Offenses

When a student commits certain offenses that may endanger staff or others, the following procedures shall be implemented to notify staff members as appropriate:

1. Acts That Are Grounds for Suspension or Expulsion

a. The Superintendent or designee shall inform the teacher(s) of each student who, during the previous three school years, has engaged in or is reasonably suspected to have engaged in any act, except the possession or use of tobacco products, that would constitute a ground for suspension or expulsion as specified in AR 5144.1 - Suspension and Expulsion/Due Process. This information shall be based upon district records maintained in the ordinary course of business or records received from a law enforcement agency. (Education Code 49079)

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

c. Information received by teacher(s) shall be received in confidence for the limited purpose for which it was provided and shall not be further disseminated by the teacher. (Education Code 48201, 49079)

2. Offenses Reported to the District by a Court

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

b. The principal shall expeditiously disseminate this information to any counselor who directly supervises or reports on the student's behavior or progress and to any teacher or administrator directly supervising or reporting on the student's behavior or progress whom the principal thinks may need the information in order to work with the student appropriately, avoid being needlessly vulnerable, or protect others from vulnerability. (Welfare and Institutions Code 827)

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

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

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

In order to maintain confidentiality when providing information about student offenses to a counselor or teacher, the principal or designee shall send the staff member a written notification that a student has committed an offense that requires review of a student's file in the school office. This notice shall not name or otherwise identify the student. The staff member shall initial the notification and shall also initial the student's file when reviewing it in the school office.

Accommodations for Victims of Domestic Violence, Sexual Assault, or Stalking

When requested by an employee who is a victim of domestic violence, sexual assault, or stalking, the district shall provide the employee reasonable accommodations which may include the implementation of safety measures, including: (Labor Code 230)

1. A transfer, reassignment, or modified schedule
2. A changed work telephone or work station
3. An installed lock
4. Assistance in documenting domestic violence, sexual assault, stalking, or other crime that occurs in the workplace
5. Referral to a victim assistance organization
6. Another safety procedure or adjustment to a job structure, workplace facility, or work requirement in response to domestic violence, sexual assault, stalking, or other crime

The Superintendent or designee shall engage in a timely, good faith, and interactive process with the employee to determine effective reasonable accommodations that do not pose an undue hardship on the district. In determining whether an accommodation is reasonable, the Superintendent or designee shall consider any exigent circumstance or

danger facing the employee. (Labor Code 230)

Upon the request of the Superintendent or designee, an employee requesting a reasonable accommodation shall provide a written statement, signed by the employee or an individual acting on the employee's behalf, certifying that the accommodation is for an authorized purpose. The Superintendent or designee may also request that the employee provide certification of the employee's status as a victim of domestic violence, sexual assault, or stalking. Such certification may include: (Labor Code 230)

1. A police report indicating that the employee was a victim

2. A court order protecting or separating the employee from the perpetrator of the crime or abuse, or other evidence from the court or prosecuting attorney that the employee has appeared in court

3. Documentation from a licensed medical professional or health care provider, domestic violence or sexual assault counselor, victim advocate, or counselor that the employee was undergoing treatment or receiving services for physical or mental injuries or abuse resulting in victimization from the crime or abuse

4. Any other form of documentation that reasonably verifies that the crime or abuse occurred, including, but not limited to, a written statement signed by the employee or by an individual acting on the employee's behalf

Any verbal or written statement, police or court record, or other documentation identifying an employee as a victim shall be confidential and shall not be disclosed by the district except as required by federal or state law or as necessary to protect the employee's safety in the workplace. The employee shall be notified before any authorized disclosure. (Labor Code 230)

Every six months after the date of the certification, the Superintendent or designee may request recertification of the employee's status as a victim of domestic violence, sexual assault, or stalking or ongoing circumstances related to the crime or abuse. The employee shall notify the Superintendent or designee if, due to changing circumstances, the employee needs a new accommodation or no longer needs an accommodation. (Labor Code 230)

The district shall not retaliate against an employee because of the employee's status as a victim of crime or abuse or for requesting a reasonable accommodation, regardless of whether the request was granted. (Labor Code 230)

Use of Pepper Spray

The Superintendent or designee shall notify employees of the district's policy prohibiting the possession of pepper spray on school property or at school-related activities without prior approval of the Superintendent or designee. Employees wishing to carry pepper spray shall submit to the Superintendent or designee a written request setting forth the need for the pepper spray. The Superintendent or designee shall notify the employee in writing as to whether the request was approved or denied.

When approving an employee's request, the Superintendent or designee shall inform the employee of the following conditions:

1. The pepper spray shall be used only in self-defense pursuant to Penal Code 22810.

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

3. The pepper spray must be stored in a secure place and not be accessible to students or other individuals. Negligent storage of the pepper spray may subject the employee to disciplinary action.

NUSD Board Policy 4319.11 Sex Discrimination and Sex-Based Harassment

Original Adopted Date: 06/06/2000 **| Last Revised Date:** 10/01/2024 **| Last Reviewed Date:** 10/01/2024

Available:https://simbli.eboardsolutions.com/Policy/ViewPolicy.aspx?S=36030599&revid=H1kUl8t2QFgzYMmCAaHlFQ==&st=4319.11&mt=Exact

The following policy shall apply to all district employees, interns, volunteers, contractors, job applicants, and other persons with an employment relationship with the district.

The Governing Board is committed to providing a safe work environment that is free of discrimination, harassment, and intimidation. The Board prohibits sex discrimination, including sex-based harassment, as defined in the accompanying administrative regulation, in district programs and activities by and against district employees.

Additionally, the Board prohibits retaliatory behavior or action against any person who complains or testifies about conduct that reasonably may constitute sex discrimination, including sex-based harassment, reports such conduct, or otherwise participates or refuses to participate in the complaint process established for the purpose of this policy. (Education Code 220.1; 34 CFR 106.71)

The Superintendent or designee shall take all actions necessary to ensure the prevention, investigation, and correction of sex discrimination and sex-based 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 sex discrimination and sex-based harassment policy to employees and others to whom the policy may apply

3. Publicizing, in accordance with 34 CFR 106.8 and as specified in Administrative Regulation 4030 - Nondiscrimination in Employment, a Title IX notice of nondiscrimination to employees, applicants for employment, and bargaining units

4. Ensuring prompt, thorough, fair, and equitable investigation of complaints through the appropriate state and/or federal procedures

5. 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

The Superintendent or designee shall periodically evaluate the effectiveness of the district's strategies to prevent and address sex discrimination and sex-based harassment. Such evaluation may involve conducting regular anonymous employee surveys to assess whether sex discrimination and/or sex-based harassment is occurring or is perceived to be tolerated, partnering with researchers or other agencies with the needed expertise to evaluate the district's prevention strategies, and using any othaer effective tool for receiving feedback on systems and/or processes. As necessary, changes shall be made to harassment policy(ies), complaint procedures, or training, as appropriate and in accordance with law.

Reports and Complaints

Any district employee who has experienced sex discrimination or sex-based harassment in the district's education program or activity may file a complaint with the district's Title IX Coordinator. (34 CFR 106.2, 106.44)

Any employee with knowledge of conduct that reasonably may constitute sex discrimination or sex-based harassment by or against another district employee, a student, or a third party in a district education program or activity shall notify the Title IX Coordinator within one workday. An employee may be subject to discipline for failure to timely report such conduct. (34 CFR 106.44)

Once notified, the Title IX Coordinator shall ensure the complaint or allegation is addressed through Administrative Regulation 4119.12/4219.12/4319.12 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures.

The Title IX Coordinator shall offer and coordinate supportive measures to be provided to the complainant and, if the district has begun grievance procedures or offered an informal resolution process to the respondent, offer and coordinate supportive measures to be provided to the respondent as deemed appropriate under the circumstances. (34 CFR 106.44)

Upon investigation of a sex discrimination or sex-based harassment complaint, any district employee found to have engaged or participated in sex discrimination or sex-based harassment or to have aided, abetted, incited, compelled, or coerced another to commit sex discrimination or sex-based harassment in violation of this policy shall be subject to disciplinary action, up to and including dismissal, in accordance with law and the applicable collective bargaining agreement.

NUSD Administrative Regulation 4319.11 Sex Discrimination and Sex-Based Harassment

Original Adopted Date: 06/06/2000 **| Last Revised Date:** 10/01/2024 **| Last Reviewed Date:** 10/01/2024
Available: https://simbli.eboardsolutions.com/Policy/ViewPolicy.aspx?S=36030599&revid=1AVF5Oplus36nXfJfRZvvDV5Q==&st=4319.11&mt=Exact

The district does not discriminate on the basis of sex in any of its programs or activities and complies with Title IX of the Education Amendments of 1972 and its implementing regulations. Sex discrimination, including sex-based harassment, is prohibited in district education programs and activities.

The following administrative regulation shall apply to all allegations of sex discrimination and sex-based harassment by and against district employees, interns, volunteers, and job applicants, but shall not be used to resolve any complaint by a student.

Definitions

Sex discrimination includes treating an employee differently based on the employee's sex, which includes differential treatment based on sex stereotypes; sex characteristics; sexual orientation; gender; gender identity; gender expression; pregnancy, childbirth, termination of pregnancy, or lactation, including related medical conditions and recovery; parental, family, or marital status; or association with a person or group with one or more of these actual or perceived characteristics.

Sex discrimination, including sex-based harassment, intimidation, or bullying, may result from physical, verbal, nonverbal, or written conduct and occurs when prohibited conduct is so severe, persistent, or pervasive that it creates an intimidating, threatening, hostile, or offensive work environment; has the effect of substantially or unreasonably

interfering with an employee's term or condition of employment; or otherwise adversely affects an employee's employment opportunities.

Sex-based harassment is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex, sex stereotypes, sex characteristics, or other bases specified above. Conduct will constitute sex-based harassment when it takes the form of: (34 CFR 106.2, 106.11)

1. Quid pro quo harassment: A district employee, agent, or other individual authorized by the district to provide an aid, benefit, or service in the district's education program or activity conditioning the provision of district aid, benefit, or service on a student's participation in unwelcome sexual conduct

2. Hostile environment harassment: Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the district's education program or activity

   Any prohibited conduct that occurs off campus or outside of school-related or school-sponsored programs or activities will be regarded as sex-based harassment in violation of district policy if it has a continuing effect on a student's ability to participate in or benefit from district educational programs or activities.

3. Sexual assault, dating violence, domestic violence, or stalking, as defined in 34 CFR 106.2

   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, regardless of whether the conduct is motivated by sexual desire. Conduct is considered to be sexual harassment when made against another person of the same or opposite sex in the work or educational setting under any of the following conditions: (Education Code 212.5; Government Code 12940; 2 CCR 11034)

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 the conduct is used as the basis for an employment decision affecting the individual

3. The conduct has the purpose or effect of having a negative impact upon the individual's work performance or of creating an intimidating, hostile, or offensive work environment

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

Examples of Sex Discrimination and Sex-Based Harassment

Examples of actions that might constitute sex-based harassment under state and/or federal law in accordance with the definitions above, in the work or educational setting, whether committed by a supervisor, a co-worker, or a non-employee, include, but are not limited to:

1. Unwelcome verbal conduct such as sex-based flirtations or propositions; graphic comments about an individual's body; overly personal conversations or pressure for sex-based activity; sex-based jokes or stories; unwelcome sex-based slurs, epithets, threats, innuendoes; derogatory comments; sex-based degrading descriptions; or the spreading of sex-based

rumors

2. Unwelcome visual conduct such as drawings, pictures, graffiti, or gestures; sexually explicit emails or messaging; or 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; or cornering, blocking, leaning over, or impeding normal movements

Title IX Coordinator/Compliance Officer

The district designates the following individual(s) as the responsible employee(s) to coordinate its efforts to comply with Title IX in accordance with Administrative Regulation 4119.12/4219.12/4319.12 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures, and oversee the district's response to discrimination complaints processed under Administrative Regulation 4030 - Nondiscrimination in Employment. The Title IX Coordinator(s) may be contacted at:

Pupil Services Coordinator
5715 Musick Avenue, Newark, CA 94560
510-818-4226
pupilservices@newarkunified.org

Training

The Superintendent or designee shall ensure that all employees receive training regarding sex discrimination and sex-based harassment in accordance with state and federal law.

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

A supervisory employee is any employee having the authority, in the interest of the district, to hire, transfer, suspend, lay off, promote, discharge, assign, reward, or discipline other employees, or the responsibility to direct them, adjust their grievances, or effectively recommend such action, when the exercise of the authority is not of a merely routine or clerical nature, but requires the use of independent judgment. (Government Code 12926)

Such training may be completed by employees individually or as part of a group presentation, may be completed in shorter segments as long as the applicable hourly requirement is met, and may be provided in conjunction with other training provided to the employees. The training shall be presented by trainers or educators with knowledge and expertise in the prevention of harassment, discrimination, and retaliation. (Government Code 12950.1)

The district's sexual harassment training and education program shall include, but is not limited to, the following: (Government Code 12950.1; 2 CCR 11024)

1. Information and practical guidance regarding federal and state laws concerning the prohibition, prevention, and correction of sexual harassment

2. The types of conduct that constitute sexual harassment

3. Remedies available for victims in civil actions, and potential employer/individual exposure/liability

4. Strategies to prevent harassment in the workplace

5. Supervisors' obligation to report sexual harassment, discrimination, and retaliation of which they become aware

6. Practical examples which illustrate sexual harassment, discrimination, and retaliation using training modalities such as role plays, case studies, and group discussions, based on factual scenarios taken from case law, news and media accounts, and hypotheticals based on workplace situations and other sources

7. The limited confidentiality of the complaint process

8. Resources for victims of unlawful harassment, such as to whom they should report any alleged harassment

9. Steps necessary to take appropriate remedial measures to correct harassing behavior, which includes the district's obligation to conduct an effective workplace investigation of a harassment complaint

10. What to do if the supervisor is personally accused of harassment

11. The essential elements of the district's anti-harassment policy, and how to use the policy if a harassment complaint is filed

    Employees shall receive a copy of the district's sexual harassment policy and administrative regulations, which they shall read and acknowledge that they have received.

12. Information, including practical examples, of harassment based on gender identity, gender expression, and sexual orientation

13. Prevention of abusive conduct, including a review of the definition and elements of abusive conduct pursuant to Government Code 12950.1, the negative effects that abusive conduct has on the victim and other in the workplace, the detrimental consequences of this conduct on employee productivity and morale, and that a single act does not constitute abusive conduct unless the act is severe or egregious

    Additionally, the Superintendent or designee shall ensure that all employees receive annual training related to their duties under Title IX in accordance with 34 CFR 106.8, and that a newly hired employee receive training promptly upon hire or change of position that alters the employee's duties under Title IX. (34 CFR 106.8)

    The district's Title IX sex discrimination and sex-based harassment training shall include: (34 CFR 106.8)

1. The district's obligation to address sex-based discrimination, including sex-based harassment, in its education program or activity

2. The scope of conduct that constitutes sex discrimination under Title IX, including the definition of sex-based harassment

3. The notification and information requirements specified in 34 CFR 106.40 and 106.44

The district's Title IX sex-based harassment training and education program shall also include additional training required of supervisors; investigators, decisionmakers, and other persons who are responsible for implementing the district's grievance procedures or have the authority to modify or terminate supportive measures; facilitators of an informal resolution process; and Title IX Coordinators and designees. (34 CFR 106.8)

The Superintendent or designee shall retain for at least two years the records of any training provided to supervisory employees. Such records shall include the names of trained employees, date of the training, type of training, and name of the training provider. (2 CCR 11024)

Additionally, the Superintendent or designee shall retain for at least seven years the materials used to provide training as specified in 34 CFR 106.8, and to make these materials available, upon request, to members of the public. (34 CFR 106.8)

Notifications

To prevent unlawful sex discrimination and sex-based harassment, including retaliation, in district programs and activities, the Superintendent or designee shall provide notifications and implement measures to prevent discrimination and harassment as specified in Administrative Regulation 4030 - Nondiscrimination in Employment.

In addition to the measures to prevent discrimination as specified in Administrative Regulation 4030 - Nondiscrimination in Employment, the Superintendent or designee shall ensure that a copy of the Board policy and this administrative regulation:

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 (Education Code 231.5)

2. Be provided to every district employee at the beginning of the first quarter or semester of the school year or whenever a new employee is hired (Education Code 231.5)

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 (Education Code 231.5)

All employees shall receive a copy of an information sheet prepared by the California Civil Rights Department (CRD) or the district that contains, at a minimum, components on: (Government Code 12950)

1. The illegality of sex-based harassment

2. The definition of sex-based harassment under applicable state and federal law

3. A description of sex-based harassment, with examples

4. The district's complaint process available to the employee

5. The legal remedies and complaint process available through CRD and the Equal Employment Opportunity Commission (EEOC)

6. Directions on how to contact CRD and the EEOC

7. The protection against retaliation provided by 2 CCR 11021 for opposing harassment prohibited by law or for filing a complaint with or otherwise participating in an investigation, proceeding, or hearing conducted by CRD and the EEOC

Additionally, the district shall post, in a prominent and accessible location, the CRD poster on discrimination in employment and the illegality of sex-based harassment, and the CRD poster regarding transgender rights. (Government Code 12950)

Complaint Procedures

All complaints and allegations of sex discrimination and sex-based harassment by and against employees shall be investigated and resolved as specified in 34 CFR 106.44 and 106.45 and Administrative Regulation 4119.12/4219.12/4319.12 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures.

If sex discrimination or sex-based harassment is found following an investigation, the Title IX Coordinator, or designee in consultation with the Title IX Coordinator, shall take prompt action to stop the sex discrimination or sex-based harassment, prevent recurrence, and address any continuing effects.

NUSD Administrative Regulation 1312.1 Complaints Concerning District Employees

Updated: March 16, 2023
Available:https://simbli.eboardsolutions.com/Policy/ViewPolicy.aspx?S=36030599&revid=WiqNKP0YgkvbHwEkLlaslshuA==&st=1312.1%20&mt=Exact

Every effort should be made to resolve complaints regarding district employees at the earliest possible stage. Any person who complains about a district employee shall be encouraged to resolve the matter informally through direct communication with the employee whenever possible.

If a complainant is unable or unwilling to resolve the complaint directly with the employee, the complainant may submit a written complaint to the principal or other immediate supervisor of the employee. Complaints related to a principal or district administrator shall be initially filed in writing with the Superintendent or designee. If the complainant is unable to prepare the complaint in writing, administrative staff shall provide assistance in the preparation of the complaint.

A written complaint shall include the full name of the employee involved, a brief but specific summary of the complaint and the facts surrounding it, and a description of any prior attempt to discuss the complaint with the employee and the failure to resolve the matter.

To promote prompt and fair resolution of the complaint, the following procedures shall govern the resolution of complaints against district employees:

1. When a written complaint is received, the employee who is the subject of the complaint shall be notified within five days or in accordance with the collective bargaining agreement.

2. The principal or other immediate supervisor of the employee shall investigate and attempt to resolve the complaint to the satisfaction of the parties involved within 30 days. A complaint against a school or district administrator shall be investigated by the Superintendent or designee. The investigation may include interviews

of the employee, complainant, or witnesses as necessary and/or a review any documentation relevant to the complaint.

3. Both the complainant and employee shall be notified in writing of the final decision regarding the resolution of the complaint.

4. Either the complainant or the employee against whom the complaint was made may appeal the decision. A decision by the principal or immediate supervisor may be appealed to the Superintendent or designee, who shall attempt to resolve the complaint to the satisfaction of the parties involved within 30 days. Either the complainant or the employee may appeal the Superintendent's decision to the Governing Board.

5. If the decision is appealed to the Board, the Superintendent or designee shall submit to the Board the following information:

    a. The full name of each employee involved

    b. A brief but specific summary of the complaint and the facts surrounding it, sufficient to inform the Board and the parties as to the precise nature of the complaint and to allow the parties to prepare a response

    c. A copy of the signed original complaint

    d. A summary of the action taken by the Superintendent or designee and the reasons that the problem has not been resolved

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NUSD Board Policy 5132 Dress And Grooming

Original Adopted Date: 04/06/2004 **| Last Revised Date:** 03/19/2024 **| Last Reviewed Date:** 03/19/2024
Available:https://simbli.eboardsolutions.com/Policy/ViewPolicy.aspx?S=36030599&revid=5NCNCO50TIjRplusRddaa9mfA==&st=dress%20and%20grooming&mt=Exact

The Governing Board believes that appropriate dress and grooming contribute to a productive learning environment. The Board expects students to wear clothing that is suitable for the school activities in which they participate. Students shall not wear clothing that presents a health or safety hazard or causes a substantial disruption to the educational program.

District and school rules pertaining to student attire shall be included in student handbooks, may be posted in school offices and classrooms, and may be periodically reviewed with all students as necessary.

Students shall not be prohibited from dressing in a manner consistent with their gender identity or gender expression or with their religious or cultural observance.

In addition, the dress code shall not discriminate against students based on hair texture and protective hairstyles, including, but not limited to, braids, locks, and twists. (Education Code 212.1)

The principal or designee is authorized to enforce this policy and shall inform any student who does not reasonably conform to the dress code. The dress code shall not be enforced in a manner that discriminates against a particular

viewpoint or results in a disproportionate application of the dress code based on students' gender, sexual orientation, race, ethnicity, household income, or body type or size.

School administrators, teachers, and other staff shall be notified of appropriate and equitable enforcement of the dress code.

When practical, students shall not be directed to correct a dress code violation during instructional time or in front of other students.

Repeated violations or refusal to comply with the district's dress code may result in disciplinary action.

Gang-Related Apparel

The principal, staff, and parents/guardians at a school may establish a reasonable dress code that prohibits students from wearing gang-related apparel when there is evidence of a gang presence that disrupts or threatens to disrupt the school's activities. Such a proposed dress code shall be presented to the Board, which shall approve the plan upon determining that it is necessary to protect the health and safety of the school environment. The dress code policy may be included in the school's comprehensive safety plan. (Education Code 35183)

When determining specific items of clothing that may be defined as gang apparel, the school shall ensure that the determination is free from bias based on race, ethnicity, national origin, immigration status, or other protected characteristics.

Uniforms

The Board may approve a school-initiated dress code requiring students at the school to wear a school uniform whenever the Board determines that such a dress code will promote student achievement, a positive school climate, and/or student safety.

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

The Superintendent or designee shall ensure that resources are identified to assist economically disadvantaged students in obtaining uniforms. (Education Code 35183)

NUSD Board Policy 5132 Dress And Grooming

Original Adopted Date: 04/06/2004 **| Last Revised Date:** 03/19/2024 **| Last Reviewed:** 03/19/2024
Available:https://simbli.eboardsolutions.com/Policy/ViewPolicy.aspx?S=36030599&revid=21daDLpB46ysUjJLnecTKA==
In cooperation with teachers, students, and parents/guardians, the principal or designee may establish school rules governing student dress and grooming which are consistent with law, Board policy, and administrative regulations. These school dress codes shall be regularly reviewed.

The following guidelines shall apply to all regular school activities:

1. Clothing, jewelry, and personal items shall be free of writing, pictures, or any other insignia which is vulgar, lewd, obscene, profane, or sexually suggestive or which promotes the use of alcohol, drugs, tobacco, or other illegal activity.

2. No steel-toed or shoes with spikes.

3. Sunglasses, hats, caps and other non-religious/cultural head coverings are not to be worn Indoors at any time. When worn outdoors, they must be worn as intended, ie. baseball caps worn w/ the bill forward. "Double" head coverings are NOT allowed at anytime on campus, ie. a beanie or BB cap worn under a hoodie.

4. Clothes shall be sufficient to cover undergarments. See through clothing is prohibited. No inappropriate body parts can be exposed, specifically
   - No strapless tops ie. tube tops, bustiers.
   - Pants/shorts must fully cover the buttocks and/or not sag inappropriately low.

Visual description is as follows:



The dress code shall be modified as appropriate to accommodate a student's religious or cultural observance, health condition, or other circumstance deemed necessary by the principal or designee. In addition, the principal or designee may impose dress requirements to accommodate the needs of special school activities, physical education classes, athletic activities, and other extracurricular and cocurricular activities.

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

49066)

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

Gang-Related Apparel

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

Because gang-related symbols are constantly changing, definitions of gang-related apparel shall be reviewed at least once each semester and updated whenever related information is received. As necessary, the school shall collaborate with law enforcement agencies to update definitions of gang-related apparel.

Uniforms

In schools that require a schoolwide uniform, the principal, staff, and parents/guardians of the school shall jointly select the specific uniform to be worn. (Education Code 35183)

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

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

The Superintendent or designee shall establish criteria for determining student eligibility for financial assistance when purchasing uniforms.

Students who participate in a nationally recognized youth organization shall be allowed to wear organization uniforms on days when the organization has a scheduled meeting. (Education Code 35183)

NUSD Board Policy 5131.2 Bullying

Original Adopted Date: 06/05/2012 **| Last Revised Date:** 03/05/2024 **| Last Reviewed Date:** 03/05/2024
Available:https://simbli.eboardsolutions.com/Policy/ViewPolicy.aspx?S=36030599&revid=c6plusOq0GgwxoH1uhcOUPhNg==&st=5131.2&mt=Exact

This policy shall apply to all acts constituting bullying related to school activity or to school attendance occurring within a district school, to acts which occur off campus or outside of school-related or school-sponsored activities but which may have an impact or create a hostile environment at school, and to all acts of the Governing Board and the Superintendent in enacting policies and procedures that govern the district.

The Board recognizes the harmful effects of bullying on student well-being, student learning, and school attendance and desires to provide a welcoming, safe, and supportive school environment that protects students from physical, mental, and emotional harm. No individual or group shall, through physical, written, verbal, visual, or other means, harass, sexually harass, threaten, intimidate, cyberbully, cause bodily injury to, or commit hate violence against any student or school personnel, or retaliate against them for filing a complaint or participating in the complaint resolution process.

The Superintendent or designee shall develop strategies for addressing bullying in district schools with the involvement of students, parents/guardians, and staff. As appropriate, the Superintendent or designee may also collaborate with social services, mental health services, law enforcement, courts, and other agencies and community organizations in the development and implementation of effective strategies to promote safety in schools and the community.

Such strategies shall be incorporated into the comprehensive safety plan and, to the extent possible, into the local control and accountability plan and other applicable district and school plans.

Any complaint of bullying shall be investigated and, if determined to be discriminatory, resolved in accordance with law and the district's uniform complaint procedures specified in Administrative Regulation 1312.3. If, during the investigation, it is determined that a complaint is about nondiscriminatory bullying, the principal or designee shall inform the complainant and shall take all necessary actions to resolve the complaint.

If the Superintendent or designee believes it is in the best interest of a student who has been the victim of an act of bullying, as defined in Education Code 48900, the Superintendent or designee shall advise the student's parents/guardians that the student may transfer to another school. If the parents/guardians of a student who has been the victim of an act of bullying requests a transfer for the student pursuant to Education Code 46600, the Superintendent or designee shall allow the transfer in accordance with law and district policy on intradistrict or interdistrict transfer, as applicable.

District families are encouraged to model respectful behavior, contribute to a safe and supportive learning environment, and monitor potential causes of bullying.

Any employee who permits or engages in bullying or retaliation related to bullying shall be subject to disciplinary action, up to and including dismissal.

NUSD Administrative Regulation 5131.2 Bullying

Original Adopted Date: 06/05/2012 **| Last Revised Date:** 03/05/2024 **| Last Reviewed Date:** 03/05/2024
Available:https://simbli.eboardsolutions.com/Policy/ViewPolicy.aspx?S=36030599&revid=WLeqFUca70zkydYHm9JMxA==&st=5131.2&mt=Exact

Examples of Prohibited Conduct

Bullying is an aggressive behavior that involves a real or perceived imbalance of power between individuals with the intent to cause emotional or physical harm. Bullying can be physical, verbal, or social/relational and may involve a single severe act or repetition or potential repetition of a deliberate act. Bullying includes, but is not limited to, any act described in Education Code 48900(r).

Cyberbullying includes the electronic creation or transmission of harassing communications, direct threats, or other harmful texts, sounds, or images, which may be shared, sent, or posted publicly. Cyberbullying may include, but is not limited to, personal or private information that causes humiliation, false or negative information to discredit or disparage, or threats of physical harm. Cyberbullying may also include breaking into another person's electronic account or assuming that person's online identity in order to damage that person's reputation.

Examples of the types of conduct that may constitute bullying and are prohibited by the district include, but are not limited to:

1. Physical bullying: An act that inflicts harm upon a person's body or possessions, such as hitting, kicking, pinching, spitting, tripping, pushing, taking or breaking someone's possessions, or making cruel or rude hand gestures

2. Verbal bullying: An act that includes saying or writing hurtful things, such as teasing, name-calling, inappropriate sexual comments, taunting, or threats to cause harm

3. Social/relational bullying: An act that harms a person's reputation or relationships, such as leaving a person out of an activity on purpose, influencing others not to be friends with someone, spreading rumors, or embarrassing someone in public

4. Cyberbullying: An act that occurs on electronic devices such as computers, tablets, or cell phones, such as sending demeaning or hateful text messages, direct messages or public posts on social media apps, gaming forums, or emails, spreading rumors by email or by posting on social networking sites, shaming or humiliating by allowing others to view, participate in, or share disparaging or harmful content, or posting or sharing embarrassing photos, videos, website, or fake profiles

Measures to Prevent Bullying

The Superintendent or designee shall implement measures to prevent bullying in district schools, including, but not limited to, the following:

1. Developing a strategic plan for school connectedness and social skills with benchmark tracking, which may include providing regular opportunities and spaces for students to develop social skills and strengthen relationships and promoting adult support from family and school staff, peer-led programs, and partnerships with key community groups, implementing socially based educational techniques such as cooperative learning projects that can improve educational outcomes as well as peer relations, creating a supportive school environment that fosters belonging through equitable classroom management, mentoring, and peer support groups that allow students to lean on each other and learn from each other's experiences, and building social connection into health education courses including information on the consequences of social connection on physical and mental health, key risk and protective factors, and strategies for increasing social connection

2. Ensuring that each school establishes clear rules for student and staff conduct and implements strategies to promote a positive, supportive, and collaborative school climate

3. Providing information to students, through student handbooks, district and school websites and social media, and other age-appropriate means, about district and school rules related to bullying, mechanisms available for reporting incidents or threats, and the consequences for engaging in bullying

4. Encouraging students to notify school staff when they are being bullied or when they suspect that another student is being bullied, and providing means by which students may report threats or incidents confidentially and anonymously

5. Conducting an assessment of bullying incidents at each school and, if necessary, increasing supervision and security in areas where bullying most often occurs, such as playgrounds, hallways, restrooms, and cafeterias

6. Annually notifying district employees that, pursuant to Education Code 234.1, any school staff who witnesses an act of bullying against a student has a responsibility to immediately intervene to stop the incident when it is safe to do so

Staff Development

The Superintendent or designee shall annually make available to all certificated staff and to other employees who have regular interaction with students the California Department of Education (CDE) online training module on the dynamics of bullying and cyberbullying, including the identification of bullying and cyberbullying and the implementation of strategies to address bullying. (Education Code 32283.5)

The Superintendent or designee shall provide training to teachers and other school staff to raise their awareness about the legal obligation of the district and its employees to prevent discrimination, harassment, intimidation, and bullying of district students. Such training shall be designed to provide staff with the skills to:

1. Discuss the diversity of the student body and school community, including their varying immigration experiences
2. Discuss bullying prevention strategies with students, and teach students to recognize the behavior and characteristics of bullying perpetrators and victims
3. Identify the signs of bullying or harassing behavior
4. Take immediate corrective action when bullying is observed
5. Report incidents to the appropriate authorities, including law enforcement in instances of criminal behavior

Information and Resources

The Superintendent or designee shall post on the district's website, in a prominent location and in a manner that is easily accessible to students and parents/guardians, information on bullying and harassment prevention which includes the following: (Education Code 234.6)

1. The district's policy on student suicide prevention, including a reference to the policy's age appropriateness for students in grades K-6
2. The definition of sex discrimination and harassment as described in Education Code 230, including the rights set forth in Education Code 221.8
3. Title IX information included on the district's website pursuant to Education Code 221.61, and a link to the Title IX information included on CDE's website pursuant to Education Code 221.6
4. District policies on student sexual harassment, prevention and response to hate violence, discrimination, harassment, intimidation, bullying, and cyberbullying
5. A section on social media bullying that includes all of the references described in Education Code 234.6 as possible forums for social media
6. A link to statewide resources, including community-based organizations, compiled by CDE pursuant to Education Code 234.5
7. Any additional information the Superintendent or designee deems important for preventing bullying and harassment

Student Instruction

As appropriate, the district shall provide students with instruction, in the classroom or other educational settings, that promotes social-emotional learning, effective communication and conflict resolution skills, character development, respect for cultural and individual differences, self-esteem development, assertiveness skills, digital and media literacy skills, and appropriate online behavior.

The district shall also educate students about the negative impact of bullying, discrimination, intimidation, and harassment based on actual or perceived immigration status, religious beliefs and customs, or any other individual bias or prejudice.

Students should be taught the difference between appropriate and inappropriate behaviors, how to advocate for themselves, how to help another student who is being bullied, and when to seek assistance from a trusted adult. As role models for students, staff are responsible for teaching and modeling respectful behavior and building safe and supportive learning environments, and are expected to demonstrate effective problem-solving and anger management skills.

To discourage cyberbullying, teachers may advise students to be cautious about sharing passwords, personal data, or private photos online and to consider the consequences of making negative comments about others online.

Reporting and Filing of Complaints

Any student, parent/guardian, or other individual who believes that a student has been subjected to bullying or who has witnessed bullying may report the incident to a teacher, the principal, a compliance officer, or any other available school employee.

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

Within one business day of receiving such a report, a staff member shall notify the principal of the report, regardless of whether a uniform complaint is filed. In addition, any school employee who observes an incident of bullying involving a student shall, within one business day, report such observation to the principal or a district compliance officer, regardless of whether the alleged victim files a complaint.

Within two business days of receiving a report of bullying, the principal shall notify the district compliance officer identified in Administrative Regulation 1312.3.

Any individuals with information about cyberbullying activity shall save and print any electronic or digital messages that they feel constitute cyberbullying and shall notify a teacher, the principal, or other employee so that the matter may be investigated. When an investigation concludes that a student used a social networking site or service to bully or harass another student, the Superintendent or designee may report the cyberbullying to the social media platform and may request the material be removed.

Discipline/Corrective Actions

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

When a student has been suspended, or other means of correction have been implemented against the student, for an incident of racist bullying, harassment, or intimidation, the principal or designee shall engage both the victim and perpetrator in a restorative justice practice suitable to the needs of the students. The principal or designee shall also require the perpetrator to engage in a culturally sensitive program that promotes racial justice and equity and combats racism and ignorance and shall regularly check on the victim to ensure that the victim is not in danger of suffering from any long-lasting mental health issues. (Education Code 48900.5)

When appropriate based on the severity or pervasiveness of the bullying, the Superintendent or designee shall notify the parents/guardians of victims and perpetrators and may contact law enforcement.

Support Services

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

If any student involved in bullying exhibits warning signs of suicidal thought or intention or of intent to harm another person, the Superintendent or designee shall, as appropriate, implement district intervention protocols which may include, but are not limited to, referral to district or community mental health services, other health professionals, and/or law enforcement, in accordance with Board Policy and Administrative Regulation 5141.52 - Suicide Prevention.