# Evergreen School District

# Evergreen Elementary School Comprehensive School Safety Plan

Effective Dates: 2025-2026

Principal/Administrator: Diana Nakano

| Plan Developed By | Title |
|---|---|
| Diana Nakano | Principal |
| Christina Cerniglia | School Secretary |
| Jill Tanner | Teacher |
| Phil Noteware | Teacher |
| Kim Shehee | Teacher |
| Francie Arboleda | Parent |
| Raquel Castagnetto | Parent |
| Leji Nair | Parent |
| Amanda Gil | Parent |
| Fabiola Ramirez | Parent |
| Jonathan Valverde | Law Enforcement |

| | |
|---|---|
| Public Meeting Date: | November 13, 2025 |
| Date Adopted by School Site Council: | November 13, 2025 |

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## Committee Members

| Name of Members | Principal | Classified Employee | Teacher Re. of Cert. Employees | Parent or Community Member | Law Enforcement | Secondary Students | Other |
|---|---|---|---|---|---|---|---|
| Diana Nakano | X | | | | | | |
| Christina Cerniglia | | X | | | | | |
| Jill Tanner | | | X | | | | |
| Phil Noteware | | | X | | | | |
| Kim Shehee | | | X | | | | |
| Francie Arboleda | | | | X | | | |
| Leji Nair | | | | X | | | |
| Amanda Gil | | | | X | | | |
| Raquel Castagnetto | | | | X | | | |
| Fabiola Ramirez | | | | X | | | |
| SJPD Jonathan Valverde | | | | | X | | |

## Vision/Mission Statement

In collaboration with all members of our school community, we consistently work to achieve academic excellence for all students, celebrate and appreciate our students' diversity, promote a positive school climate, and maintain an emotionally, intellectually, socially, and physically safe school environment.

## Data Analysis

| Data Source | 2022-23 | 2023-24 | 2024-25 |
|---|---|---|---|
| **California Health Kids Survey** | | | X |
| **Suspensions** | X | X | X |
| **Expulsions** | X | X | X |
| **Local Crime data** | X | X | X |
| **Other Community data** | X | X | X |
| **Youth Truth Survey** | | | |
| **School Climate** | X | X | X |

**Conclusions from Data:**
The data on the current student and community Comprehensive Safe School Surveys remain consistent and, for the most part, positive, with some deviations in percentage points over the past several years. The following data remain the most positive and are points of pride for our school.

1. Eighty-five percent of our third through sixth-grade students reported feeling safe or very safe at school.

2. Students were asked if they ever get put down because of the following reasons:

Race: Sixty-nine percent of third through sixth-grade students reported NEVER being put down because of their race.
Religion: Seventy-nine percent of third through sixth grade students reported they were NEVER put down because of their religion.
Gender/Gender Identification: Seventy-one percent of third through sixth-grade students reported they were NEVER put down because of their gender or gender identification.
Learning Disabilities: Fifty percent of third through sixth-grade students reported they were NEVER put down because of their learning disability.
Physical Appearance: Seventy percent of third through sixth-grade students reported NEVER being put down because of their physical appearance.

3. Parents/community members were asked if students at their child's school get put down because of the following reasons:

Race: Eighty-four percent of parents/community members reported that students at their child's school NEVER get put down because of their race.
Religion: Eighty-eight percent of parents/community members reported students at their child's school NEVER get put down because of their religion.
Gender/Gender Identification: Eighty-seven percent of parents/community members reported students at their child's school NEVER get put down because of their gender/gender identification.
Sexual Orientation: Ninety percent of parent/community members reported students at their child's school NEVER get put down because of their sexual orientation.
Learning Disabilities: Seventy-six percent of parent/community members reported students at their child's school NEVER get put down because of their learning disabilities.
Physical Appearance: Seventy-nine percent of parents reported that students in their child's school NEVER being put down because of their physical appearance.

4. Seventy-two percent of third through sixth-grade students and ninety-one percent of parent/community members recognize our school as having ways to recognize positive behavior among students.

Although there are several areas where we are doing well and receiving consistent positive results, there are areas of improvement as well that have been identified on the student and parents/community members survey. The following is a summary of these survey results:

1. Both the parent/community survey and the student survey revealed ongoing concerns related to bullying and teasing, particularly in the areas of learning disabilities and gender/gender identification. Fifty percent of students and twenty-five percent of parents indicated a concern about students being put down for having a learning disability. In addition, twenty-nine percent of students report being put down due to their gender/gender identity. It was revealed through a deeper dive into the data that these problems occurred on the playground, particularly during times of competitive games, such as four-square.

2. When both students and parent/community members were asked how familiar they were with the classroom rules, school-wide rules, and cyber-bullying rules, the following data was gathered: sixty-one percent of third through sixth-grade students reported they knew cyberbullying rules, eighty percent of students knew our school-wide rules, and eighty-one percent reported that they knew their classroom rules. For our parent/community data, sixty-two percent of parents/community members reported familiarity with our cyberbullying policy, seventy-five percent knew the school-wide rules, and eighty percent reported knowing the classroom rules. However, nearly all community members (ninety-seven percent) expressed familiarity with Evergreen Elementary's rules and expectations.

The California Healthy Kids Survey (CHKS) provides additional insight into students' perceptions of school climate, connectedness, safety, and emotional well-being. The data from the most recent CHKS administration aligns closely with our Comprehensive Safe

School Survey results, with many positive indicators as well as clear areas for continued focus. The following themes emerged from the CHKS:

1. School Connectedness and Safety:
Eighty-four percent of sixth-grade students reported feeling connected to their school, and ninety percent reported feeling safe at school. An additional ninety-four percent reported feeling safe on their way to and from school.

2. Caring Adults and High Expectations:
Sixty-nine percent of students reported having caring adults at school, and eighty-five percent indicated that adults on campus have high expectations for their success.

3. Respect and Fairness:
Eighty-nine percent of students stated they are treated with respect at school. Seventy-four percent reported that school rules are clear, and sixty-seven percent feel that students are treated fairly when they break rules.

4. Bullying and Harassment:
While a significant number of students feel safe, the CHKS identified areas of concern related to peer interactions:

Sixteen percent of students reported being hit or pushed.
Thirty-nine percent reported having mean rumors spread about them.
Fifty-three percent reported being called bad names or targeted with mean jokes.
Twenty-three percent reported experiencing cyberbullying.

5. School Facilities and Upkeep:
Sixty-one percent of students reported that school facilities are well maintained. This is an area where improvement is needed, consistent with trends from the Comprehensive Safe School Survey.

6. Academic Motivation and School Performance:
Eighty-nine percent of sixth-grade students reported strong academic motivation.
Regarding perceived academic performance:
-Twenty-one percent report being among the best students.
-Forty-seven percent report doing better than most students.
-Thirty-two percent report performing about the same as their peers.
-Zero percent report doing worse than their peers.

7. Meaningful Participation:
Thirty-eight percent of students reported experiencing meaningful participation at school. This reflects a need for additional student voice, leadership opportunities, and engagement initiatives.

Overall Summary:
The CHKS results show that students feel connected, safe, respected, and supported by caring adults. However, consistent with prior years, bullying—especially rumors, name-calling, and cyberbullying—remains a key area for improvement. Additionally, the relatively lower rating for facilities upkeep supports the need for continued campus upgrades and maintenance improvements.

**Conclusions from Parent, Teacher and Student Input:**
There are many things that we are doing currently that are receiving positive feedback and should be celebrated. Much of our data was very similar to last year's data, with some deviations trending both positively and negatively. However, overall, our data is consistent. At the same time, there are a few areas for improvement that could be addressed to enhance the safety of our campus/students both physically and online. Overall, both students and community members at Evergreen Elementary demonstrate a strong understanding of the school's behavioral expectations. The majority of students and families are familiar with classroom and school-wide rules and consequences, reflecting effective communication and consistent reinforcement of expectations across settings. Nearly all community members (97%) reported familiarity with the overall rules and expectations at Evergreen, underscoring strong alignment between the school and home.

However, both groups show lower familiarity with the rules and consequences related to cyberbullying. This gap highlights the need for ongoing emphasis on digital citizenship education and clear, consistent messaging about online safety and respectful behavior.

Moving forward, Evergreen Elementary will continue to strengthen inclusive, school-wide communication and learning opportunities that ensure all students and families understand, model, and uphold positive behavior—both in-person and online.

In conclusion, the 2025–2026 survey data confirm that Evergreen Elementary remains a school where students and families feel respected and safe. The overall consistency across stakeholder groups reflects a strong, well-established culture of kindness and accountability. Moving forward, the school can further enhance inclusivity by focusing on educating about learning differences, promoting empathy through SEL, and strengthening family awareness of existing anti-bullying and digital citizenship efforts. These next steps will ensure Evergreen continues to cultivate a safe, equitable, and compassionate learning community for every child.

**Other:**

**List Data Sources Reviewed and How the Data Determined the Goals: surveys, focus groups, discipline, and attendance.**
Parent Comprehensive Safe School Survey
Student Comprehensive Safe School Survey

**Areas of Pride and Strength (include school programs and practices that promote a positive learning environment).**
The Safe School Planning Committee of Evergreen School recognizes and commends the students, staff, and parents for the following conditions and programs that help create a safe and organized school environment.

- At the beginning of the school year, as well as midway through the year, all teachers devote time to reviewing student rules and expectations in all classrooms
- A school-wide assembly covering school rules and our PBIS Eagle Values (held twice a year)
- All classroom teachers monitor student behavior during morning and afternoon recess
- Successful Project Cornerstone program
- Second-grade play (focused on character development)
- Special Education- SDC classes- community holiday parties: Halloween, Winterfest, Valentines Day
- Executive Function schoolwide focus
- Zones of Regulation primary grade focus
- Intervention tutoring program to assist struggling students
- Student Yearbook Committee
- 1 adult to 8 students ratio for field trips
- During instruction day, campus is closed to outside visitors unless they sign in at the office
- Student drop off table outside of the office where parents leave materials, email teachers for convenient material pickup times so as not to disrupt instruction with calls to the rooms (materials include lunches, homework, lunches, after after-school materials, instruments)
- Strong PTA teacher support and strong community involvement
- YWCA community partnership
- Emergency drills (fire, earthquake, shelter in place, and Run, Hide, Defend)
- School-Wide Eagle Values "Be Safe", "Be Respectful," and "Be Responsible"
- Emergency Team in Place
- General safe school feeling
- Surveillance cameras to monitor campus, as well as district use of Bark to monitor students' safety online
- Online resources containing school routines and procedures
- Clean campus, which is well-maintained
- Management and teachers are approachable and friendly
- Principal handles behavior issues in a consistent and timely manner
- Kid-friendly learning environment and play area
- Outstanding student support from teachers and parents
- Positive attitude from all stakeholders
- Staff and students' ability to use technology has grown
- Decisions are being made in the best interest of the child
- Principal is proud of all involved in helping with the success of students
- Second Step; a social/emotional curriculum implemented in all classrooms.
- Bridges Learning System; a social/emotional curriculum implemented in our SDC classrooms
- #icanhelp digital awareness parent night- hosted by middle school but pushed out and encouraged through our own Evergreen Elementary Parent Square
- Digital Awareness Week
- Inclusion virtual assemblies focusing on inclusion
- ILT with a focus on Essential Standards on campus
- PBIS team that focuses on clear and consistent behavior management and rewards
- Wrestling Program for grades 4-6, including intramural matches against other elementary schools in the district
- Wrestling Program for grades 1-3, focusing on wrestling technique and physical conditioning
- Band program, allowing for four sections of band; two 5th beginning sections, 6th beginnings winds, as well as 6th intermediate
- Student Body officers who represent our school and the student voice with pride
- Student Body officers host our three PBIS Character Assemblies, along with their teacher advisor
- Student Body officers participation in student summit with the Superintendent
- School site Council's dedication to evaluating data and practices on campus to improve the student experience.
- APEX fun(d) run, focusing on character development lessons
- Starting Arts for 3rd through 6th grade students- keeping the arts alive by giving students the chance to learn stage production from acting, singing, and set design, lighting, and costume design

**Areas we wish to Change:**
Our primary focus this year is to deepen understanding, acceptance, and empathy around learning differences. Survey data indicate that while the majority of students feel safe and respected, teasing or exclusion connected to learning disabilities continues to emerge as an area of concern. We aim to strengthen inclusive practices that help every student—regardless of ability—feel seen, supported, and valued within the school community.

To address this, Evergreen Elementary will continue to develop learning experiences that unite general education and special education students through collaboration, shared projects, and peer partnerships. We will also expand classroom discussions, literature selections, and assemblies that highlight neurodiversity, empathy, and respect for all learners. These opportunities are designed to promote a stronger sense of belonging and help students build compassion for the unique strengths and challenges of their peers.

Additionally, the data indicate a persistent need to promote responsible digital citizenship and appropriate online behavior. While most students understand the expectations surrounding cyberbullying, continued instruction is necessary to help them apply these lessons in their daily interactions—both on campus and online. Lessons on empathy, digital respect, and positive communication will remain embedded in our social-emotional learning program and technology curriculum.

## Goals Strategies and Activities

**Component I – People and Programs**

**Goal**
At Evergreen Elementary School, we are strengthening a culture of inclusion, empathy, and responsible online behavior by teaching students to value all learners and interact respectfully both in person and in digital spaces. Our goal is to reduce teasing or exclusion related to learning differences while also helping students understand how online behavior impacts safety, relationships, and school culture.

**Measurable Objective:**
By Fall 2026, there will be a five percent increase in the number of students who report never being put down because of learning differences, and a three percent increase in the number of students and parents who report familiarity with the school's digital citizenship and cyberbullying policies, as measured by the Comprehensive Safe School Survey. In addition, data on bullying, particularly incidents involving students with learning disabilities or learning challenges, will be collected and analyzed through Eagle Referrals linked to bullying behaviors and corresponding PowerSchool incident reports.

**Action Steps:**

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| The principal will collaborate with staff to implement the updated Evergreen Behavior Matrix, including the new problem solver/advocate category, and embed these expectations into PBIS lessons, morning meetings, and schoolwide communications to promote respectful, inclusive behaviors on campus and online. These expectations will also be communicated to families each trimester through the principal's weekly ParentSquare newsletter to ensure shared understanding and reinforcement at home. Additionally, the principal will partner with the Student Council to create and display inclusion posters featuring both SDC and General Education students, helping normalize disabilities and celebrate the diversity within our school community. |
| Teachers will provide weekly SEL lessons using the district's Second Step curriculum, the Evergreen Comprehensive PBIS slide deck, and book bundles focusing on neurodiversity and both visible and hidden disabilities. Weekly SEL instruction will emphasize empathy, collaboration, problem-solving, advocacy, and appreciation of diverse learning needs during morning meetings and class meetings. |
| All grade levels will implement Common Sense Media digital citizenship lessons to teach online respect, safe communication, and cyberbullying prevention. These lessons will be reinforced throughout the year during classroom technology use and highlighted during Digital Citizenship Week. Students will also participate in one in-person assembly and one virtual assembly with Common Ground Society, focusing on recognizing that everyone has strengths and weaknesses, pushing past initial fear when encountering someone perceived as "different," finding commonalities, and being brave enough to start with a simple "hi." Students will be empowered to "Be the One™," even if no one else is.<br>Cyberbullying rules and guidelines, aligned with our PBIS Eagle Values, will be posted on the school website and in all classrooms to ensure students receive consistent, visible reminders of safe and respectful online behavior. Trends will be monitored through Eagle Referrals and PowerSchool incident reports. |
| Teachers and support staff will participate in PD delivered by Common Ground Society, focusing on understanding visible and invisible disabilities, fostering inclusive classroom environments, and equipping students with practical tools to be problem-solvers and advocates in both social and learning contexts. |
| The school will share newsletter articles/information and/or hold parent sessions that promote awareness of learning differences, empathy-building strategies at home, and safe technology use. A digital citizenship night will be offered (hosted at the middle school) to reinforce these values with families. |

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| Who will take the lead? | Principal<br>Teaching Staff |

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| Completion Date and Budget | Completion Date: Fall 2026<br>Budget: Limited Budget |
| Resources Needed | Assembly Presenter<br>Curated classroom book bundles centered on themes of learning differences, neurodiversity, and empathy. Titles will be developmentally appropriate and used to foster inclusive conversations during read-alouds, morning meetings, and SEL lessons.<br>Second Step SEL Curriculum<br>Evergreen Comprehensive PBIS Slide Deck<br>Common Sense Media Digital Citizenship Resources<br>Updated Evergreen Behavior Matrix (Printed & Digital)<br>Cyberbullying Rulles & Guidelines (Classroom & Website Postings)<br>ParentSquare Communication Templates<br>Student Council Poster Making Supplies- Canva and Camera |
| How we will Monitor and evaluate? | Results of 2025-2026 student Comprehensive Safe School survey<br>Eagle Referrals/ PowerSchool Incident Data<br>Classroom walkthroughs to confirm: behavior matrix posters/cyberbullying guidelines are displayed, inclusive literature is being used during SEL blocks and read-alouds, morning meetings/class meetings reflect SEL, PBIS, and inclusion themes<br>Feedback from Professional Development and Assemblies: collection of both teacher and student feedback following both PD and assemblies to assess increased confidence and competence as well as understanding.<br>Student Council project: Inclusion posters displayed throughout campus, informal student feedback on the visibility and impact of these student-led campaigns. |

## Component II – Place

**Goal**
To enhance school safety by implementing targeted upgrades to the physical campus to ensure a safe, accessible, and secure environment for all students, staff, and visitors.

**Measurable Objective:**
Based on the 2025–2026 Comprehensive Safe School Survey, 85% of students report feeling safe at school, while 75% report that the school's facilities are well maintained. By Fall 2026, Evergreen Elementary will demonstrate a 5% increase in both areas, as measured by the annual Comprehensive Safe School Survey results.

**Action Steps:**

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| Work with the District Facilities and Maintenance Department to install swing gates at both the parking lot entrance and exit, pending funding and district approval. These gates will help control vehicular access, improve supervision, and enhance overall campus security during school hours and after-hours. |
| Coordinate with District Facilities to install a secure anchor point on the front gate, pending district approval. This anchor point will allow staff to safely lock and secure the panic gates during weekends and non-school days, ensuring the campus remains protected from unauthorized entry. |
| Collaborate with District Instructional Technology and Facilities to install five new security cameras, strategically placed to enhance visibility and monitoring of high-traffic and high-need areas. These upgrades aim to reduce blind spots, strengthen campus visibility, and support a timely response to safety-related incidents.<br>Two cameras along one primary corridor, two cameras along the second primary corridor, and one camera installed in front of the Multipurpose Room (MPR). This camera will be positioned to monitor both student restrooms and the gate used for after-school daycare, thereby enhancing supervision and improving security during evening pick-ups. |

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| Who will take the lead? | Principal, District Maintenance and Operations |
| Completion Date and Budget | Fall 2026:<br>Swing gates- cost to be determined<br>Security cameras for current blind spots- cost to be determined |
| Resources Needed | Funding: Maintenance and Operations for Swing Gates, Site budget and/or Maintenance and Operations |
| How we will Monitor and evaluate? | 2026-2027 Comprehensive Safe School Student Survey |

## Communication

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|---|---|
| Method for Communicating Plan and Notifying Public:<br>*Ed Code 32288* | **Date of Public Meeting:** November 13, 2025<br>**Site of Public Meeting:** Evergreen Elementary School via Zoom<br><br>The School site council or school safety planning committee shall notify, in writing, the following persons and entities, if available, of the public meeting:<br>• Local Mayor<br>• Representative of the local school employee organization<br>• A representative of each parent organization at the school site, including the parent teacher association and parent teacher clubs<br>• A representative of each teacher organization at the school site<br>• A representative of the student body government<br><br>All persons who have indicated they want to be notified<br><br>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:<br>• A representative of the local churches<br>• Local civic leaders<br>• Local business organizations<br><br>In order to ensure compliance with this article, each School District or County Office of Education shall annually notify the State Department of Education by October 15 of any schools that have not complied with Ed Code 32281 |

| | Name | Date |
|---|---|---|
| **Review of Progress for Last Year** | Diana Nakano | November 13, 2025 |
| **Law Enforcement Review** | Officer Jonathan Valverde | December 3, 2025 |
| **Site Council Approval** | Jill Tanner | November 13, 2025 |
| **School Board Approval** | EESD Board | December 11, 2025 |

## Evaluation

**How was the previous plan monitored?**
The previous plan was monitored through observation of teacher Common Sense Media lesson plans and analysis of survey data. The PBIS expectations and incentive program have now been fully implemented schoolwide. These expectations are continually reviewed, reinforced, and refined throughout the year based on staff feedback and student behavioral data. The Eagle Spirit Store remains an active component of the PBIS program, regularly updated with new items to maintain student engagement and motivation and survey results continue to confirm that students, parents, and staff recognize the school's consistent system for acknowledging positive behavior.

**What progress was made on Component 1 (People and Programs)?**
Staff continues to develop and implement a cyberawareness policy, teaching students how to self-advocate and protect themselves online, particularly by identifying and responding to cyberbullying situations. Survey results indicate an improvement in student awareness, with 34% recognizing cyberbullying before the initiative and 60% recognizing it now. Staff and parents acknowledge the growing influence of online interactions and remain committed to promoting safe and responsible digital behavior. Building on this progress, the focus for the coming year will expand to include lessons that foster empathy and inclusion for students with learning differences, while continuing to teach digital discernment—helping students evaluate the reliability of online information.r students at this time in history and desire to keep this goal to continue to teach students how to be self-advocates. Staff want to add lessons on interpreting and synthesizing what is real and what information has been compromised on the internet.

**What progress was made on Component 2? (Place / Physical Environment)**
The teaching staff and principal successfully expanded and sustained a strong Positive Behavior Interventions and Supports (PBIS) system across campus. The data show significant growth, with over 60% of students now reporting familiarity with classroom, schoolwide, and cyberbullying expectations—an increase from 34% in the previous year. Staff will continue to build on this foundation by using PBIS practices to strengthen conflict resolution skills and deepen inclusion for students with special needs. The school remains committed to fostering a climate where every student feels safe, supported, and valued.

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

# Administering Medication And Monitoring Health Conditions

**Policy 5141.21: Administering Medication And Monitoring Health Conditions**

Original Adopted Date: 02/13/2025 | Last Reviewed Date: 02/13/2025

The Board of Trustees believes that regular school attendance is critical to student learning and that students who need to take medication prescribed or ordered for them by their authorized health care providers should be able to participate in the educational program.

Any medication prescribed for a student with a disability who is qualified to receive services under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act of 1973 shall be administered in accordance with the student's individualized education program or Section 504 services plan, as applicable.

For the administration of medication to other students during school or school-related activities, the Superintendent or designee shall develop protocols which shall include options for allowing parents/guardians to administer medication to their child at school, designate other individuals to do so on their behalf, and, with the student's authorized health care provider's approval, request the district's permission for the student to self-administer a medication or self-monitor and/or self-test for a medical condition. Such processes shall be implemented in a manner that preserves campus security, minimizes instructional interruptions, and promotes student safety and privacy.

The Superintendent or designee shall make epinephrine auto-injectors available at each school for providing emergency medical aid to any person suffering, or reasonably believed to be suffering, from an anaphylactic reaction. (Education Code 49414)

In accordance with law, the Superintendent or designee may make naloxone hydrochloride or another opioid antagonist and stock albuterol inhalers available at each school for providing emergency medical aid to any person suffering or reasonably believed to be suffering from opioid overdose or respiratory distress. (Education Code 49414.3, 49414.7)

Because of the conflict between state and federal law regarding the legality of medicinal cannabis, the Board prohibits the administration of medicinal cannabis to students on school grounds by parents/guardians or school personnel.

The Superintendent or designee shall collaborate with city and county emergency responders, including local public health administrators, to design procedures or measures for addressing an emergency such as a public disaster or epidemic.

### Administration of Medication by School Personnel

When allowed by law, medication prescribed to a student by an authorized health care provider may be administered by a school nurse or, when a school nurse or other medically licensed person is unavailable and the physician has authorized administration of medication by unlicensed personnel for a particular student, by other designated school personnel with appropriate training. School nurses and other designated school personnel shall administer medications to students in accordance with law, Board policy, administrative regulation, and, as applicable, the written statement provided by the student's parent/guardian and authorized health care provider. Such personnel shall be afforded appropriate liability protection.

The Superintendent or designee shall ensure that school personnel designated to administer any medication receive appropriate training and, as necessary, retraining from qualified medical personnel before any medication is administered. At a minimum, the training shall cover how and when such medication should be administered, the recognition of symptoms and treatment, emergency follow-up procedures, and the proper documentation and storage of medication. Such trained, unlicensed designated school personnel shall be supervised by, and provided with immediate communication access to, a school nurse, physician, or other appropriate individual.

The Superintendent or designee shall maintain documentation of the training and ongoing supervision, as well as annual written verification of competency of other designated school personnel.

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

| State | Description |
|---|---|
| 5 CCR 600-611 | Administering medication to students |
| Bus. Code 2700-2837 | Nursing |
| Bus. Code 3500-3546 | Physician assistants |
| Bus. Code 4119.2 | Acquisition of epinephrine auto-injectors |
| Bus. Code 4119.8 | Acquisition of naloxone hydrochloride or another opioid antagonist |
| Ed. Code 48980 | Parent/Guardian notifications |

| | |
|---|---|
| Ed. Code 49407 | Liability for treatment |
| Ed. Code 49408 | Student emergency information |
| Ed. Code 49414 | Emergency epinephrine auto-injectors |
| Ed. Code 49414.3 | Emergency medical assistance; administration of medication for opioid overdose |
| Ed. Code 49414.4 | Opioid Misuse |
| Ed. Code 49414.5 | Providing school personnel with voluntary emergency training |
| Ed. Code 49414.7 | Administration of albuterol inhalers |
| Ed. Code 49414.8 | Funding for emergency opioid antagonists; requirements |
| Ed. Code 49422-49427 | Employment of medical personnel |
| Ed. Code 49423 | Administration of prescribed medication for student |
| Ed. Code 49423.1 | Inhaled asthma medication |
| Ed. Code 49426.5 | Licensed vocational nurses |
| Ed. Code 49468-49468.5 | The Seizure Safe Schools Act |
| Ed. Code 49480 | Continuing medication regimen; notice |
| H&S 1799.113 | Opioid overdose treatment |
| H&S Code 11362.7-11362.85 | Medicinal cannabis |

| **Federal** | **Description** |
|---|---|
| 20 USC 1232g | Family Educational Rights and Privacy Act (FERPA) of 1974 |
| 20 USC 1400-1482 | Individuals with Disabilities Education Act |
| 21 USC 812 | Schedule of controlled substances |
| 21 USC 844 | Penalties for possession of controlled substance |
| 29 USC 794 | Rehabilitation Act of 1973; Section 504 |
| 34 CFR 99.30 | Conditions under which prior written consent is required to disclose information |

| **Management Resources** | **Description** |
|---|---|
| American Diabetes Association Publication | Legal Advisory on Rights of Students with Diabetes in California's K-12 Public Schools, August 2007 |
| American Diabetes Association Publication | Program Advisory on Medication Administration, 2005 |
| American Diabetes Association Publication | Glucagon Training Standards for School Personnel: Providing Emergency Medical Assistance to Pupils with Diabetes, May 2006 |
| Court Decision | American Nurses Association v. Torlakson (2013) 57 Cal.4th 570 |
| National Diabetes Education Program Publication | Helping the Student with Diabetes Succeed: A Guide for School Personnel, June 2003 |
| Website | CSBA District and County Office of Education Legal Services |
| Website | National Diabetes Education Program |
| Website | U.S. Department of Health and Human Services, National Heart, Lung, and Blood Institute |
| Website | American Diabetes Association |
| Website | California Department of Education, Health Services and School Nursing |
| Website | CSBA |
| Website | California Department of Public Health |

| **Cross References** | **Description** |
|---|---|
| 3513.4 | Drug And Alcohol Free Schools |
| 3516 | Emergencies And Disaster Preparedness Plan |
| 3516 | Emergencies And Disaster Preparedness Plan |
| 4119.43 | Universal Precautions |
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| 4219.43 | Universal Precautions |
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| 5022 | Student And Family Privacy Rights |
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| 5113 | Absences And Excuses |
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| 5113.1 | Chronic Absence And Truancy |
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| 5145.6 | Parent/Guardian Notifications |
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## Regulation 5141.21: Administering Medication And Monitoring Health Conditions

Original Adopted Date: 02/13/2025 | Last Reviewed Date: 02/13/2025

### Definitions

*Authorized health care provider* means an individual who is licensed by the State of California to prescribe or order medication, including, but not limited to, a physician or physician assistant. (Education Code 49423; 5 CCR 601)

*Other designated school personnel* means any individual employed by the district, including a nonmedical school employee, who has volunteered or consented to administer medication or otherwise assist the student and who may legally administer the medication to the student or assist the student in the administration of the medication. (5 CCR 601, 621)

*Medication* may include not only a substance dispensed in the United States by prescription, but also a substance that does not require a prescription, such as over-the-counter remedies, nutritional supplements, and herbal remedies. (5 CCR 601)

*Epinephrine auto-injector* means a disposable delivery device designed for the automatic injection of a premeasured dose of epinephrine into the human body to prevent or treat a life-threatening allergic reaction. (Education Code 49414)

*Anaphylaxis* means a potentially life-threatening hypersensitivity to a substance, which may result from an insect sting, food allergy, drug reaction, exercise, or other cause. Symptoms may include shortness of breath, wheezing, difficulty breathing, difficulty talking or swallowing, hives, itching, swelling, shock, or asthma. (Education Code 49414)

*Opioid antagonist* means naloxone hydrochloride or another drug approved by the federal Food and Drug Administration that, when administered, negates or neutralizes in whole or in part the pharmacological effects of an opioid in the body and that has been approved for the treatment of an opioid overdose. (Education Code 49414.3)

*Albuterol* means a bronchodilator used to open the airways by relaxing the muscles around the bronchial tubes. (Education Code 49414.7)

*Inhaler* means a device used for the delivery of prescribed asthma medication that is inhaled. (Education Code 49414.7)

### Notifications to Parents/Guardians

At the beginning of each school year, the Superintendent or designee shall notify parents/guardians of the options available to students who need to take prescribed medication during the school day and the rights and responsibilities of parents/guardians regarding those options. (Education Code 49480)

In addition, the Superintendent or designee shall inform the parents/guardians of any student on a continuing medication regimen for a nonepisodic condition of the following: (Education Code 49480)

1. The parent/guardian is required to inform the school nurse or other designated employee of the medication being taken, the current dosage, and the name of the supervising physician.

2. With the parent/guardian's consent, the school nurse or other designated employee may communicate with the student's physician regarding the medication and its effects and may counsel school personnel regarding the possible effects of the medication on the student's physical, intellectual, and social behavior, as well as possible behavioral signs and symptoms of adverse side effects, omission, or overdose.

When a student requires medication during the school day in order to participate in the educational program, the Superintendent or designee shall, as appropriate, inform the student's parents/guardians that the student may qualify for services or accommodations pursuant to the Individuals with Disabilities Education Act (20 USC 1400-1482) or Section 504 of the federal Rehabilitation Act of 1973 (29 USC 794).

#### Parent/Guardian Responsibilities

The responsibilities of the parent/guardian of any student who may need medication during the school day shall include, but are not limited to:

1. Submitting the parent/guardian written statement and the authorized health care provider's written statement each

school year as described in the sections "Parent/Guardian Statement" and "Health Care Provider Statement" below. The parent/guardian shall provide a new authorized health care provider's statement if the medication, dosage, frequency of administration, or reason for administration changes. (Education Code 49414.5, 49423, 49423.1; 5 CCR 600, 626)

2. If the student is on a continuing medication regimen for a nonepisodic condition, informing the school nurse or other designated certificated employee of the medication being taken, the current dosage, and the name of the supervising physician, and updating the information when needed. (Education Code 49480)

3. Providing medications in properly labeled, original containers along with the authorized health care provider's instructions. For prescribed or ordered medication, the container also shall bear the name and telephone number of the pharmacy, the student's identification, and the name and phone number of the authorized health care provider. (5 CCR 606)

**Parent/Guardian Statement**

When district employees are to administer medication to a student, the parent/guardian's written statement shall:

1. Identify the student

2. Grant permission for an authorized district representative to communicate directly with the student's authorized health care provider and pharmacist, as may be necessary, regarding the health care provider's written statement or any other questions that may arise with regard to the medication

3. Contain an acknowledgment that the parent/guardian understands how district employees will administer the medication or otherwise assist the student in its administration

4. Contain an acknowledgment that the parent/guardian understands the responsibilities to provide a written statement from the authorized health care provider, to ensure that the medication is delivered to the school in a proper container by an individual legally authorized to be in possession of the medication, and to provide all necessary supplies and equipment

5. Contain an acknowledgment that the parent/guardian understands the right to terminate the consent for the administration of the medication or for otherwise assisting the student in the administration of medication at any time

In addition to the requirements in Items #1-5 above, if a parent/guardian has requested that the student be allowed to carry and self-administer prescription auto-injectable epinephrine or prescription inhaled asthma medication, the parent/guardian's written statement shall: (Education Code 49423, 49423.1)

1. Consent to the self-administration

2. Release the district and school personnel from civil liability if the student suffers an adverse reaction as a result of self-administering the medication

In addition to the requirements in Items #1-5 above, if a parent/guardian wishes to designate an individual who is not an employee of the district to administer medication to the student, the parent/guardian's written statement shall clearly identify the individual and shall state:

1. The individual's willingness to accept the designation

2. That the individual is permitted to be on the school site

3. Any limitations on the individual's authority

**Health Care Provider Statement**

When any district employee is to administer prescribed medication to a student, or when a student is to be allowed to carry and self-administer prescribed medication during school hours, the authorized health care provider's written statement shall include:

1. Clear identification of the student (Education Code 49423, 49423.1; 5 CCR 602)

2. The name of the medication (Education Code 49423, 49423.1; 5 CCR 602)

3. The method, amount, and time schedules by which the medication is to be taken (Education Code 49423, 49423.1; 5 CCR 602)

4. If a parent/guardian has requested that the student be allowed to self-administer medication, confirmation that the student is able to self-administer the medication (Education Code 49414.5, 49423, 49423.1; 5 CCR 602)

5. For medication that is to be administered by unlicensed personnel, confirmation by the student's health care provider that the medication may safely and appropriately be administered by unlicensed personnel (Education Code 49423, 49423.1; 5 CCR 602)

6. For medication that is to be administered on an as-needed basis, the specific symptoms that would necessitate administration of the medication, allowable frequency for administration, and indications for referral for medical evaluation

7. Possible side effects of the medication

8. Name, address, telephone number, and signature of the student's authorized health care provider

For self-administration of inhaled asthma medication, the district shall accept a written statement from a physician or surgeon contracted with a health plan licensed pursuant to Health and Safety Code 1351.2. Such written statement shall be in English and Spanish and shall include the name and contact information for the physician or surgeon. (Education Code 49423.1)

**District Responsibilities**

The Superintendent or designee shall ensure that any unlicensed school personnel authorized to administer medication to a student receives appropriate training from the school nurse or other qualified medical personnel.

The school nurse or other designated school personnel shall:

1. Administer or assist in administering medication in accordance with the authorized health care provider's written statement

2. Accept delivery of medications from parents/guardians and count and record them upon receipt

3. Maintain a list of students needing medication during the school day, including those authorized to self-administer medication, and maintain on the list the type of medication and the times and dosage to be administered

4. Maintain for each student a medication log which may:

    a. Specify the student's name, medication, dose, method of administration, time of administration during the regular school day, date(s) on which the student is required to take the medication, and the authorized health care provider's name and contact information

    b. Contain space for daily recording of the date, time, and amount of medication administered, and the signature of the individual administering the medication

5. Maintain for each student a medication record which may include the authorized health care provider's written statement, the parent/guardian's written statement, the medication log, and any other written documentation related to the administration of medication to the student

6. Ensure that student confidentiality is appropriately maintained

7. Coordinate and, as appropriate, ensure the administration of medication during field trips and other school-related activities

8. Report to a student's parent/guardian and the site administrator any refusal by the student to take the medication

9. Keep all medication to be administered by the district in a locked drawer or cabinet

10. As needed, communicate with a student's authorized health care provider and/or pharmacist regarding the medication and its effects

11. Counsel other designated school personnel regarding the possible effects of a medication on a student's physical, intellectual, and social behavior, as well as possible behavioral signs and symptoms of adverse side effects, omission, or overdose

12. Ensure that any unused, discontinued, or outdated medication is returned to the student's parent/guardian at the end of the school year or, if the medication cannot be returned, dispose of it in accordance with state laws and local ordinances

13. In the event of a medical emergency requiring administration of medication, provide immediate medical assistance, directly observe the student following the administration of medication, contact the student's parent/guardian, and determine whether the student should return to class, rest in the school office, or receive further medical assistance

14. Report to the site administrator, the student's parent/guardian, and, if necessary, the student's authorized health care provider any instance when a medication is not administered properly, including administration of the wrong medication or failure to administer the medication in accordance with authorized health care provider's written statement

**Emergency Epinephrine Auto-Injectors and Emergency Albuterol Inhalers**

The Superintendent or designee shall provide epinephrine auto-injectors to school nurses or other trained personnel who have volunteered to administer them in an emergency and have received training. The school nurse, or when a school nurse or physician is unavailable, a trained volunteer may administer an epinephrine auto-injector to provide emergency medical aid to any person suffering, or reasonably believed to be suffering, from potentially life-threatening symptoms of anaphylaxis at school or a school activity. A trained volunteer may include the holder of an Activity Supervisor Clearance Certificate who has received specified training. (Education Code 49414)

Additionally, the Superintendent or designee may make emergency stock albuterol inhalers available to school nurses and trained personnel who have volunteered to be used to provide medical aid to person(s) suffering, or reasonably believed to be suffering, from respiratory distress. (Education Code 49414.7)

At least once per school year, the Superintendent or designee shall distribute to all employees a notice requesting volunteers to be trained to administer epinephrine auto-injectors and/or stock albuterol inhalers for emergency aid to individuals exhibiting signs of anaphylaxis reaction or respiratory distress. Such notice shall also describe the training that the volunteers will receive. (Education Code 49414, 49414.7)

The principal or designee at each school may designate one or more volunteers to receive initial and annual refresher training, which shall be provided by a school nurse or other qualified person designated by a physician and surgeon authorized pursuant to Education Code 49414 or 49414.7, and shall be based on the standards developed by the Superintendent of Public Instruction (SPI). Written materials covering the required topics for training shall be retained by the school for reference. (Education Code 49414, 49414.7)

A school nurse or other qualified supervisor of health, or a district administrator if the district does not have a qualified supervisor of health, shall obtain a prescription for epinephrine auto-injectors or stock albuterol inhalers for each school from an authorized physician and surgeon. Such prescription may be filled by local or mail order pharmacies or manufacturers. (Education Code 49414, 49414.7)

Elementary schools shall, at a minimum, be provided one adult (regular) and one junior epinephrine auto-injector. Secondary schools shall be provided at least one adult (regular) epinephrine auto-injector, unless there are any students at the school who require a junior epinephrine auto-injector. (Education Code 49414)

The district shall store emergency epinephrine auto-injectors in an accessible location, and shall specify such location in annual

notices to staff.

If either medication is used, the school nurse or other qualified supervisor of health shall restock the medication as soon as reasonably possible, but no later than two weeks after it is used. In addition, all medications shall be restocked before their expiration date. (Education Code 49414, 49414.7)

Any volunteer or trained personnel who administers either medication shall initiate emergency medical services or other appropriate medical follow up in accordance with the training materials retained by the school. (Education Code 49414, 49414.7)

Information regarding defense and indemnification provided by the district for any and all civil liability for volunteers administering epinephrine auto-injectors and/or stock albuterol inhalers shall be provided to each volunteer and retained in the employee's personnel file. (Education Code 49414, 49414.7)

A school may accept gifts, grants, and donations from any source for the support of the school in carrying out the requirements of Education Code 49414 or 49414.7, including, but not limited to, the acceptance of epinephrine auto-injectors and/or emergency albuterol inhalers from a manufacturer or wholesaler. (Education Code 49414, 49414.7)

The Superintendent or designee shall maintain records regarding the acquisition and disposition of the described medications for a period of three years from the date the records were created. (Business and Professions Code 4119.2)

**Emergency Medication for Opioid Overdose**

The district may elect to make emergency naloxone hydrochloride or another opioid antagonist available at schools for the purpose of providing emergency medical aid to persons suffering, or reasonably believed to be suffering, from an opioid overdose. In determining whether to make this medication available, the Superintendent or designee shall evaluate the emergency medical response time to the school and determine whether initiating emergency medical services is an acceptable alternative to providing an opioid antagonist and training personnel to administer the medication. (Education Code 49414.3)

Additionally, if the district accepts emergency naloxone hydrochloride or another opioid antagonist from the county office of education (COE), the Superintendent or designee shall maintain at least two units of the medication at each district middle, junior high, high, and adult school. (Education Code 49414.8)

When available at the school site, the school nurse shall provide emergency naloxone hydrochloride or another opioid antagonist for emergency medical aid to any person exhibiting potentially life-threatening symptoms of an opioid overdose at school or a school activity. Other designated personnel who have volunteered and have received training may administer such medication when a school nurse or physician is unavailable and shall only administer the medication by nasal spray or auto-injector. (Education Code 49414.3)

At least once per school year, the Superintendent or designee shall distribute to all staff a notice requesting volunteers to be trained to administer naloxone hydrochloride or another opioid antagonist, describing the training that the volunteer will receive, and explaining the right of the volunteer to rescind the offer to volunteer at any time, including after receiving training. The notice shall also include a statement that no benefit will be granted to or withheld from any employee based on the offer to volunteer and that there will be no retaliation against any employee for rescinding the offer to volunteer. (Education Code 49414.3)

The principal or designee shall designate two or more volunteer employees to receive initial and annual refresher training, based on standards adopted by the SPI, regarding the storage and emergency use of naloxone hydrochloride or another opioid antagonist. The training shall be provided at no cost to the employee, conducted during regular working hours, and be provided by a school nurse or other qualified person designated by an authorizing physician and surgeon. Written materials provided during the training shall be retained at the school for reference. (Education Code 49414.3, 49414.8)

Each volunteer shall meet the minimum standards of training for the administration of an emergency opioid antagonist as specified in Education Code 49414.3 or shall have undergone opioid overdose prevention and treatment training and reviewed material available on the California Department of Public Health's website. (Education Code 49414.8)

Any prescription for naloxone hydrochloride or another opioid antagonist shall be obtained by a school nurse, other qualified supervisor of health, or, if the district does not have a qualified supervisor of health, a district administrator from an authorized physician and surgeon. Such prescription may be filled by local or mail order pharmacies or manufacturers. (Education Code 49414.3)

If the medication is used, the school nurse, other qualified supervisor of health, or district administrator, as applicable, shall restock the medication as soon as reasonably possible, but no later than two weeks after it is used. In addition, the medication shall be restocked before its expiration date. (Education Code 49414.3, 49414.8)

Employees and volunteers that render emergency treatment at the scene of an opioid overdose or suspected opioid overdose by administering an opioid antagonist shall not be liable for civil damages resulting from an act or omission, unless such act constitutes gross negligence or willful or wanton misconduct. (Health and Safety Code 1799.113)

Information regarding defense and indemnification provided by the district for any and all civil liability for volunteers administering naloxone hydrochloride or another opioid antagonist for emergency aid shall be provided to each volunteer in writing and retained in the employee's personnel file. (Education Code 49414.3)

A school may accept gifts, grants, and donations from any source for the support of the school in carrying out the requirements of Education Code 49414.3, including, but not limited to, the acceptance of the naloxone hydrochloride or another opioid antagonist from a COE, manufacturer, or wholesaler. (Education Code 49414.3)

The Superintendent or designee shall maintain records regarding the acquisition and disposition of naloxone hydrochloride or another opioid antagonist for a period of three years from the date the records were created. (Business and Professions Code 4119.8)

**Anti-Seizure Medication**

A school nurse or, if a school nurse is not onsite or available, a volunteer designated by the district may administer emergency anti-seizure medication to a student diagnosed with seizures, a seizure disorder, or epilepsy who has been prescribed such medication from the student's health care provider and is suffering from a seizure. (Education Code 49468.2)

Upon receipt of a request from the parent/guardian of a student diagnosed with seizures, a seizure disorder, or epilepsy who has been prescribed emergency anti-seizure medication, the Superintendent or designee may designate one or more volunteer(s) at the student's school to receive initial and annual refresher training regarding the emergency use of anti-seizure medication. (Education Code 49468.2)

In order to solicit volunteers, the district shall distribute a notice at least once, but no more than two times per school year, to all staff that includes the following information: (Education Code 49468.2)

1. A description of the volunteer request stating that the request is for volunteers to be trained to recognize and respond to seizures, including training to administer emergency anti-seizure medication to a student diagnosed with seizures, a seizure disorder, or epilepsy if the student is suffering from a seizure
2. A description of the training that the volunteer will receive
3. The right of an employee to rescind the offer to volunteer
4. A statement that there will be no retaliation against any individual for rescinding the offer to volunteer, including after receiving training

A volunteer may rescind the offer to administer emergency anti-seizure medication at any time, including after receipt of training. (Education Code 49468.2)

If a volunteer rescinds the offer to volunteer or is no longer able to act as a volunteer for any reason, or if the placement of a student changes and the student no longer has access to a trained volunteer, the district may distribute an additional two notices per school year to all staff. (Education Code 49468.2)

Volunteer employees shall receive initial and annual refresher training, based on standards adopted by the SPI, regarding the recognition and response to seizures and the administration of emergency anti-seizure medication. The training shall be provided at

no cost to the employee, conducted during regular working hours, and be provided by a school nurse or other qualified person designated by an authorizing physician and surgeon. Written materials provided during the training shall be retained at the school for reference. (Education Code 49468.2)

Before administering emergency anti-seizure medication or therapy prescribed to treat seizures in a student diagnosed with seizures, a seizure disorder, or epilepsy, the district shall obtain from the student's parent/guardian a seizure action plan as specified in Education Code 49468.3. The school or district nurse shall collaborate with the parent/guardian of each student diagnosed with seizures, a seizure disorder, or epilepsy in the development of a plan if the student does not have an individualized education plan or Section 504 plan. (Education Code 49468.3)

If the school obtains written consent from the student's parent/guardian, in accordance with 34 CFR 99.30, the seizure action plan shall be distributed to any school staff or volunteers responsible for the supervision or care of the student. (Education Code 49468.3)

Upon receipt of a request from a parent/guardian of a student diagnosed with seizure, a seizure disorder, or epilepsy, the district shall notify the parent/guardian that the student may qualify for services or accommodations pursuant to Section 504 of the federal Rehabilitation Act of 1973 or an individualized education program and shall assist the parent/guardian with the exploration of that option. (Education Code 49468.2)

Additionally, if there are no volunteers at the student's school, the Superintendent or designee shall notify the student's parent/guardian of the student's right to be assessed for services and accommodations guaranteed under Section 504 of the federal Rehabilitation Act of 1973 and the federal Individuals with Disabilities Education Act, and may ask the parent/guardian to sign such notices. (Education Code 49468.2)

The principal or designee shall notify the school nurse assigned to the school, or if a school nurse is not assigned to the school or district, the Superintendent or designee, if an employee administers an emergency anti-seizure medication. (Education Code 49468.3)

The notification described above and the seizure action plan shall be kept on file in the office of the school nurse or a school administrator, in compliance with all applicable state and federal privacy laws. (Education Code 49468.3)

The district shall provide volunteers defense and indemnification for any and all civil liability, with information stating such being provided to the volunteer in writing and retained in the volunteer's personnel file. (Education Code 49468.5)

Trained volunteers who administer emergency anti-seizure medication or medication prescribed for seizure disorder symptoms to a student diagnosed with seizures, a seizure disorder, or epilepsy who appears to be experiencing a seizure shall not be subject to professional review, be liable in a civil action, or be subject to criminal prosecution for acts or omissions in administering the emergency anti-seizure medication. (Education Code 49468.5)

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

| State | Description |
|---|---|
| 5 CCR 600-611 | Administering medication to students |
| Bus. Code 2700-2837 | Nursing |
| Bus. Code 3500-3546 | Physician assistants |
| Bus. Code 4119.2 | Acquisition of epinephrine auto-injectors |
| Bus. Code 4119.8 | Acquisition of naloxone hydrochloride or another opioid antagonist |
| Ed. Code 48980 | Parent/Guardian notifications |
| Ed. Code 49407 | Liability for treatment |
| Ed. Code 49408 | Student emergency information |
| Ed. Code 49414 | Emergency epinephrine auto-injectors |
| Ed. Code 49414.3 | Emergency medical assistance; administration of medication for opioid overdose |
| Ed. Code 49414.4 | Opioid Misuse |
| Ed. Code 49414.5 | Providing school personnel with voluntary emergency training |
| Ed. Code 49414.7 | Administration of albuterol inhalers |

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| Ed. Code 49414.8 | Funding for emergency opioid antagonists; requirements |
| Ed. Code 49422-49427 | Employment of medical personnel |
| Ed. Code 49423 | Administration of prescribed medication for student |
| Ed. Code 49423.1 | Inhaled asthma medication |
| Ed. Code 49426.5 | Licensed vocational nurses |
| Ed. Code 49468-49468.5 | The Seizure Safe Schools Act |
| Ed. Code 49480 | Continuing medication regimen; notice |
| H&S 1799.113 | Opioid overdose treatment |
| H&S Code 11362.7-11362.85 | Medicinal cannabis |

| **Federal** | **Description** |
|---|---|
| 20 USC 1232g | Family Educational Rights and Privacy Act (FERPA) of 1974 |
| 20 USC 1400-1482 | Individuals with Disabilities Education Act |
| 21 USC 812 | Schedule of controlled substances |
| 21 USC 844 | Penalties for possession of controlled substance |
| 29 USC 794 | Rehabilitation Act of 1973; Section 504 |
| 34 CFR 99.30 | Conditions under which prior written consent is required to disclose information |

| **Management Resources** | **Description** |
|---|---|
| American Diabetes Association Publication | Legal Advisory on Rights of Students with Diabetes in California's K-12 Public Schools, August 2007 |
| American Diabetes Association Publication | Program Advisory on Medication Administration, 2005 |
| American Diabetes Association Publication | Glucagon Training Standards for School Personnel: Providing Emergency Medical Assistance to Pupils with Diabetes, May 2006 |
| Court Decision | American Nurses Association v. Torlakson (2013) 57 Cal.4th 570 |
| National Diabetes Education Program Publication | Helping the Student with Diabetes Succeed: A Guide for School Personnel, June 2003 |
| Website | CSBA District and County Office of Education Legal Services |
| Website | National Diabetes Education Program |
| Website | U.S. Department of Health and Human Services, National Heart, Lung, and Blood Institute |
| Website | American Diabetes Association |
| Website | California Department of Education, Health Services and School Nursing |
| Website | CSBA |
| Website | California Department of Public Health |

| **Cross References** | **Description** |
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| 3513.4 | Drug And Alcohol Free Schools |
| 3516 | Emergencies And Disaster Preparedness Plan |
| 3516 | Emergencies And Disaster Preparedness Plan |
| 4119.43 | Universal Precautions |
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| 4131 | Staff Development |
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## Alcohol and Other Drugs

**Policy 5131.6: Alcohol And Other Drugs**

Original Adopted Date: 02/13/2025 | Last Reviewed Date: 02/13/2025

The Board of Trustees believes that the use of alcohol or other drugs adversely affects a student's ability to achieve academic success, is physically and emotionally harmful, and has serious social and legal consequences. The Superintendent or designee shall develop comprehensive programs and activities to foster safe, healthy, and drug-free environments that support academic achievement.

The district's alcohol and drug prevention and intervention programs shall be coordinated with other school and community-based services and programs and shall promote the involvement of parents/guardians. The Superintendent or designee may collaborate with the county office of education, community-based organizations, health providers, law enforcement agencies, local child welfare agencies, postsecondary institutions, businesses, and other public and private entities in program planning, implementation, and evaluation.

Prevention and intervention programs and activities may include, but are not limited to: (20 USC 7118)

1. Evidence-based drug and violence prevention activities and programs that educate students against the use of alcohol, tobacco, cannabis, smokeless tobacco products, and electronic cigarettes

2. Professional development and training for school staff, specialized instructional support personnel, and interested community members on drug prevention, education, early identification, intervention mentoring, recovery support services, and, where appropriate, rehabilitation referral

3. School-based mental health services, including early identification of drug use and referrals to counseling services, and/or partnerships with public or private health care entities that have qualified mental and behavioral health professionals

4. Programs and activities that provide mentoring and school counseling to all students, including students who are at risk of drug use and abuse

### Instruction

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

All instruction and related materials shall consistently state that unlawful use of alcohol or other drugs is prohibited. Instruction shall not include any message on responsible use of drugs or alcohol when such use is illegal. (Health and Safety Code 11999.2)

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

### Intervention, Referral, and Student Assistance Programs

The Superintendent or designee shall inform school staff, students, and parents/guardians about early warning signs which may indicate alcohol and other drug use and about appropriate agencies offering intervention programs, counseling, referral, and other student assistance programs.

The Board strongly encourages any student who is using alcohol or drugs to discuss the matter with his/her parent/guardian or with any staff member. Students who disclose their use of alcohol or other drugs when seeking help from an intervention or recovery program shall not be disciplined for such use.

### Enforcement/Discipline

Students shall not possess, use, or sell alcohol or other drugs and related paraphernalia on school grounds or at school-sponsored activities.

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

Any student found by the Board to be selling a controlled substance listed in Health and Safety Code 11053-11058 shall be expelled in accordance with BP/AR 5144.1 - Suspension and Expulsion/Due Process. A student found to have committed another drug or alcohol offense, including possession or intoxication, shall be referred to appropriate behavioral interventions or student assistance programs, and

may be subject to discipline on a case-by-case basis.

## Program Evaluation

The Board and Superintendent shall agree upon performance measures that will be used to monitor and determine the effectiveness of district programs in reducing drug and alcohol use. The Superintendent or designee shall periodically report to the Board on the effectiveness of district activities in achieving identified objectives and outcomes. (20 USC 7116)

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

| State | Description |
|---|---|
| Bus. Code 25608 | Alcohol on school property; use in connection with instruction |
| Ed. Code 32282 | School safety plans |
| Ed. Code 44049 | Known or suspected alcohol or drug abuse by student |
| Ed. Code 44645 | In-service training anabolic steroids |
| Ed. Code 48900 | Grounds for suspension or expulsion |
| Ed. Code 48900.5 | Suspension, limitation on imposition; exception |
| Ed. Code 48901 | Smoking or use of tobacco prohibited |
| Ed. Code 48901.5 | Prohibition of electronic signaling devices |
| Ed. Code 48902 | Notification of law enforcement authorities; civil or criminal immunity |
| Ed. Code 48909 | Narcotics or other hallucinogenic drugs |
| Ed. Code 48915 | Expulsion; particular circumstances |
| Ed. Code 48980 | Parent/Guardian notifications |
| Ed. Code 48985.5 | Fentanyl and synthetic drugs danger notification |
| Ed. Code 49414.35 | Emergency treatment for opioid overdose |
| Ed. Code 49414.4 | Alternatives to law enforcement referrals for opioid misuse |
| Ed. Code 49414.6 | Student possession of opioid antagonist |
| Ed. Code 49428.16 | County Working Group on Fentanyl Education in Schools |
| Ed. Code 49602 | Counseling and confidentiality of student information |
| Ed. Code 51202 | Instruction in personal and public health and safety |
| Ed. Code 51203 | Instruction on alcohol, narcotics and restricted dangerous drugs |
| Ed. Code 51210 | Course of study for grades 1-6 |
| Ed. Code 51220 | Areas of study; grades 7 to 12 |
| Ed. Code 51225.38 | Health education; fentanyl instruction |
| Ed. Code 51260-51269 | Drug education |
| Ed. Code 60041 | Instructional materials |
| Ed. Code 60110-60115 | Instructional materials on alcohol and drug education |
| H&S Code 11032 | Narcotics, restricted dangerous drugs and marijuana |
| H&S Code 11053-11059 | Controlled substances; standards and schedules |
| H&S Code 11353.6 | Juvenile Drug Trafficking and Schoolyard Act |

| State | Description |
|---|---|
| H&S Code 11357 | Unauthorized possession of marijuana; possession in school or on school Grounds |
| H&S Code 11361.5 | Destruction of arrest or conviction records |
| H&S Code 11372.7 | Drug program fund; uses |
| H&S Code 11802 | Joint school-community alcohol abuse primary education and prevention program |
| H&S Code 11999-11999.3 | Alcohol and drug program funding; no unlawful use |
| H&S Code 124175-124200 | Adolescent family life program |
| Pen. Code 13860-13864 | Suppression of drug abuse in schools |
| Veh. Code 13202.5 | Drug and alcohol related offenses by persons under age of 21, but aged 13 or over |
| W&I Code 828 | Disclosure of information regarding minors |
| W&I Code 828.1 | Disclosure of criminal records; protection of vulnerable staff and students |

| Federal | Description |
|---|---|
| 20 USC 5812 | National education goals |
| 20 USC 7101-7122 | Student Support and Academic Enrichment Grants |

| Management Resources | Description |
|---|---|
| Website | U.S. Department of Education, Student Support and Academic Enrichment Program |
| Website | CSBA District and County Office of Education Legal Services |
| Website | California Department of Education, Alcohol, Tobacco and Other Drug Prevention |
| Website | California Healthy Kids Resource Center |

| Cross References | Description |
|---|---|
| 0450 | Comprehensive Safety Plan |
| 0450 | Comprehensive Safety Plan |
| 1325 | Advertising And Promotion |
| 1400 | Relations Between Other Governmental Agencies And The Schools |
| 3290 | Gifts, Grants And Bequests |
| 3513.4 | Drug And Alcohol Free Schools |
| 3515.31 | School Resource Officers |
| 4131 | Staff Development |
| 5020 | Parent Rights And Responsibilities |
| 5020 | Parent Rights And Responsibilities |
| 5022 | Student And Family Privacy Rights |
| 5022 | Student And Family Privacy Rights |
| 5030 | Student Wellness |
| 5131 | Conduct |
| 5131.62 | Tobacco |
| 5131.62 | Tobacco |

| Cross References | Description |
|---|---|
| 5137 | Positive School Climate |
| 5141 | Health Care And Emergencies |
| 5141 | Health Care And Emergencies |
| 5141.52 | Suicide Prevention |
| 5141.52 | Suicide Prevention |
| 5141.6 | School Health Services |
| 5141.6 | School Health Services |
| 5144 | Discipline |
| 5144 | Discipline |
| 5144.1 | Suspension And Expulsion/Due Process |
| 5144.1 | Suspension And Expulsion/Due Process |
| 5145.11 | Questioning And Apprehension By Law Enforcement |
| 5145.12 | Search And Seizure |
| 5145.6 | Parent/Guardian Notifications |
| 5146 | Married/Pregnant/Parenting Students |
| 6142.8 | Comprehensive Health Education |
| 6143 | Courses Of Study |
| 6143 | Courses Of Study |
| 6173.1 | Education For Foster Youth |
| 6173.1 | Education For Foster Youth |

**Regulation 5131.6: Alcohol And Other Drugs**

Original Adopted Date: 02/13/2025 | Last Reviewed Date: 02/13/2025

## Instruction

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

In grades 1-6, instruction in drug education should be given in health courses required by Education Code 51210. (Education Code 51260)

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

Secondary school instruction shall also include a study of the effects of alcohol and other drugs upon prenatal development. (Education Code 51203)

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

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

## Intervention

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

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

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

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| State | Description |
|---|---|
| Bus. Code 25608 | Alcohol on school property; use in connection with instruction |
| Ed. Code 32282 | School safety plans |
| Ed. Code 44049 | Known or suspected alcohol or drug abuse by student |
| Ed. Code 44645 | In-service training anabolic steroids |
| Ed. Code 48900 | Grounds for suspension or expulsion |
| Ed. Code 48900.5 | Suspension, limitation on imposition; exception |
| Ed. Code 48901 | Smoking or use of tobacco prohibited |
| Ed. Code 48901.5 | Prohibition of electronic signaling devices |
| Ed. Code 48902 | Notification of law enforcement authorities; civil or criminal immunity |
| Ed. Code 48909 | Narcotics or other hallucinogenic drugs |
| Ed. Code 48915 | Expulsion; particular circumstances |
| Ed. Code 48980 | Parent/Guardian notifications |
| Ed. Code 48985.5 | Fentanyl and synthetic drugs danger notification |
| Ed. Code 49414.35 | Emergency treatment for opioid overdose |

| | |
|---|---|
| Ed. Code 49414.4 | Alternatives to law enforcement referrals for opioid misuse |
| Ed. Code 49414.6 | Student possession of opioid antagonist |
| Ed. Code 49428.16 | County Working Group on Fentanyl Education in Schools |
| Ed. Code 49602 | Counseling and confidentiality of student information |
| Ed. Code 51202 | Instruction in personal and public health and safety |
| Ed. Code 51203 | Instruction on alcohol, narcotics and restricted dangerous drugs |
| Ed. Code 51210 | Course of study for grades 1-6 |
| Ed. Code 51220 | Areas of study; grades 7 to 12 |
| Ed. Code 51225.38 | Health education; fentanyl instruction |
| Ed. Code 51260-51269 | Drug education |
| Ed. Code 60041 | Instructional materials |
| Ed. Code 60110-60115 | Instructional materials on alcohol and drug education |
| H&S Code 11032 | Narcotics, restricted dangerous drugs and marijuana |
| H&S Code 11053-11059 | Controlled substances; standards and schedules |
| H&S Code 11353.6 | Juvenile Drug Trafficking and Schoolyard Act |
| H&S Code 11357 | Unauthorized possession of marijuana; possession in school or on school grounds |
| H&S Code 11361.5 | Destruction of arrest or conviction records |
| H&S Code 11372.7 | Drug program fund; uses |
| H&S Code 11802 | Joint school-community alcohol abuse primary education and prevention program |
| H&S Code 11999-11999.3 | Alcohol and drug program funding; no unlawful use |
| H&S Code 124175-124200 | Adolescent family life program |
| Pen. Code 13860-13864 | Suppression of drug abuse in schools |
| Veh. Code 13202.5 | Drug and alcohol related offenses by persons under age of 21, but aged 13 |
| W&I Code 828 | Disclosure of information regarding minors |
| W&I Code 828.1 | Disclosure of criminal records; protection of vulnerable staff and students |

| **Federal** | **Description** |
|---|---|
| 20 USC 5812 | National education goals |
| 20 USC 7101-7122 | Student Support and Academic Enrichment Grants |

| **Management Resources** | **Description** |
|---|---|
| | U.S. Department of Education, Student Support and Academic Enrichment Program |
| Website | CSBA District and County Office of Education Legal Services |
| | California Department of Education, Alcohol, Tobacco and Other Drug Prevention |
| Website | California Healthy Kids Resource Center |

| **Cross References** | **Description** |
|---|---|
| 0450 | Comprehensive Safety Plan |
| 0450 | Comprehensive Safety Plan |
| 1325 | Advertising And Promotion |
| 1400 | Relations Between Other Governmental Agencies And The Schools |
| 3290 | Gifts, Grants And Bequests |
| 3513.4 | Drug And Alcohol Free Schools |
| 3515.31 | School Resource Officers |
| 4131 | Staff Development |
| 5020 | Parent Rights And Responsibilities |
| 5020 | Parent Rights And Responsibilities |
| 5022 | Student And Family Privacy Rights |
| 5022 | Student And Family Privacy Rights |
| 5030 | Student Wellness |
| 5131 | Conduct |
| 5131.62 | Tobacco |
| 5131.62 | Tobacco |
| 5137 | Positive School Climate |
| 5141 | Health Care And Emergencies |
| 5141 | Health Care And Emergencies |

| | |
|---|---|
| 5141.52 | Suicide Prevention |
| 5141.52 | Suicide Prevention |
| 5141.6 | School Health Services |
| 5141.6 | School Health Services |
| 5144 | Discipline |
| 5144 | Discipline |
| 5144.1 | Suspension And Expulsion/Due Process |
| 5144.1 | Suspension And Expulsion/Due Process |
| 5145.11 | Questioning And Apprehension By Law Enforcement |
| 5145.12 | Search And Seizure |
| 5145.6 | Parent/Guardian Notifications |
| 5146 | Married/Pregnant/Parenting Students |
| 6142.8 | Comprehensive Health Education |
| 6143 | Courses Of Study |
| 6143 | Courses Of Study |
| 6173.1 | Education For Foster Youth |
| 6173.1 | Education For Foster Youth |

# Tobacco

**Policy 5131.62: Tobacco**

Original Adopted Date: 02/13/2025 | Last Reviewed Date: 02/13/2025

The Board of Trustees recognizes the serious health risks presented by tobacco use and desires to ensure that, through adoption of consistent policies, district students are made aware of those risks and, to the extent possible, protected from them. The Superintendent or designee shall establish a coordinated school health system which includes a comprehensive behavioral health education component that teaches students the knowledge, skills, and attitudes they need in order to lead healthy lives and avoid high-risk behaviors, such as tobacco use.

The Superintendent or designee shall provide prevention, intervention, and cessation education, information, activities, and/or referrals to district students and shall ensure consistent enforcement of district policies prohibiting student possession and use of tobacco products.

## Prohibition Against Tobacco Use

Students shall not possess, smoke, or use tobacco or any product containing tobacco or nicotine while on campus, while attending school-sponsored activities, or while under the supervision and control of district employees. (Education Code 48900, 48901)

Smoking means inhaling, exhaling, burning, or carrying of any lighted or heated cigar, cigarette, pipe, tobacco, or plant product intended for inhalation, whether natural or synthetic, in any manner or form, and includes the use of an electronic smoking device that creates aerosol or vapor or of any oral smoking device for the purpose of circumventing the prohibition of smoking. (Business and Professions Code 22950.5; Education Code 48901)

Tobacco products include: (Business and Professions Code 22950.5; Education Code 48901)

1. A product containing, made, or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to, cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, or snuff

2. An electronic device that delivers nicotine or other vaporized liquids to the person inhaling from the device, including, but not limited to, an electronic cigarette, cigar, pipe, or hookah

3. Any component, part, or accessory of a tobacco product, whether or not sold separately

These prohibitions do not apply to a student's possession or use of his/her own prescription products. However, student possession or use of prescription products in school shall be subject to the district's policy and regulation for addressing the administration of medications on campus. (Education Code 48900)

## Prevention Instruction

The district shall provide developmentally appropriate tobacco-use prevention instruction for students at selected grade levels from K-8 pursuant to Education Code 51202. Such instruction shall be aligned with state content standards and the state curriculum framework for health education and with any requirements of state and/or federal grant programs in which the district participates.

## Intervention/Cessation Services

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

## Program Planning

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

The Superintendent or designee shall coordinate with the local health department and county office of education in program planning and implementation. He/she may establish an advisory council including students,

parents/guardians, district staff, representatives of the local health department and community organizations, law enforcement professionals, and/or others with demonstrated expertise in tobacco prevention and cessation.

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

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

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

## Program Evaluation

To evaluate the effectiveness of the district's program and ensure accountability, the Superintendent or designee shall biennially administer the California Healthy Kids Survey or other appropriate student survey at selected grade levels in order to assess student attitudes toward tobacco and student use of tobacco. He/she also shall annually report to the Board, and to the CDE if required, the data specified in Health and Safety Code 104450.

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

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| State | Description |
|---|---|
| 17 CCR 6800-6874 | Child Health and Disability Prevention program; health assessments |
| Bus. Code 22950.5 | Stop Tobacco Access to Kids Enforcement Act - Definitions |
| Ed. Code 48900.5 | Suspension, limitation on imposition; exception |
| Ed. Code 48901 | Smoking or use of tobacco prohibited |
| Ed. Code 51202 | Instruction in personal and public health and safety |
| Ed. Code 60041 | Instructional materials |
| Ed. Code 8900 | Suspension or expulsion (grounds) |
| H&S Code 104350-104495 | Tobacco-use prevention education |
| H&S Code 104559 | Tobacco use prohibition |
| H&S Code 119405 | Unlawful to sell or furnish electronic cigarettes to minors |
| Pen. Code 308 | Minimum age for tobacco possession |

| Federal | Description |
|---|---|

| | |
|---|---|
| 20 USC 7111-7122 | Student support and academic enrichment grants |
| 21 CFR 1140.1-1140.34 | Unlawful sale of cigarettes and smokeless tobacco to minors |

| Management Resources | Description |
|---|---|
| Attorney General Opinion | 88 Ops.Cal.Atty.Gen. 8 (2005) |
| California Department of Education Publication | Getting Results: Part II California Action Guide to Tobacco Use Prevention Education, 2000 |
| California Department of Education Publication | Health Framework for California Public Schools: Kindergarten Through Grade Twelve, 2023 |
| California Department of Education Publication | TUPE Acceptance of Funds Guidance |

| Management Resources | Description |
|---|---|
| California Department of Education Publication | Health Education Content Standards for California Public Schools: Kindergarten Through Grade Twelve, 2008 |
| Website | CSBA District and County Office of Education Legal Services |
| Website | Centers for Disease Control and Prevention, Smoking and Tobacco Use |
| Website | California Department of Education, Tobacco-Use Prevention Education |
| Website | California Department of Public Health, Tobacco Control |
| Website | California Healthy Kids Survey |
| Website | CSBA |
| Website | Office of the Surgeon General |
| Website | California Healthy Kids Resource Center |
| WestEd Publication | Guidebook for the California Healthy Kids Survey |

| Cross References | Description |
|---|---|
| 0450 | Comprehensive Safety Plan |
| 0450 | Comprehensive Safety Plan |
| 1312.3 | Uniform Complaint Procedures |
| 1312.3 | Uniform Complaint Procedures |
| 1325 | Advertising And Promotion |
| 3290 | Gifts, Grants And Bequests |
| 3513.3 | Tobacco-Free Schools |
| 3513.3 | Tobacco-Free Schools |
| 3513.4 | Drug And Alcohol Free Schools |
| 5022 | Student And Family Privacy Rights |
| 5022 | Student And Family Privacy Rights |
| 5030 | Student Wellness |
| 5131 | Conduct |
| 5131.1 | Bus Conduct |
| 5131.1 | Bus Conduct |
| 5131.6 | Alcohol And Other Drugs |
| 5131.6 | Alcohol And Other Drugs |
| 5141.21 | Administering Medication And Monitoring Health Conditions |
| 5141.21 | Administering Medication And Monitoring Health Conditions |
| 5141.6 | School Health Services |

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|---|---|
| 5141.6 | School Health Services |
| 5144 | Discipline |
| 5144 | Discipline |
| 5144.1 | Suspension And Expulsion/Due Process |
| 5144.1 | Suspension And Expulsion/Due Process |
| 5144.2 | Suspension And Expulsion/Due Process (Students With Disabilities) |
| 5146 | Married/Pregnant/Parenting Students |
| 6142.8 | Comprehensive Health Education |

**Regulation 5131.62: Tobacco**

Original Adopted Date: 02/13/2025 | Last Reviewed Date: 02/13/2025

## Tobacco-Use Prevention Education Program

The district's tobacco-use prevention program shall provide students in grades 6-12 instruction which addresses the following topics: (Health and Safety Code 104420)

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

As appropriate, the district shall provide or refer students in grades 7-12 to tobacco-use intervention and cessation activities. (Health and Safety Code 104420)

These services shall be directed toward current users and shall be voluntary for students who desire assistance in ceasing the use of tobacco.

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

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

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

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| State | Description |
|---|---|
| 17 CCR 6800-6874 | Child Health and Disability Prevention program; health assessments |
| Bus. Code 22950.5 | Stop Tobacco Access to Kids Enforcement Act - Definitions |
| Ed. Code 48900.5 | Suspension, limitation on imposition; exception |
| Ed. Code 48901 | Smoking or use of tobacco prohibited |
| Ed. Code 51202 | Instruction in personal and public health and safety |
| Ed. Code 60041 | Instructional materials |
| Ed. Code 8900 | Suspension or expulsion (grounds) |
| H&S Code 104350-104495 | Tobacco-use prevention education |
| H&S Code 104559 | Tobacco use prohibition |
| H&S Code 119405 | Unlawful to sell or furnish electronic cigarettes to minors |
| Pen. Code 308 | Minimum age for tobacco possession |

| Federal | Description |
|---|---|
| 20 USC 7111-7122 | Student support and academic enrichment grants |
| 21 CFR 1140.1-1140.34 | Unlawful sale of cigarettes and smokeless tobacco to minors |

| Management Resources | Description |
|---|---|
| Attorney General Opinion | 88 Ops.Cal.Atty.Gen. 8 (2005) |
| California Department of Education Publication | Getting Results: Part II California Action Guide to Tobacco Use Prevention Education, 2000 |
| California Department of Education Publication | Health Framework for California Public Schools: Kindergarten Through Grade Twelve, 2003 |
| California Department of Education Publication | TUPE Acceptance of Funds Guidance |
| California Department of Education Publication | Health Education Content Standards for California Public Schools: Kindergarten Through Grade Twelve, 2008: |
| Website | CSBA District and County Office of Education Legal Services |
| Website | Centers for Disease Control and Prevention, Smoking and Tobacco Use |
| Website | California Department of Education, Tobacco-Use Prevention Education |
| Website | California Department of Public Health, Tobacco Control |
| Website | California Healthy Kids Survey |
| Website | CSBA |
| Website | Office of the Surgeon General |
| Website | California Healthy Kids Resource Center |
| WestEd Publication | Guidebook for the California Healthy Kids Survey |

| Cross References | Description |
|---|---|
| 0450 | Comprehensive Safety Plan |
| 0450 | Comprehensive Safety Plan |
| 1312.3 | Uniform Complaint Procedures |
| 1312.3 | Uniform Complaint Procedures |
| 1325 | Advertising And Promotion |
| 3290 | Gifts, Grants And Bequests |
| 3513.3 | Tobacco-Free Schools |
| 3513.3 | Tobacco-Free Schools |
| 3513.4 | Drug And Alcohol Free Schools |
| 5022 | Student And Family Privacy Rights |
| 5022 | Student And Family Privacy Rights |
| 5030 | Student Wellness |
| 5131 | Conduct |
| 5131.1 | Bus Conduct |
| 5131.1 | Bus Conduct |
| 5131.6 | Alcohol And Other Drugs |
| 5131.6 | Alcohol And Other Drugs |
| 5141.21 | Administering Medication And Monitoring Health Conditions |
| 5141.21 | Administering Medication And Monitoring Health Conditions |
| 5141.6 | School Health Services |
| 5141.6 | School Health Services |
| 5144 | Discipline |
| 5144 | Discipline |
| 5144.1 | Suspension And Expulsion/Due Process |
| 5144.1 | Suspension And Expulsion/Due Process |
| 5144.2 | Suspension And Expulsion/Due Process (Students With Disabilities) |

| | |
|---|---|
| 5146 | Married/Pregnant/Parenting Students |
| 6142.8 | Comprehensive Health Education |

# Behavioral Interventions for Special Education Students

**Regulation 6159.4: Behavioral Interventions For Special Education Students**

Original Adopted Date: 02/13/2025 | Last Reviewed Date: 02/13/2025

Generally, any student identified as a student with a disability pursuant to the Individuals with Disabilities Education Act, 20 USC 1400-1482, is subject to the same disciplinary measures applicable to all students for violations of the code of conduct, except when the student's behavior is determined to be a manifestation of his/her disability.

However, when the behavior of a student with a disability impedes his/her learning or the learning of others, the student's individualized education program (IEP) team shall consider the use of positive behavioral interventions and supports and other strategies consistent with 20 USC 1414(d) to address the student's behavior. (Education Code 56521.2; 34 CFR 300.324)

If, pursuant to a manifestation determination conducted as specified in 34 CFR 300.530, the student's behavior is determined to be a manifestation of his/her disability, the IEP team shall conduct a functional behavioral assessment (FBA) and implement a behavioral intervention plan (BIP) for the student. If a BIP is already in place for the student, the IEP team shall review and modify the BIP to address the student's behavior. (Education Code 56520; 34 CFR 300.324, 300.530)

In addition, when the disciplinary removal of a student with a disability will result in a change in the student's placement as specified in 34 CFR 300.530, the student shall receive an FBA and behavioral intervention services and modifications designed to address the student's behavior so that it does not recur. (34 CFR 300.530)

## Functional Behavioral Assessment

Any FBA to be conducted for a student with a disability shall focus on identifying the function or purpose of the student's behavior.

Before any FBA is conducted, the Superintendent of designee shall notify the student's parent/guardian in accordance with Education Code 56321 and obtain the parent/guardian's consent. (Education Code 56321; 34 CFR 300.324)

If the parent/guardian disagrees with the result of an FBA, he/she has the right to obtain an independent educational evaluation at district expense, subject to the conditions specified in 34 CFR 300.502.

## Behavioral Intervention Plan and Services

When any behavioral intervention, support, or other strategy is to be used by the district, the Superintendent or designee shall consider the student's physical freedom and social interaction, administer the intervention, support, or other strategy in a manner that respects the student's dignity and personal privacy, and ensure the student's right to be placed in the least restrictive educational environment. (Education Code 56520)

When a student for whom a BIP is to be developed is also the responsibility of another agency for residential care or related services, the Superintendent or designee shall cooperate with the other agency to ensure that the BIP, to the extent possible, is implemented in a consistent manner. (Education Code 56520)

Behavior assessments and behavioral intervention services shall be provided only by individuals who possess the qualifications specified in Education Code 56525 or 5 CCR 3051.23.

## Emergency Interventions

Emergency interventions may be used only to control unpredictable, spontaneous behavior that poses clear and present danger of serious physical harm to the student or others and that cannot be immediately prevented by a response less restrictive than the temporary application of a technique used to contain the behavior. Emergency interventions shall not be used as a substitute for a systematic BIP that is designed to change, replace, modify, or eliminate a targeted behavior. (Education Code 56521.1)

No emergency intervention shall be used for longer than is necessary to contain the behavior. For any situation that requires a prolonged use of an emergency intervention, staff shall seek assistance of the principal or law enforcement agency, as applicable to the situation. (Education Code 56521.1)

Emergency interventions shall not involve the use of force exceeding what is reasonable and necessary under the circumstances. In addition, use of locked seclusion or a device, material, or objects that simultaneously immobilize all hands and feet shall not be allowed except as allowed by law. (Education Code 56521.1)

Parents/guardians and, if appropriate, residential care providers shall be notified within one school day whenever emergency intervention is used or serious property damage occurs. A behavior emergency report shall immediately be completed, kept in the student's file, and forwarded to the Superintendent or designee for review. This report shall include all of the following information: (Education Code 56521.1)

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

If the behavior emergency report is for a student who does not have a BIP, the Superintendent or designee shall, within two days, schedule an IEP team meeting to review the emergency report, determine the necessity for an FBA, and determine the necessity for an interim BIP. The IEP team shall document the reasons for not conducting the FBA and/or not developing the interim BIP. (Education Code 56521.1)

If the behavior emergency report is for a student who has a BIP, any incident involving a previously unseen serious behavior problem or where a previously designed intervention is not effective shall be referred to the IEP team. The IEP team shall review the incident and determine whether the student's plan needs to be modified. (Education Code 56521.1)

## Prohibited Interventions

The district prohibits the use of corporal punishment as defined in Education Code 49001 as an intervention. In addition, the district prohibits all of the following: (Education Code 56521.2)

1. Any intervention designed or likely to cause physical pain, including, but not limited to, electric shock
2. Any intervention that involves the release of noxious, toxic, or otherwise unpleasant sprays, mists, or substances near the student's face
3. Any intervention that denies adequate sleep, food, water, shelter, bedding, physical comfort, or access to bathroom facilities
4. Any intervention that is designed to subject, used to subject, or likely to subject the student to verbal abuse, ridicule, or humiliation or that can be expected to cause excessive emotional trauma
5. Any restrictive intervention that uses a device, material, or objects which simultaneously immobilize all hands and feet, including the procedure known as prone containment, except that prone containment or similar techniques may be used by trained staff as a limited emergency intervention
6. Locked seclusion, unless in a facility otherwise licensed or permitted by state law to use a locked room
7. Any intervention that precludes adequate supervision of the student
8. Any intervention that deprives the student of one or more of his/her senses

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| State | Description |
|---|---|
| 5 CCR 3065 | Staff qualifications - related services |
| Ed. Code 49001 | Prohibition of corporal punishment |
| Ed. Code 49006 | Reporting of seclusion and restraint |

| | |
|---|---|
| Ed. Code 56321 | Notice of parental rights; consent of parents |
| Ed. Code 56500-56508 | Procedural safeguards, including due process rights |
| Ed. Code 56520-56524 | Behavioral interventions |
| Ed. Code 56521.2 | Prohibited interventions |
| Gov. Code 7920.000-7930.215 | California Public Records Act |

| **Federal** | **Description** |
|---|---|
| 20 USC 1400-1482 | Individuals with Disabilities Education Act |
| 20 USC 1412 | State eligibility |
| 20 USC 1415 | Procedural safeguards |
| 34 CFR 300.1-300.818 | Assistance to states for the education of students with disabilities |

| **Management Resources** | **Description** |
|---|---|
| Federal Register | Rules and Regulations, August 14, 2006, Vol. 71, Number 156, pages 46539-46845 |
| Website | CSBA District and County Office of Education Legal Services |
| Website | Behavior Analyst Certification Board |
| Website | U.S. Department of Education, Office of Special Education Programs |

| **Cross References** | **Description** |
|---|---|
| 0430 | Comprehensive Local Plan For Special Education |
| 0430 | Comprehensive Local Plan For Special Education |
| 5131 | Conduct |
| 5141.4 | Child Abuse Prevention And Reporting |
| 5141.4 | Child Abuse Prevention And Reporting |
| 5144 | Discipline |
| 5144 | Discipline |
| 5144.2 | Suspension And Expulsion/Due Process (Students With Disabilities) |
| 5145.3 | Nondiscrimination/Harassment |
| 5145.3 | Nondiscrimination/Harassment |
| 5145.6 | Parent/Guardian Notifications |
| 6120 | Response To Instruction And Intervention |
| 6159 | Individualized Education Program |
| 6159 | Individualized Education Program |
| 6159.1 | Procedural Safeguards And Complaints For Special Education |
| 6159.1 | Procedural Safeguards And Complaints For Special Education |
| 6164.5 | Student Success Teams |
| 6164.5 | Student Success Teams |
| 6173.1 | Education For Foster Youth |
| 6173.1 | Education For Foster Youth |

## Bullying

**Policy 5131.2: Bullying**

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 Board of Trustees 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.

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| State | Description |
|---|---|
| 5 CCR 4600-4670 | Uniform complaint procedures Bus. |
| and Prof. Code 22589-22589.4 | Cyberbullying Protection Act |
| Ed. Code 200-262.4 | Prohibition of discrimination |
| Ed. Code 32280-32289.5 | School safety plans |
| Ed. Code 35181 | Governing board authority to set policy on responsibilities of students |
| Ed. Code 35291-35291.5 | Rules |
| Ed. Code 46600 | Student transfers |
| Ed. Code 48900-48925 | Suspension and expulsion |
| Ed. Code 48985 | Notices to parents/guardian in language other than English |
| Ed. Code 52060-52077 | Local control and accountability plan |
| Pen. Code 422.55 | Definition of hate crime |
| Pen. Code 647 | Use of camera or other instrument to invade person's privacy; misdemeanor |
| Pen. Code 647.7 | Use of camera or other instrument to invade person's privacy; punishment |
| Pen. Code 653.2 | Electronic communication devices; threats to safety |

| Federal | Description |
|---|---|

| | |
|---|---|
| 28 CFR 35.107 | Nondiscrimination on basis of disability; complaints |
| 34 CFR 104.7 | Section 504; Designation of responsible employee and adoption of grievances procedures |
| 34 CFR 106.8 | Designation of coordinator; dissemination of policy, and adoption of grievance procedures |
| 34 CFR 110.25 | Notification of nondiscrimination on the basis of age |
| 47 USC 254 | Universal service discounts (E-rate) |

| **Management Resources** | **Description** |
|---|---|
| CA Office of the Attorney General Publication | Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's K-12 Schools in Responding to Immigration Issues, December 2024 |
| CA Office of the Attorney General Publication | Social and Emotional Learning in California: A Guide to Resources, October 2018 |
| CA Office of the Attorney General Publication | Health Education Content Standards for California Public Schools: Kindergarten Through Grade Twelve, 2008 |
| CA Office of the Attorney General Publication | Bullying at School, 2003 |
| CA Office of the Attorney General Publication | Online Bullying Training Module and Bullying Module |
| CA Office of the Attorney General Publication | California's Social and Emotional Learning: Guiding Principles, 2018 |
| Court Decision | J.C. v. Beverly Hills Unified School District (2010) 711 F.Supp.2d 1094 |
| Court Decision | Lavine v. Blaine School District (2002) 279 F.3d 719 |
| Court Decision | Wynar v. Douglas County School District (2013) 728 F.3d 1062 |
| CSBA Publication | Building Healthy Communities: A School Leaders Guide to Collaboration and Community Engagement, 2009 |
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| CSBA Publication | Addressing the Conditions of Children: Focus on Bullying, Governance Brief, December 2012 |
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| CSBA Publication | Final Guidance: AB 1266, Transgender and Gender Nonconforming Students, Privacy, Programs, Activities & Facilities, Legal Guidance, March 2014 |
| CSBA Publication | Legal Guidance on Rights of Transgender and Gender Nonconforming Students in Schools, October 2022 |
| U.S. DOE Office for Civil Rights Publication | Dear Colleague Letter: Responding to Bullying of Students with Disabilities, October 2014 |
| U.S. DOE Publication | Creating Inclusive and Nondiscriminatory School Environments for LGBTQI+ Students, June 2023 |
| U.S. DOE, Office for Civil Rights Publication | Dear Colleague Letter: Addressing Discrimination Against Jewish Students, May 2023 |
| U.S. DOE, Office for Civil Rights Publication | Dear Colleague Letter: Discrimination, Including Harassment, Based on Shared Ancestry or Ethnic Characteristics, November 2023 |
| U.S. DOE, Office for Civil Rights Publication | Dear Colleague Letter: Harassment and Bullying, October 2010 |
| US Department of Health and Human Services Pub. | Social Media and Youth Mental Health: The U.S. Surgeon General's Advisory, 2023 |

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|---|---|
| US Dept of Health and Human Services Publication | Our Epidemic of Loneliness and Isolation: The U.S. Surgeon General's Advisory on the Health Effects of Social Connection and the Community, 2023 |
| Website | U.S. Department of Health and Human Services, Stop Bullying |
| Website | CSBA District and County Office of Education Legal Services |
| Website | National School Safety Center |
| Website | Partnership for Children and Youth |
| Website | Center on Great Teachers and Leaders |
| Website | Collaborative for Academic Social and Emotional Learning |
| Website | Common Sense Media |
| Website | California Department of Education, Safe Schools |
| Website | California Office of the Attorney General |
| Website | CSBA |
| Website | U.S. Department of Education |

| Cross References | Description |
|---|---|
| 0100 | Philosophy |
| 0410 | Nondiscrimination In District Programs And Activities |
| 0440 | District Technology Plan |
| 0440 | District Technology Plan |
| 0450 | Comprehensive Safety Plan |
| 0450 | Comprehensive Safety Plan |
| 1113 | District And School Websites |
| 1113 | District And School Websites |
| 1113-E(1) | District And School Websites |
| 1312.3 | Uniform Complaint Procedures |
| 1312.3 | Uniform Complaint Procedures |
| 1313 | Civility |
| 3515 | Campus Security |
| 3515 | Campus Security |
| 4131 | Staff Development |
| 4219.21 | Professional Standards |
| 4219.21-E(1) | Professional Standards |
| 4319.21 | Professional Standards |
| 4319.21-E(1) | Professional Standards |
| 5030 | Student Wellness |
| 5113.1 | Chronic Absence And Truancy |
| 5113.1 | Chronic Absence And Truancy |
| 5113.12 | District School Attendance Review Board |
| 5113.12 | District School Attendance Review Board |
| 5116.1 | Intradistrict Open Enrollment |
| 5116.1 | Intradistrict Open Enrollment |
| 5116.2 | Involuntary Student Transfers |
| 5117 | Interdistrict Attendance |
| 5117 | Interdistrict Attendance |
| 5125 | Student Records |
| 5125 | Student Records |
| 5131 | Conduct |
| 5131.8 | Mobile Communication Devices |

| | |
|---|---|
| 5137 | Positive School Climate |
| 5138 | Conflict Resolution/Peer Mediation |
| 5141.27 | Food Allergies/Special Dietary Needs |
| 5141.27 | Food Allergies/Special Dietary Needs |
| 5141.52 | Suicide Prevention |
| 5141.52 | Suicide Prevention |
| 5144 | Discipline |
| 5144 | Discipline |
| 5144.1 | Suspension And Expulsion/Due Process |
| 5144.1 | Suspension And Expulsion/Due Process |
| 5144.2 | Suspension And Expulsion/Due Process (Students With Disabilities) |
| 5144.4 | Required Parental Attendance |
| 5144.4 | Required Parental Attendance |
| 5145.12 | Search And Seizure |
| 5145.2 | Freedom Of Speech/Expression |
| 5145.2 | Freedom Of Speech/Expression |
| 5145.3 | Nondiscrimination/Harassment |
| 5145.3 | Nondiscrimination/Harassment |
| 5145.7 | Sexual Harassment |
| 5145.7 | Sexual Harassment |
| 5145.9 | Hate-Motivated Behavior |
| 6142.8 | Comprehensive Health Education |
| 6144 | Controversial Issues |
| 6163.4 | Student Use Of Technology |
| 6163.4-E(1) | Student Use Of Technology |
| 6173.1 | Education For Foster Youth |

**Regulation 5131.2: Bullying**

Original Adopted Date: 02/13/2025 | Last Reviewed Date: 02/13/2025

## 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.

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| Ed. Code 200-262.4 | Prohibition of discrimination |
| Ed. Code 32280-32289.5 | School safety plans |
| Ed. Code 35181 | Governing board authority to set policy on responsibilities of students |
| Ed. Code 35291-35291.5 | Rules |
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| Ed. Code 52060-52077 | Local control and accountability plan |
| Pen. Code 422.55 | Definition of hate crime |
| Pen. Code 647 | Use of camera or other instrument to invade person's privacy; misdemeanor |
| Pen. Code 647.7 | Use of camera or other instrument to invade person's privacy; punishment |
| Pen. Code 653.2 | Electronic communication devices; threats to safety |

| Federal | Description |
|---|---|
| 28 CFR 35.107 | Nondiscrimination on basis of disability; complaints |
| 34 CFR 104.7 | Section 504; Designation of responsible employee and adoption of grievances procedures |
| 34 CFR 106.8 | Designation of coordinator; dissemination of policy, and adoption of grievance procedures |
| 34 CFR 110.25 | Notification of nondiscrimination on the basis of age |
| 47 USC 254 | Universal service discounts (E-rate) |

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| CSBA Publication | Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014 |
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| U.S. DOE, Office for Civil Rights Publication | Dear Colleague Letter: Addressing Discrimination Against Jewish Students, May 2023 |
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| Website | National School Safety Center |
| Website | Partnership for Children and Youth |
| Website | Center on Great Teachers and Leaders |
| Website | Collaborative for Academic Social and Emotional Learning |
| Website | Common Sense Media |
| Website | California Department of Education, Safe Schools |
| Website | California Office of the Attorney General |
| Website | CSBA |
| Website | U.S. Department of Education |

| **Cross References** | **Description** |
|---|---|
| 0100 | Philosophy |
| 0410 | Nondiscrimination In District Programs And Activities |
| 0440 | District Technology Plan |
| 0440 | District Technology Plan |
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| 0450 | Comprehensive Safety Plan |
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| 3515 | Campus Security |
| 3515 | Campus Security |
| 4131 | Staff Development |
| 4219.21 | Professional Standards |
| 4219.21-E(1) | Professional Standards |
| 4319.21 | Professional Standards |
| 4319.21-E(1) | Professional Standards |
| 5030 | Student Wellness |
| 5113.1 | Chronic Absence And Truancy |
| 5113.1 | Chronic Absence And Truancy |

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|---|---|
| 5113.12 | District School Attendance Review Board |
| 5113.12 | District School Attendance Review Board |
| 5116.1 | Intradistrict Open Enrollment |
| 5116.1 | Intradistrict Open Enrollment |
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| 5117 | Interdistrict Attendance |
| 5125 | Student Records |
| 5125 | Student Records |
| 5131 | Conduct |
| 5131.8 | Mobile Communication Devices |
| 5137 | Positive School Climate |
| 5138 | Conflict Resolution/Peer Mediation |
| 5141.27 | Food Allergies/Special Dietary Needs |
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| 5141.52 | Suicide Prevention |
| 5141.52 | Suicide Prevention |
| 5144 | Discipline |
| 5144 | Discipline |
| 5144.1 | Suspension And Expulsion/Due Process |
| 5144.1 | Suspension And Expulsion/Due Process |
| 5144.2 | Suspension And Expulsion/Due Process (Students With Disabilities) |
| 5144.4 | Required Parental Attendance |
| 5144.4 | Required Parental Attendance |
| 5145.12 | Search And Seizure |
| 5145.2 | Freedom Of Speech/Expression |
| 5145.2 | Freedom Of Speech/Expression |
| 5145.3 | Nondiscrimination/Harassment |
| 5145.3 | Nondiscrimination/Harassment |
| 5145.7 | Sexual Harassment |
| 5145.7 | Sexual Harassment |
| 5145.9 | Hate-Motivated Behavior |
| 6142.8 | Comprehensive Health Education |
| 6144 | Controversial Issues |
| 6163.4 | Student Use Of Technology |
| 6163.4-E(1) | Student Use Of Technology |
| 6173.1 | Education For Foster Youth |

# Child Abuse Prevention and Reporting

**Policy 5141.4: Child Abuse Prevention And Reporting**

Original Adopted Date: 02/13/2025 | Last Reviewed Date: 02/13/2025

The Board of Trustees 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)

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

| State | Description |
|---|---|
| 5 CCR 3200-3205 | Special education compliance complaints |
| Code of Civil Procedure 340.1 | Damages suffered as result of childhood sexual abuse |
| Ed. Code 215.5 | Student identification cards; inclusion of safety hotlines |
| Ed. Code 32280-32289.5 | School safety plans |
| Ed. Code 33133.5 | Posters of telephone number for students to report child abuse or neglect |

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| Ed. Code 33195 | Heritage schools; mandated reporters |
| Ed. Code 33308.1 | Guidelines on procedure for filing child abuse complaints |
| Ed. Code 33546.2 | Health framework for California public schools; sextortion |
| Ed. Code 44252 | Teacher credentialing |
| Ed. Code 44691 | Staff development in the detection of child abuse and neglect |
| Ed. Code 44807 | Teachers' duty concerning conduct of students |
| Ed. Code 48906 | Notification when student released to peace officer |
| Ed. Code 48987 | Dissemination of reporting guidelines to parents |
| Ed. Code 49001 | Prohibition of corporal punishment |
| Ed. Code 51220.5 | Parenting skills education |
| Ed. Code 51900.6 | Sexual abuse and sexual assault awareness and prevention instruction |
| Pen. Code 11164-11174.3 | Child Abuse and Neglect Reporting Act |
| Pen. Code 152.3 | Duty to report murder, rape, or lewd or lascivious act |
| Pen. Code 273a | Willfully causing unjustifiable pain or mental suffering of child; endangering life or health |
| Pen. Code 286 | Crime of sodomy |
| Pen. Code 288 | Crime of oral copulation |
| Pen. Code 288 | Definition of lewd or lascivious act requiring reporting |
| Pen. Code 289 | Crime of sexual penetration |
| Pen. Code 311-312.7 | Obscene matter |
| Pen. Code 801.8 | Failure to report an incident known or reasonably suspected by a mandated reporter to be sexual assault, child abuse, or severe neglect |
| W&I Code 15630-15637 | Dependent adult abuse reporting |
| W&I Code 16509.1 | Treatment of children by spiritual means through prayer; neglect |

| **Federal** | **Description** |
|---|---|
| 42 USC 11434a | McKinney-Vento Homeless Assistance Act; definitions |

| **Management Resources** | **Description** |
|---|---|
| California Department of Education Publication | Health Education Framework for California Public Schools, Kindergarten Through Grade Twelve, May 2019 |
| California Department of Education Publication | Health Education Content Standards for California Public Schools: Kindergarten Through Grade Twelve, 2008 |
| Court Decision | Camreta v. Greene (2011) 131 S.Ct. 2020 |
| CSBA Publication | Why Schools Hold the Promise for Adolescent Mental Health, Governance Brief, May 2019 |
| Website | SchoolSafety.gov, Child Exploitation |
| Website | CSBA District and County Office of Education Legal Services |
| Website | California Department of Social Services, Information Resources Guide |
| Website | California Department of Education, Child Abuse Prevention Training and Resources |
| Website | U.S. Department of Health and Human Services, Child Welfare Information Gateway |
| Website | California Attorney General's Office, Suspected Child Abuse Report Form |

| Cross References | Description |
|---|---|
| 0450 | Comprehensive Safety Plan |
| 0450 | Comprehensive Safety Plan |
| 1240 | Volunteer Assistance |
| 1240 | Volunteer Assistance |
| 1312.1 | Complaints Concerning District Employees |
| 1312.1 | Complaints Concerning District Employees |
| 1312.3 | Uniform Complaint Procedures |
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| 3320 | Claims And Actions Against The District |
| 4112.6 | Personnel Files |
| 4119.21 | Professional Standards |
| 4119.23 | Unauthorized Release Of Confidential/Privileged Information |
| 4131 | Staff Development |
| 4212.6 | Personnel Files |
| 4219.21 | Professional Standards |
| 4219.21-E(1) | Professional Standards |
| 4219.23 | Unauthorized Release Of Confidential/Privileged Information |
| 4312.6 | Personnel Files |
| 4317.7 | Employment Status Reports |
| 4319.21 | Professional Standards |
| 4319.21-E(1) | Professional Standards |
| 4319.23 | Unauthorized Release Of Confidential/Privileged Information |
| 4331 | Staff Development |
| 5131 | Conduct |
| 5131.7 | Weapons And Dangerous Instruments |
| 5131.7 | Weapons And Dangerous Instruments |
| 5141.52 | Suicide Prevention |
| 5141.52 | Suicide Prevention |
| 5141.6 | School Health Services |
| 5141.6 | School Health Services |
| 5142 | Safety |
| 5142 | Safety |
| 5144 | Discipline |
| 5144 | Discipline |
| 5145.11 | Questioning And Apprehension By Law Enforcement |
| 5145.13 | Response To Immigration Enforcement |

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| 5145.13 | Response To Immigration Enforcement |
| 5145.3 | Nondiscrimination/Harassment |
| 5145.3 | Nondiscrimination/Harassment |
| 5145.7 | Sexual Harassment |
| 5145.7 | Sexual Harassment |
| 5145.71 | Title IX Sexual Harassment Complaint Procedures |
| 5145.71-E(1) | Title IX Sexual Harassment Complaint Procedures |
| 6142.7 | Physical Education And Activity |
| 6142.7 | Physical Education And Activity |
| 6142.8 | Comprehensive Health Education |
| 6143 | Courses Of Study |
| 6143 | Courses Of Study |
| 6145.2 | Athletic Competition |
| 6145.2 | Athletic Competition |
| 6159.4 | Behavioral Interventions For Special Education Students |
| 6164.5 | Student Success Teams |
| 6164.5 | Student Success Teams |

**Regulation 5141.4: Child Abuse Prevention And Reporting**

Original Adopted Date: 02/13/2025 | Last Reviewed Date: 02/13/2025

## 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):

   Santa Clara County Department of Family and Children's Services 333 West Julian st.
   San José, CA 95110
   (408) 299-2071

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

2. Written Report

   Within 36 hours of knowing or observing the information concerning the incident, the mandated reporter shall 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

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)

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| W&I Code 15630-15637 | Dependent adult abuse reporting |
| W&I Code 16509.1 | Treatment of children by spiritual means through prayer; neglect |

| **Federal** | **Description** |
|---|---|
| 42 USC 11434a | McKinney-Vento Homeless Assistance Act; definitions |

| **Management Resources** | **Description** |
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| Website | California Department of Social Services, Information Resources Guide |
| Website | California Department of Education, Child Abuse Prevention Training and Resources |
| Website | U.S. Department of Health and Human Services, Child Welfare Information Gateway |
| Website | California Attorney General's Office, Suspected Child Abuse Report Form |

| **Cross References** | **Description** |
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| 6143 | Courses Of Study |
| 6143 | Courses Of Study |
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| 6164.5 | Student Success Teams |
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## Comprehensive Safety Plan

**Policy 0450: Comprehensive Safety Plan**

Original Adopted Date: 02/13/2025 | Last Reviewed Date: 02/13/2025

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

The school site council at each district school shall develop a comprehensive school safety plan relevant to the needs and resources of that particular school. New school campuses shall develop a comprehensive safety plan within one year of initiating operations. (Education Code 32281, 32286)

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

The comprehensive safety plan(s) shall be reviewed and updated by March 1 of each year and forwarded to the Board for approval. (Education Code 32286, 32288)

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

By October 15 of each year, the Superintendent or designee shall notify the California Department of Education (CDE) of any schools that have not complied with the requirements of Education Code 32281. (Education Code 32288)

### Tactical Response Plan

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

When reviewing the tactical response plan, the Board may meet in closed session to confer with law enforcement officials and approve the tactical response plan, provided that any vote to approve the tactical response plan is announced in open session following the closed session. (Education Code 32281)

## Safety Plan(s) Access and Reporting

The Superintendent or designee shall ensure that an updated file of all safety-related plans and materials is readily available for inspection by the public. (Education Code 32282)

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

The Superintendent or designee shall share the comprehensive safety plans and any updates to the plans with local law enforcement, the local fire department, and other first responder entities. (Education Code 32281)

The Superintendent or designee shall also provide data to CDE pertaining to lockdown or multi-option response drills conducted at district schools in accordance with Education Code 32289.5. (Education Code 32289.5)

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| State | Description |
|---|---|
| 5 CCR 11987-11987.7 | School Community Violence Prevention Program requirements |
| 5 CCR 11992-11993 | Persistently dangerous schools; definition |
| CA Constitution Article 1, Section 28 | Right to safe schools |
| Ed. Code 200-262.4 | Prohibition of discrimination |
| Ed. Code 32260-32262 | Interagency School Safety Demonstration Act of 1985 |
| Ed. Code 32270 | School safety cadre |
| Ed. Code 32280-32289.5 | School safety plans |
| Ed. Code 32290 | Safety devices |
| Ed. Code 35147 | School site councils and advisory committees |
| Ed. Code 35183 | School dress code; uniforms |
| Ed. Code 35266 | Reporting of cyberattacks |
| Ed. Code 35291 | Rules |
| Ed. Code 35291.5 | School-adopted discipline rules |
| Ed. Code 41020 | Requirement for annual audit |
| Ed. Code 48900-48927 | Suspension and expulsion |
| Ed. Code 48950 | Speech and other communication |
| Ed. Code 48980 | Parent/Guardian notifications |
| Ed. Code 49079 | Notification to teacher; student act constituting grounds for suspension or expulsion |
| Ed. Code 49390-49395 | Homicide threats |
| Ed. Code 49414.35 | Emergency treatment for opioid overdose |
| Ed. Code 49414.6 | Student possession of opioid antagonist |
| Ed. Code 67381 | Availability of information regarding crimes |
| Gov. Code 11549.3 | Independent security assessment |
| Gov. Code 54957 | Closed session meetings for threats to security |
| Gov. Code 8586.5 | California Cybersecurity Integration Center |
| Pen. Code 11164-11174.3 | Child Abuse and Neglect Reporting Act |
| Pen. Code 422.55 | Definition of hate crime |
| Pen. Code 626.8 | Disruptions |

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| 20 USC 1400-1482 | Individuals with Disabilities Education Act |
| 20 USC 7111-7122 | Student support and academic enrichment grants |
| 20 USC 7912 | Transfers from persistently dangerous schools |
| 29 USC 794 | Rehabilitation Act of 1973; Section 504 |
| 42 USC 12101-12213 | Americans with Disabilities Act |

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| 6 USC 665k | Federal Clearinghouse on School Safety Evidence-Based Practices |

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| CSBA Publication | Comprehensive School Safety Plans, July 2024 |
| CSBA Publication | School Safety: Firearm Safety and Storage, May 2023 |
| CSBA Publication | Cyberbullying: Policy Considerations for Boards, Policy Brief, rev. July 2010 |
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| CSBA Publication | Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011 |
| CSBA Publication | Legal Guidance on Rights of Transgender and Gender Nonconforming Students in Schools, October 2022 |
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| U.S. Department of Education Publication | Practical Information on Crisis Planning: A Guide for Schools and Communities, January 2007 |
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| Website | National Center for Crisis Management |
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| Website | California Department of Education, Safe Schools |
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| 0460 | Local Control And Accountability Plan |
| 0500 | Accountability |
| 0510 | School Accountability Report Card |
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| 1400 | Relations Between Other Governmental Agencies And The Schools |
| 2210 | Administrative Discretion Regarding Board Policy |
| 3511 | Energy And Water Management |
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| 3513.3 | Tobacco-Free Schools |
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| 3514 | Environmental Safety |
| 3514.1 | Hazardous Substances |
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| 3514.2 | Integrated Pest Management |
| 3515 | Campus Security |
| 3515 | Campus Security |
| 3515.2 | Disruptions |
| 3515.2 | Disruptions |
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| 3516 | Emergencies And Disaster Preparedness Plan |
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| 3516.1 | Fire Drills And Fires |
| 3516.2 | Bomb Threats |
| 3516.3 | Earthquake Emergency Procedure System |
| 3516.5 | Emergency Schedules |
| 3530 | Risk Management/Insurance |
| 3530 | Risk Management/Insurance |
| 3543 | Transportation Safety And Emergencies |
| 4119.11 | Sexual Harassment |
| 4119.11 | Sexual Harassment |
| 4119.23 | Unauthorized Release Of Confidential/Privileged Information |
| 4131 | Staff Development |
| 4140 | Bargaining Units |

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| 4319.21 | Professional Standards |
| 4319.21-E(1) | Professional Standards |
| 4319.23 | Unauthorized Release Of Confidential/Privileged Information |
| 4331 | Staff Development |
| 4340 | Bargaining Units |
| 4357 | Employee Safety |
| 4357 | Employee Safety |
| 4358 | Employee Security |
| 4358 | Employee Security |
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| 5020 | Parent Rights And Responsibilities |
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| 5113.1 | Chronic Absence And Truancy |
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| 5116.1 | Intradistrict Open Enrollment |
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| 5131.2 | Bullying |
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| 5141.52 | Suicide Prevention |
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| 5142 | Safety |
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| 5142.2 | Safe Routes To School Program |
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| 5145.12 | Search And Seizure |
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| 5145.9 | Hate-Motivated Behavior |
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| 6141.2 | Recognition Of Religious Beliefs And Customs |
| 6141.2 | Recognition Of Religious Beliefs And Customs |
| 6142.8 | Comprehensive Health Education |
| 6153 | School-Sponsored Trips |
| 6153 | School-Sponsored Trips |

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| 6158 | Independent Study |
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| 6159 | Individualized Education Program |
| 6159 | Individualized Education Program |
| 6173.1 | Education For Foster Youth |
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| 7214 | General Obligation Bonds |
| 7214 | General Obligation Bonds |
| 9010 | Public Statements |
| 9320 | Meetings And Notices |
| 9321 | Closed Session |

**Regulation 0450: Comprehensive Safety Plan**

Original Adopted Date: 02/13/2025 | Last Reviewed Date: 02/13/2025

## Development and Review of Comprehensive School Safety Plan

The school site council shall consult with local law enforcement, the local fire department, and other first responders in the writing and development of the comprehensive school safety plan. When practical, the school site council shall also consult with other school site councils and safety planning committees. (Education Code 32281, 32282)

The school site council may delegate the responsibility for developing a comprehensive safety plan to a school safety planning committee composed of the following members: (Education Code 32281)

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

Before adopting the comprehensive safety plan, the school site council or school safety planning committee shall hold a public meeting at the school in order to allow members of the public the opportunity to express an opinion about the plan. (Education Code 32288)

The school site council or safety planning committee shall notify, in writing, the following persons and entities of the public meeting, if available: (Education Code 32288)

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

In addition, the school site council or safety planning committee may notify, in writing, the following entities of the public meeting: (Education Code 32288)

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

After the first evaluation or review is conducted, and after each annual evaluation or review, a school employee, a student's parent/guardian or educational rights holder, or a student may bring concerns about an individual student's ability to access disaster safety procedures described in the comprehensive school safety plan to the principal. (Education Code 32282)

If the principal determines there is merit to a concern, the principal shall direct the school site council or school safety planning committee, to make appropriate modifications to the comprehensive school safety plan during the evaluation of the comprehensive safety plan. The principal may direct the school site council or the school safety planning committee to make such modifications before the evaluation, as appropriate. (Education Code 32282)

## Content of the Comprehensive Safety Plan

Each comprehensive safety plan shall include an assessment of the current status of any crime committed on campus and at school-related functions. (Education Code 32282)

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

The plan shall identify appropriate strategies and programs that will provide or maintain a high level of school safety and address the school's procedures for complying with existing laws related to school safety, including all of the following: (Education Code 32282)

1. Child abuse reporting procedures consistent with Penal Code 11164-11174.3
2. Routine and emergency disaster procedures including, but not limited to:
    a. Adaptations for students with disabilities in accordance with the Americans with Disabilities Act, the federal Individuals with Disabilities Education Act, and Section 504 of the federal Rehabilitation Act of 1973
    b. An earthquake emergency procedure system in accordance with Education Code 32282
    c. A procedure to allow public agencies, including the American Red Cross, to use school buildings, grounds, and equipment for mass care and welfare shelters during disasters or other emergencies affecting the public health and welfare
3. Policies pursuant to Education Code 48915(d) for students who commit an act listed in Education Code 48915(c) and other school-designated serious acts that would lead to suspension, expulsion, or mandatory expulsion recommendations
4. Procedures to notify teachers of dangerous students pursuant to Education Code 49079
5. A policy consistent with the prohibition against discrimination, harassment, intimidation, and bullying pursuant to Education Code 200-262.4
6. If the school has adopted a dress code prohibiting students from wearing "gang-related apparel" pursuant to Education Code 35183, the provisions of that dress code and the definition of "gang-related apparel"
7. Procedures for safe ingress and egress of students, parents/guardians, and employees to and from school
8. A safe and orderly school environment conducive to learning
9. The rules and procedures on school discipline adopted pursuant to Education Code 35291 and 35291.5
10. Procedures for conducting tactical responses to criminal incidents, including procedures related to individuals with guns on campus and at school-related functions
11. 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.
12. For schools that serve students in any of grades 7-12, a protocol in the event a student is suffering or is reasonably believed to be suffering from an opioid overdose

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

1. Development of a positive school climate that promotes respect for diversity, personal and social responsibility, effective interpersonal and communication skills, self-esteem, anger management, and conflict resolution
2. Disciplinary policies and procedures that contain prevention strategies, such as strategies to prevent bullying, hazing, and cyberbullying, as well as behavioral expectations and consequences for violations
3. Strategies aimed at preventing potential incidents involving crime and violence on school campuses, including vandalism, drug and alcohol abuse, gang membership and violence, hate crimes, bullying, including bullying committed personally or by means of an electronic act, teen relationship violence, and discrimination and harassment, including sexual harassment
4. Curriculum that emphasizes prevention and alternatives to violence, such as multicultural education and literacy, character/values education, social and emotional learning, media analysis skills, conflict resolution, community service learning, and education related to the prevention of dating violence
5. Parent/guardian involvement strategies, including strategies to help ensure parent/guardian support and reinforcement of the school's rules and increase the number of adults on campus
6. Provision of safety materials and emergency communications in language(s) understandable to parents/guardians

7. Annual notification to parents/guardians related to the safe storage of firearms

8. Prevention and intervention strategies related to the sale or use of drugs and alcohol which shall reflect expectations for drug-free schools and support for recovering students

9. Collaborative relationships among the city, county, community agencies, local law enforcement, the judicial system, and the schools that lead to the development of a set of common goals and community strategies for violence prevention instruction

10. District policy prohibiting the possession of firearms and ammunition on school grounds

11. Measures to prevent or minimize the influence of gangs on campus

12. Procedures for receiving verification from law enforcement when a violent crime has occurred on school grounds and for promptly notifying parents/guardians and employees of that crime

13. Procedures for the early identification and threat assessment of, and appropriate response to, suspicious and/or threatening digital media content

14. Assessment of the school's physical environment, including a risk management analysis and development of ground security measures such as procedures for closing campuses to outsiders, installing surveillance systems, securing the campus perimeter, protecting buildings against vandalism, and providing for a law enforcement presence on campus

15. Independent security assessment of the school's network infrastructure and selected web applications to identify vulnerabilities and provide recommendations to improve cybersecurity

16. Guidelines for the roles and responsibilities of mental health professionals, athletic coaches, community intervention professionals, school counselors, school resource officers, and police officers on school campuses. Guidelines may include, but are not limited to, the following:

    a. Strategies to create and maintain a positive school climate, promote school safety, and increase student achievement

    b. Strategies to prioritize mental health and intervention services, restorative and transformative justice programs, and positive behavior interventions and support

    c. Protocols to address the mental health care of students who have witnessed a violent act at any time, including, but not limited to, while on school grounds, while coming or going from school, during a lunch period whether on or off campus, or during or while going to or coming from a school-sponsored activity

17. Strategies for suicide prevention and intervention

18. District policy and/or plan related to pandemics

19. Procedures to implement when a person interferes with or disrupts a school activity, remains on campus after having been asked to leave, or creates a disruption with the intent to threaten the immediate physical safety of students or staff

20. Crisis prevention and intervention strategies, which may include the following:

    a. Identification of possible crises that may occur, determination of necessary tasks that need to be addressed, and development of procedures relative to each crisis, including the involvement of law enforcement and other public safety agencies as appropriate

    b. Threat assessment strategies to determine the credibility and seriousness of a threat and provide appropriate interventions for the potential offender(s)

    c. Assignment of staff members responsible for each identified task and procedure

    d. Development of an evacuation plan based on an assessment of buildings and grounds and opportunities for students and staff to practice the evacuation plan

    e. Coordination of communication to schools, Board of Trustees members, parents/guardians, and the media

    f. Communication with parents/guardians of reunification plans and the necessity of cooperating with first responders

g. Development of a method for the reporting of violent incidents

h. Development of follow-up procedures that may be required after a crisis has occurred, such as counseling

21. Training on assessment and reporting of potential threats, violence prevention, and intervention techniques. Such training shall include preparation to implement the elements of the comprehensive safety plan

22. Environmental safety strategies, including, but not limited to, procedures for preventing and mitigating exposure to toxic pesticides, lead, asbestos, vehicle emissions, and other hazardous substances and contaminants

23. Continuity of operations procedures to ensure that the district's essential functions are not disrupted during an emergency, to the extent possible

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

| State | Description |
|---|---|
| 5 CCR 11987-11987.7 | School Community Violence Prevention Program requirements |
| 5 CCR 11992-11993 | Persistently dangerous schools; definition |
| CA Constitution Article 1, Section 28 | Right to safe schools |
| Ed. Code 200-262.4 | Prohibition of discrimination |
| Ed. Code 32260-32262 | Interagency School Safety Demonstration Act of 1985 |
| Ed. Code 32270 | School safety cadre |
| Ed. Code 32280-32289.5 | School safety plans |
| Ed. Code 32290 | Safety devices |
| Ed. Code 35147 | School site councils and advisory committees |
| Ed. Code 35183 | School dress code; uniforms |
| Ed. Code 35266 | Reporting of cyberattacks |
| Ed. Code 35291 | Rules |
| Ed. Code 35291.5 | School-adopted discipline rules |
| Ed. Code 41020 | Requirement for annual audit |
| Ed. Code 48900-48927 | Suspension and expulsion |
| Ed. Code 48950 | Speech and other communication |
| Ed. Code 48980 | Parent/Guardian notifications |
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## Conduct

**Policy 5131: Conduct**

Original Adopted Date: 02/13/2025 | Last Reviewed Date: 02/13/2025

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

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

Prohibited student conduct includes, but is not limited to:

1. Conduct that endangers students, staff, or others, including, but not limited to, physical violence, possession of a firearm or other weapon, and terrorist threats
2. Discrimination, harassment, intimidation, or bullying of students or staff, including sexual harassment, hate-motivated behavior, cyberbullying, hazing or initiation activity, extortion, or any other verbal, written, or physical conduct that causes or threatens to cause violence, bodily harm, or substantial disruption to the school program
3. Conduct that disrupts the orderly classroom or school environment
4. Willful defiance of staff's authority
5. Damage to or theft of property belonging to students, staff, or the district
6. Obscene acts or use of profane, vulgar, or abusive language
7. Possession, use, or being under the influence of tobacco, alcohol, or other prohibited substances
8. Possession or use of a laser pointer, unless for a valid instructional or other school-related purpose with prior permission of the principal or designee (Penal Code 417.27)
9. Use of a cell phone, smart watch, pager, or other mobile communication device during instructional time or in an unauthorized manner in violation of district policy
10. Plagiarism or dishonesty on school work or tests
11. Wearing of any attire that violates district or school dress codes, including gang-related apparel
12. Tardiness or unexcused absence from school
13. Failure to remain on school premises in accordance with school rules

Employees are expected to enforce standards of conduct and, when they observe or receive a report of a violation of these standards, to appropriately intervene or seek assistance. As necessary, the employee shall refer the matter to a supervisor or the principal or designee.

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

When a student uses any prohibited device, or uses a permitted device in an unauthorized manner, a district employee may confiscate the device. The employee shall store the device securely until it is returned to the student or turned over to the principal or designee, as appropriate.

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

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

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

| State | Description |
|---|---|
| 5 CCR 300-307 | Duties of students |
| Civ. Code 1714.1 | Liability of parent/guardian for act of willful misconduct by a minor |
| Ed. Code 200-262.4 | Prohibition of discrimination |
| Ed. Code 32280-32289.5 | School safety plans |
| Ed. Code 35181 | Governing board authority to set policy on responsibilities of students |
| Ed. Code 35291-35291.5 | Rules |
| Ed. Code 44807 | Teachers' duty concerning conduct of students |
| Ed. Code 48900-48925 | Suspension and expulsion |
| Ed. Code 51512 | Prohibition against electronic listening or recording device in classroom without permission |
| Pen. Code 288.2 | Harmful matter with intent to seduce |
| Pen. Code 313 | Harmful matter |
| Pen. Code 417.25-417.27 | Laser scope or laser pointer |
| Pen. Code 647 | Use of camera or other instrument to invade person's privacy; misdemeanor |
| Pen. Code 653.2 | Electronic communication devices; threats to safety |
| Veh. Code 23123-23124 | Prohibitions against use of electronic devices while driving |

| Federal | Description |
|---|---|
| 20 USC 1681-1688 | Title IX of the Education Amendments of 1972; discrimination based on sex |

| Management Resources | Description |
|---|---|
| California Department of Education Publication | Bullying at School, 2003 |
| Court Decision | Mahanoy Area School District v. B.L. (2021) 141 S.Ct. 2038 |
| Court Decision | Lavine v. Blaine School District (2001, 9th Cir.) 257 F.3d 981 |
| Court Decision | New Jersey v. T.L.O. (1985) 469 U.S. 325 |
| Court Decision | Tinker v. Des Moines Independent Community School District (1969) 393 U.S. 503 |

| | |
|---|---|
| Court Decision | Bethel School District No. 403 v. Fraser (1986) 478 U.S. 675 |
| Court Decision | Emmett v. Kent School District No. 415 (2000) 92 F.Supp. 1088 |
| Court Decision | J.C. v. Beverly Hills Unified School District (2010) 711 F.Supp.2d 1094 |
| Court Decision | LaVine v. Blaine School District (2000, 9th Cir.) 257 F.3d 981 |
| CSBA Publication | Cyberbullying: Policy Considerations for Boards, Policy Brief, July 2007 |
| CSBA Publication | Providing a Safe, Nondiscriminatory School Environment for All Students, Policy Brief, April 2010 |
| CSBA Publication | Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011, |
| Website | CSBA District and County Office of Education Legal Services |
| Website | National School Safety Center |
| Website | Center for Safe and Responsible Internet Use |
| Website | California Department of Education, Safe Schools |
| Website | CSBA |
| Website | U.S. Department of Education |

| **Cross References** | **Description** |
|---|---|
| 0440 | District Technology Plan |
| 0440 | District Technology Plan |
| 0450 | Comprehensive Safety Plan |
| 0450 | Comprehensive Safety Plan |
| 1114 | District-Sponsored Social Media |
| 1114 | District-Sponsored Social Media |
| 1313 | Civility |
| 3513.4 | Drug And Alcohol Free Schools |
| 3515.4 | Recovery For Property Loss Or Damage |
| 3515.4 | Recovery For Property Loss Or Damage |
| 3516.2 | Bomb Threats |
| 4131 | Staff Development |
| 4219.21 | Professional Standards |
| 4219.21-E(1) | Professional Standards |
| 4319.21 | Professional Standards |
| 4319.21-E(1) | Professional Standards |
| 5000 | Concepts And Roles |
| 5020 | Parent Rights And Responsibilities |
| 5020 | Parent Rights And Responsibilities |
| 5113 | Absences And Excuses |
| 5113 | Absences And Excuses |
| 5113.1 | Chronic Absence And Truancy |
| 5113.1 | Chronic Absence And Truancy |

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|---|---|
| 5113.12 | District School Attendance Review Board |
| 5113.12 | District School Attendance Review Board |
| 5131.1 | Bus Conduct |
| 5131.1 | Bus Conduct |
| 5131.2 | Bullying |
| 5131.2 | Bullying |
| 5131.4 | Student Disturbances |
| 5131.4 | Student Disturbances |
| 5131.41 | Use Of Seclusion And Restraint |
| 5131.5 | Vandalism And Graffiti |
| 5131.6 | Alcohol And Other Drugs |
| 5131.6 | Alcohol And Other Drugs |
| 5131.62 | Tobacco |
| 5131.62 | Tobacco |
| 5131.7 | Weapons And Dangerous Instruments |
| 5131.7 | Weapons And Dangerous Instruments |
| 5131.8 | Mobile Communication Devices |
| 5131.9 | Academic Honesty |
| 5132 | Dress And Grooming |
| 5137 | Positive School Climate |
| 5138 | Conflict Resolution/Peer Mediation |
| 5141.4 | Child Abuse Prevention And Reporting |
| 5141.4 | Child Abuse Prevention And Reporting |
| 5141.52 | Suicide Prevention |
| 5141.52 | Suicide Prevention |
| 5142 | Safety |
| 5142 | Safety |
| 5144 | Discipline |
| 5144 | Discipline |
| 5144.1 | Suspension And Expulsion/Due Process |
| 5144.1 | Suspension And Expulsion/Due Process |
| 5144.2 | Suspension And Expulsion/Due Process (Students With Disabilities) |
| 5144.4 | Required Parental Attendance |
| 5144.4 | Required Parental Attendance |
| 5145.12 | Search And Seizure |
| 5145.2 | Freedom Of Speech/Expression |
| 5145.2 | Freedom Of Speech/Expression |
| 5145.3 | Nondiscrimination/Harassment |
| 5145.3 | Nondiscrimination/Harassment |

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|---|---|
| 5145.7 | Sexual Harassment |
| 5145.7 | Sexual Harassment |
| 5145.9 | Hate-Motivated Behavior |
| 6116 | Classroom Interruptions |
| 6142.8 | Comprehensive Health Education |
| 6144 | Controversial Issues |
| 6145 | Extracurricular And Cocurricular Activities |
| 6145 | Extracurricular And Cocurricular Activities |
| 6145.2 | Athletic Competition |
| 6145.2 | Athletic Competition |
| 6145.5 | Student Organizations And Equal Access |
| 6145.8 | Assemblies And Special Events |
| 6153 | School-Sponsored Trips |
| 6153 | School-Sponsored Trips |
| 6159.4 | Behavioral Interventions For Special Education Students |
| 6163.4 | Student Use Of Technology |
| 6163.4-E(1) | Student Use Of Technology |
| 6173.1 | Education For Foster Youth |
| 6173.1 | Education For Foster Youth |

## Bus Conduct

**Policy 5131.1: Bus Conduct**

Original Adopted Date: 02/13/2025 | Last Reviewed Date: 02/13/2025

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

The Superintendent or designee shall establish regulations related to student conduct on buses, bus driver authority, and the suspension of riding privileges. He/she shall make these rules available to parents/guardians, students, and other interested parties. (5 CCR 14103)

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

The Superintendent or designee may deny a student the privilege of using school transportation upon the student's continued disorderly conduct or his/her persistent refusal to submit to the authority of the driver. (5 CCR 14103)

### Bus Surveillance Systems

The Board believes that the use of surveillance systems on school buses will help to deter misconduct and improve discipline, ensure the safety of students and bus drivers, and prevent vandalism. Therefore, surveillance systems may be installed and used on school buses to monitor student behavior while traveling to and from school and school activities.

In addition, a prominent notice shall be placed in each bus stating that the bus is equipped with a surveillance monitoring system.

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

| State | Description |
|---|---|
| 13 CCR 1200-1294 | Motor carrier safety |
| 5 CCR 14103 | Authority of the driver |
| Ed. Code 35160 | Authority of governing boards |
| Ed. Code 39800-39860 | Transportation services |
| Ed. Code 39839 | Transportation of guide dogs, signal dogs, service dogs |
| Ed. Code 44808 | Duty to supervise conduct of students |
| Ed. Code 48900 | Grounds for suspension or expulsion |
| Ed. Code 48918 | Rules governing expulsion procedures |
| Ed. Code 49060-49079 | Student records |
| Ed. Code 49073-49079 | Privacy of student records |
| Gov. Code 7920.000-7930.215 | California Public Records Act |

| Federal | Description |
|---|---|
| 20 USC 1232g | Family Educational Rights and Privacy Act (FERPA) of 1974 |
| 34 CFR 99.1-99.67 | Family Educational Rights and Privacy |

| Management Resources | Description |
|---|---|
| National Institute of Justice Publication | The Appropriate and Effective Use of Security Technologies in U.S. Schools: A Guide for Schools and Law Enforcement Agencies, 1999 |
| Website | CSBA District and County Office of Education Legal Services |
| Website | California Department of Education, Office of School Transportation |
| Website | U.S. Department of Education, Office of the Chief Privacy Officer |
| Website | CSBA |

| Cross References | Description |
|---|---|
| 3515 | Campus Security |
| 3515 | Campus Security |
| 3530 | Risk Management/Insurance |
| 3530 | Risk Management/Insurance |
| 3540 | Transportation |
| 3541.2 | Transportation For Students With Disabilities |
| 3542 | School Bus Drivers |
| 3543 | Transportation Safety And Emergencies |
| 5125 | Student Records |
| 5125 | Student Records |
| 5125.1 | Release Of Directory Information |
| 5125.1 | Release Of Directory Information |
| 5125.1-E(1) | Release Of Directory Information |
| 5131 | Conduct |
| 5131.41 | Use Of Seclusion And Restraint |
| 5131.5 | Vandalism And Graffiti |

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|---|---|
| 5131.62 | Tobacco |
| 5131.62 | Tobacco |
| 5137 | Positive School Climate |
| 5138 | Conflict Resolution/Peer Mediation |
| 5142 | Safety |
| 5142 | Safety |
| 5144 | Discipline |
| 5144 | Discipline |
| 5144.1 | Suspension And Expulsion/Due Process |
| 5144.1 | Suspension And Expulsion/Due Process |
| 5144.4 | Required Parental Attendance |
| 5144.4 | Required Parental Attendance |
| 6145 | Extracurricular And Cocurricular Activities |
| 6145 | Extracurricular And Cocurricular Activities |
| 6145.2 | Athletic Competition |
| 6145.2 | Athletic Competition |
| 6153 | School-Sponsored Trips |
| 6153 | School-Sponsored Trips |
| 6163.2 | Animals At School |
| 6163.2 | Animals At School |

**Regulation 5131.1: Bus Conduct**

Original Adopted Date: 02/13/2025 | Last Reviewed Date: 02/13/2025

## Bus Rider Rules

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

1. Riders shall follow the instructions and directions of the bus driver at all times.
2. Riders should arrive at their designated bus stop on time and stand in a safe place at the stop to wait quietly for the bus.
3. Riders shall enter the bus in an orderly manner and go directly to their seats.
4. Riders shall sit down and fasten any passenger restraint systems. Riders shall remain seated while the bus is in motion.
5. Riders shall not block the aisle or emergency exit with their body or personal belongings. Riders may bring large or bulky items, such as class projects or musical instruments, on the bus only if the item does not displace any other rider or obstruct the driver's vision.
6. Riders should be courteous to the driver and to fellow passengers. Vulgarity, rude, or abusive behavior is prohibited.
7. Any noise or behavior that could distract the driver, such as loud talking, scuffling or fighting, throwing objects, or standing or changing seats, is prohibited and may lead to suspension of riding privileges.
8. Riders shall not use tobacco products, eat, or drink while riding the bus.
9. Riders may bring electronic devices onto the bus only if such devices are permitted at school. If the use of cellular telephones or similar devices disrupts the safe operation of the school bus, the bus driver may direct the student to no longer use the device on the bus.
10. Riders shall not put any part of the body out of the window nor throw any item from the bus.
11. Riders shall help keep the bus and the area around the bus stop clean. Riders shall not damage or deface the bus or tamper with bus equipment.
12. Service animals are permitted on school transportation services; all other animals are prohibited. (Education Code 39839; 13 CCR 1216)
13. Upon reaching their destination, riders shall remain seated until the bus comes to a complete stop and upon the signal from the driver, unfasten any restraint system, enter the aisle, and go directly to the exit.
14. Riders should be alert for traffic when leaving the bus and shall follow the district's transportation safety plan when crossing the road and exiting the bus.

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

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

## Bus Surveillance Systems

The Superintendent or designee shall monitor the use and maintenance of the district's bus surveillance system. Students are prohibited from tampering with the bus surveillance system. Any student found tampering with the system shall be subject to discipline and shall be responsible for the costs of any necessary repairs or replacement.

Camera supports may be installed in all buses. Cameras may be rotated among the buses and activated at the discretion of the Superintendent or designee.

The content of any recording is a student record and may only be accessed in accordance with the district's policy and administrative regulation concerning student records.

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| State | Description |
|---|---|
| 13 CCR 1200-1294 | Motor carrier safety |
| 5 CCR 14103 | Authority of the driver |
| Ed. Code 35160 | Authority of governing boards |
| Ed. Code 39800-39860 | Transportation services |
| Ed. Code 39839 | Transportation of guide dogs, signal dogs, service dogs |
| Ed. Code 44808 | Duty to supervise conduct of students |
| Ed. Code 48900 | Grounds for suspension or expulsion |
| Ed. Code 48918 | Rules governing expulsion procedures |
| Ed. Code 49060-49079 | Student records |
| Ed. Code 49073-49079 | Privacy of student records |
| Gov. Code 7920.000-7930.215 | California Public Records Act |

| Federal | Description |
|---|---|
| 20 USC 1232g | Family Educational Rights and Privacy Act (FERPA) of 1974 |
| 34 CFR 99.1-99.67 | Family Educational Rights and Privacy |

| Management Resources | Description |
|---|---|
| National Institute of Justice Publication | The Appropriate and Effective Use of Security Technologies in U.S. Schools: A Guide for Schools and Law Enforcement Agencies, 1999 |
| Website | CSBA District and County Office of Education Legal Services |
| Website | California Department of Education, Office of School Transportation |
| Website | U.S. Department of Education, Office of the Chief Privacy Officer |
| Website | CSBA |

| Cross References | Description |
|---|---|
| 3515 | Campus Security |
| 3515 | Campus Security |
| 3530 | Risk Management/Insurance |
| 3530 | Risk Management/Insurance |
| 3540 | Transportation |
| 3541.2 | Transportation For Students With Disabilities |
| 3542 | School Bus Drivers |
| 3543 | Transportation Safety And Emergencies |
| 5125 | Student Records |
| 5125 | Student Records |
| 5125.1 | Release Of Directory Information |
| 5125.1 | Release Of Directory Information |
| 5125.1-E(1) | Release Of Directory Information |
| 5131 | Conduct |

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|---|---|
| 5131.41 | Use Of Seclusion And Restraint |
| 5131.5 | Vandalism And Graffiti |
| 5131.62 | Tobacco |
| 5131.62 | Tobacco |
| 5137 | Positive School Climate |
| 5138 | Conflict Resolution/Peer Mediation |
| 5142 | Safety |
| 5142 | Safety |
| 5144 | Discipline |
| 5144 | Discipline |
| 5144.1 | Suspension And Expulsion/Due Process |
| 5144.1 | Suspension And Expulsion/Due Process |
| 5144.4 | Required Parental Attendance |
| 5144.4 | Required Parental Attendance |
| 6145 | Extracurricular And Cocurricular Activities |
| 6145 | Extracurricular And Cocurricular Activities |
| 6145.2 | Athletic Competition |
| 6145.2 | Athletic Competition |
| 6153 | School-Sponsored Trips |
| 6153 | School-Sponsored Trips |
| 6163.2 | Animals At School |
| 6163.2 | Animals At School |


## Discipline

### Policy 5144: Discipline

Original Adopted Date: 02/13/2025 | Last Reviewed Date: 02/13/2025

The Board of Trustees is committed to providing a safe, supportive, and positive school environment which is conducive to student learning and achievement and desires to prepare students for responsible citizenship by fostering self-discipline and personal responsibility. The Board believes that high expectations for student behavior, use of effective school and classroom management strategies, provision of appropriate intervention and support, and parent/guardian involvement can minimize the need for disciplinary measures that exclude students from instruction as a means for correcting student misbehavior.

The Superintendent or designee shall develop effective, age-appropriate strategies for maintaining a positive school climate and responding appropriately to student misbehavior at district schools. The strategies shall focus on providing students with needed supports; communicating clear, appropriate, and consistent expectations and consequences for student conduct; and ensuring equity and continuous improvement in the implementation of district discipline policies and practices.

In addition, the Superintendent or designee's strategies for responding to student misconduct shall reflect the Board's preference for the use of positive interventions and alternative disciplinary measures over exclusionary discipline measures.

Disciplinary measures that may result in loss of instructional time or cause students to be disengaged from school, such as detention, suspension, and expulsion, shall be imposed only when required or permitted by law or when other means of correction have been documented to have failed. (Education Code 48900.5)

School personnel and volunteers shall not allow any disciplinary action taken against a student to result in the denial or delay of a school meal. (Education Code 49557.5)

A student shall not be denied recess unless the student's participation poses an immediate threat to the physical safety of the student or to the physical safety of one or more of the student's peers. If, due to such immediate threat, a student is denied recess, staff shall make all reasonable efforts to resolve the threat and minimize the student's exclusion from recess, to the greatest extent practicable. (Education Code 49056)

Seclusion and behavioral restraint are prohibited as a means of discipline and shall not be used to correct student behavior except as permitted pursuant to Education Code 49005.4 and in accordance with district regulations. (Education Code 49005.2)

The Superintendent or designee shall create a model discipline matrix that lists violations and the consequences for each as allowed by law.

The principal or designee at each school may develop disciplinary rules to meet the school's particular needs consistent with law, Board policy, and administrative regulations. The Board, at an open meeting, may review the approved school discipline rules for consistency with Board policy and state law. Site-level disciplinary rules shall be included in the district's comprehensive safety plan. (Education Code 32282, 35291.5)

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

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

The Superintendent or designee shall provide professional development as necessary to assist staff in developing the skills needed to effectively and equitably implement the disciplinary strategies adopted for district schools, including, but not limited to, knowledge of school and classroom management skills and their consistent application, effective accountability and positive intervention techniques, and the tools to form strong, cooperative relationships with parents/guardians.

District goals for improving school climate, based on suspension and expulsion rates, surveys of students, staff, and parents/guardians regarding their sense of school safety and connectedness to the school community, and other local measures, shall be included in the district's local control and accountability plan, as required by law.

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

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

| State | Description |
|---|---|
| 5 CCR 307 | Participation in school activities until departure of bus |
| 5 CCR 353 | Detention after school |
| Civ. Code 1714.1 | Liability of parent/guardian for act of willful misconduct by a minor |
| Ed. Code 32280-32289.5 | School safety plans |
| Ed. Code 35146 | Closed sessions |
| Ed. Code 35291-35291.5 | Rules |
| Ed. Code 35291.5 | School-adopted discipline rules |
| Ed. Code 37223 | Weekend classes |
| Ed. Code 48900-48926 | Suspension and expulsion |
| Ed. Code 48980-48985 | Parent/Guardian notifications |

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|---|---|
| Ed. Code 49005-49006.4 | Seclusion and restraint |
| Ed. Code 49055 | Restorative justice practices |
| Ed. Code 49056 | Prohibition of denial of recess |
| Ed. Code 49330-49335 | Injurious objects |
| Ed. Code 49414.4 | Opioid misuse; alternative to referral to law enforcement |
| Ed. Code 49550-49564.5 | Meals for needy students |
| Ed. Code 52060-52077 | Local control and accountability plan |

| **Federal** | **Description** |
|---|---|
| 20 USC 1400-1482 | Individuals with Disabilities Education Act |
| 29 USC 794 | Rehabilitation Act of 1973; Section 504 |
| 42 USC 1751-1769j | School Lunch Program |
| 42 USC 1773 | School Breakfast Program |

| **Management Resources** | **Description** |
|---|---|
| California Dept of Education Program Advisories | Classroom Management: A California Resource Guide for Teachers and Administrators of Elementary and Secondary Schools, 2000 |
| CSBA Publication | The Case for Reducing Out-of-School Suspensions and Expulsions, Fact Sheet, April 2014 |
| CSBA Publication | Recent Legislation on Discipline: AB 240, Fact Sheet, March 2015 |
| CSBA Publication | Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011 |
| CSBA Publication | Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014 |
| CSBA Publication | Maximizing Opportunities for Physical Activity During the School Day, Fact Sheet, November 2009 |
| Fix School Discipline Project | Sample alternative discipline policy |
| U.S. DOE, Office for Civil Rights Publication | Resource on Confronting Racial Discrimination in Student Discipline |
| U.S. DOE, Office for Civil Rights Publication | Fact Sheet: Supporting Students with Disabilities and Avoiding the Discriminatory Use of Student Discipline under Section 504 of the Rehabilitation Act of 1973 |
| U.S. DOE, Office for Civil Rights Publication | Dear Colleague Letter on the Nondiscriminatory Administration of School Discipline, January 2014 |
| Website | CSBA District and County Office of Education Legal Services |
| Website | Public Counsel |
| Website | U.S. Department of Education, Office for Civil Rights |
| Website | California Department of Education |
| Website | CSBA |

| **Cross References** | **Description** |
|---|---|
| 0450 | Comprehensive Safety Plan |
| 0450 | Comprehensive Safety Plan |
| 0460 | Local Control And Accountability Plan |
| 0460 | Local Control And Accountability Plan |
| 1114 | District-Sponsored Social Media |
| 1114 | District-Sponsored Social Media |
| 1312.3 | Uniform Complaint Procedures |
| 1312.3 | Uniform Complaint Procedures |
| 1313 | Civility |
| 3512 | Equipment |
| 3512-E(1) | Equipment |
| 3513.3 | Tobacco-Free Schools |
| 3513.3 | Tobacco-Free Schools |

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| 3513.4 | Drug And Alcohol Free Schools |
| 3515 | Campus Security |
| 3515 | Campus Security |
| 3515.21 | Unmanned Aircraft Systems (Drones) |
| 3515.31 | School Resource Officers |
| 3515.4 | Recovery For Property Loss Or Damage |
| 3515.4 | Recovery For Property Loss Or Damage |
| 3543 | Transportation Safety And Emergencies |
| 4131 | Staff Development |
| 4158 | Employee Security |
| 4158 | Employee Security |
| 4258 | Employee Security |
| 4258 | Employee Security |
| 4358 | Employee Security |
| 4358 | Employee Security |
| 5000 | Concepts And Roles |
| 5020 | Parent Rights And Responsibilities |
| 5020 | Parent Rights And Responsibilities |
| 5030 | Student Wellness |
| 5112.1 | Exemptions From Attendance |
| 5112.1 | Exemptions From Attendance |
| 5113.1 | Chronic Absence And Truancy |
| 5113.1 | Chronic Absence And Truancy |
| 5116.2 | Involuntary Student Transfers |
| 5125 | Student Records |
| 5125 | Student Records |
| 5131 | Conduct |
| 5131.1 | Bus Conduct |
| 5131.1 | Bus Conduct |
| 5131.2 | Bullying |
| 5131.2 | Bullying |
| 5131.4 | Student Disturbances |
| 5131.4 | Student Disturbances |
| 5131.41 | Use Of Seclusion And Restraint |
| 5131.5 | Vandalism And Graffiti |
| 5131.6 | Alcohol And Other Drugs |
| 5131.6 | Alcohol And Other Drugs |
| 5131.62 | Tobacco |
| 5131.62 | Tobacco |
| 5131.7 | Weapons And Dangerous Instruments |
| 5131.7 | Weapons And Dangerous Instruments |
| 5131.9 | Academic Honesty |
| 5132 | Dress And Grooming |
| 5137 | Positive School Climate |

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|---|---|
| 5138 | Conflict Resolution/Peer Mediation |
| 5141.4 | Child Abuse Prevention And Reporting |
| 5141.4 | Child Abuse Prevention And Reporting |
| 5142 | Safety |
| 5142 | Safety |
| 5144.1 | Suspension And Expulsion/Due Process |
| 5144.1 | Suspension And Expulsion/Due Process |
| 5144.2 | Suspension And Expulsion/Due Process (Students With Disabilities) |
| 5144.4 | Required Parental Attendance |
| 5144.4 | Required Parental Attendance |
| 5145.2 | Freedom Of Speech/Expression |
| 5145.2 | Freedom Of Speech/Expression |
| 5145.3 | Nondiscrimination/Harassment |
| 5145.3 | Nondiscrimination/Harassment |
| 5145.6 | Parent/Guardian Notifications |
| 5145.7 | Sexual Harassment |
| 5145.7 | Sexual Harassment |
| 5145.71 | Title IX Sexual Harassment Complaint Procedures |
| 5145.71-E(1) | Title IX Sexual Harassment Complaint Procedures |
| 5145.9 | Hate-Motivated Behavior |
| 6145 | Extracurricular And Cocurricular Activities |
| 6145 | Extracurricular And Cocurricular Activities |
| 6145.2 | Athletic Competition |
| 6145.2 | Athletic Competition |
| 6145.8 | Assemblies And Special Events |
| 6153 | School-Sponsored Trips |
| 6153 | School-Sponsored Trips |
| 6159.4 | Behavioral Interventions For Special Education Students |
| 6163.4 | Student Use Of Technology |
| 6163.4-E(1) | Student Use Of Technology |
| 6164.5 | Student Success Teams |
| 6164.5 | Student Success Teams |
| 9321 | Closed Session |

**Regulation 5144: Discipline**

Original Adopted Date: 02/13/2025 | Last Reviewed Date: 02/13/2025

## Site-Level Rules

Site-level rules shall be consistent with state law and Board policies and administrative regulations. In developing site-level disciplinary rules, the principal or designee shall solicit the participation, views, and advice of one representative selected by each of the following groups: (Education Code 35291.5)

1. Parents/guardians
2. Teachers
3. School administrators
4. School security personnel, if any
5. Students in middle school

Annually, site-level discipline rules shall be reviewed and, if necessary, updated to align with any changes in state law, district discipline policies and regulations, and/or goals for school safety and climate as specified in the district's local control and accountability plan. A copy of the rules shall be filed with the Superintendent or designee for inclusion in the comprehensive safety plan.

School rules shall be communicated to students clearly and in an age-appropriate manner.

It shall be the duty of each employee of the school to enforce the school rules on student discipline. (Education Code 35291.5)

## Disciplinary Strategies

To the extent possible, staff shall use disciplinary strategies that keep students in school and participating in the instructional program. Except when students' presence causes a danger to themselves or others or they commit a single act of a grave nature or an offense for which suspension or expulsion is required by law, suspension, supervised suspension, or expulsion shall be used only when other means of correction have failed to bring about proper conduct. Disciplinary strategies may include, but are not limited to:

1. Discussion or conference between school staff, the student, and the student's parents/guardians
2. Referral of the student to the school counselor or other school support service personnel for case management and counseling
3. Convening of a study team, guidance team, resource panel, or other intervention-related team to assess the behavior and develop and implement an individual plan to address the behavior in partnership with the student and the student's parents/guardians
4. When applicable, referral for a comprehensive psychosocial or psychoeducational assessment, including for purposes of creating an individualized education program (IEP) or a Section 504 plan
5. Enrollment in a program for teaching prosocial behavior or anger management
6. Participation in a restorative justice program
7. A positive behavior support approach with tiered interventions that occur during the school day on campus
8. Participation in a social and emotional learning program that teaches students the ability to understand and manage emotions, develop caring and concern for others, make responsible decisions, establish positive relationships, and handle challenging situations capably
9. Participation in a program that is sensitive to the traumas experienced by students, focuses on students' behavioral health needs, and addresses those needs in a proactive manner
10. After-school programs that address specific behavioral issues or expose students to positive activities and behaviors, including, but not limited to, those operated in collaboration with local parent and community groups

11. Detention after school hours as provided in the section below entitled "Detention After School"

12. Community service as provided in the section below entitled "Community Service"

13. In accordance with Board policy and administrative regulation, restriction or disqualification from participation in extracurricular activities

14. Reassignment to an alternative educational environment

15. Suspension and expulsion in accordance with law, Board policy, and administrative regulation

When, by law or district policy, other means of correction are required to be implemented before a student could be suspended or expelled, any other means of correction implemented shall be documented and retained in the student's records. (Education Code 48900.5)

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)

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

When disciplining a student who has been identified for special education and related services, the procedures specified in Administrative Regulation 5144.2 - Suspension And Expulsion/Due Process (Students With Disabilities) shall be applied. If a student has not been identified as a student with a disability and the district suspects the behavior that resulted in discipline may be based in an unidentified disability, the district shall conduct an evaluation to determine if the student has a disability which requires an IEP or 504 plan. (U.S.C. 1412(a)(3))

## Detention After School

Students may be detained for disciplinary reasons for up to one hour after the close of the maximum school day, or until the departure of the school bus to which they have been assigned if applicable. (5 CCR 307, 353)

The student shall not be detained unless the principal or designee notifies the parent/guardian. Students shall remain under

the supervision of a certificated employee during the period of detention. Students may be offered the choice of serving their

detention on Saturday rather than after school.

## Community Service

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

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

Notice to Parents/Guardians and Students

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

The Superintendent or designee shall also provide written notice of disciplinary rules to parents/guardians of transfer students at the time of their enrollment in the district.

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

| State | Description |
|---|---|
| 5 CCR 307 | Participation in school activities until departure of bus |

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|---|---|
| 5 CCR 353 | Detention after school |
| Civ. Code 1714.1 | Liability of parent/guardian for act of willful misconduct by a minor |
| Ed. Code 32280-32289.5 | School safety plans |
| Ed. Code 35146 | Closed sessions |
| Ed. Code 35291-35291.5 | Rules |
| Ed. Code 35291.5 | School-adopted discipline rules |
| Ed. Code 37223 | Weekend classes |
| Ed. Code 48900-48926 | Suspension and expulsion |
| Ed. Code 48980-48985 | Parent/Guardian notifications |
| Ed. Code 49005-49006.4 | Seclusion and restraint |
| Ed. Code 49055 | Restorative justice practices |
| Ed. Code 49056 | Prohibition of denial of recess |
| Ed. Code 49330-49335 | Injurious objects |
| Ed. Code 49414.4 | Opioid misuse; alternative to referral to law enforcement |
| Ed. Code 49550-49564.5 | Meals for needy students |
| Ed. Code 52060-52077 | Local control and accountability plan |

| **Federal** | **Description** |
|---|---|
| 20 USC 1400-1482 | Individuals with Disabilities Education Act |
| 29 USC 794 | Rehabilitation Act of 1973; Section 504 |
| 42 USC 1751-1769j | School Lunch Program |
| 42 USC 1773 | School Breakfast Program |

| **Management Resources** | **Description** |
|---|---|
| California Dept of Education Program Advisories | Classroom Management: A California Resource Guide for Teachers and Administrators of Elementary and Secondary Schools, 2000 |
| CSBA Publication | The Case for Reducing Out-of-School Suspensions and Expulsions, Fact Sheet, April 2014 |
| CSBA Publication | Recent Legislation on Discipline: AB 240, Fact Sheet, March 2015 |
| CSBA Publication | Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011 |
| CSBA Publication | Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014 |
| CSBA Publication | Maximizing Opportunities for Physical Activity During the School Day, Fact Sheet, November 2009 |
| Fix School Discipline Project | Sample alternative discipline policy |
| U.S. DOE, Office for Civil Rights Publication | Resource on Confronting Racial Discrimination in Student Discipline |
| U.S. DOE, Office for Civil Rights Publication | Fact Sheet: Supporting Students with Disabilities and Avoiding the Discriminatory Use of Student Discipline under Section 504 of the Rehabilitation Act of 1973 |
| U.S. DOE, Office for Civil Rights Publication | Dear Colleague Letter on the Nondiscriminatory Administration of School Discipline, January 2014 |
| Website | CSBA District and County Office of Education Legal Services |
| Website | Public Counsel |
| Website | U.S. Department of Education, Office for Civil Rights |
| Website | California Department of Education |
| Website | CSBA |

| **Cross References** | **Description** |
|---|---|
| 0450 | Comprehensive Safety Plan |
| 0450 | Comprehensive Safety Plan |
| 0460 | Local Control And Accountability Plan |
| 0460 | Local Control And Accountability Plan |

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|---|---|
| 1114 | District-Sponsored Social Media |
| 1114 | District-Sponsored Social Media |
| 1312.3 | Uniform Complaint Procedures |
| 1312.3 | Uniform Complaint Procedures |
| 1313 | Civility |
| 3512 | Equipment |
| 3512-E(1) | Equipment |
| 3513.3 | Tobacco-Free Schools |
| 3513.3 | Tobacco-Free Schools |
| 3513.4 | Drug And Alcohol Free Schools |
| 3515 | Campus Security |
| 3515 | Campus Security |
| 3515.21 | Unmanned Aircraft Systems (Drones) |
| 3515.31 | School Resource Officers |
| 3515.4 | Recovery For Property Loss Or Damage |
| 3515.4 | Recovery For Property Loss Or Damage |
| 3543 | Transportation Safety And Emergencies |
| 4131 | Staff Development |
| 4158 | Employee Security |
| 4158 | Employee Security |
| 4258 | Employee Security |
| 4258 | Employee Security |
| 4358 | Employee Security |
| 4358 | Employee Security |
| 5000 | Concepts And Roles |
| 5020 | Parent Rights And Responsibilities |
| 5020 | Parent Rights And Responsibilities |
| 5030 | Student Wellness |
| 5112.1 | Exemptions From Attendance |
| 5112.1 | Exemptions From Attendance |
| 5113.1 | Chronic Absence And Truancy |
| 5113.1 | Chronic Absence And Truancy |
| 5116.2 | Involuntary Student Transfers |
| 5125 | Student Records |
| 5125 | Student Records |
| 5131 | Conduct |
| 5131.1 | Bus Conduct |
| 5131.1 | Bus Conduct |
| 5131.2 | Bullying |
| 5131.2 | Bullying |
| 5131.4 | Student Disturbances |
| 5131.4 | Student Disturbances |
| 5131.41 | Use Of Seclusion And Restraint |
| 5131.5 | Vandalism And Graffiti |
| 5131.6 | Alcohol And Other Drugs |
| 5131.6 | Alcohol And Other Drugs |
| 5131.62 | Tobacco |

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| 5131.62 | Tobacco |
| 5131.7 | Weapons And Dangerous Instruments |
| 5131.7 | Weapons And Dangerous Instruments |
| 5131.9 | Academic Honesty |
| 5132 | Dress And Grooming |
| 5137 | Positive School Climate |
| 5138 | Conflict Resolution/Peer Mediation |
| 5141.4 | Child Abuse Prevention And Reporting |
| 5141.4 | Child Abuse Prevention And Reporting |
| 5142 | Safety |
| 5142 | Safety |
| 5144.1 | Suspension And Expulsion/Due Process |
| 5144.1 | Suspension And Expulsion/Due Process |
| 5144.2 | Suspension And Expulsion/Due Process (Students With Disabilities) |
| 5144.4 | Required Parental Attendance |
| 5144.4 | Required Parental Attendance |
| 5145.2 | Freedom Of Speech/Expression |
| 5145.2 | Freedom Of Speech/Expression |
| 5145.3 | Nondiscrimination/Harassment |
| 5145.3 | Nondiscrimination/Harassment |
| 5145.6 | Parent/Guardian Notifications |
| 5145.7 | Sexual Harassment |
| 5145.7 | Sexual Harassment |
| 5145.71 | Title IX Sexual Harassment Complaint Procedures |
| 5145.71-E(1) | Title IX Sexual Harassment Complaint Procedures |
| 5145.9 | Hate-Motivated Behavior |
| 6145 | Extracurricular And Cocurricular Activities |
| 6145 | Extracurricular And Cocurricular Activities |
| 6145.2 | Athletic Competition |
| 6145.2 | Athletic Competition |
| 6145.8 | Assemblies And Special Events |
| 6153 | School-Sponsored Trips |
| 6153 | School-Sponsored Trips |
| 6159.4 | Behavioral Interventions For Special Education Students |
| 6163.4 | Student Use Of Technology |
| 6163.4-E(1) | Student Use Of Technology |
| 6164.5 | Student Success Teams |
| 6164.5 | Student Success Teams |
| 9321 | Closed Session |

## Policy 3516: Emergencies And Disaster Preparedness Plan

Original Adopted Date: 02/13/2025 | Last Reviewed Date: 02/13/2025

The Board of Trustees recognizes that all district staff and students must be prepared to respond quickly and responsibly to emergencies, disasters, and threats of disaster. The district shall take all reasonable steps to prevent and/or mitigate the impact of a disaster on district students, staff, and schools.

The Superintendent or designee shall develop and maintain a disaster preparedness plan which contains routine and emergency disaster procedures, including, but not limited to, earthquake emergency procedures, and adaptations for individuals with disabilities in accordance with the Americans with Disabilities Act, the federal Individuals with Disabilities Education Act, and Section 504 of the federal Rehabilitation Act of 1973. Such procedures shall be incorporated into the comprehensive school safety plan. (Education Code 32282)

In developing the disaster preparedness plan, the Superintendent or designee shall involve district staff at all levels, including administrators, facilities managers, transportation managers, food services personnel, school psychologists, counselors, school nurses, teachers, classified employees, and public information officers. As appropriate, the Superintendent shall also collaborate with law enforcement, fire safety officials, emergency medical services, health and mental health professionals, parents/guardians, and students.

The plan shall comply with state-approved Standardized Emergency Management System (SEMS) guidelines established for multiple-jurisdiction or multiple-agency operations and with the National Incident Management System.

The Superintendent or designee shall provide training to employees regarding their responsibilities, including periodic drills and exercises to test and refine staff's responsiveness in the event of an emergency.

The Board shall grant the use of school buildings, grounds, and equipment to public agencies, including the American Red Cross, for mass care and welfare shelters during disasters or other emergencies affecting the public health and welfare. The Board shall cooperate with such agencies in furnishing and maintaining whatever services the district may deem necessary to meet the community's needs. (Education Code 32282)

District employees are considered disaster service workers and are subject to disaster service activities assigned to them. (Government Code 3100)

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

| State | Description |
|---|---|
| 19 CCR 2400-2450 | Standardized Emergency Management System |
| 5 CCR 550 | Fire drills |
| 5 CCR 560 | Civil defense and disaster preparedness plans |
| CA Constitution Article 20, Section 3 | Oath or affirmation |
| Civ. Code 1714.5 | Release from liability for disaster service workers and shelters |
| Ed. Code 32001 | Fire alarms and drills |
| Ed. Code 32040 | Duty to equip school with first aid kit |
| Ed. Code 32280-32289.5 | School safety plans |
| Ed. Code 32290 | Safety devices |
| Ed. Code 39834 | Operating overloaded bus |
| Ed. Code 46390-46392 | Emergency average daily attendance in case of disaster |
| Ed. Code 49505 | Natural disaster; meals for homeless students; reimbursement |
| Gov. Code 11549 | Cybersecurity assessment |
| Gov. Code 11549.3 | Office of Information Security |
| Gov. Code 3100-3109 | Oath or affirmation of allegiance |

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|---|---|
| Gov. Code 8586.5 | California Cybersecurity Integration Center |
| Gov. Code 8607 | Standardized Emergency Management System |
| Public Utilities Code 2872 | Automatic dialing |

| Federal | Description |
|---|---|
| 20 USC 1400-1482 | Individuals with Disabilities Education Act |
| 29 USC 794 | Rehabilitation Act of 1973; Section 504 |
| 42 USC 12101-12213 | Americans with Disabilities Act |

| Management Resources | Description |
|---|---|
| Cal OES Publication | California Emergency Management for Schools: A Guide for Districts and Sites |
| Cal OES Publication | School Emergency Response: Using SEMS at Districts and Sites, June 1998 |
| Cal OES Publication | State of California Emergency Plan, 2017 |
| Cal OES Publication | Active Shooter Awareness Guidance, February 2018 |
| California Department of Education Publication | Crisis Response Box, 2000 |
| Federal Emergency Management Agency Publication | National Incident Management System, 3rd ed., October 2017 |
| U.S. Department of Education Publication | Guide for Developing High-Quality School Emergency Operations Plans, 2013 |
| Website | California Public Utilities Commission |
| Website | California Office of Emergency Services: School Emergency Planning & Safety |
| Website | California Department of Education, Comprehensive School Safety Plans |
| Website | California Cybersecurity Integration Center |
| Website | CSBA District and County Office of Education Legal Services |
| Website | California Department of Education, Crisis Preparedness |
| Website | Centers for Disease Control and Prevention |
| Website | U.S. Department of Education, Emergency Planning |
| Website | U.S. Department of Homeland Security |
| Website | Federal Emergency Management Agency |
| Website | California Governor's Office of Emergency Services |
| Website | California Seismic Safety Commission |
| Website | American Red Cross |
| Website | California Attorney General's Office |
| Website | CSBA |

| Cross References | Description |
|---|---|
| 0400 | Comprehensive Plans |
| 0420 | School Plans/Site Councils |
| 0420 | School Plans/Site Councils |
| 0450 | Comprehensive Safety Plan |
| 0450 | Comprehensive Safety Plan |
| 1100 | Communication With The Public |
| 1112 | Media Relations |
| 1113 | District And School Websites |
| 1113 | District And School Websites |
| 1113-E(1) | District And School Websites |

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|---|---|
| 1114 | District-Sponsored Social Media |
| 1114 | District-Sponsored Social Media |
| 1220 | Citizen Advisory Committees |
| 1220 | Citizen Advisory Committees |
| 1313 | Civility |
| 1330 | Use Of School Facilities |
| 1330 | Use Of School Facilities |
| 1400 | Relations Between Other Governmental Agencies And The Schools |
| 3000 | Concepts And Roles |
| 3511 | Energy And Water Management |
| 3511 | Energy And Water Management |
| 3513.3 | Tobacco-Free Schools |
| 3513.3 | Tobacco-Free Schools |
| 3514 | Environmental Safety |
| 3514.2 | Integrated Pest Management |
| 3515 | Campus Security |
| 3515 | Campus Security |
| 3515.2 | Disruptions |
| 3515.2 | Disruptions |
| 3515.7 | Firearms On School Grounds |
| 3516.1 | Fire Drills And Fires |
| 3516.2 | Bomb Threats |
| 3516.3 | Earthquake Emergency Procedure System |
| 3516.5 | Emergency Schedules |
| 3517 | Facilities Inspection |
| 3517-E(1) | Facilities Inspection |
| 3530 | Risk Management/Insurance |
| 3530 | Risk Management/Insurance |
| 3540 | Transportation |
| 3543 | Transportation Safety And Emergencies |
| 3580 | District Records |
| 3580 | District Records |
| 4119.41 | Employees With Infectious Disease |
| 4131 | Staff Development |
| 4157 | Employee Safety |
| 4157 | Employee Safety |
| 4219.41 | Employees With Infectious Disease |
| 4257 | Employee Safety |
| 4257 | Employee Safety |
| 4319.41 | Employees With Infectious Disease |

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|---|---|
| 4331 | Staff Development |
| 4357 | Employee Safety |
| 4357 | Employee Safety |
| 5113 | Absences And Excuses |
| 5113 | Absences And Excuses |
| 5131.4 | Student Disturbances |
| 5131.4 | Student Disturbances |
| 5141 | Health Care And Emergencies |
| 5141 | Health Care And Emergencies |
| 5141.21 | Administering Medication And Monitoring Health Conditions |
| 5141.21 | Administering Medication And Monitoring Health Conditions |
| 5141.22 | Infectious Diseases |
| 5142 | Safety |
| 5142 | Safety |
| 6142.8 | Comprehensive Health Education |
| 6153 | School-Sponsored Trips |
| 6153 | School-Sponsored Trips |
| 7111 | Evaluating Existing Buildings |
| 9320 | Meetings And Notices |
| 9321 | Closed Session |

## Regulation 3516: Emergencies And Disaster Preparedness Plan

Original Adopted Date: 02/13/2025 | Last Reviewed Date: 02/13/2025

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

1. Fire on or off school grounds which endangers students and staff
2. Earthquake, flood, or other natural disasters
3. Environmental hazards, such as leakages or spills of hazardous materials
4. Attack or disturbance, or threat of attack or disturbance, by an individual or group
5. Bomb threat or actual detonation
6. Biological, radiological, chemical, and other activities, or heightened warning of such activities
7. Medical emergencies and quarantines, such as a pandemic influenza outbreak
8. Attack or threat of attack to the district's digital network and technology infrastructure

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

1. Regular inspection of school facilities and equipment, identification of risks, and implementation of strategies and measures to increase the safety and security of school facilities
2. Routine monitoring of the security of the district's digital network and technology infrastructure
3. Instruction for district staff and students regarding emergency plans, including:
    a. Training of staff in first aid and cardiopulmonary resuscitation
    b. Regular practice of emergency procedures by students and staff
4. Specific determination of roles and responsibilities of staff during a disaster or other emergency, including determination of:
    a. The appropriate chain of command at the district and, if communication between the district and site is not possible, at each site
    b. Individuals responsible for specific duties
    c. Designation of the principal for the overall control and supervision of activities at each school during an emergency, including authorization to use discretion in situations which do not permit execution of prearranged plans
    d. Identification of at least one person at each site who holds a valid certificate in first aid and cardiopulmonary resuscitation
    e. Assignment of responsibility for identification of injured persons and administration of first aid
5. Personal safety and security, including:
    a. Identification of areas of responsibility for the supervision of students
    b. Procedures for the evacuation of students and staff, including posting of evacuation routes

c. Procedures for the release of students, including a procedure to release students when reference to the emergency card is not feasible

d. Identification of transportation needs, including a plan which allows bus seating capacity limits to be exceeded when a disaster or hazard requires students to be moved immediately to ensure their safety

e. Provision of a first aid kit to each classroom

f. Arrangements for students and staff with special needs

g. Upon notification that a pandemic situation exists, adjustment of attendance policies for students and sick leave policies for staff with known or suspected pandemic influenza or other infectious disease

6. Closure of schools, including an analysis of:

   a. The impact on student learning and methods to ensure continuity of instruction

   b. How to provide for continuity of operations for essential central office functions, such as payroll and ongoing communication with students and parents/guardians

7. Communication among staff, parents/guardians, the Board of Trustees, other governmental agencies, and the media during an emergency, including:

   a. Identification of spokesperson(s)

   b. Development and testing of communication platforms, such as hotlines, automatic dialing devices, telephone trees, websites, social media, and electronic notifications

   c. Development of methods to ensure that communications are, to the extent practicable, in a language and format that is easy for parents/guardians to understand

   d. Distribution of information about district and school site emergency procedures to staff, students, and parents/guardians

8. Cooperation with other state and local agencies, including:

   a. Development of guidelines for law enforcement involvement and intervention

   b. Collaboration with the local health department, including development of a tracking system to alert the local health department of a substantial increase of student or staff absenteeism as indicative of a potential outbreak of an infectious disease

9. Steps to be taken after the disaster or emergency, including:

   a. Inspection of school facilities

   b. Provision of mental health services for students and staff, as needed

The Superintendent or designee shall assemble critical information that would be needed in an emergency. Such information may include, but is not limited to, a list of individuals and organizations who should be contacted for assistance in an emergency, current layouts and blueprints of school buildings, aerial photos of the campus, maps of evacuation routes and alternate routes, a roster of employees with their work locations, student photographs and their emergency contact information, a clearly labeled set of keys, location of first aid supplies, procedures and locations for turning off fire alarms, sprinklers, utilities, and other systems, information to access the district's technology infrastructure, and insurance information. Such information shall be stored in a box in a secure, easily accessible location, with a duplicate kept at another location in case the primary location is inaccessible.

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| **State** | **Description** |
|---|---|

| | |
|---|---|
| 19 CCR 2400-2450 | Standardized Emergency Management System |
| 5 CCR 550 | Fire drills |
| 5 CCR 560 | Civil defense and disaster preparedness plans |
| CA Constitution Article 20, Section 3 | Oath or affirmation |
| Civ. Code 1714.5 | Release from liability for disaster service workers and shelters |
| Ed. Code 32001 | Fire alarms and drills |
| Ed. Code 32040 | Duty to equip school with first aid kit |
| Ed. Code 32280-32289.5 | School safety plans |
| Ed. Code 32290 | Safety devices |
| Ed. Code 39834 | Operating overloaded bus |
| Ed. Code 46390-46392 | Emergency average daily attendance in case of disaster |
| Ed. Code 49505 | Natural disaster; meals for homeless students; reimbursement |
| Gov. Code 11549 | Cybersecurity assessment |
| Gov. Code 11549.3 | Office of Information Security |
| Gov. Code 3100-3109 | Oath or affirmation of allegiance |
| Gov. Code 8586.5 | California Cybersecurity Integration Center |
| Gov. Code 8607 | Standardized Emergency Management System |
| Public Utilities Code 2872 | Automatic dialing |

| **Federal** | **Description** |
|---|---|
| 20 USC 1400-1482 | Individuals with Disabilities Education Act |
| 29 USC 794 | Rehabilitation Act of 1973; Section 504 |
| 42 USC 12101-12213 | Americans with Disabilities Act |

| **Management Resources** | **Description** |
|---|---|
| Cal OES Publication | California Emergency Management for Schools: A Guide for Districts and Sites |
| Cal OES Publication | School Emergency Response: Using SEMS at Districts and Sites, June 1998 |
| Cal OES Publication | State of California Emergency Plan, 2017 |
| Cal OES Publication | Active Shooter Awareness Guidance, February 2018 |
| California Department of Education Publication | Crisis Response Box, 2000 |
| Federal Emergency Management Agency Publication | National Incident Management System, 3rd ed., October 2017 |
| U.S. Department of Education Publication | Guide for Developing High-Quality School Emergency Operations Plans, 2013 |
| Website | California Public Utilities Commission |
| Website | California Office of Emergency Services: School Emergency Planning & Safety |
| Website | California Department of Education, Comprehensive School Safety Plans |
| Website | California Cybersecurity Integration Center |
| Website | CSBA District and County Office of Education Legal Services |
| Website | California Department of Education, Crisis Preparedness |
| Website | Centers for Disease Control and Prevention |
| Website | U.S. Department of Education, Emergency Planning |
| Website | U.S. Department of Homeland Security |
| Website | Federal Emergency Management Agency |
| Website | California Governor's Office of Emergency Services |
| Website | California Seismic Safety Commission |
| Website | American Red Cross |
| Website | California Attorney General's Office |

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| Website | CSBA |

| Cross References | Description |
|---|---|
| 0400 | Comprehensive Plans |
| 0420 | School Plans/Site Councils |
| 0420 | School Plans/Site Councils |
| 0450 | Comprehensive Safety Plan |
| 0450 | Comprehensive Safety Plan |
| 1100 | Communication With The Public |
| 1112 | Media Relations |
| 1113 | District And School Websites |
| 1113 | District And School Websites |
| 1113-E(1) | District And School Websites |
| 1114 | District-Sponsored Social Media |
| 1114 | District-Sponsored Social Media |
| 1220 | Citizen Advisory Committees |
| 1220 | Citizen Advisory Committees |
| 1313 | Civility |
| 1330 | Use Of School Facilities |
| 1330 | Use Of School Facilities |
| 1400 | Relations Between Other Governmental Agencies And The Schools |
| 3000 | Concepts And Roles |
| 3511 | Energy And Water Management |
| 3511 | Energy And Water Management |
| 3513.3 | Tobacco-Free Schools |
| 3513.3 | Tobacco-Free Schools |
| 3514 | Environmental Safety |
| 3514.2 | Integrated Pest Management |
| 3515 | Campus Security |
| 3515 | Campus Security |
| 3515.2 | Disruptions |
| 3515.2 | Disruptions |
| 3515.7 | Firearms On School Grounds |
| 3516.1 | Fire Drills And Fires |
| 3516.2 | Bomb Threats |
| 3516.3 | Earthquake Emergency Procedure System |
| 3516.5 | Emergency Schedules |
| 3517 | Facilities Inspection |
| 3517-E(1) | Facilities Inspection |
| 3530 | Risk Management/Insurance |
| 3530 | Risk Management/Insurance |
| 3540 | Transportation |

| | |
|---|---|
| 3543 | Transportation Safety And Emergencies |
| 3580 | District Records |
| 3580 | District Records |
| 4119.41 | Employees With Infectious Disease |
| 4131 | Staff Development |
| 4157 | Employee Safety |
| 4157 | Employee Safety |
| 4219.41 | Employees With Infectious Disease |
| 4257 | Employee Safety |
| 4257 | Employee Safety |
| 4319.41 | Employees With Infectious Disease |
| 4331 | Staff Development |
| 4357 | Employee Safety |
| 4357 | Employee Safety |
| 5113 | Absences And Excuses |
| 5113 | Absences And Excuses |
| 5131.4 | Student Disturbances |
| 5131.4 | Student Disturbances |
| 5141 | Health Care And Emergencies |
| 5141 | Health Care And Emergencies |
| 5141.21 | Administering Medication And Monitoring Health Conditions |
| 5141.21 | Administering Medication And Monitoring Health Conditions |
| 5141.22 | Infectious Diseases |
| 5142 | Safety |
| 5142 | Safety |
| 6142.8 | Comprehensive Health Education |
| 6153 | School-Sponsored Trips |
| 6153 | School-Sponsored Trips |
| 7111 | Evaluating Existing Buildings |
| 9320 | Meetings And Notices |
| 9321 | Closed Session |

## Fire Drills and Fires

**Regulation 3516.1: Fire Drills And Fires**

Original Adopted Date: 02/13/2025 | Last Reviewed Date: 02/13/2025

### Fire Drills

The principal shall cause the fire alarm signal to be sounded at least once every month. (Education Code 32001)

The principal shall also hold fire drills at least once a month at the elementary level, four times every school year at the intermediate level, and not less than twice every school year at the secondary level. (Education Code 32001)

1. The principal shall notify staff as to the schedule for fire drills.
2. Whenever a fire drill is held, all students, teachers and other employees shall be directed to leave the building. (5 CCR 550)
3. Teachers shall ascertain that no student remains in the building.
4. Teachers shall be prepared to select alternate exits and shall direct their classes to these exits whenever the designated escape route is blocked.
5. The principal or designee shall keep a record of each fire drill conducted and file a copy of this record with the office of the Superintendent or designee.

## Fires

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

1. The principal or designee shall sound fire signals, unless the school and/or building is equipped with an automatic fire detection and alarm system. (Education Code 32001)
2. The principal or designee shall call 911.
3. All persons shall be directed to leave the building and shall proceed outside to designated assembly areas.
4. Staff shall give students clear direction and supervision and help maintain a calm and orderly response.
5. In outside assembly areas, teachers shall take roll, report missing students, and provide assistance to any injured students.
6. In outside assembly areas, the principal, designee and/or each department head shall account for their staff, report missing staff, and provide assistance to any injured staff.
7. If the fire is extensive, students shall be taken to an alternate location for protective custody until parents/guardians can pick them up or until they can be safely transported to their homes.

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

| State | Description |
|---|---|
| 24 CCR 403.4.2 | First evacuation drill |
| 5 CCR 550 | Fire drills |
| Ed. Code 17074.50-17074.56 | Automatic fire detection; alarm and sprinkler systems |
| Ed. Code 32001 | Fire alarms and drills |
| Ed. Code 32040 | Duty to equip school with first aid kit |
| Ed. Code 32282 | Comprehensive school safety plans |

| Federal | Description |
|---|---|
| Website | 2025 California Wildfire Resources |

| Management Resources | Description |
|---|---|
| California Department of Education Publication | Get Smart about Wildfire Smoke – Clear Guidelines for Schools and Wildfire Smoke |
| Website | CSBA District and County Office of Education Legal Services |

| Cross References | Description |
|---|---|
| 0450 | Comprehensive Safety Plan |
| 0450 | Comprehensive Safety Plan |
| 3516 | Emergencies And Disaster Preparedness Plan |
| 3516 | Emergencies And Disaster Preparedness Plan |

# Bomb Threats

**Regulation 3516.2: Bomb Threats**

Original Adopted Date: 02/13/2025 | Last Reviewed Date: 02/13/2025

To maintain a safe and secure environment for district students and staff, the Superintendent or designee shall ensure that the district's emergency and disaster preparedness plan and/or each school's comprehensive safety plan includes procedures for managing bomb threats. Additionally, the Superintendent or designee shall regularly review current guidance regarding cybersecurity and digital media awareness and incorporate recommended practices into the district's processes and procedures related to the protection of the district's infrastructure, and the monitoring and response to suspicious and/or threatening digital media content.

## Receiving Threats

Any staff member receiving a bomb threat by telephone shall try to keep the caller on the line for as long as possible in order to gather information about the location and timing of the bomb and the person(s) responsible. To the extent possible, the staff member should also take note of the caller's gender, age, any distinctive features of voice or speech, and any background noises such as music, traffic, machinery, or voices. The staff member should not hang up, even if the caller does, and copy the number and/or letters on the telephone's display, if available.

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

## Response Procedure

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

1. Any employee or other school official who receives a bomb threat shall immediately call 911 and report the threat or perceived threat to law enforcement. The employee shall also report the threat to the Superintendent or designee.

   If the threat is in writing, the employee shall rewrite the threat exactly as is on another sheet of paper, including the date, time and location the document was found, any conditions surrounding the discovery or delivery of the document, and the full names of any other employees who saw the threat. The employee shall secure the document and not alter it in any way. If the document is small and/or removable, the employee shall place it in a bag or envelope.

   If the threat is electronic, the employee shall leave the message open, and print, photograph, or copy the message and subject line, and note the date and time of the message.

2. Any student or employee who sees a suspicious package should not touch, tamper with, or move the item, and shall immediately notify law enforcement and the Superintendent or designee.

3. The Superintendent or designee shall immediately contact law enforcement if not yet done, assess the situation, ensure the area is secured, and initiate standard evacuation procedures as specified in the emergency plan.

4. The Superintendent or designee shall turn off any two-way radio equipment which is located in a threatened building.

Law enforcement and/or fire department staff shall conduct the bomb search. No school staff, students, parents/guardians, or others on campus shall search for or handle any explosive or incendiary device.

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

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

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

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

## Staff Training

The Superintendent or designee shall provide training regarding the assessment and reporting of potential threats and procedures for managing bomb threats to district and site administrators, safety personnel, teachers, and other staff members, as appropriate.

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

| State | Description |
|---|---|
| Ed. Code 44810 | Willful interference with classroom conduct |
| Ed. Code 48900 | Grounds for suspension or expulsion |
| Ed. Code 49390-49395 | Homicide threats |
| Ed. Code 51202 | Instruction in personal and public health and safety |
| Pen. Code 148.1 | False report of explosive or facsimile bomb |
| Pen. Code 17 | Felony, misdemeanor, classification of offenses |
| Pen. Code 245 | Assault with deadly weapon |

| Federal | Description |
|---|---|
| 6 USC 665k | Federal Clearinghouse on School Safety Evidence-Based Practices |

| Management Resources | Description |
|---|---|
| U.S. Dept. of Homeland Security Publication | Bomb Threat Guidance |
| U.S. Dept. of Homeland Security Publication | Bomb Threat Checklist |
| Website | California State Threat Assessment System |
| Website | CSBA District and County Office of Education Legal Services |
| Website | California Department of Education, Safe Schools |
| Website | U.S. Department of Homeland Security |
| Website | CSBA |

| Cross References | Description |
|---|---|
| 0450 | Comprehensive Safety Plan |
| 0450 | Comprehensive Safety Plan |
| 1112 | Media Relations |
| 1313 | Civility |
| 3515 | Campus Security |
| 3515 | Campus Security |
| 3515.31 | School Resource Officers |
| 3516 | Emergencies And Disaster Preparedness Plan |
| 3516 | Emergencies And Disaster Preparedness Plan |
| 3516.1 | Fire Drills And Fires |
| 3516.5 | Emergency Schedules |
| 4040 | Employee Use Of Technology |

| Cross References | Description |
|---|---|
| 4040-E(1) | Employee Use Of Technology |
| 4118 | Dismissal/Suspension/Disciplinary Action |
| 4118 | Dismissal/Suspension/Disciplinary Action |
| 4131 | Staff Development |
| 4218 | Dismissal/Suspension/Disciplinary Action |
| 4218 | Dismissal/Suspension/Disciplinary Action |
| 4331 | Staff Development |
| 5131 | Conduct |
| 5131.7 | Weapons And Dangerous Instruments |

| | |
|---|---|
| 5131.7 | Weapons And Dangerous Instruments |
| 5144.1 | Suspension And Expulsion/Due Process |
| 5144.1 | Suspension And Expulsion/Due Process |

## Earthquake Emergency Procedure System

**Regulation 3516.3: Earthquake Emergency Procedure System**

Original Adopted Date: 02/13/2025 | Last Reviewed Date: 02/13/2025

### Earthquake Preparedness

Earthquake emergency procedures shall be established in every school building having an occupant capacity of 50 or more students, or more than one classroom, and shall be incorporated into the comprehensive safety plan. (Education Code 32282)

Earthquake emergency procedures shall be aligned with the Standardized Emergency Management System and the National Incident Management System. (Government Code 8607; 19 CCR 2400-2450)

The Superintendent or designee may work with the California Governor's Office of Emergency Services and the Seismic Safety Commission to develop and establish the earthquake emergency procedures. (Education Code 32282)

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

Earthquake emergency procedures shall include, but not be limited to, all of the following: (Education Code 32282)

1. A school building disaster plan, ready for implementation at any time, for maintaining the safety and care of students and staff

2. A drop procedure whereby each student and staff member takes cover under a table or desk, dropping to his/her knees, with the head protected by the arms and the back to the windows

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

3. Protective measures to be taken before, during, and following an earthquake

4. A program to ensure that students and staff are aware of and properly trained in the earthquake emergency procedure system

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

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

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

The Superintendent or designee shall consider the danger of a post-earthquake tsunami when developing evacuation routes and locations, including the need to evacuate to higher ground.

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

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

## Earthquake While Indoors at School

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

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

## Earthquake While Outdoors on School Grounds

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

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

## Earthquake While on the Bus

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

## Subsequent Emergency Procedures

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

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

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

| State | Description |
|---|---|
| 19 CCR 2400-2450 | Standardized Emergency Management System |
| Ed. Code 32280-32289.5 | School safety plans |
| Gov. Code 3100 | Public employees as disaster service workers |
| Gov. Code 8607 | Standardized Emergency Management System |

| Management Resources | Description |
|---|---|
| Cal OES Publication | School Emergency Response: Using SEMS at Districts and Sites, June 1998 |
| Cal OES Publication | School Emergency Response: Using SEMS at Districts and Sites, June 1998 |
| Cal OES Publication | The ABCs of Post-Earthquake Evacuation: A Checklist for School Administrators and Faculty |
| Cal OES Publication | Guide and Checklist for Nonstructural Earthquake Hazards in California Schools, January 2003 |
| Federal Emergency Management Agency Publication | National Incident Management System, 3rd ed., October 2017 |
| Website | CSBA District and County Office of Education Legal Services |
| Website | American Red Cross |
| Website | California Governor's Office of Emergency Services |
| Website | California Seismic Safety Commission |
| Website | Federal Emergency Management Agency |

| Cross References | Description |
|---|---|
| 0450 | Comprehensive Safety Plan |
| 0450 | Comprehensive Safety Plan |
| 1112 | Media Relations |
| 3514 | Environmental Safety |
| 3516 | Emergencies And Disaster Preparedness Plan |
| 3516 | Emergencies And Disaster Preparedness Plan |
| 3543 | Transportation Safety And Emergencies |
| 4131 | Staff Development |
| 4331 | Staff Development |

## Emergency Schedules

### Policy 3516.5: Emergency Schedules

Original Adopted Date: 02/13/2025 | Last Reviewed Date: 02/13/2025

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

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

For school closures due to emergency events occurring after September 1, 2021, the Superintendent or designee shall develop a plan for

offering independent study within 10 days of school closure to any student impacted by the emergency condition. The plan shall also address the establishment, within a reasonable time, of independent study master agreements as specified in BP 6158 - Independent Study. The plan shall require reopening in person as soon as possible once allowable under the direction from the city or county health officer. The Superintendent or designee shall certify that the district has a plan for independent study in the affidavit submitted to the SPI pursuant to Education Code 46392. (Education Code 46393)

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

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

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

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

| State | Description |
|---|---|
| Ed. Code 41420 | Apportionment withholding; schools not maintained for 175 days |
| Ed. Code 41422 | Schools not maintained for 175 days |
| Ed. Code 46010 | Total days of attendance |
| Ed. Code 46100-46208 | Attendance; maximum credit; minimum day |
| Ed. Code 46210-46211 | Attendance recovery programs |
| Ed. Code 46390 | Calculation of ADA in emergency |
| Ed. Code 46391 | Lost or destroyed ADA records |
| Ed. Code 46392 | Emergencies |
| Ed. Code 46393 | Certification of plan for independent study; instructional continuity plan |
| Public Utilities Code 2874 | Automatic dialing-announcing devices |
| Veh. Code 34501.6 | School buses; reduced visibility |

| Management Resources | Description |
|---|---|
| CA DOE Correspondence | 90-01 Average Daily Attendance Credit During Periods of Emergency February 10, 1005 |
| California Department of Education Publication | Frequently Asked Questions - Form J-13A |
| Website | CSBA District and County Office of Education Legal Services |
| Website | California Department of Education |

| Cross References | Description |
|---|---|
| 0450 | Comprehensive Safety Plan |
| 0450 | Comprehensive Safety Plan |
| 1112 | Media Relations |
| 1113 | District And School Websites |
| 1113 | District And School Websites |
| 1113-E(1) | District And School Websites |
| 2210 | Administrative Discretion Regarding Board Policy |
| 3511 | Energy And Water Management |
| 3511 | Energy And Water Management |
| 3514 | Environmental Safety |
| 3516 | Emergencies And Disaster Preparedness Plan |
| 3516 | Emergencies And Disaster Preparedness Plan |
| 3516.2 | Bomb Threats |
| 3542 | School Bus Drivers |
| 3543 | Transportation Safety And Emergencies |
| 3580 | District Records |
| 3580 | District Records |
| 4157 | Employee Safety |

| | |
|---|---|
| 4157 | Employee Safety |
| 4257 | Employee Safety |
| 4257 | Employee Safety |
| 4357 | Employee Safety |
| 4357 | Employee Safety |
| 5113.1 | Chronic Absence And Truancy |
| 5113.1 | Chronic Absence And Truancy |
| 5142 | Safety |
| 5142 | Safety |
| 6111 | School Calendar |
| 6112 | School Day |
| 6112 | School Day |
| 6158 | Independent Study |
| 6158 | Independent Study |

## Employee Security

**Policy 4158: Employee Security**

Original Adopted Date: 02/13/2025 | Last Reviewed Date: 02/13/2025

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

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| State | Description |
|---|---|
| Civ. Code 51.7 | Freedom from violence or intimidation |
| Code of Civil Procedure 527.8 | Workplace violence safety |
| Ed. Code 32210-32212 | Willful disturbance; public schools or meetings |
| Ed. Code 32225-32226 | Communications devices in classrooms |
| Ed. Code 32282 | School safety plans |
| Ed. Code 32289.6 | Best practices pertaining to school shooter drills |
| Ed. Code 35208 | Liability insurance |
| Ed. Code 35213 | Reimbursement for loss or damage of personal property |
| Ed. Code 44014 | Report of assault by student against school employee |
| Ed. Code 44807 | Teachers' duty concerning conduct of students |
| Ed. Code 48201 | Transfer student's record for acts that resulted in suspension or expulsion |
| Ed. Code 48900-48926 | Suspension and expulsion |
| Ed. Code 49079 | Notification to teacher; student who has engaged in acts regarding grounds for suspension or expulsion |
| Ed. Code 49330-49335 | Injurious objects |
| Gov. Code 12926 | Prohibition of discrimination; definitions |
| Gov. Code 12945.8 | Employee accommodations for domestic violence, sexual assault, stalking, and other qualifying acts of violence |
| Gov. Code 3543.2 | Scope of representation |
| Gov. Code 995-996.4 | Defense of public employees |
| Lab. Code 230-230.2 | Leaves for victims of domestic violence, sexual assault or specified felonies |
| Pen. Code 18150 | Gun violence restraining orders |
| Pen. Code 18170 | Gun violence restraining order issued after notice and hearing |
| Pen. Code 22810 | Purchase, possession, and use of tear gas |
| Pen. Code 240-246.3 | Assault and battery |
| Pen. Code 241.3 | Assault against school bus drivers |
| Pen. Code 241.6 | Assault on school employee including board member |
| Pen. Code 243.3 | Battery against school bus drivers |
| Pen. Code 243.6 | Battery against school employee including board members |
| Pen. Code 245.5 | Assault with deadly weapon against school employee including board member |
| Pen. Code 290 | Registration of sex offenders |
| Pen. Code 601 | Trespass by person making credible threat |
| Pen. Code 626-626.11 | Weapons on school grounds and other school crimes |
| Pen. Code 646.9 | Stalking |
| Pen. Code 71 | Threatening public officers and employees and school officials |
| W&I Code 827 | Limited exception to juvenile court record |
| W&I Code 828.1 | District police or security department; disclosure of juvenile records |

| Federal | Description |
|---|---|
| Executive Order 14127 | Combating Emerging Firearms Threats and Improving School-Based Active Shooter Drills, September 2024 |

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

| Cross References | Description |
|---|---|
| 0450 | Comprehensive Safety Plan |
| 0450 | Comprehensive Safety Plan |
| 1313 | Civility |
| 3320 | Claims And Actions Against The District |
| 3320 | Claims And Actions Against The District |
| 3515 | Campus Security |
| 3515 | Campus Security |
| 3515.2 | Disruptions |
| 3515.2 | Disruptions |
| 3515.31 | School Resource Officers |
| 3515.4 | Recovery For Property Loss Or Damage |
| 3515.4 | Recovery For Property Loss Or Damage |
| 3515.7 | Firearms On School Grounds |
| 3530 | Risk Management/Insurance |
| 3530 | Risk Management/Insurance |
| 4118 | Dismissal/Suspension/Disciplinary Action |
| 4118 | Dismissal/Suspension/Disciplinary Action |
| 4119.21 | Professional Standards |
| 4131 | Staff Development |
| 4140 | Bargaining Units |
| 4157 | Employee Safety |
| 4157 | Employee Safety |
| 4161 | Leaves |
| 4161 | Leaves |
| 4161.1 | Personal Illness/Injury Leave |
| 4161.2 | Personal Leaves |
| 4161.8 | Family Care And Medical Leave |
| 4218 | Dismissal/Suspension/Disciplinary Action |
| 4218 | Dismissal/Suspension/Disciplinary Action |
| 4219.21 | Professional Standards |
| 4219.21-E(1) | Professional Standards |

| Cross References | Description |
|---|---|
| 4240 | Bargaining Units |
| 4257 | Employee Safety |
| 4257 | Employee Safety |
| 4261 | Leaves |
| 4261 | Leaves |
| 4261.2 | Personal Leaves |
| 4261.8 | Family Care And Medical Leave |
| 4319.21 | Professional Standards |

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|---|---|
| 4319.21-E(1) | Professional Standards |
| 4331 | Staff Development |
| 4340 | Bargaining Units |
| 4357 | Employee Safety |
| 4357 | Employee Safety |
| 4361 | Leaves |
| 4361 | Leaves |
| 4361.1 | Personal Illness/Injury Leave |
| 4361.2 | Personal Leaves |
| 4361.8 | Family Care And Medical Leave |
| 5125 | Student Records |
| 5125 | Student Records |
| 5125.2 | Withholding Grades, Diploma Or Transcripts |
| 5131.4 | Student Disturbances |
| 5131.4 | Student Disturbances |
| 5131.7 | Weapons And Dangerous Instruments |
| 5131.7 | Weapons And Dangerous Instruments |
| 5141 | Health Care And Emergencies |
| 5141 | Health Care And Emergencies |
| 5144 | Discipline |
| 5144 | Discipline |
| 5144.1 | Suspension And Expulsion/Due Process |
| 5144.1 | Suspension And Expulsion/Due Process |
| 5144.2 | Suspension And Expulsion/Due Process (Students With Disabilities) |

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.

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

| State | Description |
|---|---|
| Civ. Code 51.7 | Freedom from violence or intimidation |
| Code of Civil Procedure 527.8 | Workplace violence safety |
| Ed. Code 32210-32212 | Willful disturbance; public schools or meetings |
| Ed. Code 32225-32226 | Communications devices in classrooms |
| Ed. Code 32282 | School safety plans |
| Ed. Code 32289.6 | Best practices pertaining to school shooter drills |
| Ed. Code 35208 | Liability insurance |
| Ed. Code 35213 | Reimbursement for loss or damage of personal property |
| Ed. Code 44014 | Report of assault by student against school employee |
| Ed. Code 44807 | Teachers' duty concerning conduct of students |
| Ed. Code 48201 | Transfer student's record for acts that resulted in suspension or expulsion |
| Ed. Code 48900-48926 | Suspension and expulsion |
| Ed. Code 49079 | Notification to teacher; student who has engaged in acts regarding grounds for suspension or expulsion |
| Ed. Code 49330-49335 | Injurious objects |
| Gov. Code 12926 | Prohibition of discrimination; definitions |
| Gov. Code 12945.8 | Employee accommodations for domestic violence, sexual assault, stalking, and other qualifying acts of violence |
| Gov. Code 3543.2 | Scope of representation |
| Gov. Code 995-996.4 | Defense of public employees |
| Lab. Code 230-230.2 | Leaves for victims of domestic violence, sexual assault or specified felonies |
| Pen. Code 18150 | Gun violence restraining orders |
| Pen. Code 18170 | Gun violence restraining order issued after notice and hearing |
| Pen. Code 22810 | Purchase, possession, and use of tear gas |
| Pen. Code 240-246.3 | Assault and battery |
| Pen. Code 241.3 | Assault against school bus drivers |
| Pen. Code 241.6 | Assault on school employee including board member |
| Pen. Code 243.3 | Battery against school bus drivers |
| Pen. Code 243.6 | Battery against school employee including board members |
| Pen. Code 245.5 | Assault with deadly weapon against school employee including board member |
| Pen. Code 290 | Registration of sex offenders |
| Pen. Code 601 | Trespass by person making credible threat |
| Pen. Code 626-626.11 | Weapons on school grounds and other school crimes |
| Pen. Code 646.9 | Stalking |
| Pen. Code 71 | Threatening public officers and employees and school officials |
| W&I Code 827 | Limited exception to juvenile court record |
| W&I Code 828.1 | District police or security department; disclosure of juvenile records |

| Federal | Description |
|---|---|
| Executive Order 14127 | Combating Emerging Firearms Threats and Improving School-Based Active Shooter Drills, September 2024 |

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

| Cross References | Description |
|---|---|
| 0450 | Comprehensive Safety Plan |
| 0450 | Comprehensive Safety Plan |
| 1313 | Civility |
| 3320 | Claims And Actions Against The District |
| 3320 | Claims And Actions Against The District |
| 3515 | Campus Security |
| 3515 | Campus Security |
| 3515.2 | Disruptions |
| 3515.2 | Disruptions |
| 3515.31 | School Resource Officers |
| 3515.4 | Recovery For Property Loss Or Damage |
| 3515.4 | Recovery For Property Loss Or Damage |
| 3515.7 | Firearms On School Grounds |
| 3530 | Risk Management/Insurance |
| 3530 | Risk Management/Insurance |
| 4118 | Dismissal/Suspension/Disciplinary Action |
| 4118 | Dismissal/Suspension/Disciplinary Action |
| 4119.21 | Professional Standards |
| 4131 | Staff Development |
| 4140 | Bargaining Units |
| 4157 | Employee Safety |
| 4157 | Employee Safety |
| 4161 | Leaves |
| 4161 | Leaves |
| 4161.1 | Personal Illness/Injury Leave |
| 4161.2 | Personal Leaves |
| 4161.8 | Family Care And Medical Leave |
| 4218 | Dismissal/Suspension/Disciplinary Action |
| 4218 | Dismissal/Suspension/Disciplinary Action |
| 4219.21 | Professional Standards |
| 4219.21-E(1) | Professional Standards |

| Cross References | Description |
|---|---|
| 4240 | Bargaining Units |
| 4257 | Employee Safety |
| 4257 | Employee Safety |
| 4261 | Leaves |
| 4261 | Leaves |
| 4261.2 | Personal Leaves |
| 4261.8 | Family Care And Medical Leave |
| 4319.21 | Professional Standards |
| 4319.21-E(1) | Professional Standards |
| 4331 | Staff Development |
| 4340 | Bargaining Units |
| 4357 | Employee Safety |
| 4357 | Employee Safety |
| 4361 | Leaves |
| 4361 | Leaves |

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| 4361.1 | Personal Illness/Injury Leave |
| 4361.2 | Personal Leaves |
| 4361.8 | Family Care And Medical Leave |
| 5125 | Student Records |
| 5125 | Student Records |
| 5125.2 | Withholding Grades, Diploma Or Transcripts |
| 5131.4 | Student Disturbances |
| 5131.4 | Student Disturbances |
| 5131.7 | Weapons And Dangerous Instruments |
| 5131.7 | Weapons And Dangerous Instruments |
| 5141 | Health Care And Emergencies |
| 5141 | Health Care And Emergencies |
| 5144 | Discipline |
| 5144 | Discipline |
| 5144.1 | Suspension And Expulsion/Due Process |
| 5144.1 | Suspension And Expulsion/Due Process |
| 5144.2 | Suspension And Expulsion/Due Process (Students With Disabilities) |

## Hate-Motivated Behavior

**Policy 5145.9: Hate-Motivated Behavior**

Original Adopted Date: 02/13/2025 | Last Reviewed Date: 02/13/2025

The Board of Trustees is committed to providing a respectful, inclusive, and safe learning environment that protects students from discrimination, harassment, intimidation, bullying, or any other type of behavior that is motivated by hate.

Hate-motivated behavior is any behavior intended to cause emotional suffering, physical injury, or property damage through intimidation, harassment, bigoted slurs or epithets, force or threat of force, or vandalism motivated in part or in whole by bias or hostility toward the victim's real or perceived race, color, ancestry, nationality, national origin, immigration status, ethnic group identification, ethnicity, age, religion, marital status, pregnancy, parental status, physical or mental disability, medical condition, sex, sexual orientation, gender, gender identity, gender expression, or genetic information, or any other characteristic identified in Education Code 200 or 220, Government Code 11135, or Penal Code 422.55.

The Superintendent or designee shall design strategies to promote harmonious relationships among students, prevent incidents of hate-motivated behavior to the extent possible, and address such incidents in a timely manner when they occur.

The Superintendent or designee shall collaborate with regional programs and community organizations to promote an environment where diversity is celebrated and hate-motivated behavior is not tolerated. Such collaborative efforts shall focus on the development of effective prevention strategies and response plans, provision of assistance to students affected by hate-motivated behavior, and/or education of students who have perpetrated hate-motivated acts.

The district shall provide students with age-appropriate instruction that:

1. Includes the development of social-emotional learning
2. Promotes an understanding, awareness, appreciation, and respect for human rights, human relations, diversity, and acceptance in a multicultural society
3. Explains the harm and dangers of explicit and implicit biases
4. Discourages discriminatory attitudes and practices

5. Provides strategies to manage conflicts constructively

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

When appropriate, students who engage in hate-motivated behavior shall be disciplined. The Superintendent or

designee shall provide staff with training that:

1. Promotes an understanding of diversity, equity, and inclusion
2. Discourages the development of discriminatory attitudes and practices
3. Includes social-emotional learning and nondiscriminatory instructional and counseling methods
4. Supports the prevention, recognition, and response to hate-motivated behavior
5. Raises the awareness and sensitivity of staff to potentially prejudicial and discriminatory behavior
6. Includes effective enforcement of rules for appropriate student conduct

Employees who engage in hate-motivated behavior shall be subject to disciplinary action, up to and including dismissal.
Rules prohibiting hate-motivated behavior and procedures for reporting a hate-motivated incident shall be provided to students, staff, and parents/guardians.

This policy shall be posted in a prominent location on the district's web site in a manner that is readily and easily accessible to parents/guardians and students. (Education Code 234.6)

## Complaints

Any staff member who is notified that hate-motivated behavior has occurred, observes such behavior, or otherwise becomes aware of an incident shall immediately contact the compliance officer responsible for coordinating the district's response to complaints and complying with state and federal civil rights laws. As appropriate, the staff member shall also contact law enforcement.

A student or parent/guardian who believes the student is a victim of hate-motivated behavior is encouraged to report the incident to a teacher, the principal, the district's compliance officer, or other staff member.

Any complaint of hate-motivated behavior shall be investigated and, if determined to be discriminatory, shall be resolved in accordance with law and the district's uniform complaint procedures specified in AR 1312.3 - Uniform Complaint Procedures or other applicable procedure. If, during the investigation, it is determined that a complaint is about nondiscriminatory behavior, the principal or designee shall inform the complainant and shall take all necessary actions to resolve the complaint.

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

| State | Description |
|---|---|
| 5 CCR 4600-4670 | Uniform complaint procedures |
| 5 CCR 4900-4965 | Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance |
| Ed. Code 200-262.4 | Prohibition of discrimination |
| Ed. Code 32280-32289.5 | School safety plans |
| Ed. Code 48900.3 | Suspension for hate violence |
| Ed. Code 48900.4 | Suspension or expulsion for harassment, threats, or intimidation |
| Gov. Code 11135 | Prohibition of discrimination |
| Pen. Code 422.55 | Definition of hate crime |
| Pen. Code 422.6 | Crimes; harassment |

| Federal | Description |
|---|---|
| 28 CFR 35.107 | Nondiscrimination on basis of disability; complaints |
| 34 CFR 100.3 | Prohibition of discrimination on basis of race, color or national origin |

| | |
|---|---|
| 34 CFR 104.7 | Section 504; Designation of responsible employee and adoption of grievances procedures |
| 34 CFR 106.30 | Discrimination on the basis of sex in education programs and activities; definitions |
| 34 CFR 106.44 | Recipient's response to sexual harassment |
| 34 CFR 106.45 | Grievance process for formal complaints of sexual harassment |
| 34 CFR 106.8 | Designation of coordinator; dissemination of policy, and adoption of grievance procedures |
| 34 CFR 110.25 | Prohibition of discrimination based on age |

| **Management Resources** | **Description** |
|---|---|
| CA Office of the Attorney General Publication | Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's K-12 Schools in Responding to Immigration Issues, December 2024 |
| California Department of Education Publication | Bullying at School, 2003 |
| Human Rights Campaign Foundation Publication | California LGBTQ Youth Report, January 2019 |
| U.S. DOE, Office for Civil Rights Publication | Dear Colleague Letter: Prohibited Disability Harassment, July 2000 |
| U.S. DOE, Office for Civil Rights Publication | Dear Colleague Letter: Harassment and Bullying, October 2010 Website |
| | CSBA District and County Office of Education Legal Services |
| Website | California Association of Human Relations Organizations |
| Website | California Office of the Attorney General |
| Website | U.S. Department of Justice |
| Website | U.S. Department of Health and Human Services |
| Website | CSBA |
| Website | U.S. Department of Education, Office for Civil Rights |
| Website | California Department of Education |

| **Cross References** | **Description** |
|---|---|
| 0410 | Nondiscrimination In District Programs And Activities |
| 0415 | Equity |
| 0450 | Comprehensive Safety Plan |
| 0450 | Comprehensive Safety Plan |
| 0460 | Local Control And Accountability Plan |
| 0460 | Local Control And Accountability Plan |
| 1312.1 | Complaints Concerning District Employees |
| 1312.1 | Complaints Concerning District Employees |
| 1312.3 | Uniform Complaint Procedures |
| 1312.3 | Uniform Complaint Procedures |
| 1313 | Civility |
| 1400 | Relations Between Other Governmental Agencies And The Schools |
| 1700 | Relations Between Private Industry And The Schools |
| 3515 | Campus Security |
| 3515 | Campus Security |
| 3515.4 | Recovery For Property Loss Or Damage |
| 3515.4 | Recovery For Property Loss Or Damage |
| 4118 | Dismissal/Suspension/Disciplinary Action |
| 4118 | Dismissal/Suspension/Disciplinary Action |
| 4131 | Staff Development |
| 4218 | Dismissal/Suspension/Disciplinary Action |
| 4218 | Dismissal/Suspension/Disciplinary Action |
| 4331 | Staff Development |
| 5131 | Conduct |
| 5131.2 | Bullying |
| 5131.2 | Bullying |

| **Cross References** | **Description** |
|---|---|
| 5131.4 | Student Disturbances |

| | |
|---|---|
| 5131.4 | Student Disturbances |
| 5131.5 | Vandalism And Graffiti |
| 5137 | Positive School Climate |
| 5138 | Conflict Resolution/Peer Mediation |
| 5141.52 | Suicide Prevention |
| 5141.52 | Suicide Prevention |
| 5144 | Discipline |
| 5144 | Discipline |
| 5144.1 | Suspension And Expulsion/Due Process |
| 5144.1 | Suspension And Expulsion/Due Process |
| 5144.2 | Suspension And Expulsion/Due Process (Students With Disabilities) |
| 5145.11 | Questioning And Apprehension By Law Enforcement |
| 5145.12 | Search And Seizure |
| 5145.2 | Freedom Of Speech/Expression |
| 5145.2 | Freedom Of Speech/Expression |
| 5145.3 | Nondiscrimination/Harassment |
| 5145.3 | Nondiscrimination/Harassment |
| 5145.7 | Sexual Harassment |
| 5145.7 | Sexual Harassment |
| 5145.71 | Title IX Sexual Harassment Complaint Procedures |
| 5145.71-E(1) | Title IX Sexual Harassment Complaint Procedures |
| 6142.8 | Comprehensive Health Education |
| 6142.94 | History-Social Science Instruction |
| 6144 | Controversial Issues |
| 6163.4 | Student Use Of Technology |
| 6163.4-E(1) | Student Use Of Technology |
| 6173.1 | Education For Foster Youth |
| 6173.1 | Education For Foster Youth |

## HIV/Aids Prevention Instruction

**Policy 6142.1: Sexual Health And HIV/AIDS Prevention Instruction**

Original Adopted Date: 02/13/2025 | Last Reviewed Date: 02/13/2025

The Board of Trustees desires to provide a well-planned, integrated sequence of medically accurate and inclusive instruction on comprehensive sexual health and human immunodeficiency virus (HIV) prevention. The district's educational program shall address the goals of the California Healthy Youth Act pursuant to Education Code 51930-51939, including providing students with the knowledge and skills necessary to protect them from risks presented by sexually transmitted infections, unintended pregnancy, sexual harassment, sexual assault, sexual abuse, and human trafficking and to have healthy, positive, and safe relationships and behaviors. The district's educational program shall also promote students' understanding of sexuality as a normal part of human development and their development of healthy attitudes and behaviors concerning adolescent growth and development, body image, gender, gender identity, gender expression, sexual orientation, relationships, marriage, and family.

The district shall respect the rights of parents/guardians to supervise their children's education on these subjects and to impart values regarding human sexuality to their children.

Comprehensive sexual health education and HIV prevention education shall be offered to all students in grades 7-12 at least once in junior high or middle school and at least once in high school. (Education Code 51934)

The district's comprehensive sexual health education program shall include information on the affirmative consent standard. Affirmative consent is defined as affirmative, conscious, and voluntary agreement to engage in sexual activity. Teachers delivering such instruction shall consult information related to sexual harassment and violence in the state health curriculum framework. (Education Code 51225.36, 67386)

The Superintendent or designee shall identify appropriate methods for informing the school community about subjects related to the district's comprehensive sexual health and HIV prevention education. The Superintendent or designee shall use such identified methods to inform parents/guardians of students in grades 6-12 about human trafficking prevention resources, as required pursuant to Education Code 49381.

## Parent/Guardian Consent

At the beginning of each school year or at the time of a student's enrollment, parents/guardians shall be notified, in the manner specified in the accompanying administrative regulation, that they may request in writing that their child be excused from participating in comprehensive sexual health and HIV prevention education. Students so excused by their parents/guardians shall be given an alternative educational activity. (Education Code 51240, 51938, 51939)

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

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

| State | Description |
|---|---|
| Ed. Code 220 | Prohibition of discrimination |
| Ed. Code 231.7 | Resources on abuse and teen dating violence; local and national hotlines |
| Ed. Code 232.7 | Model policy and resources; body shaming |
| Ed. Code 33544 | Inclusion of sexual harassment and violence in health curriculum framework |
| Ed. Code 33546.2 | Health framework for California public schools; sextortion |
| Ed. Code 48980 | Parent/Guardian notifications |
| Ed. Code 49381 | Human trafficking prevention resources |
| Ed. Code 51202 | Instruction in personal and public health and safety |
| Ed. Code 51210.8 | Health education curriculum |
| Ed. Code 51225.36 | Instruction in sexual harassment and violence; districts that require health education for graduation |

| State | Description |
|---|---|
| Ed. Code 51240 | Excuse from instruction due to religious beliefs |
| Ed. Code 51513 | Test, questionnaire, survey, or examination containing questions about beliefs or practices |
| Ed. Code 51930-51939 | California Healthy Youth Act |
| Ed. Code 51950 | Abuse, sexual abuse, and human trafficking prevention education |
| Ed. Code 67386 | Student safety; affirmative consent standard |
| H&S Code 1255.7 | Parents surrendering physical custody of a baby |
| Pen. Code 243.4 | Sexual battery |
| Pen. Code 261.5 | Unlawful sexual intercourse |
| Pen. Code 271.5 | Parents voluntarily surrendering custody of a baby |

| Federal | Description |
|---|---|
| 20 USC 1232h | Privacy rights |
| 20 USC 7906 | Sex education requirements and prohibited use of funds California |
| Department of Education Publication | Body Shaming Model Policy & Resources |
| California Department of Education Publication | Health Education Framework for California Public Schools: Kindergarten through Grade 12, My 2019 |

| Management Resources | Description |
|---|---|
| California Department of Education Publication | Health Education Content Standards for California Public Schools Kindergarten Through Grade Twelve, 2008: |
| Court Decision | Mahmoud v. Taylor (2025) 606 U.S. ___(2025 WL 1773627) |
| CSBA Publication | Promoting Healthy Relationships for Adolescents: Board Policy Considerations, Governance Brief, August 2014 |
| Human Rights Campaign Foundation Publication | California LGBTQ Youth Report, January 2019 |
| Website | CSBA District and County Office of Education Legal Services |
| Website | Human Rights Campaign |
| Website | U.S. Food and Drug Administration |
| Website | California Partnership to End Domestic Violence |
| Website | California Safe Schools Coalition |
| Website | California Department of Education, Sex Education and HIV/AIDS/STD Instruction |
| Website | California Department of Public Health |
| Website | California Healthy Kids Resource Center |
| Website | Centers for Disease Control and Prevention |
| Website | CSBA |

| Cross References | Description |
|---|---|
| 0410 | Nondiscrimination In District Programs And Activities |
| 1312.3 | Uniform Complaint Procedures |
| 1312.3 | Uniform Complaint Procedures |
| 4131 | Staff Development |
| 5020 | Parent Rights And Responsibilities |
| 5020 | Parent Rights And Responsibilities |
| 5022 | Student And Family Privacy Rights |
| 5022 | Student And Family Privacy Rights |
| 5030 | Student Wellness |
| 5141.22 | Infectious Diseases |
| 5145.3 | Nondiscrimination/Harassment |
| 5145.3 | Nondiscrimination/Harassment |
| 5145.6 | Parent/Guardian Notifications |
| 5145.7 | Sexual Harassment |
| 5145.7 | Sexual Harassment |
| 5146 | Married/Pregnant/Parenting Students |
| 6141 | Curriculum Development And Evaluation |
| 6141 | Curriculum Development And Evaluation |
| 6142.8 | Comprehensive Health Education |
| 6142.93 | Science Instruction |
| 6143 | Courses Of Study |
| 6143 | Courses Of Study |
| 6144 | Controversial Issues |
| 6145.8 | Assemblies And Special Events |
| 6159 | Individualized Education Program |
| 6159 | Individualized Education Program |
| 6161.11 | Supplementary Instructional Materials |
| 6174 | Education For English Learners |

**Regulation 6142.1: Sexual Health And HIV/AIDS Prevention Instruction**

Original Adopted Date: 02/13/2025 | Last Reviewed Date: 02/13/2025

## Definitions

*Comprehensive sexual health education* means education regarding human development and sexuality, including education on pregnancy, contraception, and sexually transmitted infections. (Education Code 51931)

*HIV prevention education* means instruction on the nature of human immunodeficiency virus (HIV) and acquired immune deficiency syndrome (AIDS), methods of transmission, strategies to reduce the risk of HIV infection, and social and public health issues related to HIV and AIDS. (Education Code 51931)

*Age appropriate* refers to topics, messages, and teaching methods suitable to particular ages or age groups of children and adolescents, based on developing cognitive, emotional, and behavioral capacity typical for the age or age group. (Education Code 51931)

*Medically accurate* means verified or supported by research conducted in compliance with scientific methods and published in peer-reviewed journals, where appropriate, and recognized as accurate and objective by professional organizations and agencies with expertise in the relevant field, such as the federal Centers for Disease Control and Prevention, the American Public Health Association, the American Academy of Pediatrics, and the American College of Obstetricians and Gynecologists. (Education Code 51931)

## General Criteria for Instruction and Materials

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

1. Are age appropriate
2. Are medically accurate and objective
3. Are aligned with and support the following purposes as specified in Education Code 51930:
    a. To provide students with the knowledge and skills necessary to protect their sexual and reproductive health from HIV and other sexually transmitted infections and from unintended pregnancy
    b. To provide students with the knowledge and skills they need to develop healthy attitudes concerning adolescent growth and development, body image, gender, sexual orientation, relationships, marriage, and family
    c. To promote understanding of sexuality as a normal part of human development
    d. To ensure students receive integrated, comprehensive, accurate, and unbiased sexual health and HIV prevention instruction and provide educators with clear tools and guidance to accomplish that end
    e. To provide students with the knowledge and skills necessary to have healthy, positive, and safe relationships and behaviors
4. Are appropriate for use with English learners, students with disabilities, and students of all races, genders, sexual orientations, and ethnic and cultural backgrounds
5. Are available on an equal basis to a student who is an English learner, consistent with the existing curriculum and alternative options for an English learner as otherwise provided in the Education Code
6. Are accessible to students with disabilities, including, but not limited to, the provision of a modified curriculum, materials, and instruction in alternative formats and auxiliary aids

Do not reflect or promote bias against any person in protected categories of discrimination pursuant to Education Code 220

7. Affirmatively recognize that people have different sexual orientations and, when discussing or providing examples of relationships and couples, shall be inclusive of same-sex relationships
8. Teach students about gender, gender expression, and gender identity, and explore the harm of negative gender stereotypes
9. Encourage students to communicate with their parents/guardians and other trusted adults about human sexuality and provide

the knowledge and skills necessary to do so

10. Teach the value of and prepare students to have and maintain committed relationships such as marriage

11. Provide students with knowledge and skills they need to form healthy relationships that are based on mutual respect and affection and are free from violence, coercion, harassment, and intimidation

12. Provide students with knowledge and skills for making and implementing healthy decisions about sexuality, including communication and refusal skills to assist students in overcoming peer pressure and using effective decision-making skills to avoid high-risk activities

13. Do not teach or promote religious doctrine

## Components of Sexual Health and HIV Prevention Education

The district's comprehensive sexual health education and HIV prevention education for students in grades 7-12, in addition to complying with the criteria listed above in the section "General Criteria for Instruction and Materials," shall include all of the following: (Education Code 51934)

1. Information on the nature of HIV and other sexually transmitted infections and their effects on the human body

2. Information on the manner in which HIV and other sexually transmitted infections are and are not transmitted, including information on the relative risk of infection according to specific behaviors, including sexual behaviors and injection drug use

3. Information that abstinence from sexual activity and injection drug use is the only certain way to prevent HIV and other sexually transmitted infections, and that abstinence from sexual intercourse is the only certain way to prevent unintended pregnancy

   The instruction shall provide information about the value of delaying sexual activity while also providing medically accurate information on other methods of preventing HIV and other sexually transmitted infections and pregnancy.

4. Information about the effectiveness and safety of all federal Food and Drug Administration (FDA) approved methods that prevent or reduce the risk of contracting HIV and other sexually transmitted infections, including use of antiretroviral medication, consistent with the Centers for Disease Control and Prevention

5. Information about the effectiveness and safety of reducing the risk of HIV transmission as a result of injection drug use by decreasing needle use and needle sharing

6. Information about the treatment of HIV and other sexually transmitted infections, including how antiretroviral therapy can dramatically prolong the lives of many people living with HIV and reduce the likelihood of transmitting HIV to others

7. Discussion about social views on HIV and AIDS, including addressing unfounded stereotypes and myths regarding HIV and AIDS and people living with HIV

   This instruction shall emphasize that successfully treated HIV-positive individuals have a normal life expectancy, all people are at some risk of contracting HIV, and testing is the only way to know if one is HIV-positive.

8. Information about local resources, how to access local resources, and students' legal rights to access local resources for sexual and reproductive health care such as testing and medical care for HIV and other sexually transmitted infections and pregnancy prevention and care, as well as local resources for assistance with sexual assault and intimate partner violence

9. Information about the effectiveness and safety of FDA-approved contraceptive methods in preventing pregnancy, including, but not limited to, emergency contraception. Instruction on pregnancy shall include an objective discussion of all legally available pregnancy outcomes, including, but not limited to:

   a. Parenting, adoption, and abortion

   b. Information on the law on surrendering physical custody of a minor child 72 hours of age or younger, pursuant to Health and Safety Code 1255.7 and Penal Code 271.5

   c. The importance of prenatal care

10. Information about sexual harassment, sexual assault, sexual abuse, and human trafficking, including:

    a. Information on the prevalence and nature of human trafficking, strategies to reduce the risk of human trafficking, techniques to set healthy boundaries, and how to safely seek assistance if there is a suspicion of trafficking

    b. Information on how social media and mobile device applications are used for human trafficking

11. Information about adolescent relationship abuse and intimate partner violence, including the early warning signs of each

The district's comprehensive sexual health education and HIV prevention education shall include instruction regarding the potential risks and consequences of creating and sharing suggestive or sexually explicit materials through cell phones, social networking web sites, computer networks, or other digital media. (Education Code 51934)

## Professional Development

The district's comprehensive sexual health education and HIV prevention education shall be provided by instructors trained in the appropriate courses who are knowledgeable of the most recent medically accurate research on human sexuality, healthy relationships, pregnancy, and HIV and other sexually transmitted infections. (Education Code 51931, 51934)

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

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

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

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

The Superintendent or designee shall periodically provide continuing education that enables district personnel to learn about new developments in the understanding of abuse, including sexual abuse, and human trafficking and current prevention efforts and methods. Such education may include early identification of abuse, including sexual abuse, and human trafficking of students and minors. (Education Code 51950)

## Use of Consultants or Guest Speakers

The Superintendent or designee may contract with outside consultants or guest speakers, including those who have developed multilingual curricula or curricula accessible to persons with disabilities, to deliver comprehensive sexual health and HIV prevention education or to provide training for district personnel. All outside consultants and guest speakers shall have expertise in comprehensive sexual health education and HIV prevention education and knowledge of the most recent medically accurate research on the relevant topic(s) covered in the instruction. The Superintendent or designee shall ensure that any instruction provided by an outside speaker or consultant complies with Board policy, administrative regulation, and Education Code 51930-51939. (Education Code 51933, 51934, 51936)

## Parent/Guardian Notification

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

1. That written and audiovisual educational materials to be used in comprehensive sexual health and HIV prevention education are available for inspection

2. That parents/guardians have a right to excuse their child from comprehensive sexual health or HIV prevention education, or research on student health behaviors and risks, provided they submit their request in writing to the district

3. That parents/guardians have a right to request a copy of Education Code 51930-51939

4. Whether the comprehensive sexual health or HIV prevention education will be taught by district personnel or outside consultants and, if the district chooses to use outside consultants or guest speakers for this purpose, the following information:

    a. The date of the instruction

b. The name of the organization or affiliation of each guest speaker

c. Information stating the right of the parent/guardian to request a copy of Education Code 51933, 51934, and 51938

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

## Nonapplicability to Certain Instruction or Materials

The requirements of Education Code 51930-51939 pertaining to instructional content, teacher training, and parental notification and consent shall not apply to the following: (Education Code 51932)

1. A description or illustration of human reproductive organs that may appear in a textbook, adopted pursuant to law, if the textbook does not include other elements of comprehensive sexual health education or HIV prevention education as defined in Education Code 51931

2. Instruction, materials, presentations, or programming that discusses gender, gender identity, gender expression, sexual orientation, discrimination, harassment, bullying, intimidation, relationships, or family and does not discuss human reproductive organs and their functions

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

| State | Description |
|---|---|
| Ed. Code 220 | Prohibition of discrimination |
| Ed. Code 231.7 | Resources on abuse and teen dating violence; local and national hotlines |
| Ed. Code 232.7 | Model policy and resources; body shaming |
| Ed. Code 33544 | Inclusion of sexual harassment and violence in health curriculum framework |
| Ed. Code 33546.2 | Health framework for California public schools; sextortion |
| Ed. Code 48980 | Parent/Guardian notifications |
| Ed. Code 49381 | Human trafficking prevention resources |
| Ed. Code 51202 | Instruction in personal and public health and safety |
| Ed. Code 51210.8 | Health education curriculum |
| Ed. Code 51225.36 | Instruction in sexual harassment and violence; districts that require health education for graduation |

| State | Description |
|---|---|
| Ed. Code 51240 | Excuse from instruction due to religious beliefs |
| Ed. Code 51513 | Test, questionnaire, survey, or examination containing questions about beliefs or practices |
| Ed. Code 51930-51939 | California Healthy Youth Act |
| Ed. Code 51950 | Abuse, sexual abuse, and human trafficking prevention education |
| Ed. Code 67386 | Student safety; affirmative consent standard |
| H&S Code 1255.7 | Parents surrendering physical custody of a baby |
| Pen. Code 243.4 | Sexual battery |
| Pen. Code 261.5 | Unlawful sexual intercourse |
| Pen. Code 271.5 | Parents voluntarily surrendering custody of a baby |

| Federal | Description |
|---|---|
| 20 USC 1232h | Privacy rights |
| 20 USC 7906 | Sex education requirements and prohibited use of funds California |
| Department of Education Publication | Body Shaming Model Policy & Resources |
| California Department of Education Publication | Health Education Framework for California Public Schools: Kindergarten through Grade 12, My 2019 |

| Management Resources | Description |
|---|---|

| | |
|---|---|
| California Department of Education Publication | Health Education Content Standards for California Public Schools Kindergarten Through Grade Twelve, 2008: |
| Court Decision | Mahmoud v. Taylor (2025) 606 U.S. ___(2025 WL 1773627) |
| CSBA Publication | Promoting Healthy Relationships for Adolescents: Board Policy Considerations, Governance Brief, August 2014 |
| Human Rights Campaign Foundation Publication | California LGBTQ Youth Report, January 2019 |
| Website | CSBA District and County Office of Education Legal Services |
| Website | Human Rights Campaign |
| Website | U.S. Food and Drug Administration |
| Website | California Partnership to End Domestic Violence |
| Website | California Safe Schools Coalition |
| Website | California Department of Education, Sex Education and HIV/AIDS/STD Instruction |
| Website | California Department of Public Health |
| Website | California Healthy Kids Resource Center |
| Website | Centers for Disease Control and Prevention |
| Website | CSBA |

| **Cross References** | **Description** |
|---|---|
| 0410 | Nondiscrimination In District Programs And Activities |
| 1312.3 | Uniform Complaint Procedures |
| 1312.3 | Uniform Complaint Procedures |
| 4131 | Staff Development |
| 5020 | Parent Rights And Responsibilities |
| 5020 | Parent Rights And Responsibilities |
| 5022 | Student And Family Privacy Rights |
| 5022 | Student And Family Privacy Rights |
| 5030 | Student Wellness |
| 5141.22 | Infectious Diseases |
| 5145.3 | Nondiscrimination/Harassment |
| 5145.3 | Nondiscrimination/Harassment |
| 5145.6 | Parent/Guardian Notifications |
| 5145.7 | Sexual Harassment |
| 5145.7 | Sexual Harassment |
| 5146 | Married/Pregnant/Parenting Students |
| 6141 | Curriculum Development And Evaluation |
| 6141 | Curriculum Development And Evaluation |
| 6142.8 | Comprehensive Health Education |
| 6142.93 | Science Instruction |
| 6143 | Courses Of Study |
| 6143 | Courses Of Study |
| 6144 | Controversial Issues |
| 6145.8 | Assemblies And Special Events |
| 6159 | Individualized Education Program |
| 6159 | Individualized Education Program |
| 6161.11 | Supplementary Instructional Materials |
| 6174 | Education For English Learners |

# Married/Pregnant/Parenting Students

**Policy 5146: Married/Pregnant/Parenting Students**

Original Adopted Date: 02/13/2025 | Last Reviewed Date: 02/13/2025

The Board of Trustees recognizes that responsibilities pertaining to marriage, pregnancy, or parenting, including related obligations, medical conditions, or recovery, may disrupt a student's education and increase the chance of a student dropping out of school. The Board desires to minimize interruption to such students' educational progress by supporting married, pregnant, and parenting students in their continued education, assisting them to attain strong academic and parenting skills, and promoting the healthy development of their child(ren).

The district shall not exclude or deny any student from any educational program or activity, including any class or extracurricular activity, solely on the basis of the student's current, potential, or past pregnancy, childbirth, false pregnancy, termination of pregnancy, lactation, or related medical conditions or recovery. In addition, the district shall not adopt any rule concerning a student's actual, potential, or past parental, family, or marital status that discriminates against and/or treats a student differently on the basis of sex. (Education Code 221.51, 230; 5 CCR 4950; 34 CFR 106.40)

The Superintendent or designee shall annually notify parents/guardians at the beginning of the school year of the rights and options available to pregnant and parenting students under the law. In addition, pregnant and parenting students shall be notified of the rights and options available under the law through annual school year welcome packets and through independent study packets. (Education Code 222.5, 48980)

Any employee who is informed by a student, or a person who has a legal right to act on behalf of a student, of a student's pregnancy or related conditions shall provide that person with the Title IX Coordinator's contact information and inform the person that the Title IX Coordinator can coordinate specific acts to prevent sex discrimination, including sex-based harassment, and ensure the student's equal access to the district's education program or activity. (34 CFR 106.8)

When notified of a student's pregnancy or related conditions, the Title IX Coordinator shall provide the student, and if applicable the person who has a legal right to act on behalf of the student and who notified the Title IX Coordinator of the student's pregnancy or related conditions, with the district's notice of nondiscrimination, as specified in Administrative Regulation 5145.3 - Nondiscrimination/Harassment and Exhibit (1) 5145.71 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures. The Title IX Coordinator shall also coordinate actions specified in 34 CFR 106.40 to prevent discrimination against, and ensure equal access to, the student, including the following: (34 CFR 106.44)

1. Notifying the student that the district is required to not discriminate in its education program or activity against any student based on the student's current, potential, or past pregnancy or related conditions

   However, a student's voluntary participation in a separate portion of the district's education program or activity does not constitute prohibited discrimination if the district ensures that the separate portion is comparable to that offered to students who are not pregnant and do not have related conditions.

2. To the extent consistent with 34 CFR 106.40(b)(3), ensuring that pregnancy or related conditions are treated in the same manner and under the same policies as any other temporary medical condition with respect to any medical or hospital benefit, service, plan, or policy the district administers, operates, offers, or participates in with respect to students admitted to the district's education program or activity

3. Informing the student that the district may not require the student who is pregnant or has related conditions to provide certification from a healthcare provider or any other person verifying that the student is physically able to participate in the district's class, program, or extracurricular activity unless the certified level of physical ability of health is necessary for participation in the class, program, or extracurricular activity; the district requires such certification of all participating students; and, the information obtained is not used as a basis for Title IX discrimination

For school-related purposes, a student under the age of 18 years who enters into a valid marriage shall have all the rights and privileges of students who are 18 years of age or older, even if the marriage has been dissolved. (Family Code 7002)

**Education and Support Services for Pregnant and Parenting Students**

Pregnant and parenting students shall retain the right to participate in the regular education program or an alternative education program. The classroom setting shall be the preferred instructional strategy unless an alternative is necessary to meet the needs of the student and/or the student's child.

Any alternative education program, activity, or course that is offered separately to pregnant or parenting students, including any class or extracurricular activity, shall be equal to that offered to other district students. A student's participation in such programs shall be voluntary. (Education Code 221.51; 5 CCR 4950)

The Superintendent or designee shall not require a student, based on pregnancy, childbirth, false pregnancy, termination of pregnancy, lactation, or related medical conditions or recovery, to obtain certification from a physician or nurse practitioner indicating that the student is physically and emotionally able to continue participation in the district's education program or activity, including an extracurricular activity, unless the certified level of physical ability is necessary for participation and such certification is required of all students. (Education Code 221.51; 5 CCR 4950; 34 CFR 106.40)

To the extent feasible, the district shall provide educational and related support services, either directly or in collaboration with community agencies and organizations, to meet the needs of pregnant and parenting students and their children. Such services may include, but are not limited to:

1. Child care and development services for the children of parenting students on or near school site(s) during the school day and during school-sponsored activities
2. Parenting education and life skills instruction
3. Special school nutrition supplements for pregnant and lactating students pursuant to Education Code 49553, 42 USC 1786, and 7 CFR 246.1-246.28
4. Health care services, including prenatal care
5. Tobacco, alcohol, and/or drug prevention and intervention services
6. Academic and personal counseling
7. Supplemental instruction to assist students in achieving grade-level academic standards and progressing toward graduation

As appropriate, teachers, administrators, and/or other personnel who work with pregnant and parenting students shall receive related professional development.

## Absences

Pregnant or parenting students may be excused for absences for medical appointments and other purposes specified in BP/AR 5113 - Absences and Excuses.

A student shall be excused for absences to care for a sick child for whom the student is the custodial parent. A note from a physician shall not be required for such an absence. (Education Code 48205)

## Parental Leave

A student who is pregnant or parenting, or has a related condition, shall be entitled to parental leave in order to protect the health of the student and/or the infant, and to allow the student to care for and bond with the infant. The period of the leave shall be the greater of eight weeks, or the length of time deemed medically necessary by the student's healthcare provider, or, if the district has a leave policy for which the student qualifies, the amount of time provided for in such policy. Such leave may be taken before the birth of the student's infant if there is a medical necessity and after childbirth during the school year in which the birth takes place, inclusive of any mandatory summer instruction. (Education Code 46015; 34 CFR 106.40)

The student, if age 18 years or older, or the student's parent/guardian shall notify the school of the student's intent to take parental leave. (Education Code 46015)

No student shall be required to take all or part of the parental leave. (Education Code 46015; 34 CFR 106.40)

When a student takes parental leave, the attendance supervisor shall ensure that absences from the regular school program are excused until the student is able to return to the regular school program or an alternative education program. A student who is pregnant or parenting, or has related conditions, shall not be required to complete academic work or other school requirements during the period of the parental leave. (Education Code 46015)

Following the leave, a student who is pregnant or parenting, or has related conditions, may elect to return to the school and the course of study in which the student was enrolled before taking parental leave or to an alternative education option provided by the district. (Education Code 46015; 34 CFR 106.40)

Upon return to school, a pregnant or parenting student shall have opportunities to make up work missed during the leave, including, but not limited to, makeup work plans and reenrollment in courses. (Education Code 46015)

When necessary to complete high school graduation requirements, the student may remain enrolled in school for a fifth year of instruction, unless the Superintendent or designee makes a finding that the student is reasonably able to complete district graduation requirements in time to graduate by the end of the fourth year of high school. (Education Code 46015)

## Accommodations

When necessary, the district shall provide reasonable accommodations to enable a student who is pregnant or parenting, or with related conditions, to access the educational program. The district shall consult with the student when identifying potential modifications. Any modification accepted by the student shall be implemented. Any proposed modification that would fundamentally alter the nature of the district's education program or activity shall not be implemented. (34 CFR 106.40)

Reasonable modifications may include, but are not limited to: (34 CFR 106.40)

1. Breaks during class to express breast milk, breastfeed, or attend to health needs associated with pregnancy or related conditions, including eating, drinking, or using the restroom
2. Intermittent absences to attend medical appointments
3. Access to online or homebound education
4. Changes in schedule or course sequence
5. Extensions of time for coursework and rescheduling of tests and examinations
6. Allowing a student to sit or stand, or carry or keep water nearby
7. Counseling
8. Changes in physical space or supplies, such as access to a larger desk or a footrest
9. Elevator access
10. Any other change to policies, practices, or procedures

A student who is pregnant or who has a related condition shall have access to any services available to other students with temporary medical conditions. (34 CFR 106.40)

The school shall provide reasonable accommodations to any lactating student to express breast milk, breastfeed an infant child, or address other needs related to breastfeeding. A student shall not incur an academic penalty for using any of these reasonable accommodations, and shall be provided the opportunity to make up any work missed due to such use. Reasonable accommodations include, but are not limited to: (Education Code 222; 34 CFR 106.40)

1. Access to a private and secure room, other than a restroom, that is clean, shielded from view, and free from intrusion by others to express breast milk or breastfeed an infant child
2. Permission to bring onto a school campus a breast pump and any other equipment used to express breast milk
3. Access to a power source for a breast pump or any other equipment used to express breast milk
4. Access to a place to store expressed breast milk safely
5. A reasonable amount of time to accommodate the student's need to express breast milk or breastfeed an infant child

## Complaints

Any complaint alleging discrimination on the basis of a student's current, potential, or past pregnancy, family, or marital status, district noncompliance with the requirements of Education Code 46015 or 34 CFR 106.40, or district noncompliance with the requirement to provide reasonable accommodations for lactating students, shall be investigated and resolved in accordance with the Title IX grievance procedures as specified in 34 CFR 106.44 and
106.45 and Administrative Regulation 5145.71 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures. (Education Code 222, 46015; 5 CCR 4600- 4670; 34 CFR 106.44, 106.45)

## Program Evaluation

The Superintendent or designee shall periodically report to the Board regarding the effectiveness of district strategies to support current, potential, and past married, pregnant, and parenting students, which may include data on student participation in district programs and services, academic achievement, school attendance, graduation rate, and/or student feedback on district programs and services.

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

| State | Description |
|---|---|
| 22 CCR 101151-101239.2 | General requirements; licensed child care centers |
| 22 CCR 101351-101439.1 | Infant care centers |
| 5 CCR 4600-4670 | Uniform complaint procedures |
| 5 CCR 4950 | Nondiscrimination; marital and parental status |
| Ed. Code 221.51 | Nondiscrimination; married, pregnant, and parenting students |
| Ed. Code 222 | Reasonable accommodations; lactating students |
| Ed. Code 222.5 | Pregnant and parenting students; notification of rights |
| Ed. Code 230 | Sex discrimination |
| Ed. Code 46015 | Parental leave |
| Ed. Code 48050 | Residents of adjoining states |
| Ed. Code 48205 | Excused absences |
| Ed. Code 48206.3 | Temporary disability; definition |
| Ed. Code 48220 | Compulsory education requirement |
| Ed. Code 48410 | Persons exempted from continuation classes |
| Ed. Code 48980 | Parent/Guardian notifications |
| Ed. Code 49553 | Nutrition supplements for pregnant/lactating students |
| Ed. Code 51220.5 | Parenting skills and education |
| Ed. Code 51745 | Independent study |
| Ed. Code 52610.5 | Enrollment of pregnant and parenting students in adult education |
| Ed. Code 8200-8490 | Child Care and Development Services Act |
| Fam. Code 7002 | Description of emancipated minor |
| H&S Code 104460 | Tobacco prevention services for pregnant and parenting students |

| Federal | Description |
|---|---|
| 20 USC 1681-1688 | Title IX of the Education Amendments of 1972; discrimination based on sex |
| 34 CFR 106.1-106.82 | Discrimination on the basis of sex; effectuating Title IX |
| 34 CFR 106.40 | Marital or parental status |
| 42 USC 1786 | Special supplemental nutrition program for women, infants, and children |
| 7 CFR 246.1-246.28 | Special supplemental nutrition program for women, infants, and children |

| Management Resources | Description |
|---|---|
| Attorney General Opinion | 87 Ops.Cal.Atty.Gen. 168 (2004) |
| California Women's Law Center Publication | Pregnant Students and Confidential Medical Services, 2013 |
| Court Decision | Tennessee v. Cardona (2024) 737 F.Supp.3d 510 |
| Court Decision | American Academy of Pediatrics et al v. Lungren et al (1997) 16 Cal.4th 307 |
| Federal Register | Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, May 19, 2020, Vol. 85, No. 97, pages 30026-30579 |
| U.S. DOE, Office for Civil Rights Publication | Dear Colleague Letter: Enforcement of Title IX under the provisions of the 2020 Title IX Rule, February 4, 2025 |
| Website | CSBA District and County Office of Education Legal Services |
| Website | California Women's Law Center |
| Website | U.S. Department of Agriculture, Women, Infants, and Children Program |
| Website | U.S. Department of Education |
| Website | California Department of Education |

| Cross References | Description |
|---|---|
| 0410 | Nondiscrimination In District Programs And Activities |
| 1312.3 | Uniform Complaint Procedures |
| 1312.3 | Uniform Complaint Procedures |
| 1400 | Relations Between Other Governmental Agencies And The Schools |
| 4131 | Staff Development |
| 5030 | Student Wellness |
| 5112.1 | Exemptions From Attendance |
| 5112.1 | Exemptions From Attendance |
| 5113 | Absences And Excuses |
| 5113 | Absences And Excuses |
| 5113.1 | Chronic Absence And Truancy |
| 5113.1 | Chronic Absence And Truancy |
| 5113.12 | District School Attendance Review Board |
| 5113.12 | District School Attendance Review Board |
| 5125 | Student Records |
| 5125 | Student Records |
| 5131.6 | Alcohol And Other Drugs |
| 5131.6 | Alcohol And Other Drugs |
| 5131.62 | Tobacco |
| 5131.62 | Tobacco |
| 5141.6 | School Health Services |
| 5141.6 | School Health Services |
| 5145.3 | Nondiscrimination/Harassment |
| 5145.3 | Nondiscrimination/Harassment |
| 5145.6 | Parent/Guardian Notifications |
| 6142.1 | Sexual Health And HIV/AIDS Prevention Instruction |
| 6142.1 | Sexual Health And HIV/AIDS Prevention Instruction |
| 6142.8 | Comprehensive Health Education |
| 6143 | Courses Of Study |
| 6143 | Courses Of Study |
| 6158 | Independent Study |
| 6158 | Independent Study |
| 6164.5 | Student Success Teams |
| 6164.5 | Student Success Teams |

## Nondiscrimination/Harassment

**Policy 5145.3: Nondiscrimination/Harassment**

Original Adopted Date: 02/13/2025 | Last Reviewed Date: 02/13/2025

This policy shall apply to all acts constituting unlawful discrimination or harassment 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 Board of Trustees and the Superintendent in enacting policies and procedures that govern the district.

The Board desires to provide a welcoming, safe, and supportive school environment that allows all students equal access to and opportunities in the district's academic, extracurricular, and other educational support programs, services, and activities. The Board prohibits, at any district school or school activity, unlawful discrimination, including discriminatory harassment, intimidation, and bullying, of any student by anyone,

based on the student's actual or perceived race; color; ancestry; nationality; national origin; immigration status; ethnic group identification; ethnicity; age; religion; pregnancy, childbirth, termination of pregnancy or lactation, including related medical conditions or recovery; parental, marital, and family status; physical or mental disability; medical condition; sex; sex stereotypes; sex characteristics; sexual orientation; gender; gender identity; gender expression; or genetic information; or, association with a person or group with one or more of these actual or perceived characteristics.

Unlawful discrimination, including discriminatory harassment, intimidation, or bullying, may result from physical, verbal, nonverbal, or written conduct based on any of the categories listed above. Unlawful discrimination also occurs when prohibited conduct is so severe, persistent, or pervasive that it affects a student's ability to participate in or benefit from an educational program or activity; creates an intimidating, threatening, hostile, or offensive educational environment; has the effect of substantially or unreasonably interfering with a student's academic performance; or otherwise adversely affects a student's educational opportunities.

Unlawful discrimination also includes disparate treatment of students based on one of the categories above with respect to the provision of opportunities to participate in school programs or activities or the provision or receipt of educational benefits or services.

Because unlawful discrimination could occur when disciplining students, including suspension and expulsion, the Superintendent or designee shall ensure that staff enforce discipline rules fairly, consistently and in a non-discriminatory manner, as specified in Board Policy and Administrative Regulation 5144 - Discipline, Board Policy and Administrative Regulation 5144.1 - Suspension and Expulsion/Due Process, and Administrative Regulation 5144.2 - Suspension and Expulsion/Due Process (Students With Disabilities).

The Board also prohibits any form of retaliation against any individual who reports or participates in the reporting of unlawful discrimination, files or participates in the filing of a complaint, or investigates, participates, or refuses to participate in the investigation of a complaint or report alleging unlawful discrimination. Retaliation complaints shall be investigated and resolved in the same manner as a discrimination complaint.

The Superintendent or designee shall facilitate students' access to the educational program by publicizing the district's nondiscrimination policy and related complaint procedures to students, parents/guardians, and employees. In addition, the Superintendent or designee shall post the district's policies prohibiting discrimination, harassment, intimidation, and bullying and other required information on the district's website in a manner that is easily accessible to parents/guardians and students, in accordance with law and the accompanying administrative regulation. (Education Code 234.1, 234.6; 34 CFR 106.8)

The Superintendent or designee shall provide training and/or information on the scope and use of the policy and complaint procedures and take other measures designed to increase the school community's understanding of the requirements of law related to discrimination. The Superintendent or designee shall regularly review the implementation of the district's nondiscrimination policies and practices and, as necessary, shall take action to remove any identified barrier to student access to or participation in the district's educational program. The Superintendent or designee shall report the findings and recommendations to the Board after each review.

Regardless of whether a complainant complies with the writing, timeline, and/or other formal filing requirements, all complaints alleging unlawful discrimination, including discriminatory harassment, intimidation, or bullying, shall be investigated and prompt action taken to stop the discrimination, prevent recurrence, and address any continuing effect on students.

Students who engage in unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, in violation of law, Board policy, or administrative regulation shall be subject to appropriate consequence or discipline, which may include suspension or expulsion when the behavior is severe or pervasive as defined in Education Code 48900.4. Any employee who permits or engages in prohibited discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, shall be subject to disciplinary action, up to and including dismissal.

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.

Allegations of unlawful discrimination in district programs and activities shall be brought, investigated, and resolved in accordance with Board Policy 1312.3 - Uniform Complaint Procedures, when required by law. However, complaints alleging sex discrimination, including sex-based harassment, under Title IX shall be investigated and resolved in accordance with the procedures specified in 34 CFR 106.44 and 106.45 and Administrative Regulation 5145.71 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures.

## Record-Keeping

The Superintendent or designee shall maintain a record of all reported cases of unlawful discrimination, including discriminatory harassment, intimidation, or bullying, to enable the district to monitor, address, and prevent repetitive prohibited behavior in district schools.

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

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| Ed. Code 48900.3 | Suspension or expulsion for act of hate violence |
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| Ed. Code 48900.5 | Suspension; other means of correction |
| Ed. Code 48904 | Liability of parent/guardian for willful student misconduct |
| Ed. Code 48907 | Exercise of free expression; time, place, and manner rules and regulations |
| Ed. Code 48950 | Speech and other communication |
| Ed. Code 48985 | Notices to parents/guardian in language other than English |
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| Ed. Code 51204.5 | Social sciences instruction; contributions of specified groups |
| Ed. Code 51500 | Prohibited instruction or activity |
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| Ed. Code 60010 | Instructional materials; definition |
| Ed. Code 60040-60052 | Requirements for instructional materials |
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| 34 CFR 106.1-106.82 | Discrimination on the basis of sex; effectuating Title IX |
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| California Department of Education Publication | Protection for LGBTQ+ Students: AB 1955 |
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| Court Decision | Donovan v. Poway Unified School District (2008) 167 Cal.App.4th 567 |
| Court Decision | Flores v. Morgan Hill Unified School District (2003, 9th Cir.) 324 F.3d 1130 |
| CSBA Publication | Reference: State Roles, Responsibilities, and Process for Instructional Materials Adoption, February 2024 |
| CSBA Publication | Fact Sheet: Instructional Materials Adoption: Local governing board responsibilities, February 2024 |
| CSBA Publication | Instructional Materials Adoptions: State and local governing board processes, roles, and responsibilities, February 2024 |
| Federal Register | Receiving Federal Financial Assistance, April 29, 2024, Vol. 89, No. 83, pages 33474-33896 |
| U.S DOE, Office for Civil Rights Publication | Resolution Agreement Between the Arcadia USD, US Dept of Ed, OCR, & the US DOJ, CRD (2013) OCR 09-12-1020, DOJ 169-12C-70 |
| U.S. Department of Education Publication | Supporting Students with Disabilities and Avoiding the Discriminatory Use of Student Discipline under Section 504 of the Rehabilitation Act of 1973, July 2022 |
| U.S. Department of Education Publication | Guidance on Constitutionally Protected Prayer and Religious Expression in Public Elementary and Secondary Schools, May 2023 |
| U.S. DOE, Office for Civil Rights Publication | Frequently Asked Questions About Racial Preferences and Stereotypes Under Title VI of the Civil Rights Act, February 28, 2025 |
| U.S. DOE, Office for Civil Rights Publication | Dear Colleague Letter: Title VI of the Civil Rights Act in Light of Students For Fair Admissions v. Harvard, February 14, 2025 |
| U.S. DOE, Office for Civil Rights Publication | Dear Colleague Letter: Enforcement of Title IX under the provisions of the 2020 Title IX Rule, February 4, 2025 |
| U.S. DOE, Office for Civil Rights Publication | Dear Colleague Letter: Protecting Students from Discrimination, such as Harassment, Based on Race, Color, or National Origin, Including Shared Ancestry or Ethnic Characteristics, May 2024 |
| U.S. DOE, Office for Civil Rights Publication | Dear Colleague Letter: Discrimination, Including Harassment, Based on Shared Ancestry or Ethnic Characteristics, November 2023 |
| U.S. DOE, Office for Civil Rights Publication | Dear Colleague Letter: Addressing Discrimination Against Jewish Students, May 2023 |
| Website | CSBA District and County Office of Education Legal Services |
| Website | First Amendment Center |
| Website | California Interscholastic Federation |
| Website | California Office of the Attorney General |
| Website | California Safe Schools Coalition |
| Website | CSBA |
| Website | California Department of Education |
| Website | U.S. Department of Education, Office for Civil Rights |

| **Cross References** | **Description** |
|---|---|
| 0410 | Nondiscrimination In District Programs And Activities |
| 0415 | Equity |
| 0450 | Comprehensive Safety Plan |
| 0450 | Comprehensive Safety Plan |
| 1114 | District-Sponsored Social Media |
| 1114 | District-Sponsored Social Media |
| 1240 | Volunteer Assistance |
| 1240 | Volunteer Assistance |
| 1312.1 | Complaints Concerning District Employees |
| 1312.1 | Complaints Concerning District Employees |
| 1312.3 | Uniform Complaint Procedures |
| 1312.3 | Uniform Complaint Procedures |

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| 1312.4 | Williams Uniform Complaint Procedures |
| 1312.4-E(2) | Williams Uniform Complaint Procedures |
| 1313 | Civility |
| 3515.4 | Recovery For Property Loss Or Damage |
| 3515.4 | Recovery For Property Loss Or Damage |
| 3530 | Risk Management/Insurance |
| 3530 | Risk Management/Insurance |
| 3553 | Free And Reduced Price Meals |
| 3553 | Free And Reduced Price Meals |
| 3580 | District Records |
| 3580 | District Records |
| 4040 | Employee Use Of Technology |
| 4040-E(1) | Employee Use Of Technology |
| 4112.6 | Personnel Files |
| 4118 | Dismissal/Suspension/Disciplinary Action |
| 4118 | Dismissal/Suspension/Disciplinary Action |
| 4119.11 | Sexual Harassment |
| 4119.11 | Sexual Harassment |
| 4119.21 | Professional Standards |
| 4119.23 | Unauthorized Release Of Confidential/Privileged Information |
| 4131 | Staff Development |
| 4212.6 | Personnel Files |
| 4218 | Dismissal/Suspension/Disciplinary Action |
| 4218 | Dismissal/Suspension/Disciplinary Action |
| 4219.11 | Sexual Harassment |
| 4219.11 | Sexual Harassment |
| 4219.21 | Professional Standards |
| 4219.21-E(1) | Professional Standards |
| 4219.23 | Unauthorized Release Of Confidential/Privileged Information |
| 4312.6 | Personnel Files |
| 4319.11 | Sexual Harassment |
| 4319.11 | Sexual Harassment |
| 4319.21 | Professional Standards |
| 4319.21-E(1) | Professional Standards |
| 4319.23 | Unauthorized Release Of Confidential/Privileged Information |
| 4331 | Staff Development |
| 5000 | Concepts And Roles |
| 5030 | Student Wellness |
| 5111 | Admission |
| 5111 | Admission |

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|---|---|
| 5113.1 | Chronic Absence And Truancy |
| 5113.1 | Chronic Absence And Truancy |
| 5113.12 | District School Attendance Review Board |
| 5113.12 | District School Attendance Review Board |
| 5116.2 | Involuntary Student Transfers |
| 5125 | Student Records |
| 5125 | Student Records |
| 5125.1 | Release Of Directory Information |
| 5125.1 | Release Of Directory Information |
| 5125.1-E(1) | Release Of Directory Information |
| 5125.3 | Challenging Student Records |
| 5131 | Conduct |
| 5131.2 | Bullying |
| 5131.2 | Bullying |
| 5131.5 | Vandalism And Graffiti |
| 5132 | Dress And Grooming |
| 5137 | Positive School Climate |
| 5138 | Conflict Resolution/Peer Mediation |
| 5141.22 | Infectious Diseases |
| 5141.27 | Food Allergies/Special Dietary Needs |
| 5141.27 | Food Allergies/Special Dietary Needs |
| 5141.4 | Child Abuse Prevention And Reporting |
| 5141.4 | Child Abuse Prevention And Reporting |
| 5141.52 | Suicide Prevention |
| 5141.52 | Suicide Prevention |
| 5144 | Discipline |
| 5144 | Discipline |
| 5144.1 | Suspension And Expulsion/Due Process |
| 5144.1 | Suspension And Expulsion/Due Process |
| 5144.2 | Suspension And Expulsion/Due Process (Students With Disabilities) |
| 5145.12 | Search And Seizure |
| 5145.2 | Freedom Of Speech/Expression |
| 5145.2 | Freedom Of Speech/Expression |
| 5145.6 | Parent/Guardian Notifications |
| 5145.7 | Sexual Harassment |
| 5145.7 | Sexual Harassment |
| 5145.71 | Title IX Sexual Harassment Complaint Procedures |
| 5145.71-E(1) | Title IX Sexual Harassment Complaint Procedures |
| 5145.9 | Hate-Motivated Behavior |
| 5146 | Married/Pregnant/Parenting Students |

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| 6142.1 | Sexual Health And HIV/AIDS Prevention Instruction |
| 6142.1 | Sexual Health And HIV/AIDS Prevention Instruction |
| 6142.8 | Comprehensive Health Education |
| 6143 | Courses Of Study |
| 6143 | Courses Of Study |
| 6144 | Controversial Issues |
| 6145 | Extracurricular And Cocurricular Activities |
| 6145 | Extracurricular And Cocurricular Activities |
| 6145.2 | Athletic Competition |
| 6145.2 | Athletic Competition |
| 6153 | School-Sponsored Trips |
| 6153 | School-Sponsored Trips |
| 6159.4 | Behavioral Interventions For Special Education Students |
| 6161.1 | Selection And Evaluation Of Instructional Materials |
| 6161.1 | Selection And Evaluation Of Instructional Materials |
| 6161.11 | Supplementary Instructional Materials |
| 6163.1 | Library Media Centers |
| 6163.4 | Student Use Of Technology |
| 6163.4-E(1) | Student Use Of Technology |
| 6173.1 | Education For Foster Youth |
| 6173.1 | Education For Foster Youth |
| 7110 | Facilities Master Plan |

**Regulation 5145.3: Nondiscrimination/Harassment**

Original Adopted Date: 02/13/2025 | Last Reviewed Date: 02/13/2025

The district designates the individual(s) identified below as the Compliance Officer(s). The employee(s) is responsible for coordinating the district's efforts to comply with applicable state and federal civil rights laws and to answer inquiries regarding the district's nondiscrimination policies. The individual(s) shall also serve as the Compliance Officer(s) specified in Administrative Regulation 1312.3 - Uniform Complaint Procedures as the responsible employee to handle complaints alleging unlawful discrimination of a student, and the Title IX Coordinator specified in Administrative Regulation 5145.7 - Sex Discrimination and Sex-Based Harassment as the responsible employee to handle complaints alleging unlawful sex discrimination and sex-based harassment, as permitted by law. The Compliance Officer(s) may be contacted at: (Education Code 234.1; 5 CCR 4621)

Assistant Superintendent, Human Resources 3188 Quimby Road, San Jose, CA 95148 408-270-6800
allhr@eesd.org

## Measures to Prevent Discrimination

To prevent unlawful discrimination, including discriminatory harassment, intimidation, retaliation, and bullying, of students at district schools or in school activities and to ensure equal access of all students to the educational program, the Superintendent or designee shall implement the following measures:

1. Publicize the district's nondiscrimination policy and related complaint procedures, including the Compliance Officer's contact information, to students, parents/guardians, employees, volunteers, and the general public by posting them in prominent locations and providing easy access to them through district-supported communications

2. Post the district's policies and procedures prohibiting discrimination, harassment, student sex-based harassment, intimidation, bullying, and cyberbullying, including a section on social media bullying that includes all of the references described in Education Code 234.6 as possible forums for social media, in a prominent location on the district's website in a manner that is easily accessible to parents/guardians and students (Education Code 234.1, 234.6)

3. Post the definition of sex discrimination and harassment as described in Education Code 230, including the rights set forth in Education Code 221.8, in a prominent location on the district's website in a manner that is easily accessible to parents/guardians and students (Education Code 234.6)

4. Post in a prominent location on the district website in a manner that is easily accessible to parents/guardians and students information regarding Title IX prohibitions against discrimination based on a student's sex; sex characteristics; sexual orientation; gender; gender identity; pregnancy, childbirth, termination of pregnancy or lactation, including related medical conditions or recovery; and parental, marital, and family status, including the following: (Education Code 221.6, 221.61, 234.6)

    a. The name and contact information of the district's Title IX Coordinator, including the phone number and email address

    b. The rights of students and the public and the responsibilities of the district under Title IX, including a list of rights as specified in Education Code 221.8 and web links to information about those rights and responsibilities located on the websites of the Office for Equal Opportunity and the U.S. Department of Education's Office for Civil Rights (OCR)

    c. A description of how to file a complaint of noncompliance under Title IX, which shall include:

        i. An explanation of the statute of limitations within which a complaint must be filed after an alleged incident of discrimination has occurred and how a complaint may be filed beyond the statute of limitations

        ii. An explanation of how the complaint will be investigated and how the complainant may further pursue the complaint, including web links to this information on OCR's website

        iii. A web link to the OCR complaints form and the contact information for the office, including the phone number and email address for the office

    d. A link to the Title IX information included on the California Department of Education's (CDE) website

5. By April 1, 2025, post CDE's standardized incident form to track racial discrimination, harassment, or hazing that occurs at high school sporting games or events, including information on how to submit a completed incident form to the district (Education Code 33353)

6. Post in a prominent location on the district's website and include in each handbook, catalog, announcement, bulletin, and application form for students, parents/guardians or other authorized legal representative, and employees, the Title IX notice of

nondiscrimination which includes the following: (34 CFR 106.8)

a. The district does not discriminate on the basis of sex in any education program or activity that it operates

b. Inquiries about the application of Title IX may be referred to the district's Title IX Coordinator and/or OCR

c. The name or title, office and email address, and telephone number of the district's Title IX Coordinator

d. How to locate the district's nondiscrimination policy and the district's grievance procedures for Title IX complaints

e. How to report conduct that may constitute sex discrimination under Title IX

f. How to make a complaint of Title IX sex discrimination

If necessary due to the format or size of any publication specified above, the district may include only the statement that the district prohibits sex discrimination in any education program or activity that it operates, that individuals may report concerns or questions to the Title IX Coordinator, and the location of the complete notice on the district's website.

The district shall not distribute a publication stating that the district treats students, employees or applicants differently on the basis of sex, unless such treatment is permitted by Title IX.

7. Post a link to statewide CDE-compiled resources, including community-based organizations, that provide support to youth who have been subjected to school-based discrimination, harassment, intimidation, or bullying and to their families (Education Code 234.5)

Such resources shall be posted in a prominent location on the district's website in a manner that is easily accessible to parents/guardians and students. (Education Code 234.6)

8. Provide to students a handbook that contains age-appropriate information that clearly describes the district's nondiscrimination policy, procedures for filing a complaint, and resources available to students who feel that they have been the victim of any such behavior

9. Annually notify all students and parents/guardians of the district's nondiscrimination policy, including its responsibility to provide a safe, nondiscriminatory school environment for all students

The notice shall inform students and parents/guardians that they may request to meet with the Compliance Officer to determine how best to accommodate or resolve concerns that may arise from the district's implementation of its nondiscrimination policies. The notice shall also inform all students and parents/guardians that, to the extent possible, the district will address any individual student's interests and concerns in private.

10. Ensure that students and parents/guardians, including those with limited English proficiency, are notified of how to access the relevant information provided in the district's nondiscrimination policy and related complaint procedures, notices, and forms in a language they can understand

If 15 percent or more of students enrolled in a particular district school speak a single primary language other than English, the district's policy, regulation, forms, and notices concerning nondiscrimination shall be translated into that language in accordance with Education Code 234.1 and 48985. In all other instances, the district shall ensure meaningful access to all relevant information for parents/guardians with limited English proficiency.

11. Provide to students, employees, volunteers, and parents/guardians age-appropriate training and/or information regarding the district's nondiscrimination policy; what constitutes prohibited discrimination, including discriminatory harassment, intimidation, retaliation, or bullying; how and to whom a report of an incident should be made; and how to guard against segregating or stereotyping students when providing instruction, guidance, supervision, or other services to them

Such training and information shall include details of guidelines the district may use to provide a discrimination-free environment for all district students.

12. Provide to certificated employees serving students in grades 7-12 information on existing school and community resources related to the support of lesbian, gay, bisexual, transgender, queer, and questioning (LGBTQ+) students, or related to the support of students who may face bias or bullying on the basis of any of the actual or perceived characteristics in Penal Code 422.55, including immigration status; Education Code 220; and disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation; or association with a person or group with one or more of these actual or perceived characteristics (Education Code 234.1)

13. For the 2025-2026 school year through the 2029-2030 school year, provide annually to certificated employees serving

students in grades 7-12 at least one hour of training to support LGBTQ+ cultural competency in accordance with Education Code 218.3

14. At the beginning of each school year, inform school employees that any employee who witnesses any act of unlawful discrimination, including discriminatory harassment, intimidation, or bullying, against a student is required to intervene if it is safe to do so (Education Code 234.1)

15. At the beginning of each school year, inform each principal or designee of the district's responsibility to provide appropriate assistance or resources to protect students from threatened or potentially discriminatory behavior and ensure their privacy rights

## Process for Initiating and Responding to Complaints

Students who feel that they have been subjected to unlawful discrimination described above or in district policy are strongly encouraged to immediately contact the Compliance Officer, Title IX Coordinator, principal, or any other staff member. In addition, students who observe any such incident are strongly encouraged to report the incident to the Compliance Officer, Title IX Coordinator, or principal, regardless of whether the alleged victim files a complaint.

Any school employee who observes an incident of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, or to whom such an incident is reported shall report the incident to the Compliance Officer, Title IX Coordinator, or principal within one workday, regardless of whether the alleged victim files a complaint.

Any school employee who witnesses an incident of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, shall immediately intervene to stop the incident when it is safe to do so. (Education Code 234.1)

When a report of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, is made to or received by the principal, Compliance Officer, or Title IX Coordinator, the principal, Compliance officer, or Title IX Coordinator shall notify the student or parent/guardian of the right to file a formal complaint in accordance with Administrative Regulation 1312.3 - Uniform Complaint Procedures or, for complaints of sex discrimination, including sex-based harassment, the right to initiate the Title IX grievance procedures as specified in Administrative Regulation 5145.71 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures. Once notified verbally or in writing, the Compliance Officer or Title IX Coordinator shall begin the investigation and shall implement immediate measures necessary to stop the discrimination and ensure that all students have access to the educational program and a safe school environment. Any interim measures adopted to address unlawful discrimination shall, to the extent possible, not disadvantage the complainant or a student who is the victim of the alleged unlawful discrimination.

Any report or complaint alleging unlawful discrimination by the principal, Compliance Officer, Title IX Coordinator, or any other person to whom a report would ordinarily be made or complaint filed shall instead be made to or filed with the Superintendent or designee who shall determine how the complaint will be investigated.

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| 34 CFR 99.31 | Disclosure of personally identifiable information |
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| Court Decision | Olmstead v. L.C. ex rel. Zimring (1999) 527 U.S. 581 |
| Court Decision | McDonnell Douglas Corp v. Green (1973) 411 U.S. 792 |
| Court Decision | John T. D. v. River Delta Joint Unified School District (2021) WL 5176356 |
| Court Decision | Donovan v. Poway Unified School District (2008) 167 Cal.App.4th 567 |
| Court Decision | Flores v. Morgan Hill Unified School District (2003, 9th Cir.) 324 F.3d 1130 |
| CSBA Publication | Reference: State Roles, Responsibilities, and Process for Instructional Materials Adoption, February 2024 |
| CSBA Publication | Fact Sheet: Instructional Materials Adoption: Local governing board responsibilities, February 2024 |
| CSBA Publication | Instructional Materials Adoptions: State and local governing board processes, roles, and responsibilities, February 2024 |
| Federal Register | Receiving Federal Financial Assistance, April 29, 2024, Vol. 89, No. 83, pages 33474-33896 |
| U.S DOE, Office for Civil Rights Publication | Resolution Agreement Between the Arcadia USD, US Dept of Ed, OCR, & the US DOJ, CRD (2013) OCR 09-12-1020, DOJ 169-12C-70 |
| U.S. Department of Education Publication | Supporting Students with Disabilities and Avoiding the Discriminatory Use of Student Discipline under Section 504 of the Rehabilitation Act of 1973, July 2022 |
| U.S. Department of Education Publication | Guidance on Constitutionally Protected Prayer and Religious Expression in Public Elementary and Secondary Schools, May 2023 |
| U.S. DOE, Office for Civil Rights Publication | Frequently Asked Questions About Racial Preferences and Stereotypes Under Title VI of the Civil Rights Act, February 28, 2025 |

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|---|---|
| U.S. DOE, Office for Civil Rights Publication | Dear Colleague Letter: Title VI of the Civil Rights Act in Light of Students For Fair Admissions v. Harvard, February 14, 2025 |
| U.S. DOE, Office for Civil Rights Publication | Dear Colleague Letter: Enforcement of Title IX under the provisions of the 2020 Title IX Rule, February 4, 2025 |
| U.S. DOE, Office for Civil Rights Publication | Dear Colleague Letter: Protecting Students from Discrimination, such as Harassment, Based on Race, Color, or National Origin, Including Shared Ancestry or Ethnic Characteristics, May 2024 |
| U.S. DOE, Office for Civil Rights Publication | Dear Colleague Letter: Discrimination, Including Harassment, Based on Shared Ancestry or Ethnic Characteristics, November 2023 |
| U.S. DOE, Office for Civil Rights Publication | Dear Colleague Letter: Addressing Discrimination Against Jewish Students, May 2023 |
| Website | CSBA District and County Office of Education Legal Services |
| Website | First Amendment Center |
| Website | California Interscholastic Federation |
| Website | California Office of the Attorney General |
| Website | California Safe Schools Coalition |
| Website | CSBA |
| Website | California Department of Education |
| Website | U.S. Department of Education, Office for Civil Rights |

| **Cross References** | **Description** |
|---|---|
| 0410 | Nondiscrimination In District Programs And Activities |
| 0415 | Equity |
| 0450 | Comprehensive Safety Plan |
| 0450 | Comprehensive Safety Plan |
| 1114 | District-Sponsored Social Media |
| 1114 | District-Sponsored Social Media |
| 1240 | Volunteer Assistance |
| 1240 | Volunteer Assistance |
| 1312.1 | Complaints Concerning District Employees |
| 1312.1 | Complaints Concerning District Employees |
| 1312.3 | Uniform Complaint Procedures |
| 1312.3 | Uniform Complaint Procedures |
| 1312.4 | Williams Uniform Complaint Procedures |
| 1312.4-E(2) | Williams Uniform Complaint Procedures |
| 1313 | Civility |
| 3515.4 | Recovery For Property Loss Or Damage |
| 3515.4 | Recovery For Property Loss Or Damage |
| 3530 | Risk Management/Insurance |
| 3530 | Risk Management/Insurance |
| 3553 | Free And Reduced Price Meals |
| 3553 | Free And Reduced Price Meals |
| 3580 | District Records |
| 3580 | District Records |
| 4040 | Employee Use Of Technology |
| 4040-E(1) | Employee Use Of Technology |
| 4112.6 | Personnel Files |
| 4118 | Dismissal/Suspension/Disciplinary Action |
| 4118 | Dismissal/Suspension/Disciplinary Action |

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|---|---|
| 4119.11 | Sexual Harassment |
| 4119.11 | Sexual Harassment |
| 4119.21 | Professional Standards |
| 4119.23 | Unauthorized Release Of Confidential/Privileged Information |
| 4131 | Staff Development |
| 4212.6 | Personnel Files |
| 4218 | Dismissal/Suspension/Disciplinary Action |
| 4218 | Dismissal/Suspension/Disciplinary Action |
| 4219.11 | Sexual Harassment |
| 4219.11 | Sexual Harassment |
| 4219.21 | Professional Standards |
| 4219.21-E(1) | Professional Standards |
| 4219.23 | Unauthorized Release Of Confidential/Privileged Information |
| 4312.6 | Personnel Files |
| 4319.11 | Sexual Harassment |
| 4319.11 | Sexual Harassment |
| 4319.21 | Professional Standards |
| 4319.21-E(1) | Professional Standards |
| 4319.23 | Unauthorized Release Of Confidential/Privileged Information |
| 4331 | Staff Development |
| 5000 | Concepts And Roles |
| 5030 | Student Wellness |
| 5111 | Admission |
| 5111 | Admission |
| 5113.1 | Chronic Absence And Truancy |
| 5113.1 | Chronic Absence And Truancy |
| 5113.12 | District School Attendance Review Board |
| 5113.12 | District School Attendance Review Board |
| 5116.2 | Involuntary Student Transfers |
| 5125 | Student Records |
| 5125 | Student Records |
| 5125.1 | Release Of Directory Information |
| 5125.1 | Release Of Directory Information |
| 5125.1-E(1) | Release Of Directory Information |
| 5125.3 | Challenging Student Records |
| 5131 | Conduct |
| 5131.2 | Bullying |
| 5131.2 | Bullying |
| 5131.5 | Vandalism And Graffiti |
| 5132 | Dress And Grooming |

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| 5137 | Positive School Climate |
| 5138 | Conflict Resolution/Peer Mediation |
| 5141.22 | Infectious Diseases |
| 5141.27 | Food Allergies/Special Dietary Needs |
| 5141.27 | Food Allergies/Special Dietary Needs |
| 5141.4 | Child Abuse Prevention And Reporting |
| 5141.4 | Child Abuse Prevention And Reporting |
| 5141.52 | Suicide Prevention |
| 5141.52 | Suicide Prevention |
| 5144 | Discipline |
| 5144 | Discipline |
| 5144.1 | Suspension And Expulsion/Due Process |
| 5144.1 | Suspension And Expulsion/Due Process |
| 5144.2 | Suspension And Expulsion/Due Process (Students With Disabilities) |
| 5145.12 | Search And Seizure |
| 5145.2 | Freedom Of Speech/Expression |
| 5145.2 | Freedom Of Speech/Expression |
| 5145.6 | Parent/Guardian Notifications |
| 5145.7 | Sexual Harassment |
| 5145.7 | Sexual Harassment |
| 5145.71 | Title IX Sexual Harassment Complaint Procedures |
| 5145.71-E(1) | Title IX Sexual Harassment Complaint Procedures |
| 5145.9 | Hate-Motivated Behavior |
| 5146 | Married/Pregnant/Parenting Students |
| 6142.1 | Sexual Health And HIV/AIDS Prevention Instruction |
| 6142.1 | Sexual Health And HIV/AIDS Prevention Instruction |
| 6142.8 | Comprehensive Health Education |
| 6143 | Courses Of Study |
| 6143 | Courses Of Study |
| 6144 | Controversial Issues |
| 6145 | Extracurricular And Cocurricular Activities |
| 6145 | Extracurricular And Cocurricular Activities |
| 6145.2 | Athletic Competition |
| 6145.2 | Athletic Competition |
| 6153 | School-Sponsored Trips |
| 6153 | School-Sponsored Trips |
| 6159.4 | Behavioral Interventions For Special Education Students |
| 6161.1 | Selection And Evaluation Of Instructional Materials |
| 6161.1 | Selection And Evaluation Of Instructional Materials |
| 6161.11 | Supplementary Instructional Materials |

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|---|---|
| 6163.1 | Library Media Centers |
| 6163.4 | Student Use Of Technology |
| 6163.4-E(1) | Student Use Of Technology |
| 6173.1 | Education For Foster Youth |
| 6173.1 | Education For Foster Youth |
| 7110 | Facilities Master Plan |

## Safe Routes To School Program

### Regulation 5142.2: Safe Routes To School Program

Original Adopted Date: 02/13/2025 | Last Reviewed Date: 02/13/2025

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

1. Education activities that promote safety and awareness, such as:
    a. Instructing students about pedestrian and personal safety related to the use of electric or motorized and nonmotorized bicycles or scooters, including by local law enforcement, organizations specified in Education Code 38134, and public agencies that provide safety instructions on such bicycles and scooters.
    b. Instructing students about the health, academic, and environmental benefits of walking, bicycling, and other forms of active transport to school
    c. Offering driver safety information to parents/guardians and the community to promote safety around school campuses and routes
2. Encouragement strategies designed to generate interest in active transport to school, such as:
    a. Organizing or facilitating "walking school buses" and/or "bicycle trains" whereby students walk or bike to school in groups escorted by parents/guardians or other volunteers as needed
    b. Organizing special events and activities, such as Walk or Bike to School Day, International Walk to School Month, or year-round competitions
    c. Publicizing the district's efforts in order to build support of parents/guardians and the community, including providing information about the district's safe routes to school program in parent/guardian communications and in any notifications about transportation options
3. Enforcement strategies to deter unsafe behaviors of drivers, pedestrians, and bicyclists, such as:
    a. Initiating or expanding crossing guard, student safety patrol, and/or parent/guardian safety patrol programs
    b. Partnering with local law enforcement to help ensure that traffic laws are obeyed in the vicinity of schools and to implement appropriate measures such as placement of speed feedback monitors, ticketing, and/or driver safety campaigns
    c. Monitoring to ensure that students who bicycle to school or who use skateboards, skates, or nonmotorized scooters wear helmets in accordance with Vehicle Code 21212
4. Engineering strategies that address the design, implementation, operation, and maintenance of traffic control devices or physical measures, such as:

a. Working with local government agencies, parents/guardians, school staff, and others as appropriate to gather data about environmental conditions and hazards along routes to school

b. Working with local government agencies to make operational and physical improvements that reduce or eliminate hazards, such as reducing motor vehicle traffic speeds in the area and establishing safer and fully accessible crosswalks, walkways, trails, and bikeways

c. Assessing the adequacy, accessibility, and safety of bicycle parking at schools and making modifications as needed, such as increasing the number of or relocating bicycle racks and/or equipment storage areas

d. Considering safe routes to school when making decisions about siting and designing of new schools

5. Evaluation to assess progress toward program goals, including:

a. Gathering and interpreting data based on indicators established by the Superintendent and the Board of Trustees

b. Presenting data to the Board, program partners, and the public

c. Recommending program modifications as needed

6. Emerging technologies that aid in the prevention and mitigation of accidents

7. Emergency response in managing injuries after an accident occurs, including, but not limited to, training staff, crossing guards, student and/or parent/guardian safety patrols, and other volunteers who assist with drop-off and pick-up in emergency procedures

8. Equity, such that resources are distributed in a manner that provides safe access and participation in an equitable manner across the community

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

| **State** | **Description** |
|---|---|
| Ed. Code 32282 | Comprehensive safety plan |
| Ed. Code 38134 | Use of school property |
| Ed. Code 44808 | Liability when students are not on school property |
| Ed. Code 45450-45451 | Crossing guards |
| Ed. Code 51860 | Time and facilities for bicycle and scooter safety instruction |
| Gov. Code 65352.2 | General planning; communication between cities, counties and school districts |
| S&H Code 2380-2385 | Active Transportation Program |
| Streets and Highways Code 894 | Statewide safety and training programs; electric bicycles |
| Veh. Code 21200-21213 | Operation of bicycles |
| Veh. Code 21212 | Helmet required for bicycle, nonmotorized scooter, skateboard, skates |
| Veh. Code 21949-21971 | Pedestrian rights and duties |
| Veh. Code 312.5 | Electric bicycle |
| Veh. Code 406 | Moped or motorized bicycle |
| Veh. Code 407.5 | Motorized scooter |

| **Federal** | **Description** |
|---|---|
| 23 USC 133 | Surface transportation block grant program |
| 23 USC 148 | Highway safety improvement program |
| 42 USC 1758b | Local wellness policy |

| **Management Resources** | **Description** |
|---|---|

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|---|---|
| California Dept of Transportation Publication | ATP Purpose and Goals as Defined by the State Legislature and SB 99, March 2015 |
| California Dept of Transportation Publication | Active Transportation Program Fact Sheet, January 2020 |
| Court Decision | Cerna v. City of Oakland (2008) 161 Cal.App.4th 1340 |
| Natl Center for Safe Routes to School Publication | Safe Routes to School Guide |
| Natl Highway Traffic Safety Admin Publication | Advancing Pedestrian and Bicyclist Safety: A Primer for Highway Safety Professional, April 2016 |
| Safe Routes to School Natl Partnership Publication | Safe Routes to School 2009 Policy Report: Moving to the Future: Building on Early Achievement, March 2009 |
| Website | CSBA District and County Office of Education Legal Services |
| Website | National Center for Safe Routes to School |
| Website | Safe Routes Partnership |
| Website | U.S. Department of Transportation, Federal Highway Administration, Safe Routes to School |
| Website | California Department of Transportation, Safe Routes to School |
| Website | National Highway Traffic Safety Administration |
| Website | CSBA |

| **Cross References** | **Description** |
|---|---|
| 0415 | Equity |
| 0450 | Comprehensive Safety Plan |
| 0450 | Comprehensive Safety Plan |
| 0500 | Accountability |
| 1112 | Media Relations |
| 1114 | District-Sponsored Social Media |
| 1114 | District-Sponsored Social Media |
| 1220 | Citizen Advisory Committees |
| 1220 | Citizen Advisory Committees |
| 1230 | School-Connected Organizations |
| 1230 | School-Connected Organizations |
| 1400 | Relations Between Other Governmental Agencies And The Schools |
| 1700 | Relations Between Private Industry And The Schools |
| 3100 | Budget |
| 3100 | Budget |
| 3290 | Gifts, Grants And Bequests |
| 3470 | Debt Issuance And Management |
| 3471 | Parcel Taxes |
| 3514 | Environmental Safety |
| 3540 | Transportation |
| 3541 | Transportation Routes And Services |
| 5030 | Student Wellness |
| 5142 | Safety |
| 5142 | Safety |
| 6020 | Parent Involvement |
| 6020 | Parent Involvement |
| 6142.7 | Physical Education And Activity |
| 6142.7 | Physical Education And Activity |
| 6142.8 | Comprehensive Health Education |
| 7110 | Facilities Master Plan |
| 7111 | Evaluating Existing Buildings |
| 7150 | Site Selection And Development |
| 7150 | Site Selection And Development |

# Safety

**Policy 5142: Safety**

Original Adopted Date: 02/13/2025 | Last Reviewed Date: 02/13/2025

The Board of Trustees recognizes the importance of providing a safe school environment that is conducive to learning and promotes student safety and well-being. Appropriate measures shall be implemented to minimize the risk of harm to students, including, but not limited to, protocols for maintaining safe conditions on school grounds, promoting safe use of school facilities and equipment, and guiding student participation in educational programs and school-sponsored activities.

Additionally, the Superintendent or designee shall regularly review current guidance regarding cybersecurity and digital media awareness and incorporate recommended practices into the district's processes and procedures related to the protection of the district's network infrastructure, and the monitoring and response to suspicious and/or threatening digital media content.

School staff shall be responsible for the proper supervision of students at all times when students are subject to district rules, including, but not limited to, during school hours, school-sponsored activities, before and after-school programs, morning drop-off and afternoon pick-up, and while students are using district provided transportation.

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

## Crossing Guards/Student Safety Patrol

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

## Student Identification Cards and Safety Information

Student identification cards of students in grades 7-12 shall have printed on them safety information, including the following: (Education Code 215.5)

1. The National Suicide Prevention Lifeline telephone number and, at the district's discretion, the Crisis Text Line and/or a local suicide prevention hotline telephone number

2. The National Domestic Violence Hotline

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

| State | Description |
|---|---|
| 5 CCR 14030 | Preliminary procedure, planning and approval of school facilities |
| 5 CCR 14103 | Authority of the driver |
| 5 CCR 202 | Exclusion of students with a contagious disease |
| 5 CCR 350 | Fees not permitted |
| 5 CCR 5552 | Playground supervision |
| 5 CCR 5570 | When school shall be open and teachers present |
| 5 CCR 570-576 | School safety patrols |
| Ed. Code 17280-17317 | Field Act; approval of plans and supervision of construction |
| Ed. Code 17365-17374 | Field Act; fitness for occupancy; liability of board members |
| Ed. Code 17670 | Shade structures |
| Ed. Code 215.5 | Student identification cards; safety information |
| Ed. Code 32001 | Fire alarms and drills |
| Ed. Code 32020 | School gates; entrances for emergency vehicles |
| Ed. Code 32030-32034 | Eye safety |
| Ed. Code 32040 | Duty to equip school with first aid kit |
| Ed. Code 32225-32226 | Communications devices in classrooms |

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| Ed. Code 32240-32245 | Lead-Safe Schools Protection Act |
| Ed. Code 32250-32254 | CDE School Safety and Security Resource Unit |
| Ed. Code 32280-32289.5 | School safety plans |
| Ed. Code 35179.6 | School-sponsored on-campus event in or around swimming pool |
| Ed. Code 38134 | Use of school property |
| Ed. Code 44807 | Teachers' duty concerning conduct of students |
| Ed. Code 44808 | Exemption from liability when students are not on school property |
| Ed. Code 44808.5 | Permission for high school students to leave school grounds; notice |
| Ed. Code 45450-45451 | Crossing guards |
| Ed. Code 48900 | Grounds for suspension or expulsion |
| Ed. Code 49300-49307 | School safety patrols |
| Ed. Code 49330-49335 | Injurious objects |
| Ed. Code 49341 | Hazardous materials in school science laboratories |
| Ed. Code 49390-49395 | Homicide threats |
| Ed. Code 51140 | Water safety |
| Ed. Code 51202 | Instruction in personal and public health and safety |
| Ed. Code 51860 | Time and facilities for bicycle and scooter safety instruction |
| Ed. Code 8482-8484.65 | After School Education and Safety Program |
| Gov. Code 810-996.6 | California Tort Claims Act |
| H&S Code 115725-115735 | Playground safety |
| H&S Code 115775-115800 | Wooden playground equipment |
| H&S Code 116046 | Issuance of best practices guidelines for K-12 pool safety |
| Pen. Code 245.6 | Hazing |
| Pub. Res. Code 5411 | Purchase of playground equipment usable by persons with disabilities Streets |
| and Highways Code 894 | Statewide safety and training programs; electric bicycles |
| Veh. Code 21100 | Rules and regulations; crossing guards |
| Veh. Code 21212 | Use of helmets |
| Veh. Code 42200 | Fines and forfeitures; disposition by cities |
| Veh. Code 42201 | Fines and forfeitures; disposition by counties |
| Vehicle Code 21201 | Rules for operation of bicycle on roadway |

| **Federal** | **Description** |
|---|---|
| 6 USC 665k | Federal Clearinghouse on School Safety Evidence-Based Practices |

| **Management Resources** | **Description** |
|---|---|
| American Society for Testing and Materials Pub. | ASTM F1 1487-21, Standard Consumer Safety Performance Specification for playground Equipment for Public Use |
| California Department of Education Publication | Science Safety Handbook for California Public Schools, 2014 |
| Court Decision | Knight v. Jewett (1992) 3 Cal.4th 296 |
| Court Decision | Lane v. City of Sacramento (2010) 183 Cal. App. 4th. 1337 |
| Court Decision | J.H. v. Los Angeles Unified School District (2010) 183 Cal.App.4th 123 |
| Court Decision | Kahn v. East Side Union High School District (2003) 31 Cal.4th 990 |
| Court Decision | Dailey v. Los Angeles Unified School District (1970) 2 Cal 3d 741 |
| Court Decision | Hoyem v. Manhattan Beach City School District (1978) 22 Cal. 3d 508 |
| Court Decision | Wiener v. Southcoast Childcare Centers (2004) 32 Cal.4th 1138 |
| State of California Publication | Protecting Californians From Extreme Heat: A State Action Plan to Build Community Resilience, April 2022 |
| U.S. Consumer Product Safety Comm Publication | Public Playground Safety Handbook, 2015 |
| Website | Vulnerable Road Users |
| Website | U.S. Department of Education, School Safety and Security |
| Website | Online e-bike safety and training program |
| Website | Schoolsafety.gov |
| Website | U.S. Department of Homeland Security, Fusion Centers |
| Website | California State Threat Assessment System |
| Website | California Office of Emergency Services |
| Website | CSBA District and County Office of Education Legal Services |

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| Website | National Recreation and Park Association, Certified Playground Safety Inspector Certification |
| Website | American Society for Testing and Materials |
| Website | U.S. Consumer Product Safety Commission |
| Website | U.S. Environmental Protection Agency |
| Website | California Department of Education, Safe Schools |
| Website | California Department of Public Health |
| Website | Centers for Disease Control and Prevention |
| Website | CSBA |

| Cross References | Description |
|---|---|
| 0450 | Comprehensive Safety Plan |
| 0450 | Comprehensive Safety Plan |
| 1250 | Visitors/Outsiders |
| 1250 | Visitors/Outsiders |
| 3260 | Fees And Charges |
| 3260 | Fees And Charges |
| 3452 | Student Activity Funds |
| 3512 | Equipment |
| 3512-E(1) | Equipment |
| 3514 | Environmental Safety |
| 3514.1 | Hazardous Substances |
| 3514.1 | Hazardous Substances |
| 3515 | Campus Security |
| 3515 | Campus Security |
| 3515.21 | Unmanned Aircraft Systems (Drones) |
| 3515.5 | Sex Offender Notification |
| 3515.5 | Sex Offender Notification |
| 3516 | Emergencies And Disaster Preparedness Plan |
| 3516 | Emergencies And Disaster Preparedness Plan |
| 3516.5 | Emergency Schedules |
| 3530 | Risk Management/Insurance |
| 3530 | Risk Management/Insurance |
| 4119.42 | Exposure Control Plan For Bloodborne Pathogens |
| 4219.42 | Exposure Control Plan For Bloodborne Pathogens |
| 4319.42 | Exposure Control Plan For Bloodborne Pathogens |
| 5020 | Parent Rights And Responsibilities |
| 5020 | Parent Rights And Responsibilities |
| 5021 | Noncustodial Parents |
| 5131 | Conduct |
| 5131.1 | Bus Conduct |
| 5131.1 | Bus Conduct |
| 5131.4 | Student Disturbances |
| 5131.4 | Student Disturbances |
| 5137 | Positive School Climate |
| 5138 | Conflict Resolution/Peer Mediation |

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| 5141 | Health Care And Emergencies |
| 5141 | Health Care And Emergencies |
| 5141.22 | Infectious Diseases |
| 5141.4 | Child Abuse Prevention And Reporting |
| 5141.4 | Child Abuse Prevention And Reporting |
| 5141.52 | Suicide Prevention |
| 5141.52 | Suicide Prevention |
| 5142.1 | Identification And Reporting Of Missing Children |
| 5142.2 | Safe Routes To School Program |
| 5144 | Discipline |
| 5144 | Discipline |
| 5144.1 | Suspension And Expulsion/Due Process |
| 5144.1 | Suspension And Expulsion/Due Process |
| 5145.11 | Questioning And Apprehension By Law Enforcement |
| 5145.13 | Response To Immigration Enforcement |
| 5145.13 | Response To Immigration Enforcement |
| 6142.8 | Comprehensive Health Education |
| 6142.93 | Science Instruction |
| 6145.2 | Athletic Competition |
| 6145.2 | Athletic Competition |
| 6153 | School-Sponsored Trips |
| 6153 | School-Sponsored Trips |
| 6163.2 | Animals At School |
| 6163.2 | Animals At School |
| 7110 | Facilities Master Plan |

**Regulation 5142: Safety**

Original Adopted Date: 02/13/2025 | Last Reviewed Date: 02/13/2025

At each school, the principal or designee shall establish emergency procedures, rules for student conduct, and rules for the safe and appropriate use of school facilities, equipment, and materials, consistent with law, Board policy, and administrative regulation. The rules shall be communicated to students, distributed to parents/guardians, and readily available at the school at all times.

## Release of Students

Students shall be released during the school day only to the custody of an adult who is one of the following:

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

## Supervision of Students

Teachers shall be present at their respective rooms and shall open them to admit students not less than 30 minutes before the time that school starts. (5 CCR 5570)

Every teacher shall hold students to a strict account for their conduct on the way to and from school, on the playgrounds, and during recess. (Education Code 44807)

The principal or designee shall require all individuals supervising students to remain alert for unauthorized persons and dangerous conditions, and promptly report any unusual incidents to the principal or designee and file a written report as appropriate.

Any certificated or classified employee, or other school official, whose duties bring the employee or other school official in contact on a regular basis with students in any of grades 6-12, as part of a middle of high school, who are alerted to or observe any threat or perceived threat of a homicidal act, as defined, shall immediately report the threat or perceived threat to law enforcement in accordance with Education Code 49393. (Education Code 49390, 49393)

*Threat or perceived threat* means any writing or action of a student that creates a reasonable suspicion that the student is preparing to commit a homicidal act related to school or a school activity. This may include possession, use, or depictions of firearms, ammunition, shootings, or targets in association with infliction of physical harm, destruction, or death in a social media post, journal, class note, or other media associated with the student. It may also include a warning by a parent, student, or other individual.

Additionally, anyone who receives or learns of a health or safety threat related to school or a school activity is encouraged to report the threat to a school or district administrator.

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

1. Clearly identify supervision zones and require all playground supervisors to remain at a location from which they can observe their entire zone of supervision and be observed by students in the supervision zone
2. Consider the size of the playground area, the number of areas that are obstructed from open view, and the age of the students to determine the ratio of playground supervisors to students

At any school where playground supervision is not otherwise provided, the principal or designee shall provide for certificated employees to supervise the conduct and safety, and direct the play, of students who are on school grounds before and after school and during recess and other intermissions. (5 CCR 5552)

The Superintendent or designee shall ensure that teachers, teacher aides, playground supervisors, yard aides, and volunteers who supervise students receive training in safety practices and in supervisory techniques that will help prevent problems and resolve conflicts among students. Additionally, all staff and other school officials shall be made aware of their responsibilities regarding the reporting of potential homicidal acts to law enforcement, and receive training in the assessment and reporting of such threats. The training shall be documented and kept on file.

## Student Safety Patrols

A school safety patrol shall be composed of students of the school selected by the principal or designee and shall be allowed to serve only with written consent of the students and their parents/guardians. Patrol members shall be at least 10 years old and in the fifth grade. (Education Code 49302; 5 CCR 571)

School safety patrols shall be used only at those locations where the nature of traffic will permit their safe operation. The locations where school safety patrols are used should be determined jointly with the local law enforcement agency. (5 CCR 572)

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

## Playground Safety

Any new playground or any replacement of equipment or modification of components inside an existing playground shall conform to standards set forth by the American Society for Testing and Materials and the guidelines set forth by the U.S. Consumer Product Safety Commission. The Superintendent or designee shall have a playground safety inspector certified by the National Playground Safety Institute conduct an initial inspection to aid compliance with applicable safety standards. (Health and Safety Code 115725)

## Activities with Safety Risks

Due to concerns about the risk to student safety, the principal or designee shall not permit the following activities on campus or during school-sponsored events unless the activity is properly supervised, students wear protective gear as appropriate, and each participant has insurance coverage:

1. Trampolining
2. Scuba diving
3. Skateboarding or use of scooters
4. In-line or roller skating or use of skate shoes
5. Sailing, boating, or water skiing
6. Cross-country or downhill skiing
7. Motorcycling
8. Target shooting
9. Horseback riding
10. Rodeo
11. Archery
12. Mountain bicycling
13. Rock climbing
14. Rocketeering
15. Surfing
16. Body Contact Sports
17. Other activities determined by the principal to have a high risk to student safety

As needed, the Superintendent or designee may periodically provide training or instruction to students on the safe use of electric, motorized or nonmotorized bicycles, scooters, skateboards, and roller skates. Any student who rides any such bicycle, scooter, skateboard, or roller skates at school shall wear a properly fitted and fastened bicycle helmet.

## Events In or Around a Swimming Pool

When any on-campus event that is not part of an interscholastic athletic program is sponsored or hosted by the district and is to be held in or around a swimming pool, at least one adult with a valid certification of cardiopulmonary resuscitation training shall be present throughout the duration of the event. (Education Code 35179.6)

## Laboratory Safety

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

Students in a laboratory shall be under the supervision of a certificated employee. Students shall be taught laboratory safety, and safety guidelines and procedures shall be posted in science classrooms. Students shall receive continual reminders about general and specific hazards.

Hazardous materials shall be properly used, stored, and disposed of in accordance with law and the district's chemical hygiene plan.

Bloodborne pathogens shall be handled in accordance with the district's exposure control plan.

The district's emergency plan, emergency contact numbers, and first aid supplies shall be readily accessible.

Parents/guardians shall be made aware of the kinds of laboratory activities that will be conducted during the school year.

## Hearing Protection

The Superintendent or designee shall monitor students' exposure to excessive noise in classrooms and provide protection as necessary. The Superintendent or designee may also provide hearing conservation education to teach students ways to protect their hearing.

## Eye Safety Devices

The Superintendent or designee shall provide schools with eye safety devices for use whenever students, teachers, or visitors are engaged in or observing an activity or using hazardous substances likely to cause injury to the eyes. Eye safety devices may be sold to students for an amount not to exceed the actual cost to the district. (Education Code 32030, 32031, 32033)

## Protection Against Insect Bites

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

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

| State | Description |
|---|---|
| 5 CCR 14030 | Preliminary procedure, planning and approval of school facilities |
| 5 CCR 14103 | Authority of the driver |
| 5 CCR 202 | Exclusion of students with a contagious disease |
| 5 CCR 350 | Fees not permitted |
| 5 CCR 5552 | Playground supervision |
| 5 CCR 5570 | When school shall be open and teachers present |
| 5 CCR 570-576 | School safety patrols |
| Ed. Code 17280-17317 | Field Act; approval of plans and supervision of construction |
| Ed. Code 17365-17374 | Field Act; fitness for occupancy; liability of board members |
| Ed. Code 17670 | Shade structures |
| Ed. Code 215.5 | Student identification cards; safety information |
| Ed. Code 32001 | Fire alarms and drills |
| Ed. Code 32020 | School gates; entrances for emergency vehicles |
| Ed. Code 32030-32034 | Eye safety |
| Ed. Code 32040 | Duty to equip school with first aid kit |
| Ed. Code 32225-32226 | Communications devices in classrooms |
| Ed. Code 32240-32245 | Lead-Safe Schools Protection Act |

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|---|---|
| Ed. Code 32250-32254 | CDE School Safety and Security Resource Unit |
| Ed. Code 32280-32289.5 | School safety plans |
| Ed. Code 35179.6 | School-sponsored on-campus event in or around swimming pool |
| Ed. Code 38134 | Use of school property |
| Ed. Code 44807 | Teachers' duty concerning conduct of students |
| Ed. Code 44808 | Exemption from liability when students are not on school property |
| Ed. Code 44808.5 | Permission for high school students to leave school grounds; notice |
| Ed. Code 45450-45451 | Crossing guards |
| Ed. Code 48900 | Grounds for suspension or expulsion |
| Ed. Code 49300-49307 | School safety patrols |
| Ed. Code 49330-49335 | Injurious objects |
| Ed. Code 49341 | Hazardous materials in school science laboratories |
| Ed. Code 49390-49395 | Homicide threats |
| Ed. Code 51140 | Water safety |
| Ed. Code 51202 | Instruction in personal and public health and safety |
| Ed. Code 51860 | Time and facilities for bicycle and scooter safety instruction |
| Ed. Code 8482-8484.65 | After School Education and Safety Program |
| Gov. Code 810-996.6 | California Tort Claims Act |
| H&S Code 115725-115735 | Playground safety |
| H&S Code 115775-115800 | Wooden playground equipment |
| H&S Code 116046 | Issuance of best practices guidelines for K-12 pool safety |
| Pen. Code 245.6 | Hazing |
| Pub. Res. Code 5411 | Purchase of playground equipment usable by persons with disabilities Streets |
| and Highways Code 894 | Statewide safety and training programs; electric bicycles |
| Veh. Code 21100 | Rules and regulations; crossing guards |
| Veh. Code 21212 | Use of helmets |
| Veh. Code 42200 | Fines and forfeitures; disposition by cities |
| Veh. Code 42201 | Fines and forfeitures; disposition by counties |
| Vehicle Code 21201 | Rules for operation of bicycle on roadway |

| **Federal** | **Description** |
|---|---|
| 6 USC 665k | Federal Clearinghouse on School Safety Evidence-Based Practices |

| **Management Resources** | **Description** |
|---|---|
| American Society for Testing and Materials Pub. | ASTM F1 1487-21, Standard Consumer Safety Performance Specification for playground Equipment for Public Use |
| California Department of Education Publication | Science Safety Handbook for California Public Schools, 2014 |
| Court Decision | Knight v. Jewett (1992) 3 Cal.4th 296 |
| Court Decision | Lane v. City of Sacramento (2010) 183 Cal. App. 4th. 1337 |
| Court Decision | J.H. v. Los Angeles Unified School District (2010) 183 Cal.App.4th 123 |
| Court Decision | Kahn v. East Side Union High School District (2003) 31 Cal.4th 990 |
| Court Decision | Dailey v. Los Angeles Unified School District (1970) 2 Cal 3d 741 |
| Court Decision | Hoyem v. Manhattan Beach City School District (1978) 22 Cal. 3d 508 |
| Court Decision | Wiener v. Southcoast Childcare Centers (2004) 32 Cal.4th 1138 |
| State of California Publication | Protecting Californians From Extreme Heat: A State Action Plan to Build Community Resilience, April 2022 |
| U.S. Consumer Product Safety Comm Publication | Public Playground Safety Handbook, 2015 |
| Website | Vulnerable Road Users |
| Website | U.S. Department of Education, School Safety and Security |
| Website | Online e-bike safety and training program |
| Website | Schoolsafety.gov |
| Website | U.S. Department of Homeland Security, Fusion Centers |
| Website | California State Threat Assessment System |
| Website | California Office of Emergency Services |
| Website | CSBA District and County Office of Education Legal Services |
| Website | National Recreation and Park Association, Certified Playground Safety Inspector |

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| | Certification |
| Website | American Society for Testing and Materials |
| Website | U.S. Consumer Product Safety Commission |
| Website | U.S. Environmental Protection Agency |
| Website | California Department of Education, Safe Schools |
| Website | California Department of Public Health |
| Website | Centers for Disease Control and Prevention |
| Website | CSBA |

| Cross References | Description |
|---|---|
| 0450 | Comprehensive Safety Plan |
| 0450 | Comprehensive Safety Plan |
| 1250 | Visitors/Outsiders |
| 1250 | Visitors/Outsiders |
| 3260 | Fees And Charges |
| 3260 | Fees And Charges |
| 3452 | Student Activity Funds |
| 3512 | Equipment |
| 3512-E(1) | Equipment |
| 3514 | Environmental Safety |
| 3514.1 | Hazardous Substances |
| 3514.1 | Hazardous Substances |
| 3515 | Campus Security |
| 3515 | Campus Security |
| 3515.21 | Unmanned Aircraft Systems (Drones) |
| 3515.5 | Sex Offender Notification |
| 3515.5 | Sex Offender Notification |
| 3516 | Emergencies And Disaster Preparedness Plan |
| 3516 | Emergencies And Disaster Preparedness Plan |
| 3516.5 | Emergency Schedules |
| 3530 | Risk Management/Insurance |
| 3530 | Risk Management/Insurance |
| 4119.42 | Exposure Control Plan For Bloodborne Pathogens |
| 4219.42 | Exposure Control Plan For Bloodborne Pathogens |
| 4319.42 | Exposure Control Plan For Bloodborne Pathogens |
| 5020 | Parent Rights And Responsibilities |
| 5020 | Parent Rights And Responsibilities |
| 5021 | Noncustodial Parents |
| 5131 | Conduct |
| 5131.1 | Bus Conduct |
| 5131.1 | Bus Conduct |
| 5131.4 | Student Disturbances |
| 5131.4 | Student Disturbances |
| 5137 | Positive School Climate |
| 5138 | Conflict Resolution/Peer Mediation |
| 5141 | Health Care And Emergencies |

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|---|---|
| 5141 | Health Care And Emergencies |
| 5141.22 | Infectious Diseases |
| 5141.4 | Child Abuse Prevention And Reporting |
| 5141.4 | Child Abuse Prevention And Reporting |
| 5141.52 | Suicide Prevention |
| 5141.52 | Suicide Prevention |
| 5142.1 | Identification And Reporting Of Missing Children |
| 5142.2 | Safe Routes To School Program |
| 5144 | Discipline |
| 5144 | Discipline |
| 5144.1 | Suspension And Expulsion/Due Process |
| 5144.1 | Suspension And Expulsion/Due Process |
| 5145.11 | Questioning And Apprehension By Law Enforcement |
| 5145.13 | Response To Immigration Enforcement |
| 5145.13 | Response To Immigration Enforcement |
| 6142.8 | Comprehensive Health Education |
| 6142.93 | Science Instruction |
| 6145.2 | Athletic Competition |
| 6145.2 | Athletic Competition |
| 6153 | School-Sponsored Trips |
| 6153 | School-Sponsored Trips |
| 6163.2 | Animals At School |
| 6163.2 | Animals At School |
| 7110 | Facilities Master Plan |

## Sexual Harassment

**Policy 4119.11: Sexual Harassment**

Original Adopted Date: 02/13/2025 | Last Reviewed Date: 02/13/2025

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 Board of Trustees 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.

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

| State | Description |
|---|---|
| 2 CCR 11006-11086 | Discrimination in employment |
| 2 CCR 11009 | Employment discrimination |
| 2 CCR 11021 | Discrimination in employment - retaliation |
| 2 CCR 11023 | Harassment and discrimination prevention and correction |
| 2 CCR 11024 | Required training and education on harassment based on sex, gender identity and expression, and sexual orientation |
| 2 CCR 11034 | Terms, conditions, and privileges of employment |
| 5 CCR 4900-4965 | Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance |
| Ed. Code 200-262.4 | Prohibition of discrimination |
| Ed. Code 220.1 | Prohibition of retaliation related to educational equity |
| Ed. Code 220.3 | No requirement to disclose information related to student's sexual orientation, gender identity, or gender expression |
| Ed. Code 220.5 | Prohibition of policies requiring disclosure of information related to student's sexual orientation, gender identity, or gender expression |
| Gov. Code 11135 | Prohibition of discrimination |

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|---|---|
| Gov. Code 12900-12996 | Fair Employment and Housing Act |
| Gov. Code 12940 | Unlawful discriminatory employment practices |
| Gov. Code 12950 | Sexual harassment |
| Gov. Code 12950.1 | Sexual harassment training |
| Lab. Code 1101 | Political activities of employees |
| Lab. Code 1102.1 | Discrimination: sexual orientation |
| Lab. Code 1197.5 | Wages, hours, and working conditions |

| **Federal** | **Description** |
|---|---|
| 20 USC 1681-1688 | Title IX of the Education Amendments of 1972; discrimination based on sex |
| 29 CFR 1636 | Implementation of the Pregnant Workers Fairness Act |
| 34 CFR 106.1-106.82 | Nondiscrimination on the basis of sex in education programs or activities |
| 42 USC 2000e-2000e-17 | Title VII, Civil Rights Act of 1964, as amended |
| 42 USC 2000gg-2000gg-6 | Pregnant Workers Fairness Act |

| **Management Resources** | **Description** |
|---|---|
| Court Decision | Tennessee v. Cardona (2024) 737 F.Supp.3d 510 |
| Court Decision | Olmstead v. L.C. ex rel. Zimring (1999) 527 U.S. 581 |
| Court Decision | John T. D. v. River Delta Joint Unified School District (2021) WL 5176356 |
| Court Decision | Burlington Industries v. Ellreth (1998) 118 S.Ct. 2257 |
| Court Decision | Department of Health Services v. Superior Court of California (2003) 31 Cal. 4th 1026 |
| Court Decision | Faragher v. City of Boca Raton (1998) 118 S.Ct. 2275 |
| Court Decision | Gebser v. Lago Vista Independent School District (1998) 118 S.Ct. 1989 |
| Court Decision | Meritor Savings Bank, FSB v. Vinson et al. (1986) 447 U.S. 57 |
| Court Decision | Oncale v. Sundowner Offshore Serv. Inc. (1998) 118 S.Ct. 998 |
| Federal Register | Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, May 19, 2020, Vol. 85, No. 97, pages 30026-30579 |
| U.S. DOE, Office for Civil Rights Publication | Dear Colleague Letter: Enforcement of Title IX under the provisions of the |
| Website | CSBA District and County Office of Education Legal Services |
| Website | California Department of Education |
| Website | California Civil Rights Department |
| Website | U.S. Department of Education, Office for Civil Rights |
| Website | U.S. Equal Employment Opportunity Commission |

| **Cross References** | **Description** |
|---|---|
| 0410 | Nondiscrimination In District Programs And Activities |
| 0450 | Comprehensive Safety Plan |
| 0450 | Comprehensive Safety Plan |
| 1312.3 | Uniform Complaint Procedures |
| 1312.3 | Uniform Complaint Procedures |
| 1313 | Civility |
| 3530 | Risk Management/Insurance |
| 3530 | Risk Management/Insurance |
| 3600 | Consultants |
| 4030 | Nondiscrimination In Employment |
| 4030 | Nondiscrimination In Employment |
| 4033 | Lactation Accommodation |
| 4040 | Employee Use Of Technology |
| 4040-E(1) | Employee Use Of Technology |
| 4117.7 | Employment Status Reports |
| 4118 | Dismissal/Suspension/Disciplinary Action |
| 4118 | Dismissal/Suspension/Disciplinary Action |
| 4119.12 | Title IX Sexual Harassment Complaint Procedures |
| 4119.12-E(1) | Title IX Sexual Harassment Complaint Procedures |
| 4119.21 | Professional Standards |

| | |
|---|---|
| 4119.22 | Dress And Grooming |
| 4131 | Staff Development |
| 4144 | Complaints |
| 4144 | Complaints |
| 4219.12 | Title IX Sexual Harassment Complaint Procedures |
| 4219.12-E(1) | Title IX Sexual Harassment Complaint Procedures |
| 4219.21 | Professional Standards |
| 4219.21-E(1) | Professional Standards |
| 4219.22 | Dress And Grooming |
| 4244 | Complaints |
| 4244 | Complaints |
| 4300 | Administrative And Supervisory Personnel |
| 4300 | Administrative And Supervisory Personnel |
| 4317.7 | Employment Status Reports |
| 4319.12 | Title IX Sexual Harassment Complaint Procedures |
| 4319.12-E(1) | Title IX Sexual Harassment Complaint Procedures |
| 4319.21 | Professional Standards |
| 4319.21-E(1) | Professional Standards |
| 4319.22 | Dress And Grooming |
| 4344 | Complaints |
| 4344 | Complaints |
| 5145.3 | Nondiscrimination/Harassment |
| 5145.3 | Nondiscrimination/Harassment |
| 5145.7 | Sexual Harassment |
| 5145.7 | Sexual Harassment |
| 5145.71 | Title IX Sexual Harassment Complaint Procedures |
| 5145.71-E(1) | Title IX Sexual Harassment Complaint Procedures |

**Policy 5145.7: Sexual Harassment**

Original Adopted Date: 02/13/2025 | Last Reviewed Date: 02/13/2025

The Board of Trustees is committed to maintaining a welcoming, safe, and supportive school environment that is free from discrimination and harassment. The Board prohibits at school or at school-sponsored or school-related activities, sex discrimination and sex-based harassment, as defined in the accompanying administrative regulation, targeted at any student, based on the student's actual or perceived sex; sex stereotypes; sex characteristics; sexual orientation; gender; gender identity; gender expression; pregnancy, childbirth, termination of pregnancy or lactation, including related medical conditions or recovery; and, parental, marital, and family status.

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 district strongly encourages students who feel that they are being or have experienced sex discrimination, including sex-based harassment, on school grounds or at a school-sponsored or school-related activity, or off-campus when the conduct has a continuing effect on campus, to immediately contact their teacher, the principal, the district's Title IX Coordinator, or any other available school employee.

Any employee who receives a report or observes an incident of sex discrimination, including sex-based harassment, by or against a student in a district education program or activity shall report the incident to the Title IX Coordinator within one workday.

Once notified, the Title IX Coordinator shall ensure the complaint or allegation is addressed through Administrative Regulation 5145.71 - 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.

The Superintendent or designee shall ensure that all district staff are trained regarding the district's sex discrimination and sex-based harassment policy, and that all employees receive training related to their duties under Title IX as specified in Administrative Regulation 4119.11/4219.11/4319.11 - Sex Discrimination and Sex-Based Harassment. (34 CFR 106.8)

## Instruction/Information

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

1. What acts and behavior constitute sex discrimination and sex-based harassment, including the fact that sex discrimination and sex-based harassment could occur between people of the same sex and could involve sexual violence
2. A clear message that students do not have to endure sex discrimination or sex-based harassment under any circumstance
3. Encouragement to report observed incidents of sex discrimination and sex-based harassment even when the alleged victim of the discrimination or harassment has not complained
4. A clear message that student safety is the district's primary concern, and that any separate rule violation involving an alleged victim or any other person reporting a sex discrimination or sex-based harassment incident will be addressed separately and will not affect the manner in which the sex discrimination or sex-based harassment complaint will be received, investigated, or resolved
5. A clear message that, regardless of a complainant's noncompliance with the writing, timeline, or other formal filing requirements, every sex discrimination and sex-based harassment allegation that involves a student, whether as the complainant, respondent, or victim of the discrimination or harassment, shall be investigated and action shall be taken to respond to harassment, prevent recurrence, and address any continuing effect on students
6. Information about the district's procedures for investigating complaints and the person(s) to whom a report of sex discrimination and/or sex-based harassment should be made
7. Information about the rights of students and parents/guardians to file a civil or criminal complaint, as applicable, including the right to file a civil or criminal complaint while the district investigation of a sex discrimination or sex-based harassment complaint continues
8. A clear message that, when needed, the district will implement supportive measures to ensure a safe school environment for a student who is the complainant or victim of sex discrimination or sex-based harassment and/or other students during an investigation

## Disciplinary Actions

Upon completion of an investigation of sex discrimination and/or sex-based harassment, any student found to have engaged in sex discrimination, and/or sex-based harassment or sexual violence, in violation of this policy, shall be subject to disciplinary action. For students in grades 4-12, disciplinary action may include suspension and/or expulsion, provided that, in imposing such discipline, the entire circumstances of the incident(s) shall be taken into account.

Upon investigation of sex discrimination and/or sex-based harassment, any employee found to have engaged in sex discrimination against, and/or sex-based harassment or sexual violence toward, any student, shall be subject to disciplinary action, up to and including dismissal, in accordance with law and the applicable collective bargaining agreement.

## Record-Keeping

The Superintendent or designee shall maintain records in accordance with law, including in accordance with 34 CFR 106.8 as specified in Administrative Regulation 5145.71 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures, and district policies and regulations, of all reported cases of sex-based harassment to enable the district to monitor, address, and prevent repetitive harassing behavior in district schools.

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

| State | Description |
|---|---|
| 5 CCR 432 | Student records |
| 5 CCR 4600-4670 | Uniform complaint procedures |
| 5 CCR 4900-4965 | Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance |
| Civ. Code 1714.1 | Liability of parent/guardian for act of willful misconduct by a minor |
| Civ. Code 51.9 | Liability for sexual harassment; business, service and professional relationships |
| Ed. Code 200-262.4 | Prohibition of discrimination |
| Ed. Code 220.1 | Prohibition of retaliation related to educational equity |
| Ed. Code 220.3 | No requirement to disclose information related to student's sexual orientation, gender identity, or gender expression |
| Ed. Code 220.5 | Prohibition of policies requiring disclosure of information related to student's sexual orientation, gender identity, or gender expression |
| Ed. Code 35292.5 | School restrooms; all-gender restrooms |
| Ed. Code 48900 | Grounds for suspension or expulsion |
| Ed. Code 48900.2 | Additional grounds for suspension or expulsion; sexual harassment |
| Ed. Code 48904 | Liability of parent/guardian for willful student misconduct |
| Ed. Code 48980 | Parent/Guardian notifications |
| Ed. Code 48985 | Notices to parents/guardian in language other than English |
| Ed. Code 49060-49079 | Student records |
| Gov. Code 11135 | Prohibition of discrimination |
| Gov. Code 12950.1 | Sexual harassment training |

| Federal | Description |
|---|---|
| 20 USC 1092 | Definition of sexual assault |
| 20 USC 1221 | Application of laws |
| 20 USC 1232g | Family Educational Rights and Privacy Act (FERPA) of 1974 |
| 20 USC 1681-1688 | Title IX of the Education Amendments of 1972; discrimination based on sex |
| 34 CFR 106.1-106.82 | Nondiscrimination on the basis of sex in education programs or activities |
| 34 CFR 99.1-99.67 | Family Educational Rights and Privacy |
| 34 USC 12291 | Definition of dating violence, domestic violence, and stalking |
| 42 USC 1983 | Civil action for deprivation of rights |
| 42 USC 2000d-2000d-7 | Title VI, Civil Rights Act of 1964 |
| 42 USC 2000e-2000e-17 | Title VII, Civil Rights Act of 1964, as amended |

| Management Resources | Description |
|---|---|
| Court Decision | Tennessee v. Cardona (2024) 737 F.Supp.3d 510 |
| Court Decision | Davis v. Monroe County Board of Education (1999) 526 U.S. 629 |
| Court Decision | Doe v. Petaluma City School District (1995, 9th Cir.) 54 F.3d 1447 |
| Court Decision | Gebser v. Lago Vista Independent School District (1998) 524 U.S. 274 |
| Court Decision | Oona by Kate S. v. McCaffrey (1998, 9th Cir.) 143 F.3d 473 |
| Court Decision | Reese v. Jefferson School District (2001, 9th Cir.) 208 F.3d 736 |
| Court Decision | Donovan v. Poway Unified School District (2008) 167 Cal.App.4th 567 |
| Court Decision | Flores v. Morgan Hill Unified School District (2003, 9th Cir.) 324 F.3d 1130 |
| CSBA Publication | Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011 |
| Federal Register | Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, May 19, 2020, Vol. 85, No. 97, pages 30026-30579 |
| U.S. DOE, Office for Civil Rights Publication | Dear Colleague Letter: Enforcement of Title IX under the provisions of the 2020 Title IX Rule, February 4, 2025 |
| Website | CSBA District and County Office of Education Legal Services |
| Website | California Department of Education |
| Website | CSBA |
| Website | U.S. Department of Education, Office for Civil Rights |

| Cross References | Description |
|---|---|
| 0410 | Nondiscrimination In District Programs And Activities |
| 0450 | Comprehensive Safety Plan |
| 0450 | Comprehensive Safety Plan |
| 1114 | District-Sponsored Social Media |
| 1114 | District-Sponsored Social Media |
| 1312.1 | Complaints Concerning District Employees |
| 1312.1 | Complaints Concerning District Employees |
| 1312.3 | Uniform Complaint Procedures |
| 1312.3 | Uniform Complaint Procedures |
| 1313 | Civility |
| 3515.4 | Recovery For Property Loss Or Damage |
| 3515.4 | Recovery For Property Loss Or Damage |
| 3530 | Risk Management/Insurance |
| 3530 | Risk Management/Insurance |
| 3580 | District Records |
| 3580 | District Records |
| 4117.7 | Employment Status Reports |
| 4118 | Dismissal/Suspension/Disciplinary Action |
| 4118 | Dismissal/Suspension/Disciplinary Action |
| 4119.11 | Sexual Harassment |
| 4119.11 | Sexual Harassment |
| 4119.12 | Title IX Sexual Harassment Complaint Procedures |
| 4119.12-E(1) | Title IX Sexual Harassment Complaint Procedures |
| 4131 | Staff Development |
| 4218 | Dismissal/Suspension/Disciplinary Action |

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|---|---|
| 4218 | Dismissal/Suspension/Disciplinary Action |
| 4219.11 | Sexual Harassment |
| 4219.11 | Sexual Harassment |
| 4219.12 | Title IX Sexual Harassment Complaint Procedures |
| 4219.12-E(1) | Title IX Sexual Harassment Complaint Procedures |
| 4219.21 | Professional Standards |
| 4219.21-E(1) | Professional Standards |
| 4317.7 | Employment Status Reports |
| 4319.11 | Sexual Harassment |
| 4319.11 | Sexual Harassment |
| 4319.12 | Title IX Sexual Harassment Complaint Procedures |
| 4319.12-E(1) | Title IX Sexual Harassment Complaint Procedures |
| 4319.21 | Professional Standards |
| 4319.21-E(1) | Professional Standards |
| 5125 | Student Records |
| 5125 | Student Records |
| 5131 | Conduct |
| 5131.2 | Bullying |
| 5131.2 | Bullying |
| 5131.5 | Vandalism And Graffiti |
| 5132 | Dress And Grooming |
| 5137 | Positive School Climate |
| 5138 | Conflict Resolution/Peer Mediation |
| 5141.4 | Child Abuse Prevention And Reporting |
| 5141.4 | Child Abuse Prevention And Reporting |
| 5141.52 | Suicide Prevention |
| 5141.52 | Suicide Prevention |
| 5144 | Discipline |
| 5144 | Discipline |
| 5144.1 | Suspension And Expulsion/Due Process |
| 5144.1 | Suspension And Expulsion/Due Process |
| 5144.2 | Suspension And Expulsion/Due Process (Students With Disabilities) |
| 5145.2 | Freedom Of Speech/Expression |
| 5145.2 | Freedom Of Speech/Expression |
| 5145.3 | Nondiscrimination/Harassment |
| 5145.3 | Nondiscrimination/Harassment |
| 5145.6 | Parent/Guardian Notifications |
| 5145.71 | Title IX Sexual Harassment Complaint Procedures |
| 5145.71-E(1) | Title IX Sexual Harassment Complaint Procedures |

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|---|---|
| 5145.9 | Hate-Motivated Behavior |
| 6142.1 | Sexual Health And HIV/AIDS Prevention Instruction |
| 6142.1 | Sexual Health And HIV/AIDS Prevention Instruction |
| 6142.8 | Comprehensive Health Education |
| 6143 | Courses Of Study |
| 6143 | Courses Of Study |
| 6145 | Extracurricular And Cocurricular Activities |
| 6145 | Extracurricular And Cocurricular Activities |
| 6145.2 | Athletic Competition |
| 6145.2 | Athletic Competition |
| 6163.4 | Student Use Of Technology |
| 6163.4-E(1) | Student Use Of Technology |

**Regulation 4119.11: Sexual Harassment**

Original Adopted Date: 02/13/2025 | Last Reviewed Date: 02/13/2025

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:

ASSISTANT SUPERINTENDENT OF HUMAN RESOURCES 3188 QUIMBY ROAD,
SAN JOSE, CA 95148
(408) 270-6800
allhr@eesd.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.

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

| State | Description |
|---|---|
| 2 CCR 11006-11086 | Discrimination in employment |
| 2 CCR 11009 | Employment discrimination |
| 2 CCR 11021 | Discrimination in employment - retaliation |
| 2 CCR 11023 | Harassment and discrimination prevention and correction |
| 2 CCR 11024 | Required training and education on harassment based on sex, gender identity and expression, and sexual orientation |
| 2 CCR 11034 | Terms, conditions, and privileges of employment |
| 5 CCR 4900-4965 | Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance |
| Ed. Code 200-262.4 | Prohibition of discrimination |
| Ed. Code 220.1 | Prohibition of retaliation related to educational equity |
| Ed. Code 220.3 | No requirement to disclose information related to student's sexual orientation, gender identity, or gender expression |
| Ed. Code 220.5 | Prohibition of policies requiring disclosure of information related to student's sexual orientation, gender identity, or gender expression |
| Gov. Code 11135 | Prohibition of discrimination |
| Gov. Code 12900-12996 | Fair Employment and Housing Act |
| Gov. Code 12940 | Unlawful discriminatory employment practices |
| Gov. Code 12950 | Sexual harassment |
| Gov. Code 12950.1 | Sexual harassment training |
| Lab. Code 1101 | Political activities of employees |
| Lab. Code 1102.1 | Discrimination: sexual orientation |
| Lab. Code 1197.5 | Wages, hours, and working conditions |

| Federal | Description |
|---|---|
| 20 USC 1681-1688 | Title IX of the Education Amendments of 1972; discrimination based on sex |
| 29 CFR 1636 | Implementation of the Pregnant Workers Fairness Act |
| 34 CFR 106.1-106.82 | Nondiscrimination on the basis of sex in education programs or activities |

| | |
|---|---|
| 42 USC 2000e-2000e-17 | Title VII, Civil Rights Act of 1964, as amended |
| 42 USC 2000gg-2000gg-6 | Pregnant Workers Fairness Act |

| **Management Resources** | **Description** |
|---|---|
| Court Decision | Tennessee v. Cardona (2024) 737 F.Supp.3d 510 |
| Court Decision | Olmstead v. L.C. ex rel. Zimring (1999) 527 U.S. 581 |
| Court Decision | John T. D. v. River Delta Joint Unified School District (2021) WL 5176356 |
| Court Decision | Burlington Industries v. Ellreth (1998) 118 S.Ct. 2257 |
| Court Decision | Department of Health Services v. Superior Court of California (2003) 31 Cal. 4th 1026 |
| Court Decision | Faragher v. City of Boca Raton (1998) 118 S.Ct. 2275 |
| Court Decision | Gebser v. Lago Vista Independent School District (1998) 118 S.Ct. 1989 |
| Court Decision | Meritor Savings Bank, FSB v. Vinson et al. (1986) 447 U.S. 57 |
| Court Decision | Oncale v. Sundowner Offshore Serv. Inc. (1998) 118 S.Ct. 998 |
| Federal Register | Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, May 19, 2020, Vol. 85, No. 97, pages 30026-30579 |
| U.S. DOE, Office for Civil Rights Publication | Dear Colleague Letter: Enforcement of Title IX under the provisions of the |
| Website | CSBA District and County Office of Education Legal Services |
| Website | California Department of Education |
| Website | California Civil Rights Department |
| Website | U.S. Department of Education, Office for Civil Rights |
| Website | U.S. Equal Employment Opportunity Commission |

| **Cross References** | **Description** |
|---|---|
| 0410 | Nondiscrimination In District Programs And Activities |
| 0450 | Comprehensive Safety Plan |
| 0450 | Comprehensive Safety Plan |
| 1312.3 | Uniform Complaint Procedures |
| 1312.3 | Uniform Complaint Procedures |
| 1313 | Civility |
| 3530 | Risk Management/Insurance |
| 3530 | Risk Management/Insurance |
| 3600 | Consultants |
| 4030 | Nondiscrimination In Employment |
| 4030 | Nondiscrimination In Employment |
| 4033 | Lactation Accommodation |
| 4040 | Employee Use Of Technology |
| 4040-E(1) | Employee Use Of Technology |
| 4117.7 | Employment Status Reports |
| 4118 | Dismissal/Suspension/Disciplinary Action |
| 4118 | Dismissal/Suspension/Disciplinary Action |
| 4119.12 | Title IX Sexual Harassment Complaint Procedures |
| 4119.12-E(1) | Title IX Sexual Harassment Complaint Procedures |
| 4119.21 | Professional Standards |
| 4119.22 | Dress And Grooming |
| 4131 | Staff Development |
| 4144 | Complaints |
| 4144 | Complaints |
| 4219.12 | Title IX Sexual Harassment Complaint Procedures |
| 4219.12-E(1) | Title IX Sexual Harassment Complaint Procedures |
| 4219.21 | Professional Standards |
| 4219.21-E(1) | Professional Standards |
| 4219.22 | Dress And Grooming |

| | |
|---|---|
| 4244 | Complaints |
| 4244 | Complaints |
| 4300 | Administrative And Supervisory Personnel |
| 4300 | Administrative And Supervisory Personnel |
| 4317.7 | Employment Status Reports |
| 4319.12 | Title IX Sexual Harassment Complaint Procedures |
| 4319.12-E(1) | Title IX Sexual Harassment Complaint Procedures |
| 4319.21 | Professional Standards |
| 4319.21-E(1) | Professional Standards |
| 4319.22 | Dress And Grooming |
| 4344 | Complaints |
| 4344 | Complaints |
| 5145.3 | Nondiscrimination/Harassment |
| 5145.3 | Nondiscrimination/Harassment |
| 5145.7 | Sexual Harassment |
| 5145.7 | Sexual Harassment |
| 5145.71 | Title IX Sexual Harassment Complaint Procedures |
| 5145.71-E(1) | Title IX Sexual Harassment Complaint Procedures |

**Regulation 5145.7: Sexual Harassment**

Original Adopted Date: 04/10/2025 | Last Reviewed Date: 04/10/2025

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.

## Definitions

*Sex discrimination* includes treating a student differently with respect to the provision of opportunities to participate in school programs or activities or the provision or receipt of educational benefits or services based on the student's sex, 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 the student's 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 affects a student's ability to participate in or benefit from an educational program or activity; creates an intimidating, threatening, hostile, or offensive educational environment; has the effect of substantially or unreasonably interfering with a student's academic performance; or otherwise adversely affects a student's educational opportunities.

*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 made against another person of the same or opposite sex in the educational setting, under any of the following conditions: (Education Code 212.5; 5 CCR 4916)

1. Submission to the conduct is explicitly or implicitly made a term or condition of a student's academic status or progress

2. Submission to or rejection of the conduct by a student is used as the basis for academic decisions affecting the student

3. The conduct has the purpose or effect of having a negative impact on the student's academic performance or of creating an intimidating, hostile, or offensive educational environment

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

## Examples of Sex Discrimination and Sex-Based Harassment

Examples of types of conduct which are prohibited in the district and which may constitute sex- based harassment, under state and/or federal law, in accordance with the definitions above, include, but are not limited to:

1. Unwelcome leering, sexual flirtations, or propositions

2. Unwelcome sex-based slurs, epithets, threats, verbal abuse, derogatory comments, or sexually degrading descriptions

3. Graphic verbal comments about an individual's body or overly personal conversation

4. Sex-based jokes, derogatory posters, notes, stories, cartoons, drawings, pictures, obscene gestures, or computer-generated images of a sexual nature

5. Spreading sex-based rumors

6. Teasing or sexual remarks about students enrolled in a predominantly single-sex class

7. Massaging, grabbing, fondling, stroking, or brushing the body

8. Touching an individual's body or clothes in a sexual way

9. Impeding or blocking movements or any physical interference with school activities when directed at an individual on the basis of sex

10. Displaying sexually suggestive objects

11. Sexual assault, sexual battery, or sexual coercion

12. Electronic communications containing comments, words, or images described above

## 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. The individual(s) shall also serve as the Compliance Officer(s) specified in Administrative Regulation 1312.3 - Uniform Complaint Procedures and Administrative Regulation 5145.3 - Nondiscrimination/Harassment as the responsible employee(s) to handle student complaints alleging unlawful discrimination, as permitted by law. The Title IX Coordinator(s) may be contacted at:

Assistant Superintendent of Educational Services 3188 Quimby Rd. San Jose CA 95148
408-270-6800

## Notifications

To prevent unlawful sex discrimination and sex-based harassment 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 5145.3 - Nondiscrimination/Harassment.

In addition to the measures to prevent discrimination specified in Administrative Regulation 5145.3 - Nondiscrimination/Harassment, the Superintendent or designee shall ensure that a copy of the district's sex discrimination and sex-based harassment policy and regulation:

1. Is displayed in a prominent location in the main administrative building or other area where notices of district rules, regulations, procedures, and standards of conduct are posted (Education Code 231.5)

2. Is summarized on a poster, which shall be prominently and conspicuously displayed in each bathroom and locker room at each school

   The poster may be displayed in public areas that are accessible to and frequented by students, including, but not limited to, classrooms, hallways, gymnasiums, auditoriums, and cafeterias. The poster shall display the rules and procedures for reporting a charge of sexual harassment; the name, phone number, and email address of an appropriate school employee to contact to report sexual harassment; the rights of the reporting student, the complainant, and the respondent; and the responsibilities of the school. (Education Code 231.6)

3. Is provided as part of any orientation program conducted for new and continuing students at the time the student is enrolled or at the beginning of each quarter, semester, or summer session (Education Code 231.5)

4. Appears 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)

## Reports and Complaints

A student or a student's parent(s)/guardian(s) who believes that the student has been subjected to sex discrimination, including sex-based harassment, in a district program or activity or who has witnessed sex discrimination, including sex-based harassment, is strongly encouraged to report the incident to the district's Title IX Coordinator, a teacher, the principal, or any other available school employee. Within one workday of receiving such a report, the principal or other school employee shall forward the report to the district's Title IX Coordinator. Any school employee who observes sex discrimination or sex-based harassment shall, within one workday, report the observation to the Title IX Coordinator as specified in the accompanying board policy. The report shall be made regardless of whether the alleged victim files a formal complaint or requests confidentiality.

When a report or complaint of sex discrimination or sex-based harassment involves off-campus conduct, the Title IX Coordinator shall assess whether the conduct may create or contribute to the creation of a hostile school environment. If the Title IX Coordinator determines that a hostile environment may be created, the complaint shall be investigated and resolved in the same manner as if the prohibited conduct occurred at school.

## Complaint Procedures

All complaints and allegations of sex discrimination and sex-based harassment shall be investigated and resolved in accordance with 34 CFR 106.44 and 106.45 and Administrative Regulation 5145.71 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures.

## Issues Unique to Intersex, Nonbinary, Transgender and Gender-Nonconforming Students

*Gender identity of a student* means the student's gender-related identity, appearance, or behavior as determined from the student's internal sense, regardless of whether that gender-related identity, appearance, or behavior is different from that traditionally associated with the student's physiology or assigned sex at birth.

*Gender expression* means a student's gender-related appearance and behavior, whether stereotypically associated with the student's assigned sex at birth. (Education Code 210.7)

*Gender transition* refers to the process in which a student changes from living and identifying as the sex assigned to the student at birth to living and identifying as the sex that corresponds to the student's gender identity.

*Gender-nonconforming student* means a student whose gender expression differs from stereotypical expectations.

*Intersex student* means a student with natural bodily variations in anatomy, hormones, chromosomes, and other traits that differ from expectations generally associated with female and male bodies.

*Nonbinary student* means a student whose gender identity falls outside of the traditional conception of strictly either female or male, regardless of whether the student identifies as transgender, was born with intersex traits, uses gender-neutral pronouns, or uses agender, genderqueer, pangender, gender nonconforming, gender variant, or such other more specific term to describe their gender.

*Transgender student* means a student whose gender identity is different from the gender assigned at birth.

The district prohibits acts of verbal, nonverbal, or physical aggression, intimidation, or hostility that are based on sex, sex stereotypes, sex characteristics, sexual orientation, gender identity, or gender expression, or that have the purpose or effect of producing a negative impact on the student's academic performance or of creating an intimidating, hostile, or offensive educational environment, regardless of whether the acts are sexual in nature.
Examples of the types of conduct that are prohibited in the district and which may constitute sex-based hostile environment harassment include, but are not limited to:

1. Refusing to address a student by a name and the pronouns consistent with the student's gender identity
2. Disciplining or disparaging a student or excluding the student from participating in activities, for behavior or appearance that is consistent with the student's gender identity or that does not conform to stereotypical notions of masculinity or femininity, as applicable
3. Blocking a student's entry to the restroom that corresponds to the student's gender identity
4. Taunting a student because the student participates in an athletic activity more typically favored by a student of the other sex
5. Revealing a student's gender identity to individuals who do not have a legitimate need for the information, without the student's consent
6. Using gender-specific slurs

7. Assaulting a student because of the student's gender, sex characteristic, sexual orientation, gender identity, or gender expression

To ensure that intersex, nonbinary, transgender, and gender-nonconforming students are afforded the same rights, benefits, and protections provided to all students by law and Board policy, the district shall address each situation on a case-by-case basis, in accordance with the following guidelines:

1. Right to privacy: A student's intersex, nonbinary, transgender, or gender-nonconforming status is the student's private information

   The district shall develop strategies to prevent unauthorized disclosure of students' private information. Such strategies may include, but are not limited to, collecting or maintaining information about student gender only when relevant to the educational program or activity, protecting or revealing a student's gender identity as necessary to protect the health or safety of the student, and keeping a student's unofficial record separate from the official record.

   The district shall only disclose the information to others with the student's prior written consent, except when the disclosure is otherwise required by law or when the district has compelling evidence that disclosure is necessary to preserve the student's physical or mental well-being. (Education Code 220.3, 220.5; 34 CFR 99.31, 99.36)

   The district shall only allow disclosure of a student's personally identifiable information to employees in accordance with law. Any district employee to whom a student's intersex, nonbinary, transgender, or gender-nonconforming status is disclosed shall keep the student's information confidential. When disclosure of a student's gender identity is made to a district employee by a student, the employee shall seek the student's permission to notify the Compliance Officer. If the student refuses to give permission, the employee shall keep the student's information confidential, unless the employee is required to disclose or report the student's information pursuant to this administrative regulation, and shall inform the student that honoring the student's request may limit the district's ability to meet the student's needs related to the student's status as an intersex, nonbinary, transgender, or gender-nonconforming student. If the student permits the employee to notify the Compliance Officer, the employee shall do so within three school days.

   As appropriate given the student's need for support, the Compliance Officer may discuss with the student any need to disclose the student's intersex, nonbinary, transgender, or gender-nonconformity status or gender identity or gender expression to the student's parents/guardians and/or others, including other students, teacher(s), or other adults on campus. The district shall offer support services, such as counseling, to students who wish to inform their parents/guardians of their status and request assistance in doing so.

2. Determining a Student's Gender Identity: The Compliance Officer shall accept the student's assertion of gender identity and begin to treat the student consistent with that gender identity unless district personnel present a credible and supportable basis for believing that the student's assertion is for an improper purpose

3. Addressing a Student's Transition Needs: The Compliance Officer shall arrange a meeting with the student and, if appropriate, the student's parents/guardians to identify and develop strategies for ensuring that the student's access to educational programs and activities is maintained

   The meeting shall discuss the intersex, nonbinary, transgender, or gender-nonconforming student's rights and how those rights may affect and be affected by the rights of other students and shall address specific subjects related to the student's access to facilities and to academic or educational support programs, services, or activities, including, but not limited to, sports and other competitive endeavors. In addition, the Compliance Officer shall identify specific school site employee(s) to whom the student may report any problem related to the student's status as an intersex, nonbinary, transgender, or gender-nonconforming individual, so that prompt action can be taken to address it. Alternatively, if appropriate and desired by the student, the school may form a support team for the student that will meet periodically to assess whether the arrangements for the student are meeting the student's educational needs and providing equal access to programs and activities, educate appropriate staff about the student's transition, and serve as a resource to the student to better protect the student from gender-based discrimination.

4. Accessibility to Sex-Segregated Facilities, Programs, and Activities: When the district maintains sex-segregated facilities, such as restrooms and locker rooms, or offers sex-segregated programs and activities, such as physical education classes, intermural sports, and interscholastic athletic programs, students shall be permitted to access facilities and participate in programs and activities consistent with their gender identity

   To address any student's privacy concerns in using sex-segregated facilities, the district shall offer available options such as a gender-neutral or single-use restroom or changing area, a bathroom stall with a door, an area in the locker room separated by a curtain or screen, or use of the locker room before or after the other students. However, the district shall not require a student to utilize these options because the student is intersex, nonbinary, transgender, or gender-nonconforming. In addition, a student shall be permitted to participate in accordance with the student's gender identity in other circumstances where students are separated by gender, such as for class discussions, yearbook pictures, and field trips. A student's right to participate in a sex-segregated activity in accordance with the student's gender identity shall not render invalid or inapplicable any other eligibility rule established for participation in the activity.

   Beginning July 1, 2026, each school shall provide and maintain at least one all-gender restroom for student use that meets the requirements of Education Code 35292.5.

5. Student Records: Upon each student's enrollment, the district is required to maintain a mandatory permanent student record (official record) that includes the student's gender and legal name

   A student's legal name as entered on the mandatory student record required pursuant to 5 CCR 432 shall only be changed with proper documentation. A student's gender as entered on the student's official record required pursuant to 5 CCR 432 shall only be changed with written authorization of a parent/guardian having legal custody of the student. (Education Code 49061)

   However, when proper documentation or authorization, as applicable, is not submitted with a request to change a student's legal name or gender, any change to the student's record shall be limited to the student's unofficial records such as attendance sheets, report cards, and school identification.

6. Names and Pronouns: If a student so chooses, district personnel shall be required to address the student by a name and the pronoun(s) consistent with the student's gender identity, without the necessity of a court order or a change to the student's official district record

However, inadvertent slips or honest mistakes by district personnel in the use of the student's name and/or consistent pronouns will, in general, not constitute a violation of this administrative regulation or the accompanying board policy.

7. Uniforms/Dress Code: A student has the right to dress in a manner consistent with the student's gender identity, subject to any dress code adopted on a school site

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

| **State** | **Description** |
|---|---|
| 5 CCR 432 | Student records |
| 5 CCR 4600-4670 | Uniform complaint procedures |
| 5 CCR 4900-4965 | Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance |
| Civ. Code 1714.1 | Liability of parent/guardian for act of willful misconduct by a minor |
| Civ. Code 51.9 | Liability for sexual harassment; business, service and professional relationships |
| Ed. Code 200-262.4 | Prohibition of discrimination |
| Ed. Code 220.1 | Prohibition of retaliation related to educational equity |
| Ed. Code 220.3 | No requirement to disclose information related to student's sexual orientation, gender identity, or gender expression |
| Ed. Code 220.5 | Prohibition of policies requiring disclosure of information related to student's sexual orientation, gender identity, or gender expression |
| Ed. Code 35292.5 | School restrooms; all-gender restrooms |
| Ed. Code 48900 | Grounds for suspension or expulsion |
| Ed. Code 48900.2 | Additional grounds for suspension or expulsion; sexual harassment |
| Ed. Code 48904 | Liability of parent/guardian for willful student misconduct |
| Ed. Code 48980 | Parent/Guardian notifications |
| Ed. Code 48985 | Notices to parents/guardian in language other than English |
| Ed. Code 49060-49079 | Student records |
| Gov. Code 11135 | Prohibition of discrimination |
| Gov. Code 12950.1 | Sexual harassment training |

| **Federal** | **Description** |
|---|---|
| 20 USC 1092 | Definition of sexual assault |
| 20 USC 1221 | Application of laws |
| 20 USC 1232g | Family Educational Rights and Privacy Act (FERPA) of 1974 |
| 20 USC 1681-1688 | Title IX of the Education Amendments of 1972; discrimination based on sex |
| 34 CFR 106.1-106.82 | Nondiscrimination on the basis of sex in education programs or activities |
| 34 CFR 99.1-99.67 | Family Educational Rights and Privacy |
| 34 USC 12291 | Definition of dating violence, domestic violence, and stalking |

| | |
|---|---|
| 42 USC 1983 | Civil action for deprivation of rights |
| 42 USC 2000d-2000d-7 | Title VI, Civil Rights Act of 1964 |
| 42 USC 2000e-2000e-17 | Title VII, Civil Rights Act of 1964, as amended |

| **Management Resources** | **Description** |
|---|---|
| Court Decision | Tennessee v. Cardona (2024) 737 F.Supp.3d 510 |
| Court Decision | Davis v. Monroe County Board of Education (1999) 526 U.S. 629 |
| Court Decision | Doe v. Petaluma City School District (1995, 9th Cir.) 54 F.3d 1447 |
| Court Decision | Gebser v. Lago Vista Independent School District (1998) 524 U.S. 274 |
| Court Decision | Oona by Kate S. v. McCaffrey (1998, 9th Cir.) 143 F.3d 473 |
| Court Decision | Reese v. Jefferson School District (2001, 9th Cir.) 208 F.3d 736 |
| Court Decision | Donovan v. Poway Unified School District (2008) 167 Cal.App.4th 567 |
| Court Decision | Flores v. Morgan Hill Unified School District (2003, 9th Cir.) 324 F.3d 1130 |
| CSBA Publication | Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011 |
| Federal Register | Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, May 19, 2020, Vol. 85, No. 97, pages 30026-30579 |
| U.S. DOE, Office for Civil Rights Publication | Dear Colleague Letter: Enforcement of Title IX under the provisions of the 2020 Title IX Rule, February 4, 2025 |
| Website | CSBA District and County Office of Education Legal Services |
| Website | California Department of Education |
| Website | CSBA |
| Website | U.S. Department of Education, Office for Civil Rights |

| **Cross References** | **Description** |
|---|---|
| 0410 | Nondiscrimination In District Programs And Activities |
| 0450 | Comprehensive Safety Plan |
| 0450 | Comprehensive Safety Plan |
| 1114 | District-Sponsored Social Media |
| 1114 | District-Sponsored Social Media |
| 1312.1 | Complaints Concerning District Employees |
| 1312.1 | Complaints Concerning District Employees |
| 1312.3 | Uniform Complaint Procedures |
| 1312.3 | Uniform Complaint Procedures |
| 1313 | Civility |
| 3515.4 | Recovery For Property Loss Or Damage |
| 3515.4 | Recovery For Property Loss Or Damage |
| 3530 | Risk Management/Insurance |
| 3530 | Risk Management/Insurance |
| 3580 | District Records |
| 3580 | District Records |
| 4117.7 | Employment Status Reports |
| 4118 | Dismissal/Suspension/Disciplinary Action |
| 4118 | Dismissal/Suspension/Disciplinary Action |
| 4119.11 | Sexual Harassment |
| 4119.11 | Sexual Harassment |
| 4119.12 | Title IX Sexual Harassment Complaint Procedures |

| | |
|---|---|
| 4119.12-E(1) | Title IX Sexual Harassment Complaint Procedures |
| 4131 | Staff Development |
| 4218 | Dismissal/Suspension/Disciplinary Action |
| 4218 | Dismissal/Suspension/Disciplinary Action |
| 4219.11 | Sexual Harassment |
| 4219.11 | Sexual Harassment |
| 4219.12 | Title IX Sexual Harassment Complaint Procedures |
| 4219.12-E(1) | Title IX Sexual Harassment Complaint Procedures |
| 4219.21 | Professional Standards |
| 4219.21-E(1) | Professional Standards |
| 4317.7 | Employment Status Reports |
| 4319.11 | Sexual Harassment |
| 4319.11 | Sexual Harassment |
| 4319.12 | Title IX Sexual Harassment Complaint Procedures |
| 4319.12-E(1) | Title IX Sexual Harassment Complaint Procedures |
| 4319.21 | Professional Standards |
| 4319.21-E(1) | Professional Standards |
| 5125 | Student Records |
| 5125 | Student Records |
| 5131 | Conduct |
| 5131.2 | Bullying |
| 5131.2 | Bullying |
| 5131.5 | Vandalism And Graffiti |
| 5132 | Dress And Grooming |
| 5137 | Positive School Climate |
| 5138 | Conflict Resolution/Peer Mediation |
| 5141.4 | Child Abuse Prevention And Reporting |
| 5141.4 | Child Abuse Prevention And Reporting |
| 5141.52 | Suicide Prevention |
| 5141.52 | Suicide Prevention |
| 5144 | Discipline |
| 5144 | Discipline |
| 5144.1 | Suspension And Expulsion/Due Process |
| 5144.1 | Suspension And Expulsion/Due Process |
| 5144.2 | Suspension And Expulsion/Due Process (Students With Disabilities) |
| 5145.2 | Freedom Of Speech/Expression |
| 5145.2 | Freedom Of Speech/Expression |
| 5145.3 | Nondiscrimination/Harassment |
| 5145.3 | Nondiscrimination/Harassment |

| | |
|---|---|
| 5145.6 | Parent/Guardian Notifications |
| 5145.71 | Title IX Sexual Harassment Complaint Procedures |
| 5145.71-E(1) | Title IX Sexual Harassment Complaint Procedures |
| 5145.9 | Hate-Motivated Behavior |
| 6142.1 | Sexual Health And HIV/AIDS Prevention Instruction |
| 6142.1 | Sexual Health And HIV/AIDS Prevention Instruction |
| 6142.8 | Comprehensive Health Education |
| 6143 | Courses Of Study |
| 6143 | Courses Of Study |
| 6145 | Extracurricular And Cocurricular Activities |
| 6145 | Extracurricular And Cocurricular Activities |
| 6145.2 | Athletic Competition |
| 6145.2 | Athletic Competition |
| 6163.4 | Student Use Of Technology |
| 6163.4-E(1) | Student Use Of Technology |

**Regulation 5145.71: Title IX Sexual Harassment Complaint Procedures**
Original Adopted Date: 02/13/2025 | Last Reviewed Date: 02/13/2025

The complaint procedures described in this administrative regulation shall be used to address any complaint governed by Title IX of the Education Amendments of 1972 alleging that a district student, while in an education program or activity, was subjected to conduct on or after August 1, 2024, including, but not limited to, conduct that is under the authority of the district, that constitutes sex discrimination, including sex-based harassment. For conduct that occurred prior to this date, the district should utilize its policies in place at the time the alleged sex discrimination, including sex-based harassment, occurred, so long as they are in accordance with the applicable statutes and regulations.

Sex discrimination and sex-based harassment include, but are not limited to, sex-based conduct as specified in Administrative Regulation 5145.7 - Sex Discrimination and Sex-Based Harassment.

## Basic Requirements

When implementing Title IX grievance procedures, the district shall: (34 CFR 106.45)

1. Treat complainants and respondents equitably

2. Ensure that the Title IX Coordinator or designee, investigator, or decisionmaker not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent

   The investigator and the decisionmaker may be the same person as the Title IX Coordinator or designee.

3. Presume that the respondent is not responsible for the alleged sex discrimination, including sex-based harassment, until a determination is made at the conclusion of the grievance procedures

4. Establish reasonably prompt timeframes for the major stages of the grievance procedures, such as evaluation of whether to dismiss or investigate a complaint, investigation, decision, and appeals if any

5. Establish a process that allows for the reasonable extension of timeframes on a case-by-case basis for good cause with notice to the parties that includes the reason for the delay

Additionally, the district shall not disclose personally identifiable information obtained while implementing Title IX complaint procedures unless the district has obtained prior written consent from a person with the legal right to consent to the disclosure; the information is disclosed to a parent/guardian or other authorized legal representative with the legal right to receive disclosures on behalf of the person whose personally identifiable information is at issue; to take action to address conduct that reasonably may constitute sex discrimination under Title IX, including sex-based harassment, in the district's education program or activity; as required by federal law, regulations, or as a condition to a federal award; as required by state or local law; or to the extent such disclosures are not otherwise in conflict with Title IX. (34 CFR 106.44)

If either party is a student with a disability, the Title IX Coordinator or designee shall consult with one or more members, as appropriate, of the student's individualized education program or 504 team, to determine how to comply with the requirements of the Individuals with Disabilities Education Act (IDEA) or Section 504 of the Rehabilitation Act of 1973.

## Filing a Complaint

Upon receiving information from an allegation of sex discrimination, include sex-based harassment, the Title IX Coordinator or designee shall notify the individual(s) specified in law of the Title IX grievance procedures, and of the informal resolution process, if available and appropriate.

A *complaint* is an oral or written request that can objectively be understood by the Title IX Coordinator or designee as a request for the district to investigate and make a determination about alleged sex discrimination, including sex-based harassment. (34 CFR 106.21)

Complaints of sex discrimination and sex-based harassment may only be brought by a student, or former student, who was participating or attempting to participate in the district's education program or activity at the time of the alleged sex-based harassment, a parent/guardian or other authorized legal representative with the legal right to act on behalf of the student, or the Title IX Coordinator or designee. (34 CFR 106.45)

If the alleged victim chooses not to bring a complaint, or withdraws any or all of the allegations in a complaint, and in the absence or termination of an information resolution process, the Title IX Coordinator or designee shall consider whether to initiate a complaint. To do so, the Title IX Coordinator or designee shall first consider the following factors: (34 CFR 106.44)

1. The victim's request not to proceed with initiation of a complaint

2. The victim's reasonable safety concerns regarding initiation of a complaint

3. The risk that additional acts of sex discrimination, including sex-based harassment, would occur if a complaint is not initiated

4. The severity of the alleged sex discrimination or sex-based harassment, including whether the discrimination, if established, would require the removal of a respondent from campus or imposition of another disciplinary sanction to end the discrimination and prevent its recurrence

5. The age and relationship of the parties, including whether the respondent is an employee of the district

6. The scope of the alleged sex discrimination, including information suggesting a pattern; ongoing sex discrimination, including sex-based harassment; or sex discrimination, including sex-based harassment, alleged to have impacted multiple individuals

7. The availability of evidence to assist a decisionmaker in determining whether sex discrimination, including sex-based harassment, occurred

8. Whether the district could end the alleged sex discrimination, including sex-based harassment, and prevent its recurrence without initiating the Title IX grievance procedures

If, after considering these factors, the Title IX Coordinator determines that the alleged conduct presents an imminent and serious threat to the health and safety of the complainant or another person, or that the conduct as alleged prevents the district from ensuring equal access to a district program or activity on the basis of sex, the Title IX Coordinator may initiate a complaint.

If the Title IX Coordinator initiates a complaint, the Title IX Coordinator shall provide the alleged victim notice of the complaint, as well as other notices as required by the Title IX regulations at specific points in the complaint process. The Title IX Coordinator shall also address reasonable concerns about the victim's safety or the safety of others, including providing supportive measures as described in "Supportive Measures" below, and taking other appropriate prompt and effective steps to ensure that sex discrimination, including sex-based harassment, does not continue or recur within the district. (34 CFR 106.44)

The Title IX Coordinator or designee, investigator, decisionmaker, other person who is responsible for implementing the district's grievance procedures or have the authority to modify or terminate supportive measures, or a facilitator of an informal resolution process shall not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. Such persons shall receive training in accordance with 34 CFR 106.8. (34 CFR 106.44)

The Title IX Coordinator shall monitor the district for barriers to reporting information about conduct that reasonably may constitute sex discrimination, including sex-based harassment, under Title IX, and take steps reasonably calculated to address such barriers. (34 CFR 106.44, 106.45)

## Supportive Measures

Upon receipt of a report of Title IX sex discrimination or sex-based harassment, the Title IX Coordinator or designee shall offer and coordinate supportive measures. Supportive measures may vary depending on what the district determines to be reasonably available and shall not unreasonably burden either the complainant or respondent.

Supportive measures shall be provided without charging a fee to the complainant or respondent and be designed to protect the safety of the complainant, respondent, and the district's educational environment, and to provide support during any grievance procedures implemented as specified in 34 CFR 106.45 or informal resolution process as specified in 34 CFR 106.44. The district shall not impose such measures for punitive or disciplinary reasons.

Unless there is an allegation of sex-based harassment or retaliation, the district may provide supportive measures without altering the alleged discriminatory conduct. (34 CFR 106.44)

Upon the conclusion of any grievance procedures implemented as specified in 34 CFR 106.45 or informal resolution process as specified in 34 CFR 106.44, the district may continue with the supportive measures, or modify or terminate such measures, as appropriate. (34 CFR 106.44)

The district shall provide a complainant or respondent for whom supportive measures have been implemented with a timely opportunity to seek, from an impartial employee with authority to modify or reverse the supportive measures, modification or reversal of the district's decision to provide, deny, modify, or terminate such measures, and to seek additional modification or termination of the supportive measures if circumstances materially change. (34 CFR 106.44)

The district shall not disclose information about supportive measures to any person other than the person to whom they apply, including informing one party of supportive measures provided to another party, unless the disclosure is necessary to providing the supportive

measures, or restoring or preserving a party's access to the district's education program or activity. (34 CFR 106.44)

## Emergency Removal from School

A student shall not be disciplined for alleged sex discrimination, including sex-based harassment, under Title IX until the investigation has been completed. However, on an emergency basis, the district may remove a student from the district's education program or activity, provided that the district conducts an individualized safety and risk analysis, determines that removal is justified due to an imminent and serious threat to the health or safety of a complainant or any student, employee, or other individual arising from the allegations, and provides the respondent with notice and an opportunity to challenge the decision immediately following the removal. This authority to remove a student does not modify a student's rights under the IDEA or Section 504 of the Rehabilitation Act of 1973. (34 CFR 106.44)

If a district employee is the respondent, the employee may be placed on administrative leave during the pendency of the formal complaint process. (34 CFR 106.44)

## Dismissal of Complaint

The Title IX Coordinator or designee may dismiss a complaint if: (34 CFR 106.45)

1. The district is unable to identify the respondent after taking reasonable steps to do so
2. The respondent is not participating in the district's education program or activity and is not employed by the district
3. The district determines that the conduct alleged in the complaint, even if proven, would not constitute sex discrimination, including sex-based harassment, under Title IX

   Before dismissing the complaint, the Title IX Coordinator shall make reasonable efforts to clarify the allegations with the complainant.
4. The complainant voluntarily withdraws any or all of the allegations in the complaint, the Title IX Coordinator declines to initiate a complaint, and the Title IX Coordinator determines that, without the complainant's withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute sex discrimination, including sex-based harassment, under Title IX, even if proven

The Title IX Coordinator shall determine whether to dismiss or investigate any complaint of sex discrimination, including sex-based harassment, within 10 calendar days, unless such timeline is extended in accordance with this administrative regulation.

Upon dismissal, the Title IX Coordinator shall promptly notify the complainant of the dismissal and the reasons for the dismissal. Additionally, if the dismissal occurs after the respondent has been notified of the allegations, the Title IX Coordinator shall provide such notification to the respondent, which shall occur simultaneously to both parties if the notification is in writing. The Title IX Coordinator shall also inform the complainant, and the respondent if the dismissal occurs after the respondent has been notified of the allegations, of their right to appeal. Dismissals may be appealed on the following bases: (34 CFR 106.45)

1. A procedural irregularity that would change the outcome
2. New evidence that would change the outcome and that was not reasonably available when dismissal was made
3. The Title IX Coordinator, investigator, or decisionmaker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome

If the dismissal is appealed, the district shall: (34 CFR 106.45)

1. Notify the parties of any appeal, including notice of the allegations, if notice was not previously provided to the respondent
2. Implement appeal procedures equally for the parties
3. Ensure that the decisionmaker for the appeal did not take part in an investigation of the allegations or dismissal of the complaint
4. Ensure that the decisionmaker for the appeal has been trained consistent with the Title IX regulations
5. Provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome
6. Notify the parties of the result of the appeal and the rationale for the result

If a complaint is dismissed, the Title IX Coordinator or designee shall offer supportive measures as described above in "Supportive Measures"

to the complainant. Additionally, the respondent shall be offered supportive measures if the complaint was dismissed because the complainant voluntarily withdrew any or all of the allegations in the complaint and the district determined that without the withdrawn allegations the conduct, even if proven, would not constitute sex discrimination, including sex-based harassment, under Title IX, or if the complaint was dismissed because the district determined, after taking reasonable efforts to clarify the allegations of the complaint, that the alleged conduct would not constitute sex discrimination, including sex-based harassment, even if proven. The Title IX Coordinator shall also take other appropriate prompt and effective steps to ensure that sex discrimination, including sex-based harassment, does not continue or recur within the district's education program or activity. (34 CFR 106.45)

If a complaint is dismissed, the conduct may still be addressed pursuant to Board Policy/Administrative Regulation 1312.3 - Uniform Complaint Procedures as applicable.

## Informal Resolution Process

At any time prior to determining whether sex discrimination, including sex-based harassment, occurred under the complaint procedures specified in 34 CFR 106.45, the district may offer, if it is determined to be appropriate upon receiving information about conduct that reasonably may constitute sex discrimination under Tite IX or when a complaint of sex discrimination is made, an informal resolution process, such as mediation, to the complainant and respondent. However, the district shall not offer an informal resolution process if the complaint alleges that an employee engaged in sex-based harassment of an elementary or secondary school student or that such process would conflict with federal, state, or local law. (34 CFR 106.44)

The district shall not require or pressure a party to participate in the informal resolution process, or to waive the right to an investigation and determination of a complaint as a condition of participation in the district's education program or activity, or exercise of any other right. The district may decline to offer an informal resolution process including, but not limited to, when the district determines that the alleged conduct would present a future risk of harm to others. (34 CFR 106.44)

The district may facilitate an informal resolution process provided that the district, prior to initiating such process:

(34 CFR 106.44)

1. Provides the parties with written notice disclosing the allegations; the requirements of the informal resolution process; the right to withdraw from the informal process and resume the formal complaint process; the inability to initiate or resume complaint procedures arising from the same allegations once the informal resolution process is concluded; the potential terms that may be requested or offered in an informal resolution agreement, including that the agreement would only be binding on the parties; and the information that the district will maintain and whether and how the district could disclose such information for use in Title IX grievance procedures if such procedures are initiated or resumed

2. Obtains the parties' voluntary consent to the informal resolution process

3. Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student

The Title IX Coordinator or designee shall ensure that the facilitator of the informal resolution process is not the same person as the investigator or decisionmaker of any ongoing or newly initiated complaint process specified in 34 CFR 106.45, does not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent, and receives training in accordance with 34 CFR 106.8. (34 CFR 106.44)

If the district facilitates an informal resolution process, the Title IX Coordinator shall, to the extent necessary, take other appropriate prompt and effective steps to ensure that sex discrimination, including sex-based harassment, does not continue or recur within the district' education program or activity. (34 CFR 106.45)

## Notice of Allegations

If the district initiates a formal Title IX investigation, the Title IX Coordinator or designee shall provide the known parties with written notice of the following: (34 CFR 106.45)

1. The district's complaint process, including any informal resolution process

2. Sufficient information, available at the time, to allow parties to respond to the allegations, including, to the extent available, the identity of parties involved in the incident(s), the conduct allegedly constituting sex discrimination, including sex-based harassment, and the date(s) and location(s) of the alleged incident

   Such notice shall be provided with sufficient time for the parties to prepare a response before any initial interview.

   If, during the course of the investigation, new Title IX allegations arise about the complainant or respondent that are not included in the initial notice, the Title IX Coordinator shall provide notice of the additional allegations to the parties.

3. A statement that retaliation is prohibited

4. A statement that the parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or an accurate description of such evidence, as specified

The above notice may also include the name of the investigator, facilitator of an informal process, and decisionmaker and shall inform the parties that, if at any time a party has concerns regarding conflict of interest or bias regarding any of these persons, the party should immediately notify the Title IX Coordinator or designee.

## Consolidation of Complaints

The district may consolidate complaints of sex discrimination, including sex-based harassment, against more than one respondent; by more than one complainant against one or more respondents; or by one party against another party, when the allegations of sex discrimination, including sex-based harassment, arise out of the same facts or circumstances. (34 CFR 106.45)

## Investigation Procedures

The district shall provide for adequate, reliable, and impartial investigation of complaints. (34 CFR 106.45)

During the investigation process, the district's designated investigator shall: (34 CFR 106.45)

1. Provide an equal opportunity for the parties to present fact witnesses, and other inculpatory and exculpatory evidence that is relevant and not otherwise impermissible

2. Review all evidence gathered through the investigation and determine which evidence is relevant and which evidence is impermissible regardless of relevance

3. Provide each party with an equal opportunity to access evidence that is relevant, and not otherwise impermissible, to the allegations of sex discrimination, including sex-based harassment, by:

    a. Providing an equal opportunity to access either the relevant and not otherwise impermissible evidence or an accurate description of such evidence

        If an accurate description is provided, the district shall, upon request of any party, provide the parties with an equal opportunity to access the relevant and permissible evidence.

    b. Providing 10 calendar days to respond to the evidence or to the accurate description of the evidence

    c. Taking reasonable steps to prevent and address the parties' unauthorized disclosure of information and evidence obtained solely through the grievance procedures

4. Take reasonable steps to protect the privacy of parties and witnesses which do not restrict the ability of the parties to obtain and present evidence, including, by speaking to witnesses; consulting with family members, confidential resources, or advisors; or otherwise preparing for or participating in the grievance procedures

5. Objectively evaluate all evidence that is relevant and not otherwise impermissible, including both inculpatory and exculpatory evidence, including that credibility determinations will not be based on a person's status as complainant, respondent, or witness

6. Exclude as impermissible the following types of evidence, and questions seeking that evidence:

    a. Evidence that is protected under a privilege recognized by state or federal law or evidence that is provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege

    b. A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless the district obtains that party's or witness's voluntary, written consent for use in its grievance procedures

    c. Evidence that relates to the complainant's sexual interests or prior sexual conduct, unless evidence about the complainant's prior sexual conduct is offered to prove that someone other than the respondent committed the alleged conduct or is evidence about specific incidents of the complainant's prior sexual conduct with the respondent that is offered to prove consent to the alleged sex-based harassment

        The fact of prior consensual sexual conduct between the complainant and respondent does not by itself demonstrate or imply

the complainant's consent to the alleged sex-based harassment or preclude determination that sex-based harassment occurred.

The district shall ensure that the decisionmaker is able to question parties and witnesses adequately to assess a party's or witness's credibility to the extent credibility is both in dispute and relevant to evaluating one or more allegations of sex-based harassment. (34 CFR 106.45)

If the complaint is against an employee, rights conferred under an applicable collective bargaining agreement shall be applied to the extent they do not conflict with the Title IX requirements.

The investigator shall complete the investigation within 60 calendar days after the Title IX Coordinator determines to proceed with an investigation, unless such timeline is extended in accordance with this administrative regulation.

## Written Decision

The Superintendent shall designate an employee as the decisionmaker to determine responsibility for the alleged conduct, who may be the Title IX Coordinator or designee or the investigator so long as there is no conflict of interest or bias. (34 CFR 106.45)

Following an investigation and evaluation of all relevant and not otherwise impermissible evidence, the district shall: (34 CFR 106.45)

1. Use the preponderance of the evidence standard of proof to determine whether sex discrimination, including sex-based harassment, has occurred

2. Notify the parties in writing of the determination of whether sex discrimination, including sex-based harassment, occurred

The notification shall include the rationale for such determination and the procedures and permissible bases for the complainant and respondent to appeal, if applicable.

The written decision shall be issued within 10 calendar days after the investigation is completed, unless such time is extended in accordance with this administrative regulation.

## Appeal of the Decision

Either party may appeal the district's decision of a complaint or any allegation in the complaint. (34 CFR 106.45)

When conducting an appeal, the district shall permit a final appeal to the Board of Trustees using a process that is in accordance with law and otherwise consistent with the appeal process as specified in Administrative Regulation 1312.3 - Uniform Complaint Procedures.

Either party has the right to file a complaint with the U.S. Department of Education's Office for Civil Rights within 180 days of the date of the most recently alleged misconduct.

The complainant shall be advised of any civil law remedies, including, but not limited to, injunctions, restraining orders, or other remedies or orders that may be available under state or federal antidiscrimination laws, if applicable.

## Extension of Timelines

Any timelines specified in this administrative regulation may be extended by the district for good cause, with written notice to the parties. The written notice shall specify the reasons for the extension. (34 CFR 106.45)

## Remedies

When there is a determination that sex discrimination, including sex-based harassment, has occurred, the Title IX Coordinator shall coordinate the provision and implementation of remedies to the complainant and other persons the district identifies as having had equal access to the district's education program or activity limited or denied by sex discrimination, including sex-based harassment; coordinate the imposition of any disciplinary sanctions on a respondent described in "Disciplinary Actions" below, including notification to the complainant of any such disciplinary actions; and take other appropriate prompt and effective steps to ensure that sex discrimination, including sex-based harassment, does not continue or recur within the district's education program or activity. (34 CFR 106.45)

## Corrective/Disciplinary Actions

The district shall not impose any disciplinary sanctions or other actions against a respondent, other than supportive measures as described above in the section "Supportive Measures," until the complaint procedure has been completed and a determination of responsibility has been made. (34 CFR 106.44, 106.45)

For students in grades 4-12, discipline for sexual harassment may include suspension and/or expulsion. After the completion of the complaint procedure, if it is determined that a student at any grade level has committed sexual assault or sexual battery at school or at a school activity off school grounds, the principal or Superintendent shall immediately suspend the student and shall recommend expulsion. (Education Code 48900.2, 48915)

Other actions that may be taken with a student who is determined to be responsible for sex discrimination and/or sex-based harassment include, but are not limited to:

1. Transfer from a class or school as permitted by law
2. Parent/guardian conference
3. Education of the student regarding the impact of the conduct on others
4. Positive behavior support
5. Referral of the student to a student success team
6. Denial of participation in extracurricular or cocurricular activities or other privileges as permitted by law

When an employee is found to have committed sex discrimination, including sex-based harassment, or retaliation, the district shall take appropriate disciplinary action, up to and including dismissal, in accordance with applicable law and collective bargaining agreement.

The district shall not discipline a party, witness, or others participating in the grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on the district's determination of whether sex discrimination, including sex-based harassment, occurred. (34 CFR 106.45)

## Record-Keeping

The Superintendent or designee shall maintain, for at least a period of seven years: (34 CFR 106.45)

1. For each complaint of sex discrimination, including sex-based harassment, records documenting any informal resolution process or formal investigation procedures
2. For each notification the Title IX Coordinator or designee receives of information about conduct that reasonably may constitute sex discrimination under Title IX, including sex-based harassment, records documenting the actions taken to fulfill the district's obligations as specified in 34 CFR 106.44, including supportive measures offered and implemented
3. All materials used to train district employees; the Title IX Coordinator and designee(s); investigator(s), decisionmaker(s), and other person(s) who are responsible for implementing the district's grievance procedures or have the authority to modify or terminate supportive measures; and any person who facilitates an informal resolution process

   The district shall make such training materials available upon request by members of the public.

For complaints containing allegations of childhood sexual assault, the Superintendent or designee shall also indefinitely maintain the following: (Code of Civil Procedure340.1):

1. A record of the allegation(s)
2. A record of the investigation procedures followed
3. A record of the written determination
4. A record of the corrective action implemented, if any
5. A record of any appeals and the outcome of the same
6. All training materials addressing the prohibition and investigation of childhood sexual assault

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

| State | Description |
|---|---|
| 5 CCR 4600-4670 | Uniform complaint procedures |
| 5 CCR 4900-4965 | Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance |
| Civ. Code 1714.1 | Liability of parent/guardian for act of willful misconduct by a minor |
| Civ. Code 51.9 | Liability for sexual harassment; business, service and professional relationships |
| Ed. Code 200-262.4 | Prohibition of discrimination |
| Ed. Code 48900 | Grounds for suspension or expulsion |
| Ed. Code 48900.2 | Additional grounds for suspension or expulsion; sexual harassment |
| Ed. Code 48985 | Notices to parents/guardian in language other than English |
| Gov. Code 12950.1 | Sexual harassment training |

| Federal | Description |
|---|---|
| 20 USC 1092 | Definition of sexual assault |
| 20 USC 1221 | Application of laws |
| 20 USC 1232g | Family Educational Rights and Privacy Act (FERPA) of 1974 |
| 20 USC 1681-1688 | Title IX of the Education Amendments of 1972; discrimination based on sex |
| 34 CFR 106.1-106.82 | Nondiscrimination on the basis of sex in education programs or activities |
| 34 CFR 99.1-99.67 | Family Educational Rights and Privacy |
| 34 USC 12291 | Definition of dating violence, domestic violence, and stalking |
| 42 USC 1983 | Civil action for deprivation of rights |
| 42 USC 2000d-2000d-7 | Title VI, Civil Rights Act of 1964 |
| 42 USC 2000e-2000e-17 | Title VII, Civil Rights Act of 1964, as amended |

| Management Resources | Description |
|---|---|
| Court Decision | Tennessee v. Cardona (2024) 737 F.Supp.3d 510 |
| Court Decision | Gebser v. Lago Vista Independent School District (1998) 524 U.S. 274 |
| Court Decision | Oona by Kate S. v. McCaffrey (1998, 9th Cir.) 143 F.3d 473 |
| Court Decision | Reese v. Jefferson School District (2001, 9th Cir.) 208 F.3d 736 |
| Court Decision | Davis v. Monroe County Board of Education (1999) 526 U.S. 629 |
| Court Decision | Doe v. Petaluma City School District (1995, 9th Cir.) 54 F.3d 1447 |
| Court Decision | Donovan v. Poway Unified School District (2008) 167 Cal.App.4th 567 |
| Court Decision | Flores v. Morgan Hill Unified School District (2003, 9th Cir.) 324 F.3d 1130 |
| Federal Register | Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, May 19, 2020, Vol. 85, No. 97, pages 30026-30579 |
| U.S. DOE, Office for Civil Rights Publication | Dear Colleague Letter: Enforcement of Title IX under the provisions of the 2020 Title IX Rule, February 4, 2025 |
| U.S. DOJ, FBI Publication | National Incident-Based Reporting System |
| Website | U.S. Department of Justice, Federal Bureau of Investigation |
| Website | CSBA District and County Office of Education Legal Services |
| Website | California Department of Education |
| Website | CSBA |
| Website | U.S. Department of Education, Office for Civil Rights |

| Cross References | Description |
|---|---|
| 0410 | Nondiscrimination In District Programs And Activities |
| 1312.3 | Uniform Complaint Procedures |
| 1312.3 | Uniform Complaint Procedures |
| 1313 | Civility |

| | |
|---|---|
| 3552 | Summer Meal Program |
| 3552 | Summer Meal Program |
| 3580 | District Records |
| 3580 | District Records |
| 4030 | Nondiscrimination In Employment |
| 4030 | Nondiscrimination In Employment |
| 4117.7 | Employment Status Reports |
| 4118 | Dismissal/Suspension/Disciplinary Action |
| 4118 | Dismissal/Suspension/Disciplinary Action |
| 4119.11 | Sexual Harassment |
| 4119.11 | Sexual Harassment |
| 4119.12 | Title IX Sexual Harassment Complaint Procedures |
| 4119.12-E(1) | Title IX Sexual Harassment Complaint Procedures |
| 4131 | Staff Development |
| 4218 | Dismissal/Suspension/Disciplinary Action |
| 4218 | Dismissal/Suspension/Disciplinary Action |
| 4219.11 | Sexual Harassment |
| 4219.11 | Sexual Harassment |
| 4219.12 | Title IX Sexual Harassment Complaint Procedures |
| 4219.12-E(1) | Title IX Sexual Harassment Complaint Procedures |
| 4317.7 | Employment Status Reports |
| 4319.11 | Sexual Harassment |
| 4319.11 | Sexual Harassment |
| 4319.12 | Title IX Sexual Harassment Complaint Procedures |
| 4319.12-E(1) | Title IX Sexual Harassment Complaint Procedures |
| 5030 | Student Wellness |
| 5141.4 | Child Abuse Prevention And Reporting |
| 5141.4 | Child Abuse Prevention And Reporting |
| 5141.52 | Suicide Prevention |
| 5141.52 | Suicide Prevention |
| 5144 | Discipline |
| 5144 | Discipline |
| 5144.1 | Suspension And Expulsion/Due Process |
| 5144.1 | Suspension And Expulsion/Due Process |
| 5145.3 | Nondiscrimination/Harassment |
| 5145.3 | Nondiscrimination/Harassment |
| 5145.7 | Sexual Harassment |
| 5145.7 | Sexual Harassment |
| 5145.9 | Hate-Motivated Behavior |

| | |
|---|---|
| 6145 | Extracurricular And Cocurricular Activities |
| 6145 | Extracurricular And Cocurricular Activities |
| 6159 | Individualized Education Program |
| 6159 | Individualized Education Program |
| 6164.5 | Student Success Teams |
| 6164.5 | Student Success Teams |
| 6164.6 | Identification And Education Under Section 504 |
| 6164.6 | Identification And Education Under Section 504 |

**Exhibit 4119.12-E(1): Title IX Sexual Harassment Complaint Procedures**

Original Adopted Date: 02/13/2025 | Last Reviewed Date: 02/13/2025

## NOTICE OF TITLE IX NONDISCRIMINATION

The Code of Federal Regulations, Title 34, Section 106.8 requires the district to issue the following notification to employees, job applicants, and employee organizations:

The district does not discriminate on the basis of sex and prohibits sex discrimination, including sex-based harassment, in any education program or activity that it operates. The prohibition against discrimination on the basis of sex is required by federal law (20 USC 1681-1688; 34 CFR Part 106) and extends to employment. The district also prohibits retaliation against any employee for filing a complaint or exercising any right granted under Title IX.

The district is required, as specified in Title IX, to take prompt and equitable action to address any potential Title IX violations that are brought to its attention. Any inquiries about the application of Title IX, this notice, and who is protected by Title IX may be referred to the district's Title IX Coordinator, to the Assistant Secretary for Civil Rights of the U.S. Department of Education, or both.

The district has designated and authorized the following employee(s) as the district's Title IX Coordinator, to address concerns or inquiries regarding discrimination on the basis of sex, including sex-based harassment:

Assistant Superintendent of Human Resources 3188 Quimby Road, San Jose, CA 95148
(408) 270-6800
allhr@eesd.org

Any individual may report sex discrimination, including sex-based harassment, to the Title IX Coordinator or any other school employee at any time, including during non-business hours, by mail, phone, or email. During district business hours, reports may also be made in person. Upon receiving an allegation of sex discrimination, including sex-based harassment, the Title IX Coordinator will promptly notify the parties, in writing, of the applicable district complaint procedure.

To view an electronic copy of the district's policies and administrative regulations on sex discrimination, including sex-based harassment, including the grievance process that complies with 34 CFR 106.45, please see Board Policy/Administrative Regulation 4119.11/4219.11/4319.11 - Sex Discrimination and Sex-Based Harassment, and Administrative Regulation 4119.12/4219.12/4319.12 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures on the district's website at www.eesd.org.

To inspect or obtain a copy of the district's sex discrimination and sex-based harassment policies and administrative regulations, please contact: Human Resources (allhr@eesd.org).

Materials used to train employees; the Title IX Coordinator; investigator(s), decisionmaker(s), and other person(s) who are responsible for implementing the district's grievance procedures or have the authority to modify or terminate supportive measures; and any person(s) who facilitates an informal resolution process, are available at the district office upon request.

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

| State | Description |
|---|---|
| 5 CCR 4600-4670 | Uniform complaint procedures |
| 5 CCR 4900-4965 | Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance |
| Civ. Code 1714.1 | Liability of parent/guardian for act of willful misconduct by a minor |
| Civ. Code 51.9 | Liability for sexual harassment; business, service and professional relationships |
| Ed. Code 200-262.4 | Prohibition of discrimination |
| Ed. Code 48900 | Grounds for suspension or expulsion |
| Ed. Code 48900.2 | Additional grounds for suspension or expulsion; sexual harassment |
| Ed. Code 48985 | Notices to parents/guardian in language other than English |
| Gov. Code 12950.1 | Sexual harassment training |

| Federal | Description |
|---|---|
| 20 USC 1092 | Definition of sexual assault |

| | |
|---|---|
| 20 USC 1221 | Application of laws |
| 20 USC 1232g | Family Educational Rights and Privacy Act (FERPA) of 1974 |
| 20 USC 1681-1688 | Title IX of the Education Amendments of 1972; discrimination based on sex |
| 34 CFR 106.1-106.82 | Nondiscrimination on the basis of sex in education programs or activities |
| 34 CFR 99.1-99.67 | Family Educational Rights and Privacy |
| 34 USC 12291 | Definition of dating violence, domestic violence, and stalking |
| 42 USC 1983 | Civil action for deprivation of rights |
| 42 USC 2000d-2000d-7 | Title VI, Civil Rights Act of 1964 |
| 42 USC 2000e-2000e-17 | Title VII, Civil Rights Act of 1964, as amended |

| **Management Resources** | **Description** |
|---|---|
| Court Decision | Tennessee v. Cardona (2024) 737 F.Supp.3d 510 |
| Court Decision | Reese v. Jefferson School District (2001, 9th Cir.) 208 F.3d 736 |
| Court Decision | Davis v. Monroe County Board of Education (1999) 526 U.S. 629 |
| Court Decision | Gebser v. Lago Vista Independent School District (1998) 524 U.S. 274 |
| Court Decision | Oona by Kate S. v. McCaffrey (1998, 9th Cir.) 143 F.3d 473 |
| Court Decision | Doe v. Petaluma City School District (1995, 9th Cir.) 54 F.3d 1447 |
| Court Decision | Donovan v. Poway Unified School District (2008) 167 Cal.App.4th 567 |
| Court Decision | Flores v. Morgan Hill Unified School District (2003, 9th Cir.) 324 F.3d 1130 |
| Federal Register | Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, May 19, 2020, Vol. 85, No. 97, pages 30026-30579 |
| U.S. DOE, Office for Civil Rights Publication | Dear Colleague Letter: Enforcement of Title IX under the provisions of the 2020 Title IX Rule, February 4, 2025 |
| U.S. DOJ, FBI Publication | National Incident-Based Reporting System |
| Website | U.S. Department of Justice, Federal Bureau of Investigation |
| Website | CSBA District and County Office of Education Legal Services |
| Website | CSBA |
| Website | California Department of Education |
| Website | U.S. Department of Education, Office for Civil Rights |

| **Cross References** | **Description** |
|---|---|
| 0410 | Nondiscrimination In District Programs And Activities |
| 1312.3 | Uniform Complaint Procedures |
| 1312.3 | Uniform Complaint Procedures |
| 1313 | Civility |
| 3580 | District Records |
| 3580 | District Records |
| 3600 | Consultants |
| 4030 | Nondiscrimination In Employment |
| 4030 | Nondiscrimination In Employment |
| 4033 | Lactation Accommodation |
| 4117.7 | Employment Status Reports |
| 4118 | Dismissal/Suspension/Disciplinary Action |
| 4118 | Dismissal/Suspension/Disciplinary Action |
| 4119.11 | Sexual Harassment |
| 4119.11 | Sexual Harassment |
| 4131 | Staff Development |
| 4218 | Dismissal/Suspension/Disciplinary Action |
| 4218 | Dismissal/Suspension/Disciplinary Action |

| | |
|---|---|
| 4219.11 | Sexual Harassment |
| 4219.11 | Sexual Harassment |
| 4317.7 | Employment Status Reports |
| 4319.11 | Sexual Harassment |
| 4319.11 | Sexual Harassment |
| 5145.7 | Sexual Harassment |
| 5145.7 | Sexual Harassment |
| 5145.71 | Title IX Sexual Harassment Complaint Procedures |
| 5145.71-E(1) | Title IX Sexual Harassment Complaint Procedures |

**Exhibit 5145.71-E(1): Title IX Sexual Harassment Complaint Procedures**

Original Adopted Date: 02/13/2025 | Last Reviewed Date: 02/13/2025

## NOTICE OF TITLE IX NONDISCRIMINATION

The Code of Federal Regulations, Title 34, Section 106.8 requires the district to issue the following notification to students at all grade levels, and their parents/guardians or other authorized legal representative:

The district does not discriminate on the basis of sex and prohibits sex discrimination, including sex-based harassment, in any education program or activity that it operates. The prohibition against discrimination on the basis of sex is required by federal law (20 USC 1681-1688; 34 CFR Part 106) and extends to employment. The district also prohibits retaliation against any student for filing a complaint or exercising any right granted under Title IX.

The district is required, as specified in Title IX, to take prompt and equitable action to address any potential Title IX violations that are brought to its attention. Any inquiries about the application of Title IX, this notice, and who is protected by Title IX may be referred to the district's Title IX Coordinator, to the Assistant Secretary for Civil Rights of the U.S. Department of Education, or both.

The district has designated and authorized the following employee(s) as the district's Title IX Coordinator to address concerns or inquiries regarding discrimination on the basis of sex, including sex-based harassment:

ASSISTANT SUPERINTENDENT OF HUMAN RESOURCES 3188 QUIMBY ROAD, SAN JOSE, CA 95148
408-270-6800
ALLHR@EESD.ORG

Any individual may report sex discrimination, including sex-based harassment, to the Title IX Coordinator or any other school employee at any time, including during non-business hours, by mail, phone, or email. During district business hours, reports may also be made in person. Upon receiving an allegation of sex harassment, including sex-based harassment, the Title IX Coordinator will promptly notify the parties, in writing, of the applicable district complaint procedure.

To view an electronic copy of the district's policies and administrative regulations on sex discrimination, including sex-based harassment, including the grievance process that complies with 34 CFR 106.45, please see Board Policy/Administrative Regulation 5145.7 - Sex Discrimination and Sex-Based Harassment and Administrative Regulation 5145.71 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures on the district's website at WWW.EESD.ORG.

To inspect or obtain a copy of the district's sex discrimination and sex-based harassment policies and administrative regulations, please contact: HUMAN RESOURCES (insert location/phone/email of contact person) AT ALLHR@EESD.ORG.

Materials used to train employees; the Title IX Coordinator; investigator(s), decisionmaker(s), and other person(s) who are responsible for implementing the district's grievance procedures or have the authority to modify or terminate supportive measures; and any person(s) who facilitates an informal resolution process, are available at the district office upon request.

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| 5 CCR 4900-4965 | Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance |
| Civ. Code 1714.1 | Liability of parent/guardian for act of willful misconduct by a minor |
| Civ. Code 51.9 | Liability for sexual harassment; business, service and professional relationships |
| Ed. Code 200-262.4 | Prohibition of discrimination |
| Ed. Code 48900 | Grounds for suspension or expulsion |
| Ed. Code 48900.2 | Additional grounds for suspension or expulsion; sexual harassment |
| Ed. Code 48985 | Notices to parents/guardian in language other than English |
| Gov. Code 12950.1 | Sexual harassment training |

| Federal | Description |
|---|---|
| 20 USC 1092 | Definition of sexual assault |

| | |
|---|---|
| 20 USC 1221 | Application of laws |
| 20 USC 1232g | Family Educational Rights and Privacy Act (FERPA) of 1974 |
| 20 USC 1681-1688 | Title IX of the Education Amendments of 1972; discrimination based on sex |
| 34 CFR 106.1-106.82 | Nondiscrimination on the basis of sex in education programs or activities |
| 34 CFR 99.1-99.67 | Family Educational Rights and Privacy |
| 34 USC 12291 | Definition of dating violence, domestic violence, and stalking |
| 42 USC 1983 | Civil action for deprivation of rights |
| 42 USC 2000d-2000d-7 | Title VI, Civil Rights Act of 1964 |
| 42 USC 2000e-2000e-17 | Title VII, Civil Rights Act of 1964, as amended |

| **Management Resources** | **Description** |
|---|---|
| Court Decision | Tennessee v. Cardona (2024) 737 F.Supp.3d 510 |
| Court Decision | Gebser v. Lago Vista Independent School District (1998) 524 U.S. 274 |
| Court Decision | Oona by Kate S. v. McCaffrey (1998, 9th Cir.) 143 F.3d 473 |
| Court Decision | Reese v. Jefferson School District (2001, 9th Cir.) 208 F.3d 736 |
| Court Decision | Davis v. Monroe County Board of Education (1999) 526 U.S. 629 |
| Court Decision | Doe v. Petaluma City School District (1995, 9th Cir.) 54 F.3d 1447 |
| Court Decision | Donovan v. Poway Unified School District (2008) 167 Cal.App.4th 567 |
| Court Decision | Flores v. Morgan Hill Unified School District (2003, 9th Cir.) 324 F.3d 1130 |
| Federal Register | Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, May 19, 2020, Vol. 85, No. 97, pages 30026-30579 |
| U.S. DOE, Office for Civil Rights Publication | Dear Colleague Letter: Enforcement of Title IX under the provisions of the 2020 Title IX Rule, February 4, 2025 |
| U.S. DOJ, FBI Publication | National Incident-Based Reporting System |
| Website | U.S. Department of Justice, Federal Bureau of Investigation |
| Website | CSBA District and County Office of Education Legal Services |
| Website | California Department of Education |
| Website | CSBA |
| Website | U.S. Department of Education, Office for Civil Rights |

| **Cross References** | **Description** |
|---|---|
| 0410 | Nondiscrimination In District Programs And Activities |
| 1312.3 | Uniform Complaint Procedures |
| 1312.3 | Uniform Complaint Procedures |
| 1313 | Civility |
| 3552 | Summer Meal Program |
| 3552 | Summer Meal Program |
| 3580 | District Records |
| 3580 | District Records |
| 4030 | Nondiscrimination In Employment |
| 4030 | Nondiscrimination In Employment |
| 4117.7 | Employment Status Reports |
| 4118 | Dismissal/Suspension/Disciplinary Action |
| 4118 | Dismissal/Suspension/Disciplinary Action |
| 4119.11 | Sexual Harassment |
| 4119.11 | Sexual Harassment |
| 4119.12 | Title IX Sexual Harassment Complaint Procedures |
| 4119.12-E(1) | Title IX Sexual Harassment Complaint Procedures |

| | |
|---|---|
| 4131 | Staff Development |
| 4218 | Dismissal/Suspension/Disciplinary Action |
| 4218 | Dismissal/Suspension/Disciplinary Action |
| 4219.11 | Sexual Harassment |
| 4219.11 | Sexual Harassment |
| 4219.12 | Title IX Sexual Harassment Complaint Procedures |
| 4219.12-E(1) | Title IX Sexual Harassment Complaint Procedures |
| 4317.7 | Employment Status Reports |
| 4319.11 | Sexual Harassment |
| 4319.11 | Sexual Harassment |
| 4319.12 | Title IX Sexual Harassment Complaint Procedures |
| 4319.12-E(1) | Title IX Sexual Harassment Complaint Procedures |
| 5030 | Student Wellness |
| 5141.4 | Child Abuse Prevention And Reporting |
| 5141.4 | Child Abuse Prevention And Reporting |
| 5141.52 | Suicide Prevention |
| 5141.52 | Suicide Prevention |
| 5144 | Discipline |
| 5144 | Discipline |
| 5144.1 | Suspension And Expulsion/Due Process |
| 5144.1 | Suspension And Expulsion/Due Process |
| 5145.3 | Nondiscrimination/Harassment |
| 5145.3 | Nondiscrimination/Harassment |
| 5145.7 | Sexual Harassment |
| 5145.7 | Sexual Harassment |
| 5145.9 | Hate-Motivated Behavior |
| 6145 | Extracurricular And Cocurricular Activities |
| 6145 | Extracurricular And Cocurricular Activities |
| 6159 | Individualized Education Program |
| 6159 | Individualized Education Program |
| 6164.5 | Student Success Teams |
| 6164.5 | Student Success Teams |
| 6164.6 | Identification And Education Under Section 504 |
| 6164.6 | Identification And Education Under Section 504 |

## Student Disturbances

**Policy 5131.4: Student Disturbances**

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

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

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

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

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

| State | Description |
|---|---|
| Ed. Code 32210 | Willful disturbance of public school or meeting |
| Ed. Code 32211 | Threatened disruption or interference with classes |
| Ed. Code 32280-32289.5 | School safety plans |
| Ed. Code 35160 | Authority of governing boards |
| Ed. Code 38000-38005 | Security departments |
| Ed. Code 44810 | Willful interference with classroom conduct |
| Ed. Code 44811 | Disruption of classwork or extracurricular activities |
| Ed. Code 48900 | Grounds for suspension or expulsion |
| Ed. Code 48907 | Exercise of free expression; time, place, and manner rules and regulations |
| Ed. Code 51512 | Prohibited use of electronic listening or recording device |
| Pen. Code 243.5 | Assault or battery on school property |
| Pen. Code 403-420 | Crimes against the public peace |
| Pen. Code 415 | Fighting; noise; offensive words |
| Pen. Code 415.5 | Disturbance of peace of school |
| Pen. Code 416 | Assembly to disturb peace; refusal to disperse |
| Pen. Code 626-626.11 | Weapons on school grounds and other school crimes |
| Pen. Code 627-627.10 | Access to school premises |
| Pen. Code 653b | Loitering about schools or public places |

| Management Resources | Description |
|---|---|
| U.S. Department of Education Publication | Practical Information on Crisis Planning: A Guide for Schools and Communities, May 2003 |
| Website | CSBA District and County Office of Education Legal Services |
| Website | U.S. Department of Education, Emergency Planning |

| Cross References | Description |
|---|---|
| 0450 | Comprehensive Safety Plan |
| 0450 | Comprehensive Safety Plan |
| 1313 | Civility |
| 3515.2 | Disruptions |
| 3515.2 | Disruptions |
| 3515.31 | School Resource Officers |

| | |
|---|---|
| 3515.7 | Firearms On School Grounds |
| 3516 | Emergencies And Disaster Preparedness Plan |
| 3516 | Emergencies And Disaster Preparedness Plan |
| 4158 | Employee Security |
| 4158 | Employee Security |
| 4258 | Employee Security |
| 4258 | Employee Security |
| 4358 | Employee Security |
| 4358 | Employee Security |
| 5113 | Absences And Excuses |
| 5113 | Absences And Excuses |
| 5113.1 | Chronic Absence And Truancy |
| 5113.1 | Chronic Absence And Truancy |
| 5131 | Conduct |
| 5131.41 | Use Of Seclusion And Restraint |
| 5131.5 | Vandalism And Graffiti |
| 5131.8 | Mobile Communication Devices |
| 5137 | Positive School Climate |
| 5138 | Conflict Resolution/Peer Mediation |
| 5142 | Safety |
| 5142 | Safety |
| 5144 | Discipline |
| 5144 | Discipline |
| 5144.1 | Suspension And Expulsion/Due Process |
| 5144.1 | Suspension And Expulsion/Due Process |
| 5144.2 | Suspension And Expulsion/Due Process (Students With Disabilities) |
| 5145.2 | Freedom Of Speech/Expression |
| 5145.2 | Freedom Of Speech/Expression |
| 5145.9 | Hate-Motivated Behavior |
| 6116 | Classroom Interruptions |
| 6145.2 | Athletic Competition |
| 6145.2 | Athletic Competition |
| 6145.8 | Assemblies And Special Events |

**Regulation 5131.4: Student Disturbances**

Original Adopted Date: 02/13/2025 | Last Reviewed Date: 02/13/2025

## Prohibited Activities

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

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

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

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

   a. Organizing or participating in unauthorized assemblies on school premises

   b. Participating in sit-ins or stand-ins which deny students or employees normal access to school premises

   c. Interfering with or unauthorized use of the district's computer system

3. Refusing to disperse, including, but not limited to, assembling for the purpose of causing a disruption and refusing to disperse upon the direction of school personnel

4. Boycotting school, including, but not limited to, participating in any protest that involves nonattendance where attendance is required at school, class, or at a school activity

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

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

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

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

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

| State | Description |
|---|---|
| Ed. Code 32210 | Willful disturbance of public school or meeting |
| Ed. Code 32211 | Threatened disruption or interference with classes |
| Ed. Code 32280-32289.5 | School safety plans |
| Ed. Code 35160 | Authority of governing boards |
| Ed. Code 38000-38005 | Security departments |
| Ed. Code 44810 | Willful interference with classroom conduct |
| Ed. Code 44811 | Disruption of classwork or extracurricular activities |
| Ed. Code 48900 | Grounds for suspension or expulsion |
| Ed. Code 48907 | Exercise of free expression; time, place, and manner rules and regulations |
| Ed. Code 51512 | Prohibited use of electronic listening or recording device |
| Pen. Code 243.5 | Assault or battery on school property |
| Pen. Code 403-420 | Crimes against the public peace |
| Pen. Code 415 | Fighting; noise; offensive words |
| Pen. Code 415.5 | Disturbance of peace of school |

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| Pen. Code 416 | Assembly to disturb peace; refusal to disperse |
| Pen. Code 626-626.11 | Weapons on school grounds and other school crimes |
| Pen. Code 627-627.10 | Access to school premises |
| Pen. Code 653b | Loitering about schools or public places |

| Management Resources | Description |
|---|---|
| U.S. Department of Education Publication | Practical Information on Crisis Planning: A Guide for Schools and Communities, May 2003 |
| Website | CSBA District and County Office of Education Legal Services |
| Website | U.S. Department of Education, Emergency Planning |

| Cross References | Description |
|---|---|
| 0450 | Comprehensive Safety Plan |
| 0450 | Comprehensive Safety Plan |
| 1313 | Civility |
| 3515.2 | Disruptions |
| 3515.2 | Disruptions |
| 3515.31 | School Resource Officers |
| 3515.7 | Firearms On School Grounds |
| 3516 | Emergencies And Disaster Preparedness Plan |
| 3516 | Emergencies And Disaster Preparedness Plan |
| 4158 | Employee Security |
| 4158 | Employee Security |
| 4258 | Employee Security |
| 4258 | Employee Security |
| 4358 | Employee Security |
| 4358 | Employee Security |
| 5113 | Absences And Excuses |
| 5113 | Absences And Excuses |
| 5113.1 | Chronic Absence And Truancy |
| 5113.1 | Chronic Absence And Truancy |
| 5131 | Conduct |
| 5131.41 | Use Of Seclusion And Restraint |
| 5131.5 | Vandalism And Graffiti |
| 5131.8 | Mobile Communication Devices |
| 5137 | Positive School Climate |
| 5138 | Conflict Resolution/Peer Mediation |
| 5142 | Safety |
| 5142 | Safety |
| 5144 | Discipline |
| 5144 | Discipline |
| 5144.1 | Suspension And Expulsion/Due Process |
| 5144.1 | Suspension And Expulsion/Due Process |

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|---|---|
| 5144.2 | Suspension And Expulsion/Due Process (Students With Disabilities) |
| 5145.2 | Freedom Of Speech/Expression |
| 5145.2 | Freedom Of Speech/Expression |
| 5145.9 | Hate-Motivated Behavior |
| 6116 | Classroom Interruptions |
| 6145.2 | Athletic Competition |
| 6145.2 | Athletic Competition |
| 6145.8 | Assemblies And Special Events |

## Vandalism and Graffiti

**Policy 5131.5: Vandalism And Graffiti**

Original Adopted Date: 02/13/2025 | Last Reviewed Date: 02/13/2025

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

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

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

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

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

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

| State | Description |
|---|---|
| 5 CCR 305 | Student responsible for care of property |
| Civ. Code 1714.1 | Liability of parent/guardian for act of willful misconduct by a minor |
| Civ. Code 51.7 | Freedom from violence or intimidation |
| Civ. Code 52.1 | Discrimination liability |
| Ed. Code 48900 | Grounds for suspension or expulsion |
| Ed. Code 48904 | Willful misconduct; limit of liability of parent or guardian |
| Ed. Code 48904.3 | Withholding grades, diplomas, or transcripts of pupils causing property damage or injury |
| Gov. Code 53069.5 | Reward for information |
| Pen. Code 594.1 | Aerosol containers of paint |
| Pen. Code 594.2 | Intent to commit vandalism or graffiti |
| Pen. Code 594.6 | Vandalism or graffiti; community service |
| Pen. Code 640.5 | Graffiti; facilities or vehicles of governmental entity |

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| Pen. Code 640.6 | Graffiti |

| Management Resources | Description |
|---|---|
| Website | CSBA District and County Office of Education Legal Services |
| Website | California Department of Education |
| Website | CSBA |

| Cross References | Description |
|---|---|
| 0450 | Comprehensive Safety Plan |
| 0450 | Comprehensive Safety Plan |
| 1313 | Civility |
| 3515 | Campus Security |
| 3515 | Campus Security |
| 3515.31 | School Resource Officers |
| 3515.4 | Recovery For Property Loss Or Damage |
| 3515.4 | Recovery For Property Loss Or Damage |
| 5125.2 | Withholding Grades, Diploma Or Transcripts |
| 5131 | Conduct |
| 5131.1 | Bus Conduct |
| 5131.1 | Bus Conduct |
| 5131.4 | Student Disturbances |
| 5131.4 | Student Disturbances |
| 5137 | Positive School Climate |
| 5138 | Conflict Resolution/Peer Mediation |
| 5144 | Discipline |
| 5144 | Discipline |
| 5144.1 | Suspension And Expulsion/Due Process |
| 5144.1 | Suspension And Expulsion/Due Process |
| 5145.3 | Nondiscrimination/Harassment |
| 5145.3 | Nondiscrimination/Harassment |
| 5145.7 | Sexual Harassment |
| 5145.7 | Sexual Harassment |
| 5145.9 | Hate-Motivated Behavior |
| 6161.2 | Damaged Or Lost Instructional Materials |

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

**Policy 6164.9: ^SUPPLEMENTAL SCHOOL COUNSELING PROGRAM FOR STUDENTS IN GRADES 7-8**

Original Adopted Date: 03/21/2013 | Last Revised Date: 02/13/2025 | Last Reviewed Date: 02/13/2025

### Personal Counseling

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

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

Parent/guardian consultation and consent shall be obtained as appropriate.

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

| Notice | Description |
| --- | --- |
| Unique Policy | This policy is unique to the district/COE and is not connected to an existing CSBA sample policy or included in regular quarterly updates from CSBA. |

## Suspension and Expulsion/due Process

**Policy 5144.1: Suspension And Expulsion/Due Process**

Original Adopted Date: 02/13/2025 | Last Reviewed Date: 02/13/2025

The Board of Trustees 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 based solely on a student's truancy, tardiness, or absenteeism from assigned school activities. (Education Code 48900)

## 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. (Education Code 48918(j))

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 or unenrolled except under limited circumstances in accordance with Education Code 8489.1 and as specified in Administrative Regulation 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 the students 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, long-term 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.

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

| State | Description |
|---|---|
| Civ. Code 47 | Privileged communication |
| Civ. Code 48.8 | Defamation liability |
| Code of Civil Procedure 1985-1997 | Production of evidence; means of production Ed. Code |
| 17292.5 | Program for expelled students; facilities |
| Ed. Code 1981-1983 | Enrollment of students in community school |
| Ed. Code 212.5 | Sexual harassment |
| Ed. Code 233 | Hate violence |
| Ed. Code 32260-32262 | Interagency School Safety Demonstration Act of 1985 |
| Ed. Code 35145 | Open board meetings |
| Ed. Code 35146 | Closed sessions regarding suspensions |
| Ed. Code 35291 | Rules for government and discipline of schools |
| Ed. Code 35291.5 | Rules and procedures on school discipline |
| Ed. Code 48645.5 | Former juvenile court school students; enrollment |
| Ed. Code 48660-48666 | Community day schools |
| Ed. Code 48853-48853.5 | Foster youth |
| Ed. Code 48900-48927 | Suspension and expulsion |
| Ed. Code 48950 | Speech and other communication |
| Ed. Code 48980 | Parent/Guardian notifications |
| Ed. Code 49073-49079 | Privacy of student records |
| Ed. Code 52052 | Numerically significant student subgroups |
| Ed. Code 52060-52077 | Local control and accountability plan |
| Ed. Code 64000-64001 | Consolidated application |
| Ed. Code 8489-8489.1 | Prohibition against expulsion of preschool student |
| Gov. Code 11455.20 | Informal hearing procedures |
| Gov. Code 54950-54963 | The Ralph M. Brown Act |
| H&S Code 11014.5 | Drug paraphernalia |
| H&S Code 11053-11059 | Controlled substances; standards and schedules |
| Lab. Code 230.7 | Employee time off to appear in school on behalf of a child |
| Pen. Code 240 | Assault defined |
| Pen. Code 241.2 | Assault fines |
| Pen. Code 242 | Battery defined |
| Pen. Code 243.2 | Battery on school property |
| Pen. Code 243.4 | Sexual battery |
| Pen. Code 245 | Assault with deadly weapon |
| Pen. Code 245.6 | Hazing |
| Pen. Code 261 | Rape defined |
| Pen. Code 266c | Unlawful sexual intercourse |
| Pen. Code 286 | Sodomy defined |
| Pen. Code 287 | Oral Copulation |
| Pen. Code 288 | Lewd or lascivious acts with child under age 14 |
| Pen. Code 289 | Penetration of genital or anal openings |
| Pen. Code 31 | Principal of a crime; defined |
| Pen. Code 417.27 | Laser pointers |
| Pen. Code 422.55 | Definition of hate crime |
| Pen. Code 422.6 | Crimes; harassment |
| Pen. Code 422.7 | Aggravating factors for punishment |

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| Pen. Code 422.75 | Enhanced penalties for hate crimes |
| Pen. Code 626.10 | Dirks, daggers, knives, razors, or stun guns |
| Pen. Code 626.2 | Entry upon campus after written notice of suspension or dismissal without permission |
| Pen. Code 626.9 | Gun-Free School Zone Act of 1995 |
| Pen. Code 868.5 | Supporting person; attendance during testimony of witness |
| W&I Code 224.1 | Indian child; definition |
| W&I Code 729.6 | Counseling |

| **Federal** | **Description** |
|---|---|
| 18 USC 921 | Definitions; firearms and ammunition |
| 20 USC 1415(K) | Students with disabilities; placement in alternative educational setting |
| 20 USC 7961 | Gun-Free Schools Act |
| 42 USC 11431-11435 | Education of homeless children and youths |

| **Management Resources** | **Description** |
|---|---|
| Attorney General Opinion | 80 Ops.Cal.Atty.Gen. 348 (1997) |
| Attorney General Opinion | 80 Ops.Cal.Atty.Gen. 85 (1997) |
| Attorney General Opinion | 80 Ops.Cal.Atty.Gen. 91 (1997) |
| Attorney General Opinion | 84 Ops.Cal.Atty.Gen. 146 (2001) |
| Court Decision | Board of Education of Sacramento City Unified School District v. Sacramento County Board of Education and Kenneth H. (2001) 85 Cal.App.4th 1321 |
| Court Decision | Fremont Union High School District v. Santa Clara County Board (1991) 235 Cal. App. 3d 1182 |
| Court Decision | Garcia v. Los Angeles Board of Education (1981) 123 Cal. App. 3d 807 |
| Court Decision | John A. v. San Bernardino School District (1982) 33 Cal. 3d 301 |
| Court Decision | T.H. v. San Diego Unified School District (2004) 122 Cal. App. 4th 1267 |
| Court Decision | Woodbury v. Dempsey (2003) 108 Cal. App. 4th 421 |
| U.S. DOE & U.S. DOJ Civil Rights Divisions Pub | Resource on Confronting Racial Discrimination in Student Discipline, May 2023 |
| U.S. DOE Publication | School Climate and Student Discipline Resources |
| U.S. DOE Publication | Guiding Principles for Creating Safe, Inclusive, Supportive, and Fair School Climates, March 2023 |
| Website | CSBA District and County Office of Education Legal Services |
| Website | U.S. Department of Education, Office of Safe and Healthy Students |
| Website | California Attorney General's Office |
| Website | California Department of Education |
| Website | CSBA |
| Website | U.S. Department of Education, Office for Civil Rights |

| **Cross References** | **Description** |
|---|---|
| 0450 | Comprehensive Safety Plan |
| 0450 | Comprehensive Safety Plan |
| 0460 | Local Control And Accountability Plan |
| 0460 | Local Control And Accountability Plan |
| 1114 | District-Sponsored Social Media |
| 1114 | District-Sponsored Social Media |
| 1312.3 | Uniform Complaint Procedures |
| 1312.3 | Uniform Complaint Procedures |
| 1313 | Civility |
| 3513.3 | Tobacco-Free Schools |

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|---|---|
| 3513.3 | Tobacco-Free Schools |
| 3513.4 | Drug And Alcohol Free Schools |
| 3515 | Campus Security |
| 3515 | Campus Security |
| 3515.21 | Unmanned Aircraft Systems (Drones) |
| 3515.31 | School Resource Officers |
| 3515.4 | Recovery For Property Loss Or Damage |
| 3515.4 | Recovery For Property Loss Or Damage |
| 3516.2 | Bomb Threats |
| 4158 | Employee Security |
| 4158 | Employee Security |
| 4258 | Employee Security |
| 4258 | Employee Security |
| 4358 | Employee Security |
| 4358 | Employee Security |
| 5000 | Concepts And Roles |
| 5112.1 | Exemptions From Attendance |
| 5112.1 | Exemptions From Attendance |
| 5113 | Absences And Excuses |
| 5113 | Absences And Excuses |
| 5113.1 | Chronic Absence And Truancy |
| 5113.1 | Chronic Absence And Truancy |
| 5116.2 | Involuntary Student Transfers |
| 5117 | Interdistrict Attendance |
| 5117 | Interdistrict Attendance |
| 5119 | Students Expelled From Other Districts |
| 5125 | Student Records |
| 5125 | Student Records |
| 5125.2 | Withholding Grades, Diploma Or Transcripts |
| 5131 | Conduct |
| 5131.1 | Bus Conduct |
| 5131.1 | Bus Conduct |
| 5131.2 | Bullying |
| 5131.2 | Bullying |
| 5131.4 | Student Disturbances |
| 5131.4 | Student Disturbances |
| 5131.5 | Vandalism And Graffiti |
| 5131.6 | Alcohol And Other Drugs |
| 5131.6 | Alcohol And Other Drugs |
| 5131.62 | Tobacco |

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|---|---|
| 5131.62 | Tobacco |
| 5131.7 | Weapons And Dangerous Instruments |
| 5131.7 | Weapons And Dangerous Instruments |
| 5137 | Positive School Climate |
| 5138 | Conflict Resolution/Peer Mediation |
| 5142 | Safety |
| 5142 | Safety |
| 5144 | Discipline |
| 5144 | Discipline |
| 5144.2 | Suspension And Expulsion/Due Process (Students With Disabilities) |
| 5144.4 | Required Parental Attendance |
| 5144.4 | Required Parental Attendance |
| 5145.12 | Search And Seizure |
| 5145.2 | Freedom Of Speech/Expression |
| 5145.2 | Freedom Of Speech/Expression |
| 5145.3 | Nondiscrimination/Harassment |
| 5145.3 | Nondiscrimination/Harassment |
| 5145.6 | Parent/Guardian Notifications |
| 5145.7 | Sexual Harassment |
| 5145.7 | Sexual Harassment |
| 5145.71 | Title IX Sexual Harassment Complaint Procedures |
| 5145.71-E(1) | Title IX Sexual Harassment Complaint Procedures |
| 5145.9 | Hate-Motivated Behavior |
| 6145 | Extracurricular And Cocurricular Activities |
| 6145 | Extracurricular And Cocurricular Activities |
| 6145.2 | Athletic Competition |
| 6145.2 | Athletic Competition |
| 6145.5 | Student Organizations And Equal Access |
| 6145.8 | Assemblies And Special Events |
| 6153 | School-Sponsored Trips |
| 6153 | School-Sponsored Trips |
| 6154 | Homework/Makeup Work |
| 6158 | Independent Study |
| 6158 | Independent Study |
| 6161.2 | Damaged Or Lost Instructional Materials |
| 6163.4 | Student Use Of Technology |
| 6163.4-E(1) | Student Use Of Technology |
| 6164.6 | Identification And Education Under Section 504 |
| 6164.6 | Identification And Education Under Section 504 |
| 6173 | Education For Homeless Children |

| | |
|---|---|
| 6173 | Education For Homeless Children |
| 6173.1 | Education For Foster Youth |
| 6173.1 | Education For Foster Youth |
| 9000 | Role Of The Board |
| 9321 | Closed Session |
| 9322 | Agenda/Meeting Materials |

**Regulation 5144.1: Suspension And Expulsion/Due Process**

Original Adopted Date: 02/13/2025 | Last Reviewed Date: 02/13/2025

## 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 Board of Trustees for students of the same grade level
2. Referral to a certificated employee designated by the principal to advise students
3. Removal from the class, but without reassignment to another class or program, for the remainder of the class period without sending the student to the principal or designee as provided in Education Code 48910, 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-8

Acts for which a student, including a student with disabilities, may be suspended or expelled shall be only those specified as follows and in "Additional Grounds for Suspension and Expulsion: Grades 4-8," 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 "Additional Grounds for Suspension and Expulsion: Grades 4-8," 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 website, 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 website 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))

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 may, as appropriate, 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)

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)

A student may not be suspended or expelled for disruption or willful defiance. (Education Code 48900)

## Additional Grounds for Suspension and Expulsion: Grades 4-8

A student in grades 4-8 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)

## 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. (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 has suspended 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 requested by the parent/guardian or teacher. (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-8" 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) In addition, the notice shall

state the date and time when the student may return to school.

4. 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)

5. Extension of Suspension: If the Board is considering the expulsion of a suspended student from any school or the suspension of a student for the balance of the semester from continuation school, the Superintendent or designee may, in writing, extend the suspension until such time as the Board has made a decision, 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 child or youth experiencing homelessness, 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," and "Additional Grounds for Suspension and Expulsion: Grades 4-8," 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 and 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 student experiencing homelessness, 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)

   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)

2. Record of Hearing: A record of the hearing shall be made and may be maintained by any means, including electronic recording, as long as a reasonably accurate and complete written transcription of the proceedings can be made. (Education Code 48918(g))

3. Subpoenas: Before commencing a student expulsion hearing, the Board may issue subpoenas, at the request of either the student or the Superintendent or designee, for the personal appearance at the hearing of any person who actually witnessed the action that gave rise to the recommendation for expulsion. After the hearing has commenced, the Board or the hearing officer or administrative panel may issue such subpoenas at the request of the student or the County Superintendent of Schools or designee. All subpoenas shall be issued in accordance with 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))

4. Presentation of Evidence: Technical rules of evidence shall not apply to the expulsion hearing, but relevant evidence may be admitted and used as proof only if it is the kind of evidence on which reasonable persons can rely in the conduct of serious affairs. The decision of the Board to expel shall be supported by substantial evidence that the student committed any of the acts pursuant to Education Code 48900 and listed in "Grounds for Suspension and Expulsion: Grades K-8," and "Additional Grounds for Suspension and Expulsion: Grades 4-8," above. (Education Code 48918(h))

   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.

5. 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:

1. Arrange the seating within the hearing room so as to facilitate a less intimidating environment for the complaining witness

2. 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

3. (Permit one of the support persons to accompany the complaining witness to the witness stand

6. Decision: The Board's decision as to whether to expel a student shall be made within 40 school days after the student is removed from 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 "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-8" or "Additional Grounds for Suspension and Expulsion: Grades 4-8" (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-8" or "Additional Grounds for Suspension and Expulsion: Grades 4-8" 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 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 #6-8 under "Grounds for Suspension and Expulsion: Grades K-8" and Items #1-3 under "Additional Grounds for Suspension and Expulsion: Grades 4-8" above may be referred to a program of study that is provided at another comprehensive middle 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 and 8. (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)

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

| State | Description |
|---|---|
| Civ. Code 47 | Privileged communication |
| Civ. Code 48.8 | Defamation liability |
| Code of Civil Procedure 1985-1997 | Production of evidence; means of production Ed. Code |
| 17292.5 | Program for expelled students; facilities |
| Ed. Code 1981-1983 | Enrollment of students in community school |
| Ed. Code 212.5 | Sexual harassment |
| Ed. Code 233 | Hate violence |
| Ed. Code 32260-32262 | Interagency School Safety Demonstration Act of 1985 |
| Ed. Code 35145 | Open board meetings |
| Ed. Code 35146 | Closed sessions regarding suspensions |
| Ed. Code 35291 | Rules for government and discipline of schools |
| Ed. Code 35291.5 | Rules and procedures on school discipline |
| Ed. Code 48645.5 | Former juvenile court school students; enrollment |
| Ed. Code 48660-48666 | Community day schools |
| Ed. Code 48853-48853.5 | Foster youth |
| Ed. Code 48900-48927 | Suspension and expulsion |
| Ed. Code 48950 | Speech and other communication |
| Ed. Code 48980 | Parent/Guardian notifications |
| Ed. Code 49073-49079 | Privacy of student records |
| Ed. Code 52052 | Numerically significant student subgroups |
| Ed. Code 52060-52077 | Local control and accountability plan |
| Ed. Code 64000-64001 | Consolidated application |
| Ed. Code 8489-8489.1 | Prohibition against expulsion of preschool student |
| Gov. Code 11455.20 | Informal hearing procedures |
| Gov. Code 54950-54963 | The Ralph M. Brown Act |
| H&S Code 11014.5 | Drug paraphernalia |
| H&S Code 11053-11059 | Controlled substances; standards and schedules |
| Lab. Code 230.7 | Employee time off to appear in school on behalf of a child |
| Pen. Code 240 | Assault defined |
| Pen. Code 241.2 | Assault fines |
| Pen. Code 242 | Battery defined |
| Pen. Code 243.2 | Battery on school property |
| Pen. Code 243.4 | Sexual battery |
| Pen. Code 245 | Assault with deadly weapon |
| Pen. Code 245.6 | Hazing |
| Pen. Code 261 | Rape defined |
| Pen. Code 266c | Unlawful sexual intercourse |
| Pen. Code 286 | Sodomy defined |
| Pen. Code 287 | Oral Copulation |
| Pen. Code 288 | Lewd or lascivious acts with child under age 14 |
| Pen. Code 289 | Penetration of genital or anal openings |
| Pen. Code 31 | Principal of a crime; defined |
| Pen. Code 417.27 | Laser pointers |
| Pen. Code 422.55 | Definition of hate crime |
| Pen. Code 422.6 | Crimes; harassment |
| Pen. Code 422.7 | Aggravating factors for punishment |
| Pen. Code 422.75 | Enhanced penalties for hate crimes |
| Pen. Code 626.10 | Dirks, daggers, knives, razors, or stun guns |
| Pen. Code 626.2 | Entry upon campus after written notice of suspension or dismissal without permission |
| Pen. Code 626.9 | Gun-Free School Zone Act of 1995 |

| | |
|---|---|
| Pen. Code 868.5 | Supporting person; attendance during testimony of witness |
| W&I Code 224.1 | Indian child; definition |
| W&I Code 729.6 | Counseling |

| **Federal** | **Description** |
|---|---|
| 18 USC 921 | Definitions; firearms and ammunition |
| 20 USC 1415(K) | Students with disabilities; placement in alternative educational setting |
| 20 USC 7961 | Gun-Free Schools Act |
| 42 USC 11431-11435 | Education of homeless children and youths |

| **Management Resources** | **Description** |
|---|---|
| Attorney General Opinion | 80 Ops.Cal.Atty.Gen. 348 (1997) |
| Attorney General Opinion | 80 Ops.Cal.Atty.Gen. 85 (1997) |
| Attorney General Opinion | 80 Ops.Cal.Atty.Gen. 91 (1997) |
| Attorney General Opinion | 84 Ops.Cal.Atty.Gen. 146 (2001) |
| Court Decision | Board of Education of Sacramento City Unified School District v. Sacramento County Board of Education and Kenneth H. (2001) 85 Cal.App.4th 1321 |
| Court Decision | Fremont Union High School District v. Santa Clara County Board (1991) 235 Cal. App. 3d 1182 |
| Court Decision | Garcia v. Los Angeles Board of Education (1981) 123 Cal. App. 3d 807 |
| Court Decision | John A. v. San Bernardino School District (1982) 33 Cal. 3d 301 |
| Court Decision | T.H. v. San Diego Unified School District (2004) 122 Cal. App. 4th 1267 |
| Court Decision | Woodbury v. Dempsey (2003) 108 Cal. App. 4th 421 |
| U.S. DOE & U.S. DOJ Civil Rights Divisions Pub | Resource on Confronting Racial Discrimination in Student Discipline, May 2023 |
| U.S. DOE Publication | School Climate and Student Discipline Resources |
| U.S. DOE Publication | Guiding Principles for Creating Safe, Inclusive, Supportive, and Fair School Climates, March 2023 |
| Website | CSBA District and County Office of Education Legal Services |
| Website | U.S. Department of Education, Office of Safe and Healthy Students |
| Website | California Attorney General's Office |
| Website | California Department of Education |
| Website | CSBA |
| Website | U.S. Department of Education, Office for Civil Rights |

| **Cross References** | **Description** |
|---|---|
| 0450 | Comprehensive Safety Plan |
| 0450 | Comprehensive Safety Plan |
| 0460 | Local Control And Accountability Plan |
| 0460 | Local Control And Accountability Plan |
| 1114 | District-Sponsored Social Media |
| 1114 | District-Sponsored Social Media |
| 1312.3 | Uniform Complaint Procedures |
| 1312.3 | Uniform Complaint Procedures |
| 1313 | Civility |
| 3513.3 | Tobacco-Free Schools |
| 3513.3 | Tobacco-Free Schools |
| 3513.4 | Drug And Alcohol Free Schools |
| 3515 | Campus Security |
| 3515 | Campus Security |

| | |
|---|---|
| 3515.21 | Unmanned Aircraft Systems (Drones) |
| 3515.31 | School Resource Officers |
| 3515.4 | Recovery For Property Loss Or Damage |
| 3515.4 | Recovery For Property Loss Or Damage |
| 3516.2 | Bomb Threats |
| 4158 | Employee Security |
| 4158 | Employee Security |
| 4258 | Employee Security |
| 4258 | Employee Security |
| 4358 | Employee Security |
| 4358 | Employee Security |
| 5000 | Concepts And Roles |
| 5112.1 | Exemptions From Attendance |
| 5112.1 | Exemptions From Attendance |
| 5113 | Absences And Excuses |
| 5113 | Absences And Excuses |
| 5113.1 | Chronic Absence And Truancy |
| 5113.1 | Chronic Absence And Truancy |
| 5116.2 | Involuntary Student Transfers |
| 5117 | Interdistrict Attendance |
| 5117 | Interdistrict Attendance |
| 5119 | Students Expelled From Other Districts |
| 5125 | Student Records |
| 5125 | Student Records |
| 5125.2 | Withholding Grades, Diploma Or Transcripts |
| 5131 | Conduct |
| 5131.1 | Bus Conduct |
| 5131.1 | Bus Conduct |
| 5131.2 | Bullying |
| 5131.2 | Bullying |
| 5131.4 | Student Disturbances |
| 5131.4 | Student Disturbances |
| 5131.5 | Vandalism And Graffiti |
| 5131.6 | Alcohol And Other Drugs |
| 5131.6 | Alcohol And Other Drugs |
| 5131.62 | Tobacco |
| 5131.62 | Tobacco |
| 5131.7 | Weapons And Dangerous Instruments |
| 5131.7 | Weapons And Dangerous Instruments |
| 5137 | Positive School Climate |

| | |
|---|---|
| 5138 | Conflict Resolution/Peer Mediation |
| 5142 | Safety |
| 5142 | Safety |
| 5144 | Discipline |
| 5144 | Discipline |
| 5144.2 | Suspension And Expulsion/Due Process (Students With Disabilities) |
| 5144.4 | Required Parental Attendance |
| 5144.4 | Required Parental Attendance |
| 5145.12 | Search And Seizure |
| 5145.2 | Freedom Of Speech/Expression |
| 5145.2 | Freedom Of Speech/Expression |
| 5145.3 | Nondiscrimination/Harassment |
| 5145.3 | Nondiscrimination/Harassment |
| 5145.6 | Parent/Guardian Notifications |
| 5145.7 | Sexual Harassment |
| 5145.7 | Sexual Harassment |
| 5145.71 | Title IX Sexual Harassment Complaint Procedures |
| 5145.71-E(1) | Title IX Sexual Harassment Complaint Procedures |
| 5145.9 | Hate-Motivated Behavior |
| 6145 | Extracurricular And Cocurricular Activities |
| 6145 | Extracurricular And Cocurricular Activities |
| 6145.2 | Athletic Competition |
| 6145.2 | Athletic Competition |
| 6145.5 | Student Organizations And Equal Access |
| 6145.8 | Assemblies And Special Events |
| 6153 | School-Sponsored Trips |
| 6153 | School-Sponsored Trips |
| 6154 | Homework/Makeup Work |
| 6158 | Independent Study |
| 6158 | Independent Study |
| 6161.2 | Damaged Or Lost Instructional Materials |
| 6163.4 | Student Use Of Technology |
| 6163.4-E(1) | Student Use Of Technology |
| 6164.6 | Identification And Education Under Section 504 |
| 6164.6 | Identification And Education Under Section 504 |
| 6173 | Education For Homeless Children |
| 6173 | Education For Homeless Children |
| 6173.1 | Education For Foster Youth |
| 6173.1 | Education For Foster Youth |
| 9000 | Role Of The Board |

9321 Closed Session

9322 Agenda/Meeting Materials

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

**Regulation 5144.2: Suspension And Expulsion/Due Process (Students With Disabilities)**

Original Adopted Date: 02/13/2025 | Last Reviewed Date: 02/13/2025

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

Suspension or expulsion of a student with disabilities shall be in accordance with Board Policy 5144.1 - Suspension And Expulsion/Due Process and this administrative regulation.

When a student with disabilities exhibits behavior which impedes the student's own learning or that of others, the student's individualized education program (IEP) team shall consider positive behavioral interventions and supports, and other strategies, to address the behavior. (Education Code 56521.2; 20 USC 1414)

### Suspension

The Superintendent, principal, or designee may suspend a student from school for up to five consecutive school days, unless the suspension has been extended following a recommendation for expulsion. (Education Code 48911)
A student may usually be suspended from school for up to 20 cumulative school days, or 30 cumulative school days as permitted by Education Code 48903, in a school year as long as the pattern of suspension(s) does not constitute a change in placement pursuant to 34 CFR 300.536. (Education Code 48903; 34 CFR 300.530)

The Superintendent or designee shall determine, on a case-by-case basis, whether a pattern of removals of a student from the student's current educational placement for disciplinary reasons constitutes a change of placement.

A change of placement shall be deemed to have occurred under either of the following circumstances: (34 CFR 300.536)

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

If a student's removal is determined to be a change of placement as specified in Items #1-2 above, the student's IEP team shall determine the appropriate educational services. Such services shall be designed to enable the student to continue to participate in the general education curriculum in another setting, to progress toward meeting the goals set out in the student's IEP, and to address the student's behavior violation so that it does not recur. (20 USC 1412(a)(1)(A); 34 CFR 300.530)

If the IEP of a student with a disability requires the district to provide the student with transportation, the district shall provide the student with an alternative form of transportation at no cost to the student or the student's parent/guardian when, as a result of a suspension, the student is excluded from school bus transportation. (Education Code 48915.5)

The principal or designee shall monitor the number of days, including portions of days, in which a student with an IEP has been suspended during the school year.

### Interim Alternative Educational Placement Due to Dangerous Behavior

The district may unilaterally place a student with a disability in an appropriate interim alternative educational setting for up to 45 school days,

without regard to whether the behavior is a manifestation of the student's disability, when the student commits one of the following acts while at school, going to or from school, or at a school-related function: (20 USC 1415(k)(1)(G); 34 CFR 300.530)

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

The student's interim alternative educational setting shall be determined by the student's IEP team. (20 USC 1415(k) (1)(G); 34 CFR 300.531)

On the date the decision to take disciplinary action is made, the student's parent/guardian shall be notified of the decision and provided the procedural safeguards notice pursuant to 34 CFR 300.504. (20 USC 1415(k)(1)(H); 34 CFR 300.530)

A student who has been removed from the student's current placement because of dangerous behavior shall receive services, although in another setting, to the extent necessary to allow the student to participate in the general education curriculum and to progress toward meeting the goals set out in the IEP. As appropriate, the student shall also receive a functional behavioral assessment and behavioral intervention services and modifications that are designed to address the behavior violation, so that it does not recur. (20 USC 1415(k)(1)(D); 34 CFR 300.530)

## Manifestation Determination

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

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

   If the student is a foster youth, the notice shall be given to the student's educational rights holder, attorney, and county social worker, and, if the student is an Indian child, the student's tribal social worker and, if applicable, county social worker. (Education Code 48853.5; 20 USC 1415(k)(1)(H); 34 CFR 300.530)

2. Manifestation Determination Review: Immediately if possible, but in no case later than 10 school days after the date the decision to take disciplinary action is made, a manifestation determination review shall be made of the relationship between the student's disability and the behavior subject to the disciplinary action (20 USC 1415(k)(1)(E); 34 CFR 300.530)

   If the student is a foster youth or Indian child, the foster youth's educational rights holder, attorney, or county social worker, or the Indian child's tribal social worker and, if applicable, county social worker, shall be invited to participate in the manifestation determination review. (Education Code 48915.5)

   At the manifestation determination review, the district, the student's parent/guardian, and relevant members of the IEP team (as determined by the district and parent/guardian) shall review all relevant information in the student's file, including the student's IEP, any teacher observations, and any relevant information provided by the parents/guardians, to determine whether the conduct in question was either of the following: (20 USC 1415(k)(1)(E); 34 CFR 300.530)

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

      If the manifestation review team determines that either of the above conditions applies, the student's conduct shall then be determined to be a manifestation of the student's disability. (20 USC 1415(k)(1)(E); 34 CFR 300.530)

3. Determination that Behavior is a Manifestation of the Student's Disability: When the student's conduct has been determined to be a manifestation of the student's disability, the IEP team shall conduct a functional behavioral assessment, unless one had been conducted before the occurrence of the behavior that resulted in the change of placement, and shall implement a behavioral intervention plan for the student

   If a behavioral intervention plan has already been developed, the IEP team shall review the behavioral intervention plan and modify it as necessary to address the behavior. (20 USC 1415(k)(1)(F); 34 CFR 300.530)

The student shall be returned to the placement from which the student was removed, unless the parent/guardian and Superintendent or designee agree to a change of placement as part of the modification of the behavioral intervention plan. (20 USC 1415(k)(1)(F); 34 CFR 300.530)

4. Determination that Behavior is Not a Manifestation of the Student's Disability: When it has been determined that the student's conduct was not a manifestation of the disability, the student may be disciplined in accordance with the procedures for students without disabilities

   However, the student's IEP team shall determine services necessary to enable the student to participate in the general education curriculum in another setting and to allow the student to progress toward meeting the goals set out in the IEP. (20 USC 1415(k)(1)(D); 34 CFR 300.530)

   As appropriate, the student also shall receive a functional behavioral assessment and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur. (20 USC 1415(k)(1)(D); 34 CFR 300.530)

## Due Process Appeals

If the parent/guardian disagrees with any district decision regarding placement under 34 CFR 300.530 (suspension and removal for dangerous circumstances), 34 CFR 300.531 (interim alternative placement), or the manifestation determination under 34 CFR 300.530(e), the parent/guardian may appeal the decision by requesting a hearing. The district may request a hearing if the district believes that maintaining the student's current placement is substantially likely to result in injury to the student or others. In order to request a due process hearing, the requesting party shall file a complaint pursuant to 34 CFR 300.507 and 300.508(a) and (b). (20 USC 1415(k)(3); 34 CFR 300.532)

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

If the student's parent/guardian or the district has initiated a due process hearing under 34 CFR 300.532 as detailed above, the student shall remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the 45-day time period, whichever occurs first, unless the parent/guardian and district agree otherwise. (20 USC 1415(k)(4); 34 CFR 300.533)

## Readmission

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

## Decision Not to Enforce Expulsion Order

The Board of Trustees's criteria for suspending the enforcement of an expulsion order shall be applied to students with disabilities in the same manner as they are applied to all other students. (Education Code 48917)

## Notification to Law Enforcement Authorities

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

When giving any required notification concerning a student with disabilities to any law enforcement official, the principal or designee shall require the law enforcement official to certify in writing that the student's information or records will not be disclosed to any other person without the prior written consent of the student's parent/guardian. (Education Code 49076)

## Report to County Superintendent of Schools

The Superintendent or designee shall report to the County Superintendent of Schools when any special education student has been expelled or suspended for more than 10 school days. The report shall include the student's name, last known address, and the reason for the action. (Education Code 48203)

## Procedures for Students Not Yet Eligible for Special Education Services

A student who has not been determined to be eligible for special education and related services and who has violated the district's code of student conduct may nevertheless assert any of the protections under IDEA, if the district had knowledge of the student's disability. (20 USC 1415(k)(5); 34 CFR 300.534)

*Knowledge* means that, before the occurrence of the behavior that precipitated the disciplinary action, one of the following occurred: (20 USC 1415(k)(5); 34 CFR 300.534)

1. The parent/guardian, in writing, has expressed concern to district supervisory or administrative personnel, or to a teacher of the student, that the student is in need of special education or related services

2. The parent/guardian has requested an evaluation of the student for special education pursuant to 20 USC 1414(a)(1)(B) or 34 CFR 300.300-300.311

3. The teacher of the student or other district personnel has expressed specific concerns directly to the district's director of special education or other supervisory district personnel about a pattern of behavior demonstrated by the student

However, the district shall not be deemed to have knowledge of a student's disability if the student's parent/guardian has not allowed the student to be evaluated for special education services or has refused services or, after evaluating the student pursuant to 34 CFR 300.300-300.311, the district determined that the student was not an individual with a disability. (20 USC 1415(k)(5); 34 CFR 300.534)

When the district is deemed to not have knowledge of a student's disability, the student shall be disciplined in accordance with procedures established for students without disabilities who engage in comparable behavior. (20 USC 1415(k)(5); 34 CFR 300.534)

If a request is made for an evaluation of a student during the time period in which the student is subject to disciplinary measures pursuant to 34 CFR 300.530, the evaluation shall be conducted in an expedited manner. Until the evaluation is completed, the student shall remain in the educational placement determined by school authorities. (20 USC 1415(k)(5); 34 CFR 300.534)

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

| **State** | **Description** |
|---|---|
| Ed. Code 35146 | Closed sessions regarding suspensions |
| Ed. Code 35291 | Rules of governing board |
| Ed. Code 48203 | Reports of severance of attendance of disabled students |
| Ed. Code 48853.5 | Foster youth and Indian child's representatives' right to receive notices |
| Ed. Code 48900-48925 | Suspension and expulsion |
| Ed. Code 49076 | Access to student records |
| Ed. Code 56000 | Special education; legislative findings and declarations |
| Ed. Code 56320 | Educational needs; requirements |
| Ed. Code 56321 | Development or revision of individualized education program |
| Ed. Code 56329 | Independent educational assessment |
| Ed. Code 56340-56347 | Individualized education program teams |
| Ed. Code 56505 | State hearing |
| Ed. Code 56521.2 | Behavioral interventions |
| Pen. Code 245 | Assault with deadly weapon |
| Pen. Code 626.10 | Dirks, daggers, knives, razors, or stun guns |
| Pen. Code 626.2 | Entry upon campus after written notice of suspension or dismissal without permission |
| Pen. Code 626.9 | Gun-Free School Zone Act of 1995 |

| **Federal** | **Description** |
|---|---|
| 18 USC 1365 | Serious bodily injury |
| 18 USC 930 | Weapons |
| 20 USC 1412 | State eligibility |
| 20 USC 1414 | Evaluations, eligibility determinations, individualized education programs, and educational placements |
| 20 USC 1415 | Procedural safeguards |
| 21 USC 812 | Schedule of controlled substances |
| 29 USC 794 | Rehabilitation Act of 1973; Section 504 |
| 34 CFR 104.35 | Evaluation and placement |
| 34 CFR 104.36 | Procedural safeguards |
| 34 CFR 300.1-300.818 | Assistance to states for the education of students with disabilities |
| 34 CFR 300.530-300.537 | Discipline procedures |

| **Management Resources** | **Description** |
|---|---|

| | |
|---|---|
| Court Decision | Honig v. Doe (1988) 484 U.S. 305 |
| Court Decision | M.P. v. Governing Board of Grossmont Union High School District (1994) 858 F.Supp. 1044 |
| Court Decision | Parents of Student W. v. Puyallup School District (1994 9th Cir.) 31 F.3d 1489 |
| Court Decision | Schaffer v. Weast (2005) 546 U.S. 49 |
| Court Decision | Rules and Regulations, August 14, 2006, Vol. 71, Number 156, pages 46539-46845 |
| Ofc of Special Education & Rehabilitative Svcs Pub | Dear Colleague Letter on Implementation of IDEA Discipline Provisions, July 2022 |
| Ofc of Special Education & Rehabilitative Svcs Pub | Dear Colleague Letter on Ensuring Equity and Providing Behavioral Support to Students with Disabilities, August 2016 |
| Ofc of Special Education & Rehabilitative Svcs Pub | Questions and Answers: Addressing the Needs of Children with Disabilities and IDEA's Discipline Provisions, July 2022 |
| Ofc of Special Education & Rehabilitative Svcs Pub | Positive, Proactive Approaches to Supporting Children with Disabilities: A Guide for Stakeholders, July 2022 |
| Ofc of Special Education & Rehabilitative Svcs Pub | Parent v. Fairfield-Suisun Unified School District (2012) Case No. 2012030917 |
| U.S. DOE & U.S. DOJ Civil Rights Divisions Pub | Resource on Confronting Racial Discrimination in Student Discipline, May 2023 |
| 34 CFR 300.1-300.818 | Assistance to states for the education of students with disabilities |
| U.S. DOE Publication | Guiding Principles for Creating Safe, Inclusive, Supportive, and Fair School Climates, March 2023 |
| U.S. DOE, Office for Civil Rights Publication | Fact Sheet: Supporting Students with Disabilities and Avoiding the Discriminatory Use of Student Discipline under Section 504 of the Rehabilitation Act of 1973 |
| Website | CSBA District and County Office of Education Legal Services |
| Website | U.S. Department of Education, Office of Special Education and Rehabilitative Services |
| Website | California Department of Education, Special Education |
| Website | U.S. Department of Education, Office for Civil Rights |

| **Cross References** | **Description** |
|---|---|
| 0430 | Comprehensive Local Plan For Special Education |
| 0430 | Comprehensive Local Plan For Special Education |
| 0450 | Comprehensive Safety Plan |
| 0450 | Comprehensive Safety Plan |
| 0460 | Local Control And Accountability Plan |
| 0460 | Local Control And Accountability Plan |
| 3513.4 | Drug And Alcohol Free Schools |
| 3541.2 | Transportation For Students With Disabilities |
| 4118 | Dismissal/Suspension/Disciplinary Action |
| 4118 | Dismissal/Suspension/Disciplinary Action |
| 4158 | Employee Security |
| 4158 | Employee Security |
| 4258 | Employee Security |
| 4258 | Employee Security |
| 4358 | Employee Security |
| 4358 | Employee Security |
| 5116.2 | Involuntary Student Transfers |
| 5125 | Student Records |
| 5125 | Student Records |
| 5131 | Conduct |
| 5131.2 | Bullying |
| 5131.2 | Bullying |
| 5131.4 | Student Disturbances |
| 5131.4 | Student Disturbances |
| 5131.62 | Tobacco |
| 5131.62 | Tobacco |
| 5131.7 | Weapons And Dangerous Instruments |

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|---|---|
| 5131.7 | Weapons And Dangerous Instruments |
| 5137 | Positive School Climate |
| 5138 | Conflict Resolution/Peer Mediation |
| 5144 | Discipline |
| 5144 | Discipline |
| 5144.1 | Suspension And Expulsion/Due Process |
| 5144.1 | Suspension And Expulsion/Due Process |
| 5144.4 | Required Parental Attendance |
| 5144.4 | Required Parental Attendance |
| 5145.2 | Freedom Of Speech/Expression |
| 5145.2 | Freedom Of Speech/Expression |
| 5145.3 | Nondiscrimination/Harassment |
| 5145.3 | Nondiscrimination/Harassment |
| 5145.6 | Parent/Guardian Notifications |
| 5145.7 | Sexual Harassment |
| 5145.7 | Sexual Harassment |
| 5145.9 | Hate-Motivated Behavior |
| 6120 | Response To Instruction And Intervention |
| 6145 | Extracurricular And Cocurricular Activities |
| 6145 | Extracurricular And Cocurricular Activities |
| 6145.2 | Athletic Competition |
| 6145.2 | Athletic Competition |
| 6159 | Individualized Education Program |
| 6159 | Individualized Education Program |
| 6159.1 | Procedural Safeguards And Complaints For Special Education |
| 6159.1 | Procedural Safeguards And Complaints For Special Education |
| 6159.3 | Appointment Of Surrogate Parent For Special Education Students |
| 6159.3 | Appointment Of Surrogate Parent For Special Education Students |
| 6159.4 | Behavioral Interventions For Special Education Students |
| 6163.4 | Student Use Of Technology |
| 6163.4-E(1) | Student Use Of Technology |
| 6164.4 | Identification And Evaluation Of Individuals For Special Education |
| 6164.4 | Identification And Evaluation Of Individuals For Special Education |
| 6164.5 | Student Success Teams |
| 6164.5 | Student Success Teams |
| 6164.6 | Identification And Education Under Section 504 |
| 6164.6 | Identification And Education Under Section 504 |
| 6173 | Education For Homeless Children |
| 6173 | Education For Homeless Children |
| 6173.1 | Education For Foster Youth |
| 6173.1 | Education For Foster Youth |

# Uniform Complaint Procedures

**Policy 1312.3: Uniform Complaint Procedures**

Original Adopted Date: 02/13/2025 | Last Reviewed Date: 02/13/2025

The Board of Trustees recognizes that the district has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs. The Board encourages the early resolution of complaints whenever possible. To resolve complaints which may require a more formal process, the Board adopts the uniform system of complaint processes specified in 5 CCR 4600-4670 and the accompanying administrative regulation.

## Complaints Subject to UCP

The district's uniform complaint procedures (UCP) shall be used to investigate and resolve complaints regarding the following programs and activities:

1. Accommodations for pregnant and parenting students (Education Code 46015)
2. Adult education programs (Education Code 8500-8538, 52334.7, 52500-52617)
3. After School Education and Safety programs (Education Code 8482-8484.65)
4. Agricultural career technical education (Education Code 52460-52462)
5. Career technical and technical education and career technical and technical training programs (Education Code 52300-52462)
6. Child care and development programs (Education Code 8200-8488)
7. Compensatory education (Education Code 54400)
8. Consolidated categorical aid programs (Education Code 33315; 34 CFR 299.10-299.12)
9. Course periods without educational content (Education Code 51228.1-51228.3)
10. Discrimination, harassment, intimidation, or bullying in district programs and activities, including in those programs or activities funded directly by or that receive or benefit from any state financial assistance, based on a person's actual or perceived characteristics of race or ethnicity, color, ancestry, nationality, national origin, immigration status, ethnic group identification, age, religion, physical or mental disability, medical condition, or genetic information; any other characteristic identified in Education Code 200 or 220, Government Code 11135, or Penal Code 422.55; or based on the person's association with a person or group with one or more of these actual or perceived characteristics (5 CCR 4610)

Discrimination includes, but is not limited to, the Board's refusal to approve the use or prohibit the use of any textbook, instructional material, supplemental instructional material, or other curriculum for classroom instruction, or any book or other resource in a school library, on the basis that it includes a study of the role and contributions of any individual or group consistent with the requirements of Education Code 51204.5 and 60040, unless such study would violate Education Code 51501 or 60044. Additionally, discrimination includes, but is not limited to, the Board's adoption or approval of use of any textbook, instructional material, supplemental instructional material, or other curriculum for classroom instruction, or any book or other resource in a school library if the use would subject a student to unlawful discrimination pursuant to Education Code 220. A complaint alleging such unlawful discrimination may, in addition to or in lieu of being filed with the district, be directly filed with the Superintendent of Public Instruction (SPI). (Education Code 243, 244)

The UCP shall not be used to investigate and resolve employment discrimination complaints. (5 CCR 4611)

11. Educational and graduation requirements for students in foster care, students experiencing homelessness, students from military families, students formerly in a juvenile court school, students who are migratory, and newcomer students (Education Code 48645.7, 48853, 48853.5, 49069.5, 51225.1, 51225.2)
12. Every Student Succeeds Act (Education Code 52059.5; 20 USC 6301 et seq.)

13. Local control and accountability plan (Education Code 52075)

14. Migrant education (Education Code 54440-54445

15. Physical education instructional minutes (Education Code 51210, 51222, 51223)

16. Student fees (Education Code 49010-49013)

17. Reasonable accommodations to a lactating student (Education Code 222)

18. Regional occupational centers and programs (Education Code 52300-52334.7)

19. School plans for student achievement as required for the consolidated application for specified federal and/or state categorical funding (Education Code 64001)

20. School site councils as required for the consolidated application for specified federal and/or state categorical funding (Education Code 65000)

21. State preschool programs (Education Code 8207-8225)

22. State preschool health and safety issues in license-exempt programs (Education Code 8212)

23. Any complaint alleging retaliation against a complainant or other participant in the complaint process or anyone who has acted to uncover or report a violation subject to this policy

24. Any other state or federal educational program the SPI or designee deems appropriate

The Board recognizes that alternative dispute resolution (ADR) can, depending on the nature of the allegations, offer a process for resolving a complaint in a manner that is acceptable to all parties. An ADR process such as mediation may be offered to resolve complaints that involve more than one student and no adult. However, mediation shall not be offered or used to resolve any complaint where there is a reasonable risk that a party to the mediation would feel compelled to participate. The Superintendent or designee shall ensure that the use of ADR is consistent with federal, state, and local laws and regulations.

The district shall protect all complainants from retaliation. In investigating complaints, the confidentiality of the parties involved shall be protected as required by law. For any complaint alleging retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the Superintendent or designee shall keep the identity of the complainant, and/or the subject of the complaint if different from the complainant, confidential when appropriate and as long as the integrity of the complaint process is maintained.

When an allegation that is not subject to UCP is included in a UCP complaint, the district shall refer the non-UCP allegation to the appropriate staff or agency and shall investigate and, if appropriate, resolve the UCP-related allegation(s) through the district's UCP.

The Superintendent or designee shall provide training to district staff to ensure awareness and knowledge of current law and requirements related to UCP, including the steps and timelines specified in this policy and the accompanying administrative regulation.

The Superintendent or designee shall maintain a record of each complaint and subsequent related actions, including steps taken during the investigation and all information required for compliance with 5 CCR 4631 and 4633.

## Non-UCP Complaints

The following complaints shall not be subject to the district's UCP but shall be investigated and resolved by the specified agency or through an alternative process:

1. Any complaint alleging child abuse or neglect shall be referred to the County Department of Social Services Protective Services Division or the appropriate law enforcement agency (5 CCR 4611)

2. Any complaint alleging health and safety violations by a child development program shall, for licensed facilities, be referred to Department of Social Services (5 CCR 4611)

3. Any complaint alleging that a student, while in an education program or activity, was subjected to conduct known to the district that may reasonably constitute sex discrimination under Title IX, including sex-based harassment, as defined in 34 CFR 106.2

   Discrimination on the basis of sex includes sex stereotypes; sex characteristics; sexual orientation; gender; gender identity; gender expression; pregnancy, childbirth, termination of pregnancy, or lactation, including related medical conditions or recovery; and parental, marital, and family status. Such a complaint shall be addressed through the federal Title IX complaint procedures adopted pursuant to 34 CFR 106.44-106.45, as specified in Administrative Regulation 5145.71 - Title IX Sex Discrimination and Sex-Based

Harassment Complaint Procedures. (34 CFR 106.2, 106.10, 106.11, 106.44)

4. Except for complaints alleging sex discrimination, including sex-based harassment, any complaint alleging employment discrimination or harassment shall be investigated and resolved by the district in accordance with the procedures specified in Administrative Regulation 4030 - Nondiscrimination in Employment, including the right to file the complaint with the California Civil Rights Department

   Employment complaints alleging sex discrimination, including sex-based harassment, 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.

5. Any complaint alleging a violation of a state or federal law or regulation related to special education, a settlement agreement related to the provision of a free appropriate public education (FAPE), failure or refusal to implement a due process hearing order to which the district is subject, or a physical safety concern that interferes with the district's provision of FAPE shall be submitted to the California Department of Education (CDE) in accordance with Administrative Regulation 6159.1 - Procedural Safeguards and Complaints for Special Education (5 CCR 3200-3205)

6. Any complaint alleging noncompliance of the district's food service program with laws regarding meal counting and claiming, reimbursable meals, eligibility of children or adults, or use of cafeteria funds and allowable expenses shall be filed with or referred to CDE in accordance with Board Policy 3555 - Nutrition Program Compliance (5 CCR 15580-15584)

7. Any allegation of discrimination based on race, color, national origin, sex, age, or disability in the district's food service program shall be filed with or referred to the U.S. Department of Agriculture in accordance with Board Policy 3555 - Nutrition Program Compliance (5 CCR 15582)

8. Any complaint related to sufficiency of textbooks or instructional materials, emergency or urgent facilities conditions that pose a threat to the health or safety of students or staff, or teacher vacancies and misassignments shall be investigated and resolved in accordance with Administrative Regulation 1312.4 - Williams Uniform Complaint Procedures (Education Code 35186)

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

| State | Description |
|---|---|
| 2 CCR 11023 | Harassment and discrimination prevention and correction |
| 5 CCR 15580-15584 | Child nutrition programs complaint procedures |
| 5 CCR 3200-3205 | Special education compliance complaints |
| 5 CCR 4600-4670 | Uniform complaint procedures |
| 5 CCR 4600-4687 | Uniform complaint procedures and Williams complaints |
| 5 CCR 4690-4694 | Complaints regarding health and safety issues in license-exempt preschool programs |
| 5 CCR 4900-4965 | Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance |
| Ed. Code 18100-18203 | School libraries |
| Ed. Code 200-262.4 | Prohibition of discrimination |
| Ed. Code 32280-32289.5 | School safety plans |
| Ed. Code 33315 | Uniform complaint procedures |
| Ed. Code 35186 | Williams uniform complaint procedures |
| Ed. Code 46015 | Parental leave for students |
| Ed. Code 48645.7 | Juvenile court schools |
| Ed. Code 48853-48853.5 | Foster youth |
| Ed. Code 48900.5 | Suspension; other means of correction |
| Ed. Code 48985 | Notices to parents/guardian in language other than English |
| Ed. Code 49010-49013 | Student fees |
| Ed. Code 49060-49079 | Student records |
| Ed. Code 49069.5 | Records of foster youth |
| Ed. Code 49490-49590 | Child nutrition programs |
| Ed. Code 49701 | Provisions of the Interstate Compact on Educational Opportunities for Military Children |
| Ed. Code 51204.5 | Social sciences instruction; contributions of specified groups |
| Ed. Code 51210 | Course of study for grades 1-6 |

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|---|---|
| Ed. Code 51222 | Physical education |
| Ed. Code 51223 | Physical education; elementary schools |
| Ed. Code 51225.1-51225.25 | Foster youth, homeless children, former juvenile court school students, newcomer students; course credits; graduation requirements |
| Ed. Code 51226-51226.1 | Career technical education |
| Ed. Code 51228.1-51228.3 | Course periods without educational content |
| Ed. Code 51501 | Nondiscriminatory subject matter |
| Ed. Code 52059.5 | Statewide system of support |
| Ed. Code 52060-52077 | Local control and accountability plan |
| Ed. Code 52075 | Complaint for lack of compliance with local control and accountability plan requirements |
| Ed. Code 52300-52462 | Career technical education |
| Ed. Code 52500-52617 | Adult schools |
| Ed. Code 54400-54425 | Compensatory education programs |
| Ed. Code 54440-54445 | Migrant education |
| Ed. Code 54460-54529 | Compensatory education programs |
| Ed. Code 59000-59300 | Special schools and centers |
| Ed. Code 60010 | Instructional materials; definition |
| Ed. Code 60040-60052 | Requirements for instructional materials |
| Ed. Code 64000-64001 | Consolidated application process; school plan for student achievement |
| Ed. Code 65000-65001 | School site councils |
| Ed. Code 8200-8488 | Child care and development programs |
| Ed. Code 8500-8538 | Adult basic education |
| Gov. Code 11135 | Prohibition of discrimination |
| Gov. Code 12900-12996 | Fair Employment and Housing Act |
| H&S Code 1596.792 | California Child Day Care Act; general provisions and definitions |
| H&S Code 1596.7925 | California Child Day Care Act; health and safety regulations |
| Pen. Code 422.55 | Definition of hate crime |
| Pen. Code 422.6 | Crimes; harassment |

| **Federal** | **Description** |
|---|---|
| 20 USC 1221 | Application of laws |
| 20 USC 1232g | Family Educational Rights and Privacy Act (FERPA) of 1974 |
| 20 USC 1681-1688 | Title IX of the Education Amendments of 1972; discrimination based on sex |
| 20 USC 6301-6576 | Title I Improving the Academic Achievement of the Disadvantaged |
| 20 USC 6801-7014 | Title III language instruction for limited English proficient and immigrant students |
| 28 CFR 35.107 | Nondiscrimination on basis of disability; complaints |
| 29 USC 794 | Rehabilitation Act of 1973; Section 504 |
| 34 CFR 100.3 | Prohibition of discrimination on basis of race, color or national origin |
| 34 CFR 104.7 | Section 504; Designation of responsible employee and adoption of grievances procedures |
| 34 CFR 106.1-106.82 | Nondiscrimination on the basis of sex in education programs or activities |
| 34 CFR 106.30 | Discrimination on the basis of sex in education programs and activities; definitions |
| 34 CFR 106.44 | Recipient's response to sexual harassment |
| 34 CFR 106.45 | Grievance process for formal complaints of sexual harassment |
| 34 CFR 106.8 | Designation of coordinator; dissemination of policy, and adoption of grievance procedures |
| 34 CFR 110.25 | Notification of nondiscrimination on the basis of age |
| 34 CFR 99.1-99.67 | Family Educational Rights and Privacy |
| 42 USC 11431-11435 | McKinney-Vento Homeless Assistance Act |
| 42 USC 12101-12213 | Americans with Disabilities Act |
| 42 USC 2000d-2000d-7 | Title VI, Civil Rights Act of 1964 |
| 42 USC 2000h-2-2000h-6 | Title IX of the Civil Rights Act of 1964 |
| 42 USC 6101-6107 | Age Discrimination Act of 1975 |

| **Management Resources** | **Description** |
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| California Department of Education Publication | Uniform Complaint Procedure Program Instrument |
| California Department of Education Publication | Sample UCP Board Policies and Procedures |
| California Department of Justice Publication | Guidance to School Officials re: Legal Requirements for Providing Inclusive Curricula and Books, January 2024 |
| Court Decision | Tennessee v. Cardona (2024) 737 F.Supp.3d 510 |
| Court Decision | Olmstead v. L.C. ex rel. Zimring (1999) 527 U.S. 581 |
| Court Decision | John T. D. v. River Delta Joint Unified School District (2021) WL 5176356 |
| CSBA Publication | Reference: State Roles, Responsibilities, and Process for Instructional Materials Adoption, February 2024 |
| CSBA Publication | Fact Sheet: Instructional Materials Adoption: Local governing board responsibilities, February 2024 |
| CSBA Publication | Instructional Materials Adoptions: State and local governing board processes, roles, and responsibilities, February 2024 |
| Federal Register | Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, May 19, 2020, Vol. 85, No. 97, pages 30026-30579 |
| U.S. DOE, Office for Civil Rights Publication | Dear Colleague Letter: Enforcement of Title IX under the provisions of the 2020 Title IX Rule, February 4, 2025 |
| U.S. DOE, Office for Civil Rights Publication | Dear Colleague Letter: Responding to Bullying of Students with Disabilities, October 2014 |
| Website | CSBA District and County Office of Education Legal Services |
| Website | Student Privacy Policy Office |
| Website | U.S. Department of Agriculture |
| Website | California Department of Social Services |
| Website | U.S. Department of Justice |
| Website | California Civil Rights Department |
| Website | California Department of Education |
| Website | CSBA |
| Website | U.S. Department of Education, Office for Civil Rights |

| **Cross References** | **Description** |
|---|---|
| 0410 | Nondiscrimination In District Programs And Activities |
| 0420 | School Plans/Site Councils |
| 0420 | School Plans/Site Councils |
| 0430 | Comprehensive Local Plan For Special Education |
| 0430 | Comprehensive Local Plan For Special Education |
| 0450 | Comprehensive Safety Plan |
| 0450 | Comprehensive Safety Plan |
| 0460 | Local Control And Accountability Plan |
| 0460 | Local Control And Accountability Plan |
| 1100 | Communication With The Public |
| 1113 | District And School Websites |
| 1113 | District And School Websites |
| 1113-E(1) | District And School Websites |
| 1114 | District-Sponsored Social Media |
| 1114 | District-Sponsored Social Media |
| 1220 | Citizen Advisory Committees |
| 1220 | Citizen Advisory Committees |
| 1250 | Visitors/Outsiders |
| 1250 | Visitors/Outsiders |
| 1312.1 | Complaints Concerning District Employees |
| 1312.1 | Complaints Concerning District Employees |
| 1312.4 | Williams Uniform Complaint Procedures |
| 1312.4-E(2) | Williams Uniform Complaint Procedures |
| 1313 | Civility |

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|---|---|
| 3260 | Fees And Charges |
| 3260 | Fees And Charges |
| 3555 | Nutrition Program Compliance |
| 3555-E(1) | Nutrition Program Compliance |
| 3580 | District Records |
| 3580 | District Records |
| 4030 | Nondiscrimination In Employment |
| 4030 | Nondiscrimination In Employment |
| 4112.23 | Special Education Staff |
| 4118 | Dismissal/Suspension/Disciplinary Action |
| 4118 | Dismissal/Suspension/Disciplinary Action |
| 4119.1 | Civil And Legal Rights |
| 4119.11 | Sexual Harassment |
| 4119.11 | Sexual Harassment |
| 4119.12 | Title IX Sexual Harassment Complaint Procedures |
| 4119.12-E(1) | Title IX Sexual Harassment Complaint Procedures |
| 4119.23 | Unauthorized Release Of Confidential/Privileged Information |
| 4131 | Staff Development |
| 4218 | Dismissal/Suspension/Disciplinary Action |
| 4218 | Dismissal/Suspension/Disciplinary Action |
| 4219.1 | Civil And Legal Rights |
| 4219.11 | Sexual Harassment |
| 4219.11 | Sexual Harassment |
| 4219.12 | Title IX Sexual Harassment Complaint Procedures |
| 4219.12-E(1) | Title IX Sexual Harassment Complaint Procedures |
| 4219.23 | Unauthorized Release Of Confidential/Privileged Information |
| 4244 | Complaints |
| 4244 | Complaints |
| 4319.1 | Civil And Legal Rights |
| 4319.11 | Sexual Harassment |
| 4319.11 | Sexual Harassment |
| 4319.12 | Title IX Sexual Harassment Complaint Procedures |
| 4319.12-E(1) | Title IX Sexual Harassment Complaint Procedures |
| 4319.23 | Unauthorized Release Of Confidential/Privileged Information |
| 4331 | Staff Development |
| 4344 | Complaints |
| 4344 | Complaints |
| 5116.1 | Intradistrict Open Enrollment |
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**Regulation 1312.3: Uniform Complaint Procedures**

Original Adopted Date: 02/13/2025 | Last Reviewed Date: 02/13/2025

Except as may otherwise be specifically provided in other district policies, these uniform complaint procedures (UCP) shall be used to investigate and resolve only the complaints specified in the accompanying Board policy.

## Compliance Officers

The district designates the individual(s), position(s), or unit(s) identified below as responsible for receiving, coordinating, and investigating complaints and for complying with state and federal civil rights laws. The individual(s), position(s), or unit(s) also serve as the compliance officer(s) specified in Administrative Regulation 5145.3 - Nondiscrimination/Harassment responsible for handling complaints regarding unlawful discrimination, harassment, intimidation, or bullying and in Administrative Regulation 5145.7 - Sex Discrimination and Sex-Based Harassment for handling complaints regarding sex discrimination and sex-based harassment.

Assistant Superintendent of Human Resources Human Resources
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The compliance officer who receives a complaint may assign another compliance officer to investigate and resolve the complaint. The compliance officer shall promptly notify the complainant and respondent if another compliance officer is assigned to the complaint.

In no instance shall a compliance officer be assigned to a complaint in which the compliance officer has a bias or conflict of interest that would prohibit the fair investigation or resolution of the complaint. Any complaint against a compliance officer or that raises a concern about the compliance officer's ability to investigate the complaint fairly and without bias shall be filed with the Superintendent or designee who shall determine how the complaint will be investigated.

The Superintendent or designee shall ensure that employees assigned to investigate and resolve complaints receive training and are knowledgeable about the laws and programs at issue in the complaints to which they are assigned. Training provided to such employees shall cover current state and federal laws and regulations governing the program; applicable processes for investigating and resolving complaints, including those alleging unlawful discrimination, harassment, intimidation, or bullying; applicable standards for reaching decisions on complaints; and appropriate corrective measures. Assigned employees may have access to legal counsel as determined by the Superintendent or designee.

The compliance officer or, if necessary, an appropriate administrator shall determine whether interim measures are necessary during an investigation and while the result is pending. If interim measures are determined to be necessary, the compliance officer or the administrator shall consult with the Superintendent, the Superintendent's designee, or, if appropriate, the site principal to implement one or more interim measures. The interim measures shall remain in place until the compliance officer determines that they are no longer necessary or until the district issues its final written decision, whichever occurs first.

## Notifications

The district's UCP policy and administrative regulation shall be posted in all district schools and offices, including staff lounges and student government meeting rooms. (Education Code 234.1)

In addition, the Superintendent or designee shall annually provide written notification of the district's UCP to students, employees, parents/guardians of district students, district advisory committee members, school advisory committee members, appropriate private school officials or representatives, and other interested parties. (5 CCR 4622)

The notice shall include:

1. A statement that the district is primarily responsible for compliance with federal and state laws and regulations, including those related to prohibition of unlawful discrimination, harassment, intimidation, or bullying against any protected group, and a list of all programs and activities that are subject to UCP as identified in "Complaints Subject to UCP" in the accompanying Board policy

2. The title of the position responsible for processing complaints, the identity of the person(s) currently occupying that position if known, and a statement that such persons will be knowledgeable about the laws and programs that they are assigned to investigate

3. A statement that a UCP complaint, except a complaint alleging unlawful discrimination, harassment, intimidation, or bullying, must be filed no later than one year from the date the alleged violation occurred

4. A statement that a UCP complaint alleging unlawful discrimination, harassment, intimidation, or bullying must be filed no later than six months from the date of the alleged conduct or the date the complainant first obtained knowledge of the facts of the alleged conduct

5. A statement that a student enrolled in a public school shall not be required to pay a fee for participation in an educational activity that constitutes an integral fundamental part of the district's educational program, including curricular and extracurricular activities

6. A statement that a complaint regarding student fees or the local control and accountability plan (LCAP) may be filed anonymously if the complainant provides evidence or information leading to evidence to support the complaint

7. A statement that the district will post a standardized notice of the educational and graduation requirements of foster youth, students experiencing homelessness, children of military families, former juvenile court school students now enrolled in the district, students who are migratory, and newcomer students as specified in Education Code 48645.7, 48853, 48853.5, 49069.5, 51225.1, and 51225.2, and the complaint process

8. A statement that complaints will be investigated in accordance with the district's UCP and a written decision will be sent to the complainant within 60 days from the receipt of the complaint, unless this time period is extended by written agreement of the complainant

9. A statement that, for programs within the scope of the UCP as specified in the accompanying Board policy, the complainant has a right to appeal the district's investigation report to the California Department of Education (CDE) by filing a written appeal, including a copy of the original complaint and the district's decision, within 30 calendar days of receiving the district's decision

10. A statement advising the complainant of any civil law remedies, including, but not limited to, injunctions, restraining orders, or other remedies or orders that may be available under state or federal laws prohibiting discrimination, harassment, intimidation, or bullying, if applicable

11. A statement that copies of the district's UCP are available free of charge

The annual notification, complete contact information of the compliance officer(s), and information related to Title IX as required pursuant to Education Code 221.61 and 34 CFR 106.8 shall be posted on the district and district school websites, published in handbooks, catalogs, announcements, bulletins, and application forms, and may be provided through district-supported social media, if available.

The Superintendent or designee shall ensure that all students and parents/guardians, including students and parents/guardians with limited English proficiency, have access to the relevant information provided in the district's policy, regulation, forms, and notices concerning the UCP.

If 15 percent or more of students enrolled in a particular district school speak a single primary language other than English, the district's UCP policy, regulation, forms, and notices shall be translated into that language, in accordance with Education Code 234.1 and 48985. In all other instances, the district shall ensure meaningful access to all relevant UCP information for parents/guardians with limited English proficiency.

## Filing of Complaints

The complaint shall be presented to the compliance officer who shall maintain a log of complaints received, providing each with a code number and a date stamp. If a site administrator not designated as a compliance officer receives a complaint, the site administrator shall notify the compliance officer.

All complaints, except for those that allege sex discrimination, including sex-based harassment, shall be filed in writing and signed by the complainant. If a complainant is unable to put a complaint in writing due to conditions such as a disability or illiteracy, district staff shall assist in the filing of the complaint. (5 CCR 4600; 34 CFR 106.2)

Complaints shall also be filed in accordance with the following rules, as applicable:

1. A complaint alleging district violation of applicable state or federal law or regulations governing the programs specified in the accompanying Board policy may be filed by any individual, public agency, or organization (5 CCR 4600)

2. Any complaint alleging noncompliance with law regarding the prohibition against student fees, deposits, and charges or any requirement related to the LCAP may be filed anonymously if the complaint provides evidence, or information leading to evidence, to support an allegation of noncompliance

   A complaint about a violation of the prohibition against the charging of unlawful student fees may be filed with the principal of the school or with the Superintendent or designee.

3. A UCP complaint, except for a UCP complaint alleging unlawful discrimination, harassment, intimidation, or bullying, shall be filed no later than one year from the date the alleged violation occurred (5 CCR 4630)

   For complaints related to the LCAP, the date of the alleged violation is the date when the County Superintendent of Schools approves the LCAP that was adopted by the Board of Trustees. (5 CCR 4630)

4. A complaint alleging unlawful discrimination, harassment, intimidation, or bullying may be filed only by a person who alleges having personally suffered unlawful discrimination, a person who believes that any specific class of individuals has been subjected to unlawful discrimination, or a duly authorized representative who alleges that an individual student has been subjected to discrimination, harassment, intimidation, or bullying (5 CCR 4630)

5. A complaint alleging unlawful discrimination, harassment, intimidation, or bullying shall be initiated no later than six months from the date that the alleged unlawful discrimination occurred, or six months from the date that the complainant first obtained knowledge of the facts of the alleged unlawful discrimination (5 CCR 4630)

   The time for filing may be extended for up to 90 days by the Superintendent or designee for good cause upon written request by the complainant setting forth the reasons for the extension. (5 CCR 4630)

6. When a complaint alleging unlawful discrimination, harassment, intimidation, or bullying is filed anonymously, the compliance officer shall pursue an investigation or other response as appropriate, depending on the specificity and reliability of the information provided and the seriousness of the allegation

7. When a complainant of unlawful discrimination, harassment, intimidation, or bullying or the alleged victim, when not the complainant, requests confidentiality, the compliance officer shall inform the complainant or victim that the request may limit the district's ability to investigate the conduct or take other necessary action

   When honoring a request for confidentiality, the district shall nevertheless take all reasonable steps to investigate and resolve/respond to the complaint consistent with the request.

## Mediation

Within three business days after receiving the complaint, the compliance officer may informally discuss with all the parties the possibility of using mediation to resolve the complaint. Mediation shall be offered to resolve complaints that involve more than one student and no adult. However, mediation shall not be offered or used to resolve any complaint where there is a reasonable risk that a party to the mediation would feel compelled to participate. If the parties agree to mediation, the compliance officer shall make all arrangements for this process.

Before initiating the mediation of a complaint alleging retaliation or unlawful discrimination, harassment, intimidation, or bullying, the compliance officer shall ensure that all parties agree to permit the mediator access to all relevant confidential information. The compliance officer shall also notify all parties of the right to end the informal process at any time.

If the mediation process does not resolve the problem within the parameters of law, the compliance officer shall proceed with an investigation of the complaint.

The use of mediation shall not extend the district's timelines for investigating and resolving the complaint unless the complainant agrees in writing to such an extension of time. If mediation is successful and the complaint is withdrawn, then the district shall take only the actions agreed upon through the mediation. If mediation is unsuccessful, the district shall then continue with subsequent steps specified in this administrative regulation.

## Investigation of Complaint

The compliance officer shall begin an investigation into the complaint within 10 business days of receiving the complaint.

Within one business day of initiating the investigation, the compliance officer shall provide the complainant and/or the complainant's representative with the opportunity to present the information contained in the complaint to the compliance officer and shall notify the complainant and/or representative of the opportunity to present the compliance officer with any evidence, or information leading to evidence, to support the allegations in the complaint. Such evidence or information may be presented at any time during the investigation.

In conducting the investigation, the compliance officer shall collect all available documents and review all available records, notes, or statements related to the complaint, including any additional evidence or information received from the parties during the course of the investigation. The compliance officer shall individually interview all available witnesses with information pertinent to the complaint, and may visit any reasonably accessible location where the relevant actions are alleged to have taken place. At appropriate intervals, the compliance officer shall inform the parties of the status of the investigation.

To investigate a complaint alleging retaliation or unlawful discrimination, harassment, intimidation, or bullying, the compliance officer shall interview the alleged victim(s), any alleged offender(s), and other relevant witnesses privately, separately, and in a confidential manner. As necessary, additional staff or legal counsel may conduct or support the investigation.

A complainant's refusal to provide the district's investigator with documents or other evidence related to the allegations in the complaint, failure or refusal to cooperate in the investigation, or any other obstruction of the investigation may result in the dismissal of the complaint because of a lack of evidence to support the allegation. Refusal by the district to provide the investigator with access to records and/or information related to the allegations in the complaint, failure or refusal to cooperate in the investigation, or any other obstruction of the

investigation may result in a finding based on evidence collected that a violation has occurred and in the imposition of a remedy in favor of the complainant. (5 CCR 4631)

## Timeline for Investigation Report

Unless extended by written agreement with the complainant, the compliance officer shall prepare and send to the complainant a written investigation report, as described in the section "Investigation Report" below, within 60 calendar days of the district's receipt of the complaint. (5 CCR 4631)

For any complaint alleging unlawful discrimination, harassment, intimidation, or bullying, the respondent shall be informed of any extension of the timeline agreed to by the complainant.

## Investigation Report

For all complaints, the district's investigation report shall include: (5 CCR 4631)

1. The findings of fact based on the evidence gathered
2. A conclusion providing a clear determination for each allegation as to whether the district is in compliance with the relevant law
3. Corrective action(s) whenever the district finds merit in the complaint, including, when required by law, a remedy to all affected students and parents/guardians and, for a student fees complaint, a remedy that complies with Education Code 49013 and 5 CCR 4600
4. Notice of the complainant's right to appeal the district's investigation report to CDE, except when the district has used the UCP to address a complaint not specified in 5 CCR 4610
5. Procedures to be followed for initiating an appeal to CDE

The investigation report may also include follow-up procedures to prevent recurrence or retaliation and for reporting any subsequent problems.

In consultation with district legal counsel, information about the relevant part of an investigation report may be communicated to a victim who is not the complainant and to other parties who may be involved in implementing the investigation report or are affected by the complaint, so long as the privacy of the parties is protected. In a complaint alleging unlawful discrimination, harassment, intimidation, or bullying, notice of the investigation report to the alleged victim shall include information about any sanction to be imposed upon the respondent that relates directly to the alleged victim.

If the complaint involves a limited-English-proficient (LEP) student or parent/guardian, then the district's response, if requested by the complainant, and the investigation report shall be written in English and the primary language in which the complaint was filed.

For complaints alleging unlawful discrimination, harassment, intimidation, or bullying based on state law, the investigation report shall also include a notice to the complainant that:

1. The complainant may pursue available civil law remedies outside of the district's complaint procedures, including, but not limited to, injunctions, restraining orders or other remedies or orders, 60 calendar days after the filing of an appeal with CDE (Education Code 262.3)
2. The 60 days moratorium does not apply to complaints seeking injunctive relief in state courts or to discrimination complaints based on federal law (Education Code 262.3)
3. Complaints alleging discrimination based on race, color, national origin, sex, gender, disability, or age may also be filed with the U.S. Department of Education, Office for Civil Rights at www.ed.gov/ocr within 180 days of the alleged discrimination

## Corrective Actions

When a complaint is found to have merit, the compliance officer shall adopt any appropriate corrective action permitted by law. Appropriate corrective actions that focus on the larger school or district environment may include, but are not limited to, actions to reinforce district policies; training for faculty, staff, and students; updates to school policies; or school climate surveys.

For complaints involving retaliation or unlawful discrimination, harassment, intimidation, or bullying, appropriate remedies that may be offered to the victim but not communicated to the respondent may include, but are not limited to, the following:

1. Counseling

2. Academic support
3. Health services
4. Assignment of an escort to allow the victim to move safely about campus
5. Information regarding available resources and how to report similar incidents or retaliation
6. Separation of the victim from any other individuals involved, provided the separation does not penalize the victim
7. Restorative justice
8. Follow-up inquiries to ensure that the conduct has stopped and there has been no retaliation

For complaints of retaliation or unlawful discrimination, harassment, intimidation, or bullying involving a student as the respondent, appropriate corrective actions that may be provided to the student include, but are not limited to, the following:

1. Transfer from a class or school as permitted by law
2. Parent/guardian conference
3. Education regarding the impact of the conduct on others
4. Positive behavior support
5. Referral to a student success team
6. Denial of participation in extracurricular or cocurricular activities or other privileges as permitted by law
7. Disciplinary action, such as suspension or expulsion, as permitted by law

When an employee is found to have committed retaliation or unlawful discrimination, harassment, intimidation, or bullying, the district shall take appropriate disciplinary action, up to and including dismissal, in accordance with applicable law and collective bargaining agreement.

The district may also consider training and other interventions for the larger school community to ensure that students, staff, and parents/guardians understand the types of behavior that constitute unlawful discrimination, harassment, intimidation, or bullying, that the district does not tolerate it, and how to report and respond to it.

When a complaint is found to have merit, an appropriate remedy shall be provided to the complainant or other affected person.

However, if a complaint alleging noncompliance with the law regarding student fees, deposits, and other charges, physical education instructional minutes, courses without educational content, or any requirement related to the LCAP is found to have merit, the district shall provide a remedy to all affected students and parents/guardians subject to procedures established by regulation of the State Board of Education. (Education Code 49013, 51222, 51223, 51228.3, 52075)

For complaints alleging noncompliance with the law regarding student fees, the district, by engaging in reasonable efforts, shall attempt in good faith to identify and fully reimburse all affected students and parents/guardians who paid the unlawful student fees within one year prior to the filing of the complaint. (Education Code 49013; 5 CCR 4600)

## Appeals to the California Department of Education

Any complainant who is dissatisfied with the district's investigation report on a complaint regarding any specified federal or state educational program subject to UCP may file an appeal in writing with CDE within 30 calendar days of receiving the district's investigation report. (5 CCR 4632)

The appeal shall be sent to CDE with a copy of the original locally filed complaint and a copy of the district's investigation report for that complaint. The complainant shall specify and explain the basis for the appeal, including at least one of the following: (5 CCR 4632)

1. The district failed to follow its complaint procedures
2. Relative to the allegations of the complaint, the district's investigation report lacks material findings of fact necessary to reach a conclusion of law

3. The material findings of fact in the district's investigation report are not supported by substantial evidence

4. The legal conclusion in the district's investigation report is inconsistent with the law

5. In a case in which the district found noncompliance, the corrective actions fail to provide a proper remedy

Upon notification by CDE that the district's investigation report has been appealed, the Superintendent or designee shall forward the following documents to CDE within 10 days of the date of notification: (5 CCR 4633)

1. A copy of the original complaint
2. A copy of the district's investigation report
3. A copy of the investigation file including, but not limited to, all notes, interviews, and documents submitted by the parties and gathered by the investigator
4. A report of any action taken to resolve the complaint
5. A copy of the district's UCP
6. Other relevant information requested by CDE

If notified by CDE that the district's investigation report failed to address allegation(s) raised by the complaint, the district shall, within 20 days of the notification, provide CDE and the appellant with an amended investigation report that addresses the allegation(s) that were not addressed in the original investigation report. The amended report shall also inform the appellant of the right to separately appeal the amended report with respect to the allegation(s) that were not addressed in the original report. (5 CCR 4632)

## Health and Safety Complaints in License-Exempt Preschool Programs

Any complaint regarding health or safety issues in a license-exempt California State Preschool Program (CSPP) shall be addressed through the procedures described in 5 CCR 4690-4694.

In order to identify appropriate subjects of CSPP health and safety issues pursuant to Health and Safety Code 1596.7925, a notice shall be posted in each license-exempt CSPP classroom in the district notifying parents/guardians, students, and teachers of the health and safety requirements of Title 5 regulations that apply to CSPP programs pursuant to Health and Safety Code 1596.7925 and the location at which to obtain a form to file any complaint alleging noncompliance with those requirements. For this purpose, the Superintendent or designee may download and post a notice available from the CDE website. (Education Code 8212; 5 CCR 4691)

The district's annual UCP notification distributed pursuant to 5 CCR 4622 shall clearly indicate which of its CSPP programs are operating as exempt from licensing and which CSPP programs are operating pursuant to requirements under Title 22 of the Code of Regulations. (5 CCR 4691)

Any complaint regarding specified health or safety issues in a license-exempt CSPP program shall be filed with the preschool program administrator or designee, and may be filed anonymously. The complaint form shall specify the location for filing the complaint, contain a space to indicate whether the complainant desires a response to the complaint, and allow a complainant to add as much text as desired to explain the complaint. (Education Code 8212; 5 CCR 4690)

If it is determined that the complaint is beyond the authority of the preschool program administrator, the matter shall be forwarded to the Superintendent or designee in a timely manner, not to exceed 10 working days, for resolution.
The preschool administrator or the Superintendent or designee shall make all reasonable efforts to investigate any complaint within their authority. (Education Code 8212; 5 CCR 4692)

Investigation of a complaint regarding health or safety issues in a license-exempt CSPP program shall begin within 10 days of receipt of the complaint. (Education Code 8212; 5 CCR 4692)

The preschool administrator or designee shall remedy a valid complaint within a reasonable time period not to exceed 30 working days from the date the complaint was received. If the complainant has indicated on the complaint form a desire to receive a response to the complaint, the preschool administrator or Superintendent's designee shall, within 45 working days of the initial filing of the complaint, report the resolution of the complaint to the complainant and CDE's assigned field consultant. If the preschool administrator makes this report, the information shall be reported at the same time to the Superintendent or designee. (Education Code 8212; 5 CCR 4692)

If a complaint regarding health or safety issues in a license-exempt CSPP program involves an LEP student or parent/guardian, then the district's response, if requested by the complainant, and the investigation report shall be written in English and the primary language in which the complaint was filed.

If a complainant is not satisfied with the resolution of a complaint, the complainant has the right to describe the complaint to the Board at a

regularly scheduled hearing and, within 30 days of the date of the written report, may file a written appeal of the district's decision to the Superintendent of Public Instruction in accordance with 5 CCR 4632. (Education Code 8212; 5 CCR 4693, 4694)

All complaints and responses are public records. (5 CCR 4690)

On a quarterly basis, the Superintendent or designee shall report summarized data on the nature and resolution of all CSPP health and safety complaints, including the number of complaints by general subject area with the number of resolved and unresolved complaints, to the Board at a regularly scheduled Board meeting and to the County Superintendent. (5 CCR 4693)

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

| State | Description |
|---|---|
| 2 CCR 11023 | Harassment and discrimination prevention and correction |
| 5 CCR 15580-15584 | Child nutrition programs complaint procedures |
| 5 CCR 3200-3205 | Special education compliance complaints |
| 5 CCR 4600-4670 | Uniform complaint procedures |
| 5 CCR 4600-4687 | Uniform complaint procedures and Williams complaints |
| 5 CCR 4690-4694 | Complaints regarding health and safety issues in license-exempt preschool programs |
| 5 CCR 4900-4965 | Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance |
| Ed. Code 18100-18203 | School libraries |
| Ed. Code 200-262.4 | Prohibition of discrimination |
| Ed. Code 32280-32289.5 | School safety plans |
| Ed. Code 33315 | Uniform complaint procedures |
| Ed. Code 35186 | Williams uniform complaint procedures |
| Ed. Code 46015 | Parental leave for students |
| Ed. Code 48645.7 | Juvenile court schools |
| Ed. Code 48853-48853.5 | Foster youth |
| Ed. Code 48900.5 | Suspension; other means of correction |
| Ed. Code 48985 | Notices to parents/guardian in language other than English |
| Ed. Code 49010-49013 | Student fees |
| Ed. Code 49060-49079 | Student records |
| Ed. Code 49069.5 | Records of foster youth |
| Ed. Code 49490-49590 | Child nutrition programs |
| Ed. Code 49701 | Provisions of the Interstate Compact on Educational Opportunities for Military Children |
| Ed. Code 51204.5 | Social sciences instruction; contributions of specified groups |
| Ed. Code 51210 | Course of study for grades 1-6 |
| Ed. Code 51222 | Physical education |
| Ed. Code 51223 | Physical education; elementary schools |
| Ed. Code 51225.1-51225.25 | Foster youth, homeless children, former juvenile court school students, newcomer students; course credits; graduation requirements |
| Ed. Code 51226-51226.1 | Career technical education |
| Ed. Code 51228.1-51228.3 | Course periods without educational content |
| Ed. Code 51501 | Nondiscriminatory subject matter |
| Ed. Code 52059.5 | Statewide system of support |
| Ed. Code 52060-52077 | Local control and accountability plan |
| Ed. Code 52075 | Complaint for lack of compliance with local control and accountability plan requirements |
| Ed. Code 52300-52462 | Career technical education |
| Ed. Code 52500-52617 | Adult schools |
| Ed. Code 54400-54425 | Compensatory education programs |
| Ed. Code 54440-54445 | Migrant education |
| Ed. Code 54460-54529 | Compensatory education programs |
| Ed. Code 59000-59300 | Special schools and centers |
| Ed. Code 60010 | Instructional materials; definition |
| Ed. Code 60040-60052 | Requirements for instructional materials |

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| Ed. Code 64000-64001 | Consolidated application process; school plan for student achievement |
| Ed. Code 65000-65001 | School site councils |
| Ed. Code 8200-8488 | Child care and development programs |
| Ed. Code 8500-8538 | Adult basic education |
| Gov. Code 11135 | Prohibition of discrimination |
| Gov. Code 12900-12996 | Fair Employment and Housing Act |
| H&S Code 1596.792 | California Child Day Care Act; general provisions and definitions |
| H&S Code 1596.7925 | California Child Day Care Act; health and safety regulations |
| Pen. Code 422.55 | Definition of hate crime |
| Pen. Code 422.6 | Crimes; harassment |

| **Federal** | **Description** |
|---|---|
| 20 USC 1221 | Application of laws |
| 20 USC 1232g | Family Educational Rights and Privacy Act (FERPA) of 1974 |
| 20 USC 1681-1688 | Title IX of the Education Amendments of 1972; discrimination based on sex |
| 20 USC 6301-6576 | Title I Improving the Academic Achievement of the Disadvantaged |
| 20 USC 6801-7014 | Title III language instruction for limited English proficient and immigrant students |
| 28 CFR 35.107 | Nondiscrimination on basis of disability; complaints |
| 29 USC 794 | Rehabilitation Act of 1973; Section 504 |
| 34 CFR 100.3 | Prohibition of discrimination on basis of race, color or national origin |
| 34 CFR 104.7 | Section 504; Designation of responsible employee and adoption of grievances procedures |
| 34 CFR 106.1-106.82 | Nondiscrimination on the basis of sex in education programs or activities |
| 34 CFR 106.30 | Discrimination on the basis of sex in education programs and activities; definitions |
| 34 CFR 106.44 | Recipient's response to sexual harassment |
| 34 CFR 106.45 | Grievance process for formal complaints of sexual harassment |
| 34 CFR 106.8 | Designation of coordinator; dissemination of policy, and adoption of grievance procedures |
| 34 CFR 110.25 | Notification of nondiscrimination on the basis of age |
| 34 CFR 99.1-99.67 | Family Educational Rights and Privacy |
| 42 USC 11431-11435 | McKinney-Vento Homeless Assistance Act |
| 42 USC 12101-12213 | Americans with Disabilities Act |
| 42 USC 2000d-2000d-7 | Title VI, Civil Rights Act of 1964 |
| 42 USC 2000h-2-2000h-6 | Title IX of the Civil Rights Act of 1964 |
| 42 USC 6101-6107 | Age Discrimination Act of 1975 |

| **Management Resources** | **Description** |
|---|---|
| California Department of Education Publication | Uniform Complaint Procedure Program Instrument |
| California Department of Education Publication | Sample UCP Board Policies and Procedures |
| California Department of Justice Publication | Guidance to School Officials re: Legal Requirements for Providing Inclusive Curricula and Books, January 2024 |
| Court Decision | Tennessee v. Cardona (2024) 737 F.Supp.3d 510 |
| Court Decision | Olmstead v. L.C. ex rel. Zimring (1999) 527 U.S. 581 |
| Court Decision | John T. D. v. River Delta Joint Unified School District (2021) WL 5176356 |
| CSBA Publication | Reference: State Roles, Responsibilities, and Process for Instructional Materials Adoption, February 2024 |
| CSBA Publication | Fact Sheet: Instructional Materials Adoption: Local governing board responsibilities, February 2024 |
| CSBA Publication | Instructional Materials Adoptions: State and local governing board processes, roles, and responsibilities, February 2024 |
| Federal Register | Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, May 19, 2020, Vol. 85, No. 97, pages 30026-30579 |
| U.S. DOE, Office for Civil Rights Publication | Dear Colleague Letter: Enforcement of Title IX under the provisions of the 2020 Title IX Rule, February 4, 2025 |

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| U.S. DOE, Office for Civil Rights Publication | Dear Colleague Letter: Responding to Bullying of Students with Disabilities, October 2014 |
| Website | CSBA District and County Office of Education Legal Services |
| Website | Student Privacy Policy Office |
| Website | U.S. Department of Agriculture |
| Website | California Department of Social Services |
| Website | U.S. Department of Justice |
| Website | California Civil Rights Department |
| Website | California Department of Education |
| Website | CSBA |
| Website | U.S. Department of Education, Office for Civil Rights |

| Cross References | Description |
|---|---|
| 0410 | Nondiscrimination In District Programs And Activities |
| 0420 | School Plans/Site Councils |
| 0420 | School Plans/Site Councils |
| 0430 | Comprehensive Local Plan For Special Education |
| 0430 | Comprehensive Local Plan For Special Education |
| 0450 | Comprehensive Safety Plan |
| 0450 | Comprehensive Safety Plan |
| 0460 | Local Control And Accountability Plan |
| 0460 | Local Control And Accountability Plan |
| 1100 | Communication With The Public |
| 1113 | District And School Websites |
| 1113 | District And School Websites |
| 1113-E(1) | District And School Websites |
| 1114 | District-Sponsored Social Media |
| 1114 | District-Sponsored Social Media |
| 1220 | Citizen Advisory Committees |
| 1220 | Citizen Advisory Committees |
| 1250 | Visitors/Outsiders |
| 1250 | Visitors/Outsiders |
| 1312.1 | Complaints Concerning District Employees |
| 1312.1 | Complaints Concerning District Employees |
| 1312.4 | Williams Uniform Complaint Procedures |
| 1312.4-E(2) | Williams Uniform Complaint Procedures |
| 1313 | Civility |
| 3260 | Fees And Charges |
| 3260 | Fees And Charges |
| 3555 | Nutrition Program Compliance |
| 3555-E(1) | Nutrition Program Compliance |
| 3580 | District Records |
| 3580 | District Records |
| 4030 | Nondiscrimination In Employment |
| 4030 | Nondiscrimination In Employment |
| 4112.23 | Special Education Staff |
| 4118 | Dismissal/Suspension/Disciplinary Action |
| 4118 | Dismissal/Suspension/Disciplinary Action |
| 4119.1 | Civil And Legal Rights |

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|---|---|
| 4119.11 | Sexual Harassment |
| 4119.11 | Sexual Harassment |
| 4119.12 | Title IX Sexual Harassment Complaint Procedures |
| 4119.12-E(1) | Title IX Sexual Harassment Complaint Procedures |
| 4119.23 | Unauthorized Release Of Confidential/Privileged Information |
| 4131 | Staff Development |
| 4218 | Dismissal/Suspension/Disciplinary Action |
| 4218 | Dismissal/Suspension/Disciplinary Action |
| 4219.1 | Civil And Legal Rights |
| 4219.11 | Sexual Harassment |
| 4219.11 | Sexual Harassment |
| 4219.12 | Title IX Sexual Harassment Complaint Procedures |
| 4219.12-E(1) | Title IX Sexual Harassment Complaint Procedures |
| 4219.23 | Unauthorized Release Of Confidential/Privileged Information |
| 4244 | Complaints |
| 4244 | Complaints |
| 4319.1 | Civil And Legal Rights |
| 4319.11 | Sexual Harassment |
| 4319.11 | Sexual Harassment |
| 4319.12 | Title IX Sexual Harassment Complaint Procedures |
| 4319.12-E(1) | Title IX Sexual Harassment Complaint Procedures |
| 4319.23 | Unauthorized Release Of Confidential/Privileged Information |
| 4331 | Staff Development |
| 4344 | Complaints |
| 4344 | Complaints |
| 5116.1 | Intradistrict Open Enrollment |
| 5116.1 | Intradistrict Open Enrollment |
| 5117 | Interdistrict Attendance |
| 5117 | Interdistrict Attendance |
| 5125 | Student Records |
| 5125 | Student Records |
| 5131.2 | Bullying |
| 5131.2 | Bullying |
| 5131.62 | Tobacco |
| 5131.62 | Tobacco |
| 5137 | Positive School Climate |
| 5141.22 | Infectious Diseases |
| 5141.4 | Child Abuse Prevention And Reporting |
| 5141.4 | Child Abuse Prevention And Reporting |
| 5144 | Discipline |

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| 5144 | Discipline |
| 5144.1 | Suspension And Expulsion/Due Process |
| 5144.1 | Suspension And Expulsion/Due Process |
| 5145.3 | Nondiscrimination/Harassment |
| 5145.3 | Nondiscrimination/Harassment |
| 5145.6 | Parent/Guardian Notifications |
| 5145.7 | Sexual Harassment |
| 5145.7 | Sexual Harassment |
| 5145.71 | Title IX Sexual Harassment Complaint Procedures |
| 5145.71-E(1) | Title IX Sexual Harassment Complaint Procedures |
| 5145.9 | Hate-Motivated Behavior |
| 5146 | Married/Pregnant/Parenting Students |
| 6142.1 | Sexual Health And HIV/AIDS Prevention Instruction |
| 6142.1 | Sexual Health And HIV/AIDS Prevention Instruction |
| 6142.7 | Physical Education And Activity |
| 6142.7 | Physical Education And Activity |
| 6145 | Extracurricular And Cocurricular Activities |
| 6145 | Extracurricular And Cocurricular Activities |
| 6145.2 | Athletic Competition |
| 6145.2 | Athletic Competition |
| 6152 | Class Assignment |
| 6159 | Individualized Education Program |
| 6159 | Individualized Education Program |
| 6159.1 | Procedural Safeguards And Complaints For Special Education |
| 6159.1 | Procedural Safeguards And Complaints For Special Education |
| 6159.2 | Nonpublic, Nonsectarian School And Agency Services For Special Education |
| 6159.2 | Nonpublic, Nonsectarian School And Agency Services For Special Education |
| 6159.3 | Appointment Of Surrogate Parent For Special Education Students |
| 6159.3 | Appointment Of Surrogate Parent For Special Education Students |
| 6161.1 | Selection And Evaluation Of Instructional Materials |
| 6161.1 | Selection And Evaluation Of Instructional Materials |
| 6161.11 | Supplementary Instructional Materials |
| 6163.1 | Library Media Centers |
| 6164.4 | Identification And Evaluation Of Individuals For Special Education |
| 6164.4 | Identification And Evaluation Of Individuals For Special Education |
| 6164.5 | Student Success Teams |
| 6164.5 | Student Success Teams |
| 6171 | Title I Programs |
| 6171 | Title I Programs |
| 6173 | Education For Homeless Children |

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| 6173 | Education For Homeless Children |
| 6173.1 | Education For Foster Youth |
| 6173.1 | Education For Foster Youth |
| 6175 | Migrant Education Program |
| 6175 | Migrant Education Program |
| 9000 | Role Of The Board |
| 9012 | Board Member Electronic Communications |
| 9124 | Attorney |
| 9200 | Limits Of Board Member Authority |
| 9321 | Closed Session |
| 9322 | Agenda/Meeting Materials |

## Weapons and Dangerous Instruments

**Policy 5131.7: Weapons And Dangerous Instruments**

Original Adopted Date: 02/13/2025 | Last Reviewed Date: 02/13/2025

The Board of Trustees recognizes that students and staff have the right to a safe and secure campus free from physical and psychological harm and desires to protect them from the dangers presented by firearms and other weapons.

### Possession of Weapons

The Board prohibits any student from possessing weapons, imitation firearms, or other dangerous instruments, as defined in law and administrative regulation, in school buildings, on school grounds, when using district provided transportation, at school-related or school-sponsored activities away from school, or while going to or coming from school.

If a student is in possession of a prohibited weapon, imitation firearm, or dangerous instrument which creates a threat or perceived threat of a homicidal act, any employee or other school official who is alerted to or observes such threat shall immediately report the threat to law enforcement.

Under the power granted to the Board to protect the safety of students, staff, and others on district property and to maintain order and discipline in the schools, any school employee is authorized to confiscate any prohibited weapon, imitation firearm, or dangerous instrument from any student on school grounds.

The principal or designee shall notify law enforcement authorities when any student possesses a firearm, explosive, or other prohibited weapon or dangerous instrument without permission, sells or furnishes a firearm, or commits any act of assault with a firearm or other weapon. (Education Code 48902; Penal Code 245, 626.9, 626.10; 20 USC 7961)

Unless a student has obtained prior written permission as specified below, a student possessing or threatening others with any weapon, dangerous instrument, or imitation firearm shall be subject to suspension and/or expulsion in accordance with law, Board policy, and administrative regulations.

All staff shall be made aware of their responsibilities regarding the reporting of potential homicidal acts to law enforcement, and receive training in the assessment and reporting of such threats.

### Advance Permission for Possession of a Weapon for Educational Purposes

The parent/guardian of a student who desires to possess a firearm, imitation firearm, or other prohibited weapon on school grounds for an educational purpose shall submit a written request to the principal, at least five school days in advance of the planned possession which explains the planned use of the weapon and the duration, together with a written explanation from the staff person responsible for the school-sponsored activity or class.

The principal may grant permission for such possession when it is determined that possession of a firearm, imitation firearm, or other

prohibited weapon on school grounds is necessary for a school-sponsored activity or class or as part of the educational program. Factors that shall be considered include, but are not limited to, the planned use of the weapon, the duration and location of the planned use, whether an audience is expected, and any perceived adverse effects to the safety and well-being of students or staff. If the principal grants such permission, the student and staff person shall be provided with a written explanation regarding any limitations and the permissible duration of the student's possession.

When the principal or designee grants permission, all necessary precautions shall be taken to ensure the safety of all persons on school grounds and the safe keeping of the weapon, including, but not limited to, inspecting a firearm to verify that no live ammunition is present. Any permitted weapon shall be stored in a locked vehicle or in an appropriate, locked container before and after its authorized use.

Any student granted permission to possess a weapon may be suspended and/or expelled if the weapon is possessed or used inappropriately.

## Possession of Pepper Spray

To prevent potential misuse that may harm students or staff, students are prohibited from carrying tear gas or tear gas weapons such as pepper spray on campus or at school activities.

## Reporting of Dangerous Objects

The Board encourages students to promptly report the presence of weapons, injurious objects, or other suspicious activity to school authorities. The identity of a student who reports such activity shall remain confidential to the extent permitted by law.
The Superintendent or designee shall develop strategies designed to facilitate student reporting of the presence of injurious objects on school grounds, such as tip hotlines, electronic transmissions, or other methods that preserve the student's anonymity. Incident reports and records shall not identify the student who reported the possession. The Superintendent or designee shall also inform staff, students, and parents/guardians that students who report the presence of injurious objects on school campuses are to be protected and their identity shielded.

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

| State | Description |
|---|---|
| Ed. Code 35291 | Governing board to prescribe rules for discipline of the schools |
| Ed. Code 48902 | Mandatory notification of law enforcement authorities |
| Ed. Code 48915 | Required recommendation for expulsions |
| Ed. Code 48916 | Readmission |
| Ed. Code 48980 | Parent/Guardian notifications |
| Ed. Code 49330-49335 | Injurious objects |
| Ed. Code 49390-49395 | Homicide threats |
| Pen. Code 16100-17360 | Definitions |
| Pen. Code 22810-23025 | Tear gas weapon (pepper spray) |
| Pen. Code 245 | Assault with deadly weapon |
| Pen. Code 25200-25225 | Firearms; access to children |
| Pen. Code 30310 | Prohibition against ammunition on school grounds |
| Pen. Code 417.4 | Imitation firearm; drawing or exhibiting |
| Pen. Code 626.10 | Dirks, daggers, knives, razor or stun gun; bringing or possessing in school |
| Pen. Code 626.9 | Gun-Free School Zone Act of 1995 |

| Federal | Description |
|---|---|
| 20 USC 6301-8961 | No Child Left Behind Act |
| 20 USC 7961 | Gun-Free Schools Act |
| 6 USC 665k | Federal Clearinghouse on School Safety Evidence-Based Practices |

| Management Resources | Description |
|---|---|
| CSBA Publication | Safe Schools: Strategies for Governing Boards to Ensure Student Success, Third Edition, October 2011 |
| U.S. Department of Education Publication | Guidance Concerning State and Local Responsibilities Under the Gun-Free Third Edition, October 2011 |
| Website | U.S. Department of Homeland Security, Fusion Centers |
| Website | California State Threat Assessment System |
| Website | CSBA District and County Office of Education Legal Services |

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|---|---|
| Website | U.S. Department of Education, Safe Schools |
| Website | National Alliance for Safe Schools |
| Website | National School Safety Center |
| Website | U.S. Department of Education, Office of Safe and Drug Free Schools |
| Website | California Department of Education, Safe Schools |
| Website | CSBA |

| **Cross References** | **Description** |
|---|---|
| 0450 | Comprehensive Safety Plan |
| 0450 | Comprehensive Safety Plan |
| 1313 | Civility |
| 3515 | Campus Security |
| 3515 | Campus Security |
| 3515.31 | School Resource Officers |
| 3515.7 | Firearms On School Grounds |
| 3516.2 | Bomb Threats |
| 4158 | Employee Security |
| 4158 | Employee Security |
| 4258 | Employee Security |
| 4258 | Employee Security |
| 4358 | Employee Security |
| 4358 | Employee Security |
| 5116.1 | Intradistrict Open Enrollment |
| 5116.1 | Intradistrict Open Enrollment |
| 5125 | Student Records |
| 5125 | Student Records |
| 5131 | Conduct |
| 5131.41 | Use Of Seclusion And Restraint |
| 5137 | Positive School Climate |
| 5138 | Conflict Resolution/Peer Mediation |
| 5141.4 | Child Abuse Prevention And Reporting |
| 5141.4 | Child Abuse Prevention And Reporting |
| 5144 | Discipline |
| 5144 | Discipline |
| 5144.1 | Suspension And Expulsion/Due Process |
| 5144.1 | Suspension And Expulsion/Due Process |
| 5144.2 | Suspension And Expulsion/Due Process (Students With Disabilities) |
| 5145.12 | Search And Seizure |

**Regulation 5131.7: Weapons And Dangerous Instruments**

Original Adopted Date: 02/13/2025 | Last Reviewed Date: 02/13/2025

Prohibited weapons and dangerous instruments include, but are not limited to: (Education Code 48915, 49330; Penal Code 626.10, 16100-17360, 30310)

1. Firearms: pistols, revolvers, shotguns, rifles, machineguns, "zip guns," "stun guns," tasers, cane guns, camouflaging firearms, and any other device from which is expelled through a barrel and capable of propelling a projectile by the force of an explosion or other form of combustion

2. Ammunition or reloaded ammunition

3. Knives, razor blades, and box cutters: any dirks, daggers (or concealed dirks or daggers), cane swords, ice picks, or other weapons with a fixed, sharpened blade fitted primarily for stabbing, weapons with a blade fitted primarily for stabbing, weapons with a blade longer than 3-1/2 inches, folding knives with a blade that locks into place, switchblade knives, and razors with an unguarded blade

4. Explosive and/or incendiary devices: pipe bombs, time bombs, rockets or rocket propelled projectile launchers, cap guns, bullets containing or carrying an explosive agent, containers of inflammable fluids, and other hazardous devices or concealed explosive substances

5. Any instrument that expels a metallic projectile, such as a BB or a pellet, through the force of air pressure, carbon dioxide pressure, or spring action, or any spot marker gun

6. Any other dangerous device, instrument, or weapon, including those defined in Penal Code 16000-34370, including a blackjack, slingshot, billy, nunchaku, sandclub, sandbag, metal knuckles, or any metal plate with three or more radiating points with one or more sharp edges designed for use as a weapon

7. Any imitation firearm, defined as a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm

Any employee may take any weapon or dangerous instrument from the personal possession of a student while the student is on school premises or under the authority of the district. (Education Code 49331, 49332)

In determining whether to take possession of the weapon or dangerous instrument, the employee shall use the employee's own judgment as to the dangerousness of the situation and, based upon this analysis, shall take one of the following actions:

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

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

3. Immediately notify the local law enforcement agency and the principal

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

The principal shall report any possession of a weapon or dangerous instrument to the student's parents/guardians by telephone or in person, and shall follow this notification with a letter.

The employee shall retain possession of the instrument until the risk of its use as a weapon has dissipated or, upon the request of the student's parent/guardian, until the parent/guardian appears and personally takes possession. (Education Code 49331, 49332)

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

| State | Description |
|---|---|
| Ed. Code 35291 | Governing board to prescribe rules for discipline of the schools |
| Ed. Code 48902 | Mandatory notification of law enforcement authorities |
| Ed. Code 48915 | Required recommendation for expulsions |
| Ed. Code 48916 | Readmission |
| Ed. Code 48980 | Parent/Guardian notifications |
| Ed. Code 49330-49335 | Injurious objects |

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|---|---|
| Ed. Code 49390-49395 | Homicide threats |
| Pen. Code 16100-17360 | Definitions |
| Pen. Code 22810-23025 | Tear gas weapon (pepper spray) |
| Pen. Code 245 | Assault with deadly weapon |
| Pen. Code 25200-25225 | Firearms; access to children |
| Pen. Code 30310 | Prohibition against ammunition on school grounds |
| Pen. Code 417.4 | Imitation firearm; drawing or exhibiting |
| Pen. Code 626.10 | Dirks, daggers, knives, razor or stun gun; bringing or possessing in school |
| Pen. Code 626.9 | Gun-Free School Zone Act of 1995 |

| **Federal** | **Description** |
|---|---|
| 20 USC 6301-8961 | No Child Left Behind Act |
| 20 USC 7961 | Gun-Free Schools Act |
| 6 USC 665k | Federal Clearinghouse on School Safety Evidence-Based Practices |

| **Management Resources** | **Description** |
|---|---|
| CSBA Publication | Safe Schools: Strategies for Governing Boards to Ensure Student Success, Third Edition, October 2011 |
| U.S. Department of Education Publication | Guidance Concerning State and Local Responsibilities Under the Gun-Free Third Edition, October 2011 |
| Website | U.S. Department of Homeland Security, Fusion Centers |
| Website | California State Threat Assessment System |
| Website | CSBA District and County Office of Education Legal Services |
| Website | U.S. Department of Education, Safe Schools |
| Website | National Alliance for Safe Schools |
| Website | National School Safety Center |
| Website | U.S. Department of Education, Office of Safe and Drug Free Schools |
| Website | California Department of Education, Safe Schools |
| Website | CSBA |

| **Cross References** | **Description** |
|---|---|
| 0450 | Comprehensive Safety Plan |
| 0450 | Comprehensive Safety Plan |
| 1313 | Civility |
| 3515 | Campus Security |
| 3515 | Campus Security |
| 3515.31 | School Resource Officers |
| 3515.7 | Firearms On School Grounds |
| 3516.2 | Bomb Threats |
| 4158 | Employee Security |
| 4158 | Employee Security |
| 4258 | Employee Security |
| 4258 | Employee Security |
| 4358 | Employee Security |
| 4358 | Employee Security |
| 5116.1 | Intradistrict Open Enrollment |
| 5116.1 | Intradistrict Open Enrollment |

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|---|---|
| 5125 | Student Records |
| 5125 | Student Records |
| 5131 | Conduct |
| 5131.41 | Use Of Seclusion And Restraint |
| 5137 | Positive School Climate |
| 5138 | Conflict Resolution/Peer Mediation |
| 5141.4 | Child Abuse Prevention And Reporting |
| 5141.4 | Child Abuse Prevention And Reporting |
| 5144 | Discipline |
| 5144 | Discipline |
| 5144.1 | Suspension And Expulsion/Due Process |
| 5144.1 | Suspension And Expulsion/Due Process |
| 5144.2 | Suspension And Expulsion/Due Process (Students With Disabilities) |
| 5145.12 | Search And Seizure |

## Adaptations for Students with Disabilities

Policy 3516: Emergencies And Disaster Preparedness Plan
Status: ADOPTED
Original Adopted Date: 02/13/2025 | Last Reviewed Date: 02/13/2025
The Board of Trustees recognizes that all district staff and students must be prepared to respond quickly and responsibly to emergencies, disasters, and threats of disaster. The district shall take all reasonable steps to prevent and/or mitigate the impact of a disaster on district students, staff, and schools.

The Superintendent or designee shall develop and maintain a disaster preparedness plan which contains routine and emergency disaster procedures, including, but not limited to, earthquake emergency procedures, and adaptations for individuals with disabilities in accordance with the Americans with Disabilities Act, the federal Individuals with Disabilities Education Act, and Section 504 of the federal Rehabilitation Act of 1973. Such procedures shall be incorporated into the comprehensive school safety plan. (Education Code 32282)

In developing the disaster preparedness plan, the Superintendent or designee shall involve district staff at all levels, including administrators, facilities managers, transportation managers, food services personnel, school psychologists, counselors, school nurses, teachers, classified employees, and public information officers. As appropriate, the Superintendent shall also collaborate with law enforcement, fire safety officials, emergency medical services, health and mental health professionals, parents/guardians, and students.

The plan shall comply with state-approved Standardized Emergency Management System (SEMS) guidelines established for multiple-jurisdiction or multiple-agency operations and with the National Incident Management System.

The Superintendent or designee shall provide training to employees regarding their responsibilities, including periodic drills and exercises to test and refine staff's responsiveness in the event of an emergency.

The Board shall grant the use of school buildings, grounds, and equipment to public agencies, including the American Red Cross, for mass care and welfare shelters during disasters or other emergencies affecting the public health and welfare. The Board shall cooperate with such agencies in furnishing and maintaining whatever services the district may deem necessary to meet the community's needs. (Education Code 32282)

District employees are considered disaster service workers and are subject to disaster service activities assigned to them. (Government Code 3100)

Policy Reference Disclaimer:
These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the Governing Board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.
State Description
19 CCR 2400-2450 Standardized Emergency Management System
5 CCR 550 Fire drills
5 CCR 560 Civil defense and disaster preparedness plans
CA Constitution Article 20, Section 3 Oath or affirmation
Civ. Code 1714.5 Release from liability for disaster service workers and shelters
Ed. Code 32001 Fire alarms and drills
Ed. Code 32040 Duty to equip school with first aid kit
Ed. Code 32280-32289.5 School safety plans
Ed. Code 32290 Safety devices
Ed. Code 39834 Operating overloaded bus
Ed. Code 46390-46392 Emergency average daily attendance in case of disaster
Ed. Code 49505 Natural disaster; meals for homeless students; reimbursement
Gov. Code 11549 Cybersecurity assessment
Gov. Code 11549.3 Office of Information Security
Gov. Code 3100-3109 Oath or affirmation of allegiance
Gov. Code 8586.5 California Cybersecurity Integration Center

Gov. Code 8607 Standardized Emergency Management System
Public Utilities Code 2872 Automatic dialing
Federal Description
20 USC 1400-1482 Individuals with Disabilities Education Act
29 USC 794 Rehabilitation Act of 1973; Section 504
42 USC 12101-12213 Americans with Disabilities Act
Management Resources Description
Cal OES Publication California Emergency Management for Schools: A Guide for Districts and Sites
Cal OES Publication School Emergency Response: Using SEMS at Districts and Sites, June 1998
Cal OES Publication State of California Emergency Plan, 2017
Cal OES Publication Active Shooter Awareness Guidance, February 2018
California Department of Education Publication Crisis Response Box, 2000
Federal Emergency Management Agency Publication National Incident Management System, 3rd ed., October 2017
U.S. Department of Education Publication Guide for Developing High-Quality School Emergency Operations Plans, 2013
Website California Public Utilities Commission
Website California Office of Emergency Services: School Emergency Planning & Safety
Website California Department of Education, Comprehensive School Safety Plans
Website California Cybersecurity Integration Center
Website CSBA District and County Office of Education Legal Services
Website California Department of Education, Crisis Preparedness
Website Centers for Disease Control and Prevention
Website U.S. Department of Education, Emergency Planning
Website U.S. Department of Homeland Security
Website Federal Emergency Management Agency
Website California Governor's Office of Emergency Services
Website California Seismic Safety Commission
Website American Red Cross
Website California Attorney General's Office
Website CSBA
Cross References
Code Description
0400 Comprehensive Plans
0420 School Plans/Site Councils
0420 School Plans/Site Councils
0450 Comprehensive Safety Plan
0450 Comprehensive Safety Plan
1100 Communication With The Public
1112 Media Relations
1113 District And School Websites
1113 District And School Websites
1113-E(1) District And School Websites
1114 District-Sponsored Social Media
1114 District-Sponsored Social Media
1220 Citizen Advisory Committees
1220 Citizen Advisory Committees
1313 Civility
1330 Use Of School Facilities
1330 Use Of School Facilities
1400 Relations Between Other Governmental Agencies And The Schools
3000 Concepts And Roles
3511 Energy And Water Management
3511 Energy And Water Management
3513.3 Tobacco-Free Schools
3513.3 Tobacco-Free Schools
3514 Environmental Safety
3514.2 Integrated Pest Management
3515 Campus Security

3515 Campus Security
3515.2 Disruptions
3515.2 Disruptions
3515.7 Firearms On School Grounds
3516.1 Fire Drills And Fires
3516.2 Bomb Threats
3516.3 Earthquake Emergency Procedure System
3516.5 Emergency Schedules
3517 Facilities Inspection
3517-E(1) Facilities Inspection
3530 Risk Management/Insurance
3530 Risk Management/Insurance
3540 Transportation
3543 Transportation Safety And Emergencies
3580 District Records
3580 District Records
4119.41 Employees With Infectious Disease
4131 Staff Development
4157 Employee Safety
4157 Employee Safety
4219.41 Employees With Infectious Disease
4257 Employee Safety
4257 Employee Safety
4319.41 Employees With Infectious Disease
4331 Staff Development
4357 Employee Safety
4357 Employee Safety
5113 Absences And Excuses
5113 Absences And Excuses
5131.4 Student Disturbances
5131.4 Student Disturbances
5141 Health Care And Emergencies
5141 Health Care And Emergencies
5141.21 Administering Medication And Monitoring Health Conditions
5141.21 Administering Medication And Monitoring Health Conditions
5141.22 Infectious Diseases
5142 Safety
5142 Safety
6142.8 Comprehensive Health Education
6153 School-Sponsored Trips
6153 School-Sponsored Trips
7111 Evaluating Existing Buildings
9320 Meetings And Notices
9321 Closed Session

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Regulation 3516: Emergencies And Disaster Preparedness Plan
Status: ADOPTED
Original Adopted Date: 02/13/2025 | Last Reviewed Date: 02/13/2025
The Superintendent or designee shall ensure that district and/or school site plans address, at a minimum, the following types of emergencies and disasters:

Fire on or off school grounds which endangers students and staff

Earthquake, flood, or other natural disasters

Environmental hazards, such as leakages or spills of hazardous materials

Attack or disturbance, or threat of attack or disturbance, by an individual or group

Bomb threat or actual detonation

Biological, radiological, chemical, and other activities, or heightened warning of such activities

Medical emergencies and quarantines, such as a pandemic influenza outbreak

Attack or threat of attack to the district's digital network and technology infrastructure

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

Regular inspection of school facilities and equipment, identification of risks, and implementation of strategies and measures to increase the safety and security of school facilities

Routine monitoring of the security of the district's digital network and technology infrastructure

Instruction for district staff and students regarding emergency plans, including:

Training of staff in first aid and cardiopulmonary resuscitation

Regular practice of emergency procedures by students and staff

Specific determination of roles and responsibilities of staff during a disaster or other emergency, including determination of:

The appropriate chain of command at the district and, if communication between the district and site is not possible, at each site

Individuals responsible for specific duties

Designation of the principal for the overall control and supervision of activities at each school during an emergency, including authorization to use discretion in situations which do not permit execution of prearranged plans

Identification of at least one person at each site who holds a valid certificate in first aid and cardiopulmonary resuscitation

Assignment of responsibility for identification of injured persons and administration of first aid

Personal safety and security, including:

Identification of areas of responsibility for the supervision of students

Procedures for the evacuation of students and staff, including posting of evacuation routes

Procedures for the release of students, including a procedure to release students when reference to the emergency card is not feasible

Identification of transportation needs, including a plan which allows bus seating capacity limits to be exceeded when a disaster or hazard requires students to be moved immediately to ensure their safety

Provision of a first aid kit to each classroom

Arrangements for students and staff with special needs

Upon notification that a pandemic situation exists, adjustment of attendance policies for students and sick leave policies for staff with known or suspected pandemic influenza or other infectious disease

Closure of schools, including an analysis of:

The impact on student learning and methods to ensure continuity of instruction

How to provide for continuity of operations for essential central office functions, such as payroll and ongoing communication with students and parents/guardians

Communication among staff, parents/guardians, the Board of Trustees, other governmental agencies, and the media during an emergency, including:

Identification of spokesperson(s)

Development and testing of communication platforms, such as hotlines, automatic dialing devices, telephone trees, websites, social media, and electronic notifications

Development of methods to ensure that communications are, to the extent practicable, in a language and format that is easy for parents/guardians to understand

Distribution of information about district and school site emergency procedures to staff, students, and parents/guardians

Cooperation with other state and local agencies, including:

Development of guidelines for law enforcement involvement and intervention

Collaboration with the local health department, including development of a tracking system to alert the local health department of a substantial increase of student or staff absenteeism as indicative of a potential outbreak of an infectious disease

Steps to be taken after the disaster or emergency, including:

Inspection of school facilities

Provision of mental health services for students and staff, as needed

The Superintendent or designee shall assemble critical information that would be needed in an emergency. Such information may include, but is not limited to, a list of individuals and organizations who should be contacted for assistance in an emergency, current layouts and blueprints of school buildings, aerial photos of the campus, maps of evacuation routes and alternate routes, a roster of employees with their work locations, student photographs and their emergency contact information, a clearly labeled set of keys, location of first aid supplies, procedures and locations for turning off fire alarms, sprinklers, utilities, and other systems, information to access the district's technology infrastructure, and insurance information. Such information shall be stored in a box in a secure, easily accessible location, with a duplicate kept at another location in case the primary location is inaccessible.

Policy Reference Disclaimer:
These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the Governing Board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.
State Description
19 CCR 2400-2450 Standardized Emergency Management System
5 CCR 550 Fire drills
5 CCR 560 Civil defense and disaster preparedness plans
CA Constitution Article 20, Section 3 Oath or affirmation
Civ. Code 1714.5 Release from liability for disaster service workers and shelters
Ed. Code 32001 Fire alarms and drills
Ed. Code 32040 Duty to equip school with first aid kit
Ed. Code 32280-32289.5 School safety plans
Ed. Code 32290 Safety devices
Ed. Code 39834 Operating overloaded bus
Ed. Code 46390-46392 Emergency average daily attendance in case of disaster

Ed. Code 49505 Natural disaster; meals for homeless students; reimbursement
Gov. Code 11549 Cybersecurity assessment
Gov. Code 11549.3 Office of Information Security
Gov. Code 3100-3109 Oath or affirmation of allegiance
Gov. Code 8586.5 California Cybersecurity Integration Center
Gov. Code 8607 Standardized Emergency Management System
Public Utilities Code 2872 Automatic dialing
Federal Description
20 USC 1400-1482 Individuals with Disabilities Education Act
29 USC 794 Rehabilitation Act of 1973; Section 504
42 USC 12101-12213 Americans with Disabilities Act
Management Resources Description
Cal OES Publication California Emergency Management for Schools: A Guide for Districts and Sites
Cal OES Publication School Emergency Response: Using SEMS at Districts and Sites, June 1998
Cal OES Publication State of California Emergency Plan, 2017
Cal OES Publication Active Shooter Awareness Guidance, February 2018
California Department of Education Publication Crisis Response Box, 2000
Federal Emergency Management Agency Publication National Incident Management System, 3rd ed., October 2017
U.S. Department of Education Publication Guide for Developing High-Quality School Emergency Operations Plans, 2013
Website California Public Utilities Commission
Website California Office of Emergency Services: School Emergency Planning & Safety
Website California Department of Education, Comprehensive School Safety Plans
Website California Cybersecurity Integration Center
Website CSBA District and County Office of Education Legal Services
Website California Department of Education, Crisis Preparedness
Website Centers for Disease Control and Prevention
Website U.S. Department of Education, Emergency Planning
Website U.S. Department of Homeland Security
Website Federal Emergency Management Agency
Website California Governor's Office of Emergency Services
Website California Seismic Safety Commission
Website American Red Cross
Website California Attorney General's Office
Website CSBA
Cross References
Code Description
0400 Comprehensive Plans
0420 School Plans/Site Councils
0420 School Plans/Site Councils
0450 Comprehensive Safety Plan
0450 Comprehensive Safety Plan
1100 Communication With The Public
1112 Media Relations
1113 District And School Websites
1113 District And School Websites
1113-E(1) District And School Websites
1114 District-Sponsored Social Media
1114 District-Sponsored Social Media
1220 Citizen Advisory Committees
1220 Citizen Advisory Committees
1313 Civility
1330 Use Of School Facilities
1330 Use Of School Facilities
1400 Relations Between Other Governmental Agencies And The Schools
3000 Concepts And Roles
3511 Energy And Water Management
3511 Energy And Water Management

3513.3 Tobacco-Free Schools
3513.3 Tobacco-Free Schools
3514 Environmental Safety
3514.2 Integrated Pest Management
3515 Campus Security
3515 Campus Security
3515.2 Disruptions
3515.2 Disruptions
3515.7 Firearms On School Grounds
3516.1 Fire Drills And Fires
3516.2 Bomb Threats
3516.3 Earthquake Emergency Procedure System
3516.5 Emergency Schedules
3517 Facilities Inspection
3517-E(1) Facilities Inspection
3530 Risk Management/Insurance
3530 Risk Management/Insurance
3540 Transportation
3543 Transportation Safety And Emergencies
3580 District Records
3580 District Records
4119.41 Employees With Infectious Disease
4131 Staff Development
4157 Employee Safety
4157 Employee Safety
4219.41 Employees With Infectious Disease
4257 Employee Safety
4257 Employee Safety
4319.41 Employees With Infectious Disease
4331 Staff Development
4357 Employee Safety
4357 Employee Safety
5113 Absences And Excuses
5113 Absences And Excuses
5131.4 Student Disturbances
5131.4 Student Disturbances
5141 Health Care And Emergencies
5141 Health Care And Emergencies
5141.21 Administering Medication And Monitoring Health Conditions
5141.21 Administering Medication And Monitoring Health Conditions
5141.22 Infectious Diseases
5142 Safety
5142 Safety
6142.8 Comprehensive Health Education
6153 School-Sponsored Trips
6153 School-Sponsored Trips
7111 Evaluating Existing Buildings
9320 Meetings And Notices
9321 Closed Session

## Opioid Prevention and Life-Saving Response Procedures

Policy 5141.21: Administering Medication And Monitoring Health Conditions
Status: ADOPTED

Original Adopted Date: 02/13/2025 | Last Reviewed Date: 02/13/2025

The Board of Trustees believes that regular school attendance is critical to student learning and that students who need to take medication prescribed or ordered for them by their authorized health care providers should be able to participate in the educational program.

Any medication prescribed for a student with a disability who is qualified to receive services under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act of 1973 shall be administered in accordance with the student's individualized education program or Section 504 services plan, as applicable.

For the administration of medication to other students during school or school-related activities, the Superintendent or designee shall develop protocols which shall include options for allowing parents/guardians to administer medication to their child at school, designate other individuals to do so on their behalf, and, with the student's authorized health care provider's approval, request the district's permission for the student to self-administer a medication or self-monitor and/or self-test for a medical condition. Such processes shall be implemented in a manner that preserves campus security, minimizes instructional interruptions, and promotes student safety and privacy.

The Superintendent or designee shall make epinephrine auto-injectors available at each school for providing emergency medical aid to any person suffering, or reasonably believed to be suffering, from an anaphylactic reaction. (Education Code 49414)

In accordance with law, the Superintendent or designee may make naloxone hydrochloride or another opioid antagonist and stock albuterol inhalers available at each school for providing emergency medical aid to any person suffering or reasonably believed to be suffering from opioid overdose or respiratory distress. (Education Code 49414.3, 49414.7)

Because of the conflict between state and federal law regarding the legality of medicinal cannabis, the Board prohibits the administration of medicinal cannabis to students on school grounds by parents/guardians or school personnel.

The Superintendent or designee shall collaborate with city and county emergency responders, including local public health administrators, to design procedures or measures for addressing an emergency such as a public disaster or epidemic.

Administration of Medication by School Personnel

When allowed by law, medication prescribed to a student by an authorized health care provider may be administered by a school nurse or, when a school nurse or other medically licensed person is unavailable and the physician has authorized administration of medication by unlicensed personnel for a particular student, by other designated school personnel with appropriate training. School nurses and other designated school personnel shall administer medications to students in accordance with law, Board policy, administrative regulation, and, as applicable, the written statement provided by the student's parent/guardian and authorized health care provider. Such personnel shall be afforded appropriate liability protection.

The Superintendent or designee shall ensure that school personnel designated to administer any medication receive appropriate training and, as necessary, retraining from qualified medical personnel before any medication is administered. At a minimum, the training shall cover how and when such medication should be administered, the recognition of symptoms and treatment, emergency follow-up procedures, and the proper documentation and storage of medication. Such trained, unlicensed designated school personnel shall be supervised by, and provided with immediate communication access to, a school nurse, physician, or other appropriate individual.

The Superintendent or designee shall maintain documentation of the training and ongoing supervision, as well as annual written verification of competency of other designated school personnel.

Policy Reference Disclaimer:
These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the Governing Board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.
State Description
5 CCR 600-611 Administering medication to students
Bus. Code 2700-2837 Nursing
Bus. Code 3500-3546 Physician assistants
Bus. Code 4119.2 Acquisition of epinephrine auto-injectors

Bus. Code 4119.8 Acquisition of naloxone hydrochloride or another opioid antagonist
Ed. Code 48980 Parent/Guardian notifications
Ed. Code 49407 Liability for treatment
Ed. Code 49408 Student emergency information
Ed. Code 49414 Emergency epinephrine auto-injectors
Ed. Code 49414.3 Emergency medical assistance; administration of medication for opioid overdose
Ed. Code 49414.4 Opioid Misuse
Ed. Code 49414.5 Providing school personnel with voluntary emergency training
Ed. Code 49414.7 Administration of albuterol inhalers
Ed. Code 49414.8 Funding for emergency opioid antagonists; requirements
Ed. Code 49422-49427 Employment of medical personnel
Ed. Code 49423 Administration of prescribed medication for student
Ed. Code 49423.1 Inhaled asthma medication
Ed. Code 49426.5 Licensed vocational nurses
Ed. Code 49468-49468.5 The Seizure Safe Schools Act
Ed. Code 49480 Continuing medication regimen; notice
H&S 1799.113 Opioid overdose treatment
H&S Code 11362.7-11362.85 Medicinal cannabis
Federal Description
20 USC 1232g Family Educational Rights and Privacy Act (FERPA) of 1974
20 USC 1400-1482 Individuals with Disabilities Education Act
21 USC 812 Schedule of controlled substances
21 USC 844 Penalties for possession of controlled substance
29 USC 794 Rehabilitation Act of 1973; Section 504
34 CFR 99.30 Conditions under which prior written consent is required to disclose information
Management Resources Description
American Diabetes Association Publication Legal Advisory on Rights of Students with Diabetes in California's K-12 Public Schools, August 2007
American Diabetes Association Publication Program Advisory on Medication Administration, 2005
American Diabetes Association Publication Glucagon Training Standards for School Personnel: Providing Emergency Medical Assistance to Pupils with Diabetes, May 2006
Court Decision American Nurses Association v. Torlakson (2013) 57 Cal.4th 570
National Diabetes Education Program Publication Helping the Student with Diabetes Succeed: A Guide for School Personnel, June 2003
Website CSBA District and County Office of Education Legal Services
Website National Diabetes Education Program
Website U.S. Department of Health and Human Services, National Heart, Lung, and Blood Institute
Website American Diabetes Association
Website California Department of Education, Health Services and School Nursing
Website CSBA
Website California Department of Public Health
Cross References
Code Description
3513.4 Drug And Alcohol Free Schools
3516 Emergencies And Disaster Preparedness Plan
3516 Emergencies And Disaster Preparedness Plan
4119.43 Universal Precautions
4119.43 Universal Precautions
4131 Staff Development
4219.43 Universal Precautions
4219.43 Universal Precautions
4319.43 Universal Precautions
4319.43 Universal Precautions
5022 Student And Family Privacy Rights
5022 Student And Family Privacy Rights
5113 Absences And Excuses
5113 Absences And Excuses

5113.1 Chronic Absence And Truancy
5113.1 Chronic Absence And Truancy
5125 Student Records
5125 Student Records
5131.62 Tobacco
5131.62 Tobacco
5141 Health Care And Emergencies
5141 Health Care And Emergencies
5141.22 Infectious Diseases
5141.24 Specialized Health Care Services
5141.27 Food Allergies/Special Dietary Needs
5141.27 Food Allergies/Special Dietary Needs
5141.6 School Health Services
5141.6 School Health Services
5145.6 Parent/Guardian Notifications
6142.8 Comprehensive Health Education
6145.2 Athletic Competition
6145.2 Athletic Competition
6163.2 Animals At School
6163.2 Animals At School
6164.6 Identification And Education Under Section 504
6164.6 Identification And Education Under Section 504

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Regulation 5141.21: Administering Medication And Monitoring Health Conditions
Status: ADOPTED
Original Adopted Date: 02/13/2025 | Last Reviewed Date: 02/13/2025

Definitions

Authorized health care provider means an individual who is licensed by the State of California to prescribe or order medication, including, but not limited to, a physician or physician assistant. (Education Code 49423; 5 CCR 601)

Other designated school personnel means any individual employed by the district, including a nonmedical school employee, who has volunteered or consented to administer medication or otherwise assist the student and who may legally administer the medication to the student or assist the student in the administration of the medication. (5 CCR 601, 621)

Medication may include not only a substance dispensed in the United States by prescription, but also a substance that does not require a prescription, such as over-the-counter remedies, nutritional supplements, and herbal remedies. (5 CCR 601)

Epinephrine auto-injector means a disposable delivery device designed for the automatic injection of a premeasured dose of epinephrine into the human body to prevent or treat a life-threatening allergic reaction. (Education Code 49414)

Anaphylaxis means a potentially life-threatening hypersensitivity to a substance, which may result from an insect sting, food allergy, drug reaction, exercise, or other cause. Symptoms may include shortness of breath, wheezing, difficulty breathing, difficulty talking or swallowing, hives, itching, swelling, shock, or asthma. (Education Code 49414)

Opioid antagonist means naloxone hydrochloride or another drug approved by the federal Food and Drug Administration that, when administered, negates or neutralizes in whole or in part the pharmacological effects of an opioid in the body and that has been approved for the treatment of an opioid overdose. (Education Code 49414.3)

Albuterol means a bronchodilator used to open the airways by relaxing the muscles around the bronchial tubes. (Education Code 49414.7)

Inhaler means a device used for the delivery of prescribed asthma medication that is inhaled. (Education Code 49414.7)

Notifications to Parents/Guardians

At the beginning of each school year, the Superintendent or designee shall notify parents/guardians of the options available to students who need to take prescribed medication during the school day and the rights and responsibilities of parents/guardians regarding those options. (Education Code 49480)

In addition, the Superintendent or designee shall inform the parents/guardians of any student on a continuing medication regimen for a nonepisodic condition of the following: (Education Code 49480)

The parent/guardian is required to inform the school nurse or other designated employee of the medication being taken, the current dosage, and the name of the supervising physician.

With the parent/guardian's consent, the school nurse or other designated employee may communicate with the student's physician regarding the medication and its effects and may counsel school personnel regarding the possible effects of the medication on the student's physical, intellectual, and social behavior, as well as possible behavioral signs and symptoms of adverse side effects, omission, or overdose.

When a student requires medication during the school day in order to participate in the educational program, the Superintendent or designee shall, as appropriate, inform the student's parents/guardians that the student may qualify for services or accommodations pursuant to the Individuals with Disabilities Education Act (20 USC 1400-1482) or Section 504 of the federal Rehabilitation Act of 1973 (29 USC 794).

Parent/Guardian Responsibilities

The responsibilities of the parent/guardian of any student who may need medication during the school day shall include, but are not limited to:

Submitting the parent/guardian written statement and the authorized health care provider's written statement each school year as described in the sections "Parent/Guardian Statement" and "Health Care Provider Statement" below. The parent/guardian shall provide a new authorized health care provider's statement if the medication, dosage, frequency of administration, or reason for administration changes. (Education Code 49414.5, 49423, 49423.1; 5 CCR 600, 626)

If the student is on a continuing medication regimen for a nonepisodic condition, informing the school nurse or other designated certificated employee of the medication being taken, the current dosage, and the name of the supervising physician, and updating the information when needed. (Education Code 49480)

Providing medications in properly labeled, original containers along with the authorized health care provider's instructions. For prescribed or ordered medication, the container also shall bear the name and telephone number of the pharmacy, the student's identification, and the name and phone number of the authorized health care provider. (5 CCR 606)

Parent/Guardian Statement

When district employees are to administer medication to a student, the parent/guardian's written statement shall:

Identify the student

Grant permission for an authorized district representative to communicate directly with the student's authorized health care provider and pharmacist, as may be necessary, regarding the health care provider's written statement or any other questions that may arise with regard to the medication

Contain an acknowledgment that the parent/guardian understands how district employees will administer the medication or otherwise assist the student in its administration

Contain an acknowledgment that the parent/guardian understands the responsibilities to provide a written statement from the authorized health care provider, to ensure that the medication is delivered to the school in a proper container by an individual legally authorized to be in possession of the medication, and to provide all necessary supplies and equipment

Contain an acknowledgment that the parent/guardian understands the right to terminate the consent for the administration of the medication or for otherwise assisting the student in the administration of medication at any time

In addition to the requirements in Items #1-5 above, if a parent/guardian has requested that the student be allowed to carry and self-administer prescription auto-injectable epinephrine or prescription inhaled asthma medication, the parent/guardian's written statement shall: (Education Code 49423, 49423.1)

Consent to the self-administration

Release the district and school personnel from civil liability if the student suffers an adverse reaction as a result of self-administering the medication

In addition to the requirements in Items #1-5 above, if a parent/guardian wishes to designate an individual who is not an employee of the district to administer medication to the student, the parent/guardian's written statement shall clearly identify the individual and shall state:

The individual's willingness to accept the designation

That the individual is permitted to be on the school site

Any limitations on the individual's authority

Health Care Provider Statement

When any district employee is to administer prescribed medication to a student, or when a student is to be allowed to carry and self-administer prescribed medication during school hours, the authorized health care provider's written statement shall include:

Clear identification of the student (Education Code 49423, 49423.1; 5 CCR 602)

The name of the medication (Education Code 49423, 49423.1; 5 CCR 602)

The method, amount, and time schedules by which the medication is to be taken (Education Code 49423, 49423.1; 5 CCR 602)

If a parent/guardian has requested that the student be allowed to self-administer medication, confirmation that the student is able to self-administer the medication (Education Code 49414.5, 49423, 49423.1; 5 CCR 602)

For medication that is to be administered by unlicensed personnel, confirmation by the student's health care provider that the medication may safely and appropriately be administered by unlicensed personnel (Education Code 49423, 49423.1; 5 CCR 602)

For medication that is to be administered on an as-needed basis, the specific symptoms that would necessitate administration of the medication, allowable frequency for administration, and indications for referral for medical evaluation

Possible side effects of the medication

Name, address, telephone number, and signature of the student's authorized health care provider

For self-administration of inhaled asthma medication, the district shall accept a written statement from a physician or surgeon contracted with a health plan licensed pursuant to Health and Safety Code 1351.2. Such written statement shall be in English and Spanish and shall include the name and contact information for the physician or surgeon. (Education Code 49423.1)

District Responsibilities

The Superintendent or designee shall ensure that any unlicensed school personnel authorized to administer medication to a student receives appropriate training from the school nurse or other qualified medical personnel.

The school nurse or other designated school personnel shall:

Administer or assist in administering medication in accordance with the authorized health care provider's written statement

Accept delivery of medications from parents/guardians and count and record them upon receipt

Maintain a list of students needing medication during the school day, including those authorized to self-administer medication, and maintain on the list the type of medication and the times and dosage to be administered

Maintain for each student a medication log which may:

Specify the student's name, medication, dose, method of administration, time of administration during the regular school day, date(s) on which the student is required to take the medication, and the authorized health care provider's name and contact information

Contain space for daily recording of the date, time, and amount of medication administered, and the signature of the individual administering the medication

Maintain for each student a medication record which may include the authorized health care provider's written statement, the parent/guardian's written statement, the medication log, and any other written documentation related to the administration of medication to the student

Ensure that student confidentiality is appropriately maintained

Coordinate and, as appropriate, ensure the administration of medication during field trips and other school-related activities

Report to a student's parent/guardian and the site administrator any refusal by the student to take the medication

Keep all medication to be administered by the district in a locked drawer or cabinet

As needed, communicate with a student's authorized health care provider and/or pharmacist regarding the medication and its effects

Counsel other designated school personnel regarding the possible effects of a medication on a student's physical, intellectual, and social behavior, as well as possible behavioral signs and symptoms of adverse side effects, omission, or overdose

Ensure that any unused, discontinued, or outdated medication is returned to the student's parent/guardian at the end of the school year or, if the medication cannot be returned, dispose of it in accordance with state laws and local ordinances

In the event of a medical emergency requiring administration of medication, provide immediate medical assistance, directly observe the student following the administration of medication, contact the student's parent/guardian, and determine whether the student should return to class, rest in the school office, or receive further medical assistance

Report to the site administrator, the student's parent/guardian, and, if necessary, the student's authorized health care provider any instance when a medication is not administered properly, including administration of the wrong medication or failure to administer the medication in accordance with authorized health care provider's written statement

Emergency Epinephrine Auto-Injectors and Emergency Albuterol Inhalers

The Superintendent or designee shall provide epinephrine auto-injectors to school nurses or other trained personnel who have volunteered to administer them in an emergency and have received training. The school nurse, or when a school nurse or physician is unavailable, a trained volunteer may administer an epinephrine auto-injector to provide emergency medical aid to any person suffering, or reasonably believed to be suffering, from potentially life-threatening symptoms of anaphylaxis at school or a school activity. A trained volunteer may include the holder of an Activity Supervisor Clearance Certificate who has received specified training. (Education Code 49414)

Additionally, the Superintendent or designee may make emergency stock albuterol inhalers available to school nurses and trained personnel who have volunteered to be used to provide medical aid to person(s) suffering, or reasonably believed to be suffering, from respiratory distress. (Education Code 49414.7)

At least once per school year, the Superintendent or designee shall distribute to all employees a notice requesting volunteers to be trained to administer epinephrine auto-injectors and/or stock albuterol inhalers for emergency aid to individuals exhibiting signs of anaphylaxis reaction or respiratory distress. Such notice shall also describe the training that the volunteers will receive. (Education Code 49414, 49414.7)

The principal or designee at each school may designate one or more volunteers to receive initial and annual refresher training, which shall be provided by a school nurse or other qualified person designated by a physician and surgeon authorized pursuant to Education Code 49414 or 49414.7, and shall be based on the standards developed by the Superintendent of Public Instruction (SPI). Written materials covering the required topics for training shall be retained by the school for reference. (Education Code 49414, 49414.7)

A school nurse or other qualified supervisor of health, or a district administrator if the district does not have a qualified supervisor of health, shall obtain a prescription for epinephrine auto-injectors or stock albuterol inhalers for each school from an authorized physician and surgeon. Such prescription may be filled by local or mail order pharmacies or manufacturers. (Education Code 49414, 49414.7)

Elementary schools shall, at a minimum, be provided one adult (regular) and one junior epinephrine auto-injector. Secondary schools shall be provided at least one adult (regular) epinephrine auto-injector, unless there are any students at the school who require a junior epinephrine auto-injector. (Education Code 49414)

The district shall store emergency epinephrine auto-injectors in an accessible location, and shall specify such location in annual notices to staff.

If either medication is used, the school nurse or other qualified supervisor of health shall restock the medication as soon as reasonably possible, but no later than two weeks after it is used. In addition, all medications shall be restocked before their expiration date. (Education Code 49414, 49414.7)

Any volunteer or trained personnel who administers either medication shall initiate emergency medical services or other appropriate medical follow up in accordance with the training materials retained by the school. (Education Code 49414, 49414.7)

Information regarding defense and indemnification provided by the district for any and all civil liability for volunteers administering epinephrine auto-injectors and/or stock albuterol inhalers shall be provided to each volunteer and retained in the employee's personnel file. (Education Code 49414, 49414.7)

A school may accept gifts, grants, and donations from any source for the support of the school in carrying out the requirements of Education Code 49414 or 49414.7, including, but not limited to, the acceptance of epinephrine auto-injectors and/or emergency albuterol inhalers from a manufacturer or wholesaler. (Education Code 49414, 49414.7)

The Superintendent or designee shall maintain records regarding the acquisition and disposition of the described medications for a period of three years from the date the records were created. (Business and Professions Code 4119.2)

Emergency Medication for Opioid Overdose

The district may elect to make emergency naloxone hydrochloride or another opioid antagonist available at schools for the purpose of providing emergency medical aid to persons suffering, or reasonably believed to be suffering, from an opioid overdose. In determining whether to make this medication available, the Superintendent or designee shall evaluate the emergency medical response time to the school and determine whether initiating emergency medical services is an acceptable alternative to providing an opioid antagonist and training personnel to administer the medication. (Education Code 49414.3)

Additionally, if the district accepts emergency naloxone hydrochloride or another opioid antagonist from the county office of education (COE), the Superintendent or designee shall maintain at least two units of the medication at each district middle, junior high, high, and adult school. (Education Code 49414.8)

When available at the school site, the school nurse shall provide emergency naloxone hydrochloride or another opioid antagonist for emergency medical aid to any person exhibiting potentially life-threatening symptoms of an opioid overdose at school or a school activity. Other designated personnel who have volunteered and have received training may administer such medication when a

school nurse or physician is unavailable and shall only administer the medication by nasal spray or auto-injector. (Education Code 49414.3)

At least once per school year, the Superintendent or designee shall distribute to all staff a notice requesting volunteers to be trained to administer naloxone hydrochloride or another opioid antagonist, describing the training that the volunteer will receive, and explaining the right of the volunteer to rescind the offer to volunteer at any time, including after receiving training. The notice shall also include a statement that no benefit will be granted to or withheld from any employee based on the offer to volunteer and that there will be no retaliation against any employee for rescinding the offer to volunteer. (Education Code 49414.3)

The principal or designee shall designate two or more volunteer employees to receive initial and annual refresher training, based on standards adopted by the SPI, regarding the storage and emergency use of naloxone hydrochloride or another opioid antagonist. The training shall be provided at no cost to the employee, conducted during regular working hours, and be provided by a school nurse or other qualified person designated by an authorizing physician and surgeon. Written materials provided during the training shall be retained at the school for reference. (Education Code 49414.3, 49414.8)

Each volunteer shall meet the minimum standards of training for the administration of an emergency opioid antagonist as specified in Education Code 49414.3 or shall have undergone opioid overdose prevention and treatment training and reviewed material available on the California Department of Public Health's website. (Education Code 49414.8)

Any prescription for naloxone hydrochloride or another opioid antagonist shall be obtained by a school nurse, other qualified supervisor of health, or, if the district does not have a qualified supervisor of health, a district administrator from an authorized physician and surgeon. Such prescription may be filled by local or mail order pharmacies or manufacturers. (Education Code 49414.3)

If the medication is used, the school nurse, other qualified supervisor of health, or district administrator, as applicable, shall restock the medication as soon as reasonably possible, but no later than two weeks after it is used. In addition, the medication shall be restocked before its expiration date. (Education Code 49414.3, 49414.8)

Employees and volunteers that render emergency treatment at the scene of an opioid overdose or suspected opioid overdose by administering an opioid antagonist shall not be liable for civil damages resulting from an act or omission, unless such act constitutes gross negligence or willful or wanton misconduct. (Health and Safety Code 1799.113)

Information regarding defense and indemnification provided by the district for any and all civil liability for volunteers administering naloxone hydrochloride or another opioid antagonist for emergency aid shall be provided to each volunteer in writing and retained in the employee's personnel file. (Education Code 49414.3)

A school may accept gifts, grants, and donations from any source for the support of the school in carrying out the requirements of Education Code 49414.3, including, but not limited to, the acceptance of the naloxone hydrochloride or another opioid antagonist from a COE, manufacturer, or wholesaler. (Education Code 49414.3)

The Superintendent or designee shall maintain records regarding the acquisition and disposition of naloxone hydrochloride or another opioid antagonist for a period of three years from the date the records were created. (Business and Professions Code 4119.8)

Anti-Seizure Medication

A school nurse or, if a school nurse is not onsite or available, a volunteer designated by the district may administer emergency anti-seizure medication to a student diagnosed with seizures, a seizure disorder, or epilepsy who has been prescribed such medication from the student's health care provider and is suffering from a seizure. (Education Code 49468.2)

Upon receipt of a request from the parent/guardian of a student diagnosed with seizures, a seizure disorder, or epilepsy who has been prescribed emergency anti-seizure medication, the Superintendent or designee may designate one or more volunteer(s) at the student's school to receive initial and annual refresher training regarding the emergency use of anti-seizure medication. (Education Code 49468.2)

In order to solicit volunteers, the district shall distribute a notice at least once, but no more than two times per school year, to all staff that includes the following information: (Education Code 49468.2)

A description of the volunteer request stating that the request is for volunteers to be trained to recognize and respond to seizures, including training to administer emergency anti-seizure medication to a student diagnosed with seizures, a seizure disorder, or epilepsy if the student is suffering from a seizure

A description of the training that the volunteer will receive

The right of an employee to rescind the offer to volunteer

A statement that there will be no retaliation against any individual for rescinding the offer to volunteer, including after receiving training

A volunteer may rescind the offer to administer emergency anti-seizure medication at any time, including after receipt of training. (Education Code 49468.2)

If a volunteer rescinds the offer to volunteer or is no longer able to act as a volunteer for any reason, or if the placement of a student changes and the student no longer has access to a trained volunteer, the district may distribute an additional two notices per school year to all staff. (Education Code 49468.2)

Volunteer employees shall receive initial and annual refresher training, based on standards adopted by the SPI, regarding the recognition and response to seizures and the administration of emergency anti-seizure medication. The training shall be provided at no cost to the employee, conducted during regular working hours, and be provided by a school nurse or other qualified person designated by an authorizing physician and surgeon. Written materials provided during the training shall be retained at the school for reference. (Education Code 49468.2)

Before administering emergency anti-seizure medication or therapy prescribed to treat seizures in a student diagnosed with seizures, a seizure disorder, or epilepsy, the district shall obtain from the student's parent/guardian a seizure action plan as specified in Education Code 49468.3. The school or district nurse shall collaborate with the parent/guardian of each student diagnosed with seizures, a seizure disorder, or epilepsy in the development of a plan if the student does not have an individualized education plan or Section 504 plan. (Education Code 49468.3)

If the school obtains written consent from the student's parent/guardian, in accordance with 34 CFR 99.30, the seizure action plan shall be distributed to any school staff or volunteers responsible for the supervision or care of the student. (Education Code 49468.3)

Upon receipt of a request from a parent/guardian of a student diagnosed with seizure, a seizure disorder, or epilepsy, the district shall notify the parent/guardian that the student may qualify for services or accommodations pursuant to Section 504 of the federal Rehabilitation Act of 1973 or an individualized education program and shall assist the parent/guardian with the exploration of that option. (Education Code 49468.2)

Additionally, if there are no volunteers at the student's school, the Superintendent or designee shall notify the student's parent/guardian of the student's right to be assessed for services and accommodations guaranteed under Section 504 of the federal Rehabilitation Act of 1973 and the federal Individuals with Disabilities Education Act, and may ask the parent/guardian to sign such notices. (Education Code 49468.2)

The principal or designee shall notify the school nurse assigned to the school, or if a school nurse is not assigned to the school or district, the Superintendent or designee, if an employee administers an emergency anti-seizure medication. (Education Code 49468.3)

The notification described above and the seizure action plan shall be kept on file in the office of the school nurse or a school administrator, in compliance with all applicable state and federal privacy laws. (Education Code 49468.3)

The district shall provide volunteers defense and indemnification for any and all civil liability, with information stating such being provided to the volunteer in writing and retained in the volunteer's personnel file. (Education Code 49468.5)

Trained volunteers who administer emergency anti-seizure medication or medication prescribed for seizure disorder symptoms to a student diagnosed with seizures, a seizure disorder, or epilepsy who appears to be experiencing a seizure shall not be subject to

professional review, be liable in a civil action, or be subject to criminal prosecution for acts or omissions in administering the emergency anti-seizure medication. (Education Code 49468.5)

Policy Reference Disclaimer:
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State Description
5 CCR 600-611 Administering medication to students
Bus. Code 2700-2837 Nursing
Bus. Code 3500-3546 Physician assistants
Bus. Code 4119.2 Acquisition of epinephrine auto-injectors
Bus. Code 4119.8 Acquisition of naloxone hydrochloride or another opioid antagonist
Ed. Code 48980 Parent/Guardian notifications
Ed. Code 49407 Liability for treatment
Ed. Code 49408 Student emergency information
Ed. Code 49414 Emergency epinephrine auto-injectors
Ed. Code 49414.3 Emergency medical assistance; administration of medication for opioid overdose
Ed. Code 49414.4 Opioid Misuse
Ed. Code 49414.5 Providing school personnel with voluntary emergency training
Ed. Code 49414.7 Administration of albuterol inhalers
Ed. Code 49414.8 Funding for emergency opioid antagonists; requirements
Ed. Code 49422-49427 Employment of medical personnel
Ed. Code 49423 Administration of prescribed medication for student
Ed. Code 49423.1 Inhaled asthma medication
Ed. Code 49426.5 Licensed vocational nurses
Ed. Code 49468-49468.5 The Seizure Safe Schools Act
Ed. Code 49480 Continuing medication regimen; notice
H&S 1799.113 Opioid overdose treatment
H&S Code 11362.7-11362.85 Medicinal cannabis
Federal Description
20 USC 1232g Family Educational Rights and Privacy Act (FERPA) of 1974
20 USC 1400-1482 Individuals with Disabilities Education Act
21 USC 812 Schedule of controlled substances
21 USC 844 Penalties for possession of controlled substance
29 USC 794 Rehabilitation Act of 1973; Section 504
34 CFR 99.30 Conditions under which prior written consent is required to disclose information
Management Resources Description
American Diabetes Association Publication Legal Advisory on Rights of Students with Diabetes in California's K-12 Public Schools, August 2007
American Diabetes Association Publication Program Advisory on Medication Administration, 2005
American Diabetes Association Publication Glucagon Training Standards for School Personnel: Providing Emergency Medical Assistance to Pupils with Diabetes, May 2006
Court Decision American Nurses Association v. Torlakson (2013) 57 Cal.4th 570
National Diabetes Education Program Publication Helping the Student with Diabetes Succeed: A Guide for School Personnel, June 2003
Website CSBA District and County Office of Education Legal Services
Website National Diabetes Education Program
Website U.S. Department of Health and Human Services, National Heart, Lung, and Blood Institute
Website American Diabetes Association
Website California Department of Education, Health Services and School Nursing
Website CSBA
Website California Department of Public Health
Cross References
Code Description
3513.4 Drug And Alcohol Free Schools
3516 Emergencies And Disaster Preparedness Plan
3516 Emergencies And Disaster Preparedness Plan

4119.43 Universal Precautions
4119.43 Universal Precautions
4131 Staff Development
4219.43 Universal Precautions
4219.43 Universal Precautions
4319.43 Universal Precautions
4319.43 Universal Precautions
5022 Student And Family Privacy Rights
5022 Student And Family Privacy Rights
5113 Absences And Excuses
5113 Absences And Excuses
5113.1 Chronic Absence And Truancy
5113.1 Chronic Absence And Truancy
5125 Student Records
5125 Student Records
5131.62 Tobacco
5131.62 Tobacco
5141 Health Care And Emergencies
5141 Health Care And Emergencies
5141.22 Infectious Diseases
5141.24 Specialized Health Care Services
5141.27 Food Allergies/Special Dietary Needs
5141.27 Food Allergies/Special Dietary Needs
5141.6 School Health Services
5141.6 School Health Services
5145.6 Parent/Guardian Notifications
6142.8 Comprehensive Health Education
6145.2 Athletic Competition
6145.2 Athletic Competition
6163.2 Animals At School
6163.2 Animals At School
6164.6 Identification And Education Under Section 504
6164.6 Identification And Education Under Section 504

## Response Procedures for Dangerous, Violent, or Unlawful Activity

Policy 0450: Comprehensive Safety Plan
Status: ADOPTED
Original Adopted Date: 02/13/2025 | Last Reviewed Date: 02/13/2025

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

The school site council at each district school shall develop a comprehensive school safety plan relevant to the needs and resources of that particular school. New school campuses shall develop a comprehensive safety plan within one year of initiating operations. (Education Code 32281, 32286)

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

The comprehensive safety plan(s) shall be reviewed and updated by March 1 of each year and forwarded to the Board for approval. (Education Code 32286, 32288)

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

By October 15 of each year, the Superintendent or designee shall notify the California Department of Education (CDE) of any schools that have not complied with the requirements of Education Code 32281. (Education Code 32288)

Tactical Response Plan

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

When reviewing the tactical response plan, the Board may meet in closed session to confer with law enforcement officials and approve the tactical response plan, provided that any vote to approve the tactical response plan is announced in open session following the closed session. (Education Code 32281)

Safety Plan(s) Access and Reporting

The Superintendent or designee shall ensure that an updated file of all safety-related plans and materials is readily available for inspection by the public. (Education Code 32282)

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

The Superintendent or designee shall share the comprehensive safety plans and any updates to the plans with local law enforcement, the local fire department, and other first responder entities. (Education Code 32281)

The Superintendent or designee shall also provide data to CDE pertaining to lockdown or multi-option response drills conducted at district schools in accordance with Education Code 32289.5. (Education Code 32289.5)

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State Description
5 CCR 11987-11987.7 School Community Violence Prevention Program requirements
5 CCR 11992-11993 Persistently dangerous schools; definition
CA Constitution Article 1, Section 28 Right to safe schools
Ed. Code 200-262.4 Prohibition of discrimination
Ed. Code 32260-32262 Interagency School Safety Demonstration Act of 1985
Ed. Code 32270 School safety cadre
Ed. Code 32280-32289.5 School safety plans
Ed. Code 32290 Safety devices
Ed. Code 35147 School site councils and advisory committees
Ed. Code 35183 School dress code; uniforms
Ed. Code 35266 Reporting of cyberattacks
Ed. Code 35291 Rules
Ed. Code 35291.5 School-adopted discipline rules
Ed. Code 41020 Requirement for annual audit
Ed. Code 48900-48927 Suspension and expulsion
Ed. Code 48950 Speech and other communication
Ed. Code 48980 Parent/Guardian notifications
Ed. Code 49079 Notification to teacher; student act constituting grounds for suspension or expulsion
Ed. Code 49390-49395 Homicide threats
Ed. Code 49414.35 Emergency treatment for opioid overdose

Ed. Code 49414.6 Student possession of opioid antagonist
Ed. Code 67381 Availability of information regarding crimes
Gov. Code 11549.3 Independent security assessment
Gov. Code 54957 Closed session meetings for threats to security
Gov. Code 8586.5 California Cybersecurity Integration Center
Pen. Code 11164-11174.3 Child Abuse and Neglect Reporting Act
Pen. Code 422.55 Definition of hate crime
Pen. Code 626.8 Disruptions
Federal Description
20 USC 1400-1482 Individuals with Disabilities Education Act
20 USC 7111-7122 Student support and academic enrichment grants
20 USC 7912 Transfers from persistently dangerous schools
29 USC 794 Rehabilitation Act of 1973; Section 504
42 USC 12101-12213 Americans with Disabilities Act
6 USC 665k Federal Clearinghouse on School Safety Evidence-Based Practices
Management Resources Description
California Department of Education Instructional Continuity Plan Guidance
CSBA Publication Comprehensive School Safety Plans, July 2024
CSBA Publication School Safety: Firearm Safety and Storage, May 2023
CSBA Publication Cyberbullying: Policy Considerations for Boards, Policy Brief, rev. July 2010
CSBA Publication Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014
CSBA Publication Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011
CSBA Publication Legal Guidance on Rights of Transgender and Gender Nonconforming Students in Schools, October 2022
Federal Bureau of Investigation Publication Uniform Crime Reporting Handbook, 2004
U.S. Department of Education Publication Practical Information on Crisis Planning: A Guide for Schools and Communities, January 2007
U.S. Department of Homeland Security Publication Behavioral Threat Assessment and Management in Practice 2024
Website California Department of Education, School Safety Elements and Resources
Website California Department of Education, Language Services Policy and Process
Website Schoolsafety.gov
Website California Department of Education, Safe Schools Planning
Website California Military Department
Website California Department of Technology, Independent Security Assessment
Website U.S. Department of Homeland Security, Fusion Centers
Website California State Threat Assessment System
Website CSBA District and County Office of Education Legal Services
Website U.S. Secret Service, National Threat Assessment Center
Website Centers for Disease Control and Prevention
Website Federal Bureau of Investigation
Website National Center for Crisis Management
Website National School Safety Center
Website California Department of Education, Safe Schools
Website California Governor's Office of Emergency Services
Website California Healthy Kids Survey
Website U.S. Department of Education
Website CSBA
Cross References
Code Description
0400 Comprehensive Plans
0410 Nondiscrimination In District Programs And Activities
0420 School Plans/Site Councils
0420 School Plans/Site Councils
0460 Local Control And Accountability Plan
0460 Local Control And Accountability Plan
0500 Accountability
0510 School Accountability Report Card

0510 School Accountability Report Card
1100 Communication With The Public
1112 Media Relations
1113 District And School Websites
1113 District And School Websites
1113-E(1) District And School Websites
1220 Citizen Advisory Committees
1220 Citizen Advisory Committees
1312.3 Uniform Complaint Procedures
1312.3 Uniform Complaint Procedures
1313 Civility
1330 Use Of School Facilities
1330 Use Of School Facilities
1400 Relations Between Other Governmental Agencies And The Schools
2210 Administrative Discretion Regarding Board Policy
3511 Energy And Water Management
3511 Energy And Water Management
3513.3 Tobacco-Free Schools
3513.3 Tobacco-Free Schools
3514 Environmental Safety
3514.1 Hazardous Substances
3514.1 Hazardous Substances
3514.2 Integrated Pest Management
3515 Campus Security
3515 Campus Security
3515.2 Disruptions
3515.2 Disruptions
3515.31 School Resource Officers
3515.4 Recovery For Property Loss Or Damage
3515.4 Recovery For Property Loss Or Damage
3515.5 Sex Offender Notification
3515.5 Sex Offender Notification
3515.7 Firearms On School Grounds
3516 Emergencies And Disaster Preparedness Plan
3516 Emergencies And Disaster Preparedness Plan
3516.1 Fire Drills And Fires
3516.2 Bomb Threats
3516.3 Earthquake Emergency Procedure System
3516.5 Emergency Schedules
3530 Risk Management/Insurance
3530 Risk Management/Insurance
3543 Transportation Safety And Emergencies
4119.11 Sexual Harassment
4119.11 Sexual Harassment
4119.23 Unauthorized Release Of Confidential/Privileged Information
4131 Staff Development
4140 Bargaining Units
4141.6 Concerted Action/Work Stoppage
4141.6 Concerted Action/Work Stoppage
4157 Employee Safety
4157 Employee Safety
4158 Employee Security
4158 Employee Security
4219.11 Sexual Harassment
4219.11 Sexual Harassment
4219.23 Unauthorized Release Of Confidential/Privileged Information
4240 Bargaining Units

4241.6 Concerted Action/Work Stoppage
4241.6 Concerted Action/Work Stoppage
4257 Employee Safety
4257 Employee Safety
4258 Employee Security
4258 Employee Security
4319.11 Sexual Harassment
4319.11 Sexual Harassment
4319.21 Professional Standards
4319.21-E(1) Professional Standards
4319.23 Unauthorized Release Of Confidential/Privileged Information
4331 Staff Development
4340 Bargaining Units
4357 Employee Safety
4357 Employee Safety
4358 Employee Security
4358 Employee Security
5000 Concepts And Roles
5020 Parent Rights And Responsibilities
5020 Parent Rights And Responsibilities
5113 Absences And Excuses
5113 Absences And Excuses
5113.1 Chronic Absence And Truancy
5113.1 Chronic Absence And Truancy
5116.1 Intradistrict Open Enrollment
5116.1 Intradistrict Open Enrollment
5131 Conduct
5131.2 Bullying
5131.2 Bullying
5131.4 Student Disturbances
5131.4 Student Disturbances
5131.41 Use Of Seclusion And Restraint
5131.5 Vandalism And Graffiti
5131.6 Alcohol And Other Drugs
5131.6 Alcohol And Other Drugs
5131.62 Tobacco
5131.62 Tobacco
5131.7 Weapons And Dangerous Instruments
5131.7 Weapons And Dangerous Instruments
5131.8 Mobile Communication Devices
5132 Dress And Grooming
5137 Positive School Climate
5138 Conflict Resolution/Peer Mediation
5141.22 Infectious Diseases
5141.4 Child Abuse Prevention And Reporting
5141.4 Child Abuse Prevention And Reporting
5141.52 Suicide Prevention
5141.52 Suicide Prevention
5142 Safety
5142 Safety
5142.2 Safe Routes To School Program
5144 Discipline
5144 Discipline
5144.1 Suspension And Expulsion/Due Process
5144.1 Suspension And Expulsion/Due Process
5144.2 Suspension And Expulsion/Due Process (Students With Disabilities)
5145.12 Search And Seizure

5145.3 Nondiscrimination/Harassment
5145.3 Nondiscrimination/Harassment
5145.6 Parent/Guardian Notifications
5145.7 Sexual Harassment
5145.7 Sexual Harassment
5145.9 Hate-Motivated Behavior
6020 Parent Involvement
6020 Parent Involvement
6141.2 Recognition Of Religious Beliefs And Customs
6141.2 Recognition Of Religious Beliefs And Customs
6142.8 Comprehensive Health Education
6153 School-Sponsored Trips
6153 School-Sponsored Trips
6158 Independent Study
6158 Independent Study
6159 Individualized Education Program
6159 Individualized Education Program
6173.1 Education For Foster Youth
6173.1 Education For Foster Youth
7214 General Obligation Bonds
7214 General Obligation Bonds
9010 Public Statements
9320 Meetings And Notices
9321 Closed Session

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Regulation 0450: Comprehensive Safety Plan
Status: ADOPTED
Original Adopted Date: 02/13/2025 | Last Reviewed Date: 02/13/2025

Development and Review of Comprehensive School Safety Plan

The school site council shall consult with local law enforcement, the local fire department, and other first responders in the writing and development of the comprehensive school safety plan. When practical, the school site council shall also consult with other school site councils and safety planning committees. (Education Code 32281, 32282)

The school site council may delegate the responsibility for developing a comprehensive safety plan to a school safety planning committee composed of the following members: (Education Code 32281)

The principal or designee

One teacher who is a representative of the recognized certificated employee organization

One parent/guardian whose child attends the school

One classified employee who is a representative of the recognized classified employee organization

Other members, if desired

Before adopting the comprehensive safety plan, the school site council or school safety planning committee shall hold a public meeting at the school in order to allow members of the public the opportunity to express an opinion about the plan. (Education Code 32288)

The school site council or safety planning committee shall notify, in writing, the following persons and entities of the public meeting, if available: (Education Code 32288)

The local mayor

A representative of the local school employee organization

A representative of each parent/guardian organization at the school, including the parent teacher association and parent teacher clubs

A representative of each teacher organization at the school

A representative of the school's student body government

All persons who have indicated that they want to be notified

In addition, the school site council or safety planning committee may notify, in writing, the following entities of the public meeting: (Education Code 32288)

Representatives of local religious organizations

Local civic leaders

Local business organizations

After the first evaluation or review is conducted, and after each annual evaluation or review, a school employee, a student's parent/guardian or educational rights holder, or a student may bring concerns about an individual student's ability to access disaster safety procedures described in the comprehensive school safety plan to the principal. (Education Code 32282)

If the principal determines there is merit to a concern, the principal shall direct the school site council or school safety planning committee, to make appropriate modifications to the comprehensive school safety plan during the evaluation of the comprehensive safety plan. The principal may direct the school site council or the school safety planning committee to make such modifications before the evaluation, as appropriate. (Education Code 32282)

Content of the Comprehensive Safety Plan

Each comprehensive safety plan shall include an assessment of the current status of any crime committed on campus and at school-related functions. (Education Code 32282)

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

The plan shall identify appropriate strategies and programs that will provide or maintain a high level of school safety and address the school's procedures for complying with existing laws related to school safety, including all of the following: (Education Code 32282)

Child abuse reporting procedures consistent with Penal Code 11164-11174.3

Routine and emergency disaster procedures including, but not limited to:

Adaptations for students with disabilities in accordance with the Americans with Disabilities Act, the federal Individuals with Disabilities Education Act, and Section 504 of the federal Rehabilitation Act of 1973

An earthquake emergency procedure system in accordance with Education Code 32282

A procedure to allow public agencies, including the American Red Cross, to use school buildings, grounds, and equipment for mass care and welfare shelters during disasters or other emergencies affecting the public health and welfare

Policies pursuant to Education Code 48915(d) for students who commit an act listed in Education Code 48915(c) and other school-designated serious acts that would lead to suspension, expulsion, or mandatory expulsion recommendations

Procedures to notify teachers of dangerous students pursuant to Education Code 49079

A policy consistent with the prohibition against discrimination, harassment, intimidation, and bullying pursuant to Education Code 200-262.4

If the school has adopted a dress code prohibiting students from wearing "gang-related apparel" pursuant to Education Code 35183, the provisions of that dress code and the definition of "gang-related apparel"

Procedures for safe ingress and egress of students, parents/guardians, and employees to and from school

A safe and orderly school environment conducive to learning

The rules and procedures on school discipline adopted pursuant to Education Code 35291 and 35291.5

Procedures for conducting tactical responses to criminal incidents, including procedures related to individuals with guns on campus and at school-related functions

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.

For schools that serve students in any of grades 7-12, a protocol in the event a student is suffering or is reasonably believed to be suffering from an opioid overdose

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

Development of a positive school climate that promotes respect for diversity, personal and social responsibility, effective interpersonal and communication skills, self-esteem, anger management, and conflict resolution

Disciplinary policies and procedures that contain prevention strategies, such as strategies to prevent bullying, hazing, and cyberbullying, as well as behavioral expectations and consequences for violations

Strategies aimed at preventing potential incidents involving crime and violence on school campuses, including vandalism, drug and alcohol abuse, gang membership and violence, hate crimes, bullying, including bullying committed personally or by means of an electronic act, teen relationship violence, and discrimination and harassment, including sexual harassment

Curriculum that emphasizes prevention and alternatives to violence, such as multicultural education and literacy, character/values education, social and emotional learning, media analysis skills, conflict resolution, community service learning, and education related to the prevention of dating violence

Parent/guardian involvement strategies, including strategies to help ensure parent/guardian support and reinforcement of the school's rules and increase the number of adults on campus

Provision of safety materials and emergency communications in language(s) understandable to parents/guardians

Annual notification to parents/guardians related to the safe storage of firearms

Prevention and intervention strategies related to the sale or use of drugs and alcohol which shall reflect expectations for drug-free schools and support for recovering students

Collaborative relationships among the city, county, community agencies, local law enforcement, the judicial system, and the schools that lead to the development of a set of common goals and community strategies for violence prevention instruction

District policy prohibiting the possession of firearms and ammunition on school grounds

Measures to prevent or minimize the influence of gangs on campus

Procedures for receiving verification from law enforcement when a violent crime has occurred on school grounds and for promptly notifying parents/guardians and employees of that crime

Procedures for the early identification and threat assessment of, and appropriate response to, suspicious and/or threatening digital media content

Assessment of the school's physical environment, including a risk management analysis and development of ground security measures such as procedures for closing campuses to outsiders, installing surveillance systems, securing the campus perimeter, protecting buildings against vandalism, and providing for a law enforcement presence on campus

Independent security assessment of the school's network infrastructure and selected web applications to identify vulnerabilities and provide recommendations to improve cybersecurity

Guidelines for the roles and responsibilities of mental health professionals, athletic coaches, community intervention professionals, school counselors, school resource officers, and police officers on school campuses. Guidelines may include, but are not limited to, the following:

Strategies to create and maintain a positive school climate, promote school safety, and increase student achievement

Strategies to prioritize mental health and intervention services, restorative and transformative justice programs, and positive behavior interventions and support

Protocols to address the mental health care of students who have witnessed a violent act at any time, including, but not limited to, while on school grounds, while coming or going from school, during a lunch period whether on or off campus, or during or while going to or coming from a school-sponsored activity

Strategies for suicide prevention and intervention

District policy and/or plan related to pandemics

Procedures to implement when a person interferes with or disrupts a school activity, remains on campus after having been asked to leave, or creates a disruption with the intent to threaten the immediate physical safety of students or staff

Crisis prevention and intervention strategies, which may include the following:

Identification of possible crises that may occur, determination of necessary tasks that need to be addressed, and development of procedures relative to each crisis, including the involvement of law enforcement and other public safety agencies as appropriate

Threat assessment strategies to determine the credibility and seriousness of a threat and provide appropriate interventions for the potential offender(s)

Assignment of staff members responsible for each identified task and procedure

Development of an evacuation plan based on an assessment of buildings and grounds and opportunities for students and staff to practice the evacuation plan

Coordination of communication to schools, Board of Trustees members, parents/guardians, and the media

Communication with parents/guardians of reunification plans and the necessity of cooperating with first responders

Development of a method for the reporting of violent incidents

Development of follow-up procedures that may be required after a crisis has occurred, such as counseling

Training on assessment and reporting of potential threats, violence prevention, and intervention techniques. Such training shall include preparation to implement the elements of the comprehensive safety plan

Environmental safety strategies, including, but not limited to, procedures for preventing and mitigating exposure to toxic pesticides, lead, asbestos, vehicle emissions, and other hazardous substances and contaminants

Continuity of operations procedures to ensure that the district's essential functions are not disrupted during an emergency, to the extent possible

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Ed. Code 49079 Notification to teacher; student act constituting grounds for suspension or expulsion
Ed. Code 49390-49395 Homicide threats
Ed. Code 49414.35 Emergency treatment for opioid overdose
Ed. Code 49414.6 Student possession of opioid antagonist
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CSBA Publication Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014
CSBA Publication Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011
CSBA Publication Legal Guidance on Rights of Transgender and Gender Nonconforming Students in Schools, October 2022
Federal Bureau of Investigation Publication Uniform Crime Reporting Handbook, 2004

U.S. Department of Education Publication Practical Information on Crisis Planning: A Guide for Schools and Communities, January 2007
U.S. Department of Homeland Security Publication Behavioral Threat Assessment and Management in Practice 2024
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Website Schoolsafety.gov
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Website California Department of Technology, Independent Security Assessment
Website U.S. Department of Homeland Security, Fusion Centers
Website California State Threat Assessment System
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Website U.S. Department of Education
Website CSBA
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0420 School Plans/Site Councils
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0460 Local Control And Accountability Plan
0500 Accountability
0510 School Accountability Report Card
0510 School Accountability Report Card
1100 Communication With The Public
1112 Media Relations
1113 District And School Websites
1113 District And School Websites
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## Instructional Continuity Plan

Pending Enactment of Education Code 32282 on July 1, 2025

**Introduction and Purpose of the Instructional Continuity Plan (ICP)**

Information about the Instructional Continuity Plan (ICP) requirements, revision and adoption dates.

This Instructional Continuity Plan (ICP) was last revised on June 9, 2025 and adopted by Evergreen Elementary School District on June 26, 2025 to ensure all students have access to instruction during a natural disaster or emergency, as mandated by Senate Bill 153, Chapter 38, Statutes of 2024 (SB 153), which adds a provision to California Education Code (EC) Section 32282.

This ICP will be included in the LEA's Comprehensive School Safety Plan (CSSP) by July 1, 2025. Inclusion of this ICP in the CSSP will be required to obtain approval of a Form J-13A waiver request beginning in fiscal year 2026-27. This plan is intended to minimize disruptions to instruction and provide support for pupils' social-emotional, mental health, and academic needs.

The Instructional Continuity Plan was approved at a public meeting of the School Board on June 26, 2025.

**Engagement with Pupils and Families**

**Protocol for Engagement**

Protocol for engagement with pupils and their families.

As required, Evergreen Elementary School will engage with pupils and their families as soon as practicable, but **no later than five calendar days** following an emergency.

In the event of an emergency, Evergreen Elementary School District will implement a variety of communication methods at both the district and school-site levels to ensure timely and consistent communication with students and their families. ParentSquare, a well-established weekly communication platform, will serve as the primary tool for sharing updates and keeping families informed with the most current information. In addition, email and other digital platforms will be used to maintain open lines of communication.

**Methods of Two-Way Communication**

Methods for two-way engagement.

The protocol for engagement with pupils and their families is designed to establish two-way communication. Current existing methods include:

- Short messaging service (SMS)
- Phone Calls
- Email
- School Portal
- Social Media
- Flyers

All identified communication methods are available and will be utilized as appropriate during an emergency.

**Plans for Unforeseen Events**

Plans to address unforeseen events such as power outages and damage to infrastructure and how they may impact methods for two-way communication.

Evergreen Elementary School District is committed to maintaining open and effective communication with families, staff, and the broader community, particularly during emergency or disaster situations. In the event of such incidents, the district will activate all available communication channels to ensure timely and accurate information is shared. This includes two-way communication through platforms such as ParentSquare, email, and Google Classroom, enabling responsive dialogue between the district and families.

To stay informed about the latest developments related to wildfires, air quality, public safety power shut-offs, and extreme heat advisories, families, staff, and community members are encouraged to visit the Santa Clara County Office of Education (SCCOE)

Emergency Advisories Webpage at https://www.sccoe.org/resources/emergencyadvisory/Pages/default.aspx.

This site is regularly updated and offers direct access to critical information, including Cal Fire incident reports, weather forecasts, fire maps, road closures, evacuation warnings and orders, shelter locations, damage and loss assessments, firefighting personnel and equipment updates, emergency contact numbers, and live Cal Fire social media feeds.

For added convenience, a link to the SCCOE Emergency Advisories Webpage can also be found on the Parents section of the Evergreen School District website, https://www.eesd.org, by navigating to the Mental Health and Wellness page under Community Resources. This ensures that families have quick and easy access to vital emergency information when it matters most.

**Support for Special Needs**

Plans designed to identify and provide support for pupils' social-emotional, mental health, and academic needs.

Evergreen Elementary School District is committed to the mental health and emotional well-being of its students, families, and staff. Drawing on the lessons learned during the COVID-19 pandemic, the district has developed a comprehensive and proactive plan to ensure that every member of our school community is supported during times of crisis or prolonged emergency.

Recognizing the profound impact that emergencies can have on mental health, the district has established a multi-tiered system of support designed to respond to a wide range of social-emotional needs. This plan reflects Evergreen's deep commitment to fostering a safe, caring, and responsive educational environment under all circumstances.

Key Components of the District's Mental Health and Wellness Plan:

District Wellness Team
Evergreen School District has assembled a dedicated Wellness Team composed of school social workers, middle school counselors, a psychologist, and an IEP counselor. This team is responsible for providing a wide range of services, including:

Individual and group counseling

Academic and behavioral support

Counseling services as part of IEPs

Positive Behavior Interventions and Supports (PBIS)

Crisis intervention and de-escalation strategies

Attendance and re-engagement support

The Wellness Team has also developed a dedicated mental health and wellness webpage that provides students, families, and staff with accessible resources and information for navigating emotional and behavioral challenges.

Social-Emotional Learning (SEL) Integration
As part of a districtwide initiative, EESD has implemented the Second Step Social-Emotional Learning (SEL) program across all elementary and middle school grade levels. SEL instruction is embedded into the core curriculum and is designed to help students build skills in self-awareness, self-management, social awareness, relationship-building, and responsible decision-making. Access to this critical component of student development will continue to be prioritized and provided even in the event of a disaster or emergency.

Through these efforts, Evergreen Elementary School District ensures that students' mental health and emotional well-being remain at the forefront of educational planning. In any crisis, the district is fully prepared to implement these systems of care so that students, staff, and families know they are supported, valued, and not alone.

**Access to Instruction**

**Timeline for Access to Instruction**

Timeline for access to instruction.

As required, Evergreen Elementary School will provide access to in-person or remote instruction as soon as practicable, but **no more than 10 instructional days** following the emergency.

Evergreen Elementary School District students will return to in person learning or receive remote instruction no more than 10 instructional days following a disaster or emergency. Should conditions prevent a return to in person instruction, students will have access to grade level appropriate Emergency Learning Packets.

**Access to In-Person Instruction**

Conditions under which in-person instruction will resume and any alternative sites or arrangements.

As required, Evergreen Elementary School will provide access to in-person or remote instruction as soon as practicable, but **no more than 10 instructional days** following the emergency.

In-person instruction will resume as soon as it is deemed safe and appropriate to reopen schools following an emergency or disaster. In the event that conditions do not permit the immediate reopening of school facilities, students will be provided with Emergency Learning Packets and/or remote instruction through Google Classroom. These instructional alternatives will be implemented in accordance with the ten instructional day guideline to ensure continuity of learning.

**Remote Instruction**

Plans for remote instruction.

As required, Evergreen Elementary School remote instruction will align with EC sections 51747 and 51749.5, governing Independent Study instruction modalities. Remote instruction will be designed to meet instructional standards that are, at minimum, equivalent to those applicable in independent study programs.

In the event of a prolonged emergency or natural disaster, remote instruction will be provided for all affected students to ensure continuity of learning. Students are expected to return to in-person instruction as soon as conditions are deemed safe, based on guidance communicated through the district's established communication channels.

For students who are displaced or experiencing changes in their living situation that prevent an immediate return to in-person learning, short-term Independent Study will be offered as an alternative. Families opting for this option must complete the appropriate Elementary or Middle School Independent Study Master Agreement to formalize participation. Families needing this option are encouraged to contact their school principals for next steps.

**Access to Instructional Materials**

Methods for distributing digital and non-digital materials.

As required, remote instruction offered will align with expectations of access and equity.

To ensure equitable access to learning, students will be provided with online textbooks, digital learning platforms, and Google Classroom for the distribution and submission of assignments. If needed and when conditions allow for safe in-person distribution, printed instructional materials will also be made available through organized grab-and-go pickup events to support all students, including those with limited access to digital resources.

**Access to Schoolwork**

Platforms and processes for accessing and submitting schoolwork.

As required, remote instruction offered will align with expectations of access and equity.

Assignments will be posted and delivered through Google Classroom.

**Temporary Reassignment**

Procedures and agreements for temporary reassignment with neighboring LEAs.

Evergreen Elementary School provides support to pupils and families to enroll in or be temporarily reassigned to another site, school

district, county office of education, or charter school if an emergency or natural disaster disrupts in-person learning:

In the event of an emergency or disaster, families who have been displaced and require an alternative school placement are encouraged to contact the District's Director of Child Welfare and Attendance for guidance and support.

**Instructional Continuity**
**Communication Protocols**

Communication protocols for families, students, staff and faculty, including how information will be made available and with what frequency including methods and timelines.

In the event of an emergency, Evergreen Elementary School District will activate multiple communication channels at both the district and school-site levels to ensure students and their families receive timely and accurate information. ParentSquare will serve as the primary platform for delivering updates and important announcements. To support consistent engagement, the district will also utilize email and additional digital communication tools to keep families informed and connected throughout the duration of the emergency.

**Technological Readiness**

Technology readiness for educators and students to support a pivot from in-person to remote learning through independent study including early access to independent study program written agreements, online access to assignments and academic resources, assignment of devices, online instructional platform and access to internet and devices.

Information Services will provide equipment and technical support to staff and families during an emergency or natural disaster. Families requiring technological assistance may send an email to help@eesd.org.

In the event of a prolonged disaster or emergency, school sites will survey families to gauge their technology needs. Based on these surveys, Chromebooks, laptops, or other appropriate devices will be made available for distribution. Hotspots will be provided to families in need of internet connectivity. Families experiencing connectivity issues will be provided support via our Information Services help desk.

The steps for deploying devices and supporting students and families are as follows:
1. Survey families to gauge technology needs
2. Information Services prepare and configure devices to ensure they work with the latest programs needed for in person and remote learning
3. Provide families with an email address to contact Information Services for further assistance
4. Assist families as needed

Student Account Issues:
Students with account issues will be assisted to ensure they are able to sign into their Google classrooms.

In the event of an emergency or disaster, Evergreen Elementary School District's Information Services team is committed to ensuring that families receive timely, responsive, and accessible technology support. Recognizing the vital role that technology plays in maintaining communication and instructional continuity, the team provides assistance during school hours by email.

To meet the diverse needs of the district's community, support is available in English, Spanish, and Vietnamese, ensuring that language is never a barrier to accessing help. When necessary, virtual support sessions via Zoom or Google Meet can be scheduled, allowing staff to screen share and guide families step-by-step through any technical difficulties they may encounter.

The department's goal is to maintain seamless and approachable communication between families, schools, and the district's technology team. By offering personalized support and multiple avenues of assistance, Evergreen ensures that every family feels confident and connected, regardless of the circumstances.

**Instruction and Assessment**

Prioritization of essential learning, making standards-aligned learning objectives, methods for monitoring progress and additional support whenever possible, including tutoring, check-ins, virtual office hours or other methods.

Teachers will utilize Google Classroom and other approved online platforms to communicate with students and parents, post assignments, and share important classroom information. Tutoring, check-ins, and office hours may be provided through online meeting tools such as Google Meet whenever practicable.

Instruction will follow the adopted core curriculum in all content areas, aligned with the Common Core State Standards. All digital resources associated with the adopted curriculum are accessible to teachers to support online learning.

Assignments will be posted and submitted through Google Classroom or equivalent platforms, allowing students and parents to track progress and access assignments. Teachers will provide timely feedback and grading through these platforms.

**Access (Equity, Accessibility, and Inclusion)**

**Equity, Accessibility, and Inclusion**

How all students, including those with disabilities, those experiencing homelessness, foster youth, or English learner (EL) students will continue to have equal access to instructional resources.

In the event of a prolonged emergency or disaster, Evergreen School District will implement the following measures to ensure continued support for low-income, foster youth, homeless students, English Learners, and students with disabilities:

Student Outreach and Engagement
District social workers, site administrators, secretaries, and community liaisons will proactively contact and locate all students. Home visits will be conducted for students not attending class online.

Access to Basic Needs
The district will continue to distribute information regarding city and county resources related to emergency housing, rental assistance, food, and personal care.

Technology and Connectivity
Devices will be distributed through organized pickup events prior to the start of remote instruction if necessary. Additional updated devices will be provided to ensure all students and staff are equipped for remote learning. Internet connectivity will be supported through district-provided hotspots.

Essential Supplies
Hygiene kits, school supplies, and clothing may be provided to unduplicated students to ensure they are prepared and comfortable in their learning environment.

Coordination with County Agencies
District staff will maintain collaboration with the Santa Clara County Office of Education to access and share the most up-to-date support resources with families.

By meeting these essential needs, the district ensures that English Learners, students with disabilities, foster youth, and homeless students are equipped with the tools and stability necessary to access curriculum and fully engage in their learning—whether in person or through remote learning.

**Individualized Education Plans (IEP)**

How will IEPs continue to be provided and maintained.

Evergreen School District is committed to upholding the provisions outlined in each student's Individualized Education Program (IEP), even in the event of a prolonged emergency or transition to remote learning. Building on the successful strategies developed during the COVID-19 pandemic, the district will implement a comprehensive approach to ensure continuity of services and equitable access to education for all students receiving special education.

Each student in Special Education will be provided with a Remote Learning Plan/Emergency Plan, designed to address their individualized needs in a remote learning environment. The intent of this plan is to deliver services at a pace and format that supports each student's ability to engage meaningfully with instruction, while maintaining alignment with IEP goals.

Remote learning supports may include:

Instructional videos and recorded lessons

Access to online educational platforms and resources

Live virtual sessions with teachers and specialists

Consultation and collaboration with parents and caregivers

Instructional materials and resources provided via Google Classroom or other learning platforms

Instructional Aide support will be preserved during remote learning, and additional staffing or accommodations will be considered based on student needs and the duration of the emergency or disaster.

For preschool students, hands-on learning kits may be distributed to support engagement in fine and gross motor development activities. These materials are tailored to align with developmentally appropriate practices and IEP goals.

When appropriate, Adaptive Physical Education (APE) teachers and Occupational Therapists (OTs) will provide at-home resources and activities to ensure students continue to receive support comparable to that offered during in-person instruction. These supports will reflect the tools and interventions used in the classroom setting and will be customized to meet individual student needs.

Through these proactive measures, Evergreen School District ensures that students with disabilities receive consistent, high-quality educational experiences, regardless of the instructional setting, and remain connected to the services and supports essential to their success.

**English Leaners (EL)**

How will EL students continue to be supported in alignment with the California English Learner Roadmap Policy.

This plan outlines the instructional supports and resources that will be implemented to ensure English Learners (ELs) receive equitable access to high-quality language development instruction in alignment with state standards and district goals.

1. Instructional Support Structure

English Learners will receive both Integrated and Designated English Language Development (ELD) instruction daily.

Integrated ELD will be embedded across all content areas, ensuring language development occurs within the context of core instruction.

Designated ELD will be delivered during a specific time of the instructional day, tailored to students' English proficiency levels, focusing explicitly on language skills.

2. Differentiation by English Language Proficiency Level

Instruction will be differentiated based on each student's English Language Proficiency level, as determined by the English Language Proficiency Assessments for California (ELPAC) and ongoing formative assessments.

3. Instructional Resources and Tools

Teachers and support staff will utilize Ellevation, an online platform designed to support the needs of English Learners.

Ellevation provides educators with the ability to:

Customize instruction by language domain (listening, speaking, reading, writing)

Target content by grade level and instructional practice

Align instruction with specific ELPAC task types

Access a library of direct instruction activities tailored to language development

4. Staff Access and Training

All instructional staff responsible for supporting English Learners will have access to Ellevation and will receive ongoing training and support to ensure effective use of the platform in delivering targeted ELD instruction.

5. Emergency and Disaster Preparedness

This plan will be followed and appropriately adjusted in the event of an emergency, natural disaster, or school closure. Whether instruction occurs in person or through remote learning, Integrated and Designated ELD services will continue to be delivered consistently to support English Learners' academic and language development needs. Digital tools such as Ellevation will be leveraged to ensure continuity of instruction and communication.

6. Monitoring and Continuous Improvement

Student progress will be regularly monitored through benchmark assessments, formative classroom data, and ELPAC results. Instructional strategies will be adjusted as needed to address individual student needs and promote language proficiency growth.

The district is committed to providing high-quality, responsive instruction to English Learners through daily ELD support, evidence-based practices, and the strategic use of instructional tools such as Ellevation. This comprehensive approach ensures that English Learners are equipped with the language skills necessary for academic success and full participation in school life, regardless of instructional setting.

**Professional Learning**

Professional learning opportunities and resources utilized to if the need to pivot to remote instruction and assessment arises.

To ensure staff have access to timely, relevant, and high-quality professional learning, the district will provide a variety of professional development opportunities. These will include training on platforms such as Google Classroom, web-based instructional tools, and specialized online programs like the Bureau of Education and Research (BER) and Ellevation, which supports instruction for English Learners.

Professional development will be delivered through multiple formats, including:

Live virtual sessions via Zoom or Google Meet, led by contracted facilitators or trained district staff

On-demand learning modules and web-based resources accessible at staff convenience

Collaborative learning opportunities tailored to instructional needs and district goals

This multi-modal approach ensures that all educators are equipped with the tools and strategies necessary to support effective teaching and learning across all environments.

**Well-Being and Support Services**

How the LEA will provide access to physical and mental health professionals, including those who speak languages other than English.

Evergreen Elementary School District is committed to fostering academic excellence while simultaneously addressing the social and emotional well-being of its students. To support this holistic approach to student development, EESD provides access to a comprehensive network of support professionals, including school counselors, social workers, and psychologists. In addition, the district benefits from the contributions of social work interns who work collaboratively to assist students in navigating a wide range of challenges and opportunities throughout their educational journey.

In alignment with our ongoing commitment to the well-being of our students and their families, the EESD website, https://www.eesd.org, has a section dedicated to supporting mental health and overall wellness. This platform serves as a centralized hub for tools, information, and services aimed at promoting emotional resilience, mental health awareness, and holistic care within our school community.

The website features a wide range of important topics embedded within the district's broader digital presence, including community resources, self-care, mental health, trauma, crisis intervention, and justice. To ensure accessibility and relevance for all members of the school community, the portal offers tailored pathways for parents/caregivers, students, and educators—providing each group with targeted support and guidance to help navigate challenges and promote well-being.

To further enhance accessibility, the website includes a translation feature that allows individuals to view content in multiple languages. Information is available in Chinese, English, Hindi, Spanish, Telugu, and Vietnamese, ensuring that diverse members of our community can easily access the support and resources they need.

Plans to provide access back-up, water and medicines in the event of an emergency.

In the event of a prolonged power outage at schools, parents are responsible for replenishing any medication stored in health offices that requires refrigeration.

Plans to ensure continuity of other support services, including special education, counseling, after-school programs, and access to kitchens and food services, adapting these services to the online or hybrid environment when necessary.

Provisions for the continuity of learning, including supports for special education and other school programs, have been thoroughly addressed in designated sections of this plan.

In the event of ongoing emergency conditions, the district will continue to ensure access to nutritious meals through the implementation of Grab-and-Go food stations. These stations will operate using the same distribution methods successfully employed during the pandemic. Detailed information regarding the locations, schedules, and procedures for meal pickup will be communicated to families through the established communication channels outlined in this plan.

Additionally, families are encouraged to utilize available community services for food assistance. Resources can be accessed by visiting the Evergreen Elementary School District (EESD) website, specifically under the Mental Health and Wellness section, within the Community Resources – Food Assistance category.

Supplemental Resource – FoodFinder
FoodFinder is a nationwide directory of food pantries, designed to help individuals locate free food assistance programs within their local area. By entering a zip code, families can easily identify nearby food support services.
Website: foodfinder.us

**Site-Based Collaboration**

How administrators, faculty, information technology staff, students, and parents in the development and implementation of this ICP.

The Instructional Continuity Plan (ICP) builds upon the foundation of the Learning Continuity Plan (LCP) established during the COVID-19 pandemic. During the development of the LCP, the district formed the Teaching and Learning in Safe Environments Advisory Committee (TLSEAC) to guide planning and implementation. The LCP's structure and actions directly align with the goals and requirements of the ICP, making it a reliable model for responding to future emergencies or disasters.

The following steps, initially implemented during the LCP development, will be reactivated as needed in emergency situations:

Step 1: Assess Technology Needs

Each school site distributed surveys to families to assess access to devices and internet connectivity.

Survey results were used to identify and prioritize families in need of support.

Step 2: Deploy Technology Resources

Information Services prepared and configured devices to ensure compatibility with required educational software.

Devices and internet hotspots were distributed to families based on need.

Step 3: Provide Ongoing Technical Support

A dedicated email address, help@ees.org, was established to assist with technical issues.

Families received instructions on how to contact support and were assisted as needed by Information Services staff.

Step 4: Monitor Student Access and Engagement

School staff actively monitored student attendance and outreach was made to those not participating.

Families facing connectivity issues were supported and, when necessary, provided with additional hotspots.

These procedures proved effective during the pandemic and remain a core part of the district's readiness to ensure continuity of instruction in the event of future emergencies or disasters.

**Return to Site-Based Learning**

Conditions that must be met prior to returning from disruption including reopening sites.

Evergreen Elementary School District has proactively planned for a safe return to in-person instruction. The district closely monitors guidance from the Santa Clara County Office of Education (SCCOE), Bay Area Air Quality Management District (BAAQMD), and County Public Health to determine when school closures or reopenings are necessary.

While Evergreen believes students are safest under school supervision, the district will consider closures based on official health and safety recommendations—not solely on the actions of neighboring districts. Once public health agencies determine that conditions are safe, EESD will be fully prepared to reopen and welcome students and staff back to campus.

**Integration with Comprehensive School Safety Plan (CSSP)**

Integration of this Instructional Continuity Plan (ICP) into Evergreen Elementary School's Comprehensive School Safety Plan (CSSP).

This Instructional Continuity Plan (ICP) will be included as an integral component of Evergreen Elementary School's Comprehensive School Safety Plan (CSSP) by July 1, 2025, as required by SB 153. The information in this ICP will be considered in relation to other aspects of the existing safety plan. A locally-adopted CSSP must include this ICP to obtain approval of a Form J-13A waiver request beginning in fiscal year 2026-27.

The Instructional Continuity Plan (ICP), embedded within the Comprehensive Safe School Plan (CSSP), will be reviewed annually at the site level as part of the CSSP development and approval process by the School Site Council. Following site-level approval, the CSSP—including the ICP—will undergo district-level review and receive annual approval by the Board of Education.

**Review and Updates of this Instructional Continuity Plan (ICP)**

Frequency of review and update of this ICP.

This Instructional Continuity Plan will be reviewed and updated in collaboration with Educational Partners, considering feedback and lessons learned on the following basis:

The Instructional Continuity Plan (ICP) shall be reviewed annually at both the site and district levels. Site-level review will be conducted by the School Site Council, while district-level review will be carried out by designated district staff.

## Cardiac Arrest

Health Care and Emergencies

The Board of Trustees recognizes the importance of taking appropriate action whenever an emergency threatens the safety, health, or welfare of a student at school or during school-sponsored activities.

The Superintendent or designee shall develop procedures to ensure that first aid and/or medical attention is provided as quickly as possible when accidents and injuries to students occur and that parents/guardians are notified as appropriate.

The Superintendent or designee shall ask parents/guardians to provide emergency contact information in order to facilitate communication in the event of an accident or illness.

District staff shall appropriately report and document student accidents.

Automated External Defibrillators

The Board authorizes the Superintendent or designee to place automated external defibrillators (AEDs) at designated school sites for use by school employees in an emergency.

The Superintendent or designee shall develop guidelines for employees regarding these devices and shall ensure that employees receive information that describes sudden cardiac arrest, the school's emergency response plan, and the proper use of an AED. The guidelines shall also specify the placement, security, and maintenance of the AED.

The authorization of AEDs in district schools shall not be deemed to create a guarantee that an AED will be present or will be used in the case of an emergency, or that a trained employee will be present and/or able to use an AED in an emergency, or that the AED will operate properly.

Emergency Contact Information

In order to facilitate contact in case of an emergency or accident, the principal or designee shall annually request that parents/guardians provide the following information:

Home address and telephone number

Parent/guardian's business address and telephone number

Parent/guardian's cell phone number and email address, if applicable

Name, address, and telephone number of an alternative contact person to whom the student may be released and who is authorized by the parent/guardian to care for the student in cases of emergency or when the parent/guardian cannot be reached

Local physician to call in case of emergency

In addition, parents/guardians shall be encouraged to notify the school whenever their emergency contact information changes.

Notification/Consent for Medical Treatment

Whenever a student requires emergency or urgent medical treatment while at school or a school-sponsored activity, the principal or designee shall contact the parent/guardian or other person identified on the emergency contact form in order to obtain consent for the medical treatment.

If the student's parent/guardian or other contact person cannot be reached to provide consent, the principal may seek reasonable medical treatment for the student as needed, unless the parent/guardian has previously filed with the district a written objection to any medical treatment other than first aid.

A person who has filed with the district a completed caregiver's authorization affidavit pursuant to Family Code 6550-6552 shall have the right to consent to or refuse school-related medical care on behalf of the minor student. The caregiver's authorization shall be invalid if the district receives notice that the minor student is no longer living with the caregiver or if the Superintendent or designee has actual knowledge of facts contrary to those stated on the affidavit. (Family Code 6550)

The caregiver's consent to medical care shall be superseded by any contravening decision of the parent or other person having legal custody of the student, provided that this contravening decision does not jeopardize the student's life, health, or safety. (Family Code 6550)

Automated External Defibrillators

When an automated external defibrillator (AED) is placed in a district school, the Superintendent or designee shall notify an agent of the local emergency medical services agency of the existence, location, and type of AED acquired. (Health and Safety Code 1797.196, 1797.200)

The Superintendent or designee shall ensure that any AED placed at a district school is maintained and tested according to the operation and maintenance guidelines set forth by the manufacturer. (Health and Safety Code 1797.196)

The Superintendent or designee shall develop a written plan which describes the procedures to be followed in the event of a medical emergency, including an emergency that may involve the use of an AED. These procedures should include, but not be limited to, requirements for immediate notification of the 911 emergency telephone number in the event of an emergency that may involve the use of an AED.

The principal of any district school with an AED shall annually provide information to school employees that describes: (Health and Safety Code 1797.196)

Sudden cardiac arrest

The school's emergency response plan

The proper use of an AED

Instructions on how to use the AED, in no less than 14-point type, shall be posted next to every AED. In addition, school employees shall be notified annually of the location of all AED units on campus. (Health and Safety Code 1797.196)

Each AED shall be checked for readiness at least biannually and after each use. In addition, the Superintendent or designee shall ensure that an inspection is made of all AEDs at least every 90 days for potential issues related to operability of the device, including a blinking light or other obvious defect that may suggest tampering or that another problem has arisen with the functionality of the AED. The Superintendent or designee shall maintain records of these checks. (Health and Safety Code 1797.196)

Original Adopted Date: 02/13/2025

Policy Reference Disclaimer:

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

State Description
8 CCR 5193 Bloodborne pathogens
Civ. Code 1714.21 Defibrillators; CPR; immunity from civil liability
Ed. Code 32040-32044 First aid equipment: field trips
Ed. Code 49300-49307 School safety patrols
Ed. Code 49407 Liability for treatment
Ed. Code 49408 Student emergency information
Ed. Code 49409 Athletic events; physicians and surgeons; emergency medical care; immunity
Ed. Code 49417 Automated external defibrillators
Ed. Code 49429.5 County office of education coordination of agreements between districts and charter schools; rapid deployment of qualified mental health professionals and other key school personnel
Ed. Code 49470 Medical and hospital services for athletic program
Ed. Code 49471 Medical and hospital services not provided or available
Ed. Code 49472 Medical and hospital services for students
Ed. Code 49474 Ambulance services
Ed. Code 51202 Instruction in personal and public health and safety
Fam. Code 6550-6552 Caregivers
H&S Code 1797.196 Automated external defibrillators; immunity from civil liability
H&S Code 1797.200 Emergency medical services agency
H&S Code 1799.102 Personal liability immunity
H&S Code 19305-19310 Trauma kits

Management Resources Description
Website CSBA District and County Office of Education Legal Services
Website American Heart Association
Website American Red Cross
Website California Department of Health Care Services

Cross References
Code Description
3516 Emergencies And Disaster Preparedness Plan
3516 Emergencies And Disaster Preparedness Plan
3530 Risk Management/Insurance
3530 Risk Management/Insurance
3580 District Records
3580 District Records
4119.43 Universal Precautions
4119.43 Universal Precautions
4158 Employee Security
4158 Employee Security
4219.43 Universal Precautions
4219.43 Universal Precautions
4258 Employee Security
4258 Employee Security
4319.43 Universal Precautions
4319.43 Universal Precautions
4358 Employee Security
4358 Employee Security
5021 Noncustodial Parents
5030 Student Wellness

5111.1 District Residency
5111.1 District Residency
5131.6 Alcohol And Other Drugs
5131.6 Alcohol And Other Drugs
5141.21 Administering Medication And Monitoring Health Conditions
5141.21 Administering Medication And Monitoring Health Conditions
5141.22 Infectious Diseases
5141.27 Food Allergies/Special Dietary Needs
5141.27 Food Allergies/Special Dietary Needs
5141.52 Suicide Prevention
5141.52 Suicide Prevention
5141.6 School Health Services
5141.6 School Health Services
5142 Safety
5142 Safety
5145.13 Response To Immigration Enforcement
5145.13 Response To Immigration Enforcement
6142.8 Comprehensive Health Education
6145.2 Athletic Competition
6145.2 Athletic Competition
6159.3 Appointment Of Surrogate Parent For Special Education Students
6159.3 Appointment Of Surrogate Parent For Special Education Students
6163.2 Animals At School
6163.2 Animals At School

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Athletic Competition

The Board of Trustees recognizes that the district's athletic program constitutes an integral component of the educational program and helps to build a positive school climate. The athletic program also promotes the physical, social, and emotional well-being and character development of participating students. The district's athletic program shall be designed to meet students' interests and abilities and shall be varied in scope to attract wide participation.

All athletic teams shall be supervised by qualified coaches to ensure that student athletes receive appropriate instruction and guidance related to safety, health, sports skills, and sportsmanship. Athletic events shall be officiated by qualified personnel.

Nondiscrimination and Equivalent Opportunities in the Athletic Program

The district's athletic program shall be free from discrimination and discriminatory practices prohibited by state and federal law, including, but not limited to, the use of any racially derogatory or discriminatory school or athletic team name, mascot, or nickname. The Superintendent or designee shall ensure that equivalent athletic opportunities are provided for males and females, and that students are permitted to participate in athletic activities consistent with their gender identity.

Any complaint alleging discrimination in the district's athletic program shall be filed in accordance with the district's uniform complaint procedures.

Student Eligibility

Students shall not be charged a fee to participate in an athletic program, including, but not limited to, a fee to cover the cost of uniforms, locks, lockers, or athletic equipment.

Sportsmanship

The Board values the quality and integrity of the athletic program and the character development of student athletes. Student athletes, coaches, parents/guardians, spectators, and others are expected to demonstrate good sportsmanship, ethical conduct, and fair play during all athletic competitions. They shall also abide by the core principles of trustworthiness, respect, responsibility, fairness, caring, and good citizenship.

Students and staff shall be subject to disciplinary action for improper conduct.

Health and Safety

The Board desires to give student health and safety the highest consideration in planning and conducting athletic activities.

Students shall have a medical clearance before participating in interscholastic athletic programs. Care shall be taken to ensure that all athletic trainings and competitions are conducted in a manner that will not overtax the physical capabilities of the participants. When appropriate, protective equipment shall be used to prevent or minimize injuries.

Coaches and appropriate district employees shall take every possible precaution to ensure that athletic equipment is kept in safe and serviceable condition. The Superintendent or designee shall ensure that all athletic equipment is cleaned and inspected for safety before the beginning of each school year.

The Superintendent or designee shall develop a written emergency action plan that describes the location of automated external defibrillator(s) and procedures to be followed in the event of sudden cardiac arrest or other medical emergency related to the athletic program's activities or events. The plan shall be posted in accordance with guidelines of the National Federation of State High School Associations. (Education Code 35179.4)

In the event of a serious injury or a perceived imminent risk to a student's health during or immediately after an athletic activity, the coach or any other district employee who is present shall remove the student athlete from the activity, observe universal precautions in handling blood or other bodily fluid, and/or seek medical treatment for the student as appropriate.

Whenever a serious injury or illness is suffered by a student athlete, the Superintendent or designee shall notify the student's parent/guardian of the date, time, and extent of any injury or illness suffered by the student and any actions taken to treat the student.

Nondiscrimination and Equivalent Opportunities in the Athletic Program

No student shall be excluded from participation in, be denied the benefits of, be denied equivalent opportunity in, or otherwise be discriminated against in interscholastic, intramural, or club athletics on the basis of any actual or perceived characteristic specified in law and BP 0410 - Nondiscrimination in District Programs and Activities. (Education Code 220, 221.5, 230 5 CCR 4920, 34 CFR 106.41)

The Superintendent or designee may provide single-sex teams when selection for the teams is based on competitive skills. (5 CCR 4921; 34 CFR 106.41)

Each student shall be allowed to participate in any single-sex athletic program or activity consistent with the student's gender identity, irrespective of the gender listed on the student's records, for which the student is otherwise eligible to participate. (Education Code 221.5)

When a school provides only one team in a particular sport for members of one sex, but provides no team in the same sport for members of the other sex, and athletic opportunities in the total program for that sex have been previously limited, members of the excluded sex shall be allowed to try out and compete with the team. The same standards for eligibility shall be applied to every student trying out for the team, regardless of sex, sexual orientation, gender, gender identity, gender expression, or other protected group status. (5 CCR 4921; 34 CFR 106.41)

The Superintendent or designee shall ensure that equivalent opportunities are available to both sexes in athletic programs by considering, among other factors: (5 CCR 4922; 34 CFR 106.41)

Whether the offered selection of sports and levels of competition effectively accommodate the interests and abilities of both sexes

The athletic program may be found to effectively accommodate the interests and abilities of both sexes using any one of the following tests: (Education Code 230)

Whether the interscholastic-level participation opportunities for male and female students are provided in numbers substantially proportionate to their respective enrollments

Where the members of one sex have been and are underrepresented among interscholastic athletes, whether the district can show a history and a continuing practice of program expansion that is demonstrably responsive to the developing interests and abilities of the members of that sex

Where the members of one sex are underrepresented among interscholastic athletes and the district cannot show a history and continuing practice of program expansion as required in item #1b above, whether the district can demonstrate that the interests and abilities of the members of that sex have been fully and effectively accommodated by the present program

The provision and maintenance of equipment and supplies

Scheduling of games and practice times, selection of the season for a sport, and location of the games and practices

Travel and per diem allowances

Opportunities to receive coaching and academic tutoring

Assignment and compensation of coaches and tutors

Provision of locker rooms, practice facilities, and competitive facilities

Provision of medical and training facilities and services

Provision of housing and dining facilities and services

Publicity

Provision of necessary funds

Each school that offers competitive athletics shall, at the end of the school year, post on its school web site, or on the district web site if the school does not have a web site, the following information: (Education Code 221.9)

The total enrollment of the school, classified by gender

The number of students enrolled at the school who participate in competitive athletics, classified by gender

The number of boys' and girls' teams, classified by sport and by competition level

The data reported for items #1-3 above shall reflect the total number of players on a team roster on the official first day of competition. The materials used to compile this information shall be retained by the school for at least three years after the information is posted on the web site. (Education Code 221.9)

Concussions and Head Injuries

The Superintendent or designee shall annually distribute to student athletes and their parents/guardians an information sheet on concussions and head injuries. The student and parent/guardian shall sign and return the information sheet before the student initiates practice or competition. (Education Code 49475)

The Superintendent or designee shall provide training to coaches and/or athletic trainers regarding concussion symptoms, prevention, and appropriate response. (Education Code 35179.1, 49032)

If a student athlete is suspected of sustaining a concussion or head injury in an athletic activity, the student shall be immediately removed from the activity for the remainder of the day. The student shall not be permitted to return to the activity until the student is evaluated by a licensed health care provider trained in the management of concussions and receives the health care provider's written clearance to return to the activity. If the health care provider determines that the student sustained a concussion or a head injury, the student shall also complete a graduated return-to-play protocol of no less than seven days in duration under the supervision of a licensed health care provider. (Education Code 49475)

Heat Illness

The Superintendent or designee shall provide training to coaches and/or athletic trainers regarding the signs and symptoms of, and the appropriate response to, heat illness, including heat cramps, heat syncope, heat exhaustion, and exertional heat stroke. (Education Code 35179.1, 49032)

To assist in the prevention of heat illness, coaches and/or athletic trainers shall gradually increase the intensity and duration of exercise to acclimate student athletes to practice in the heat, provide adequate rest breaks, make water available during all athletic activities, and alter practice plans in extreme environmental conditions.

Sudden Cardiac Arrest

The Superintendent or designee shall distribute the California Interscholastic Federation (CIF) information sheet on sudden cardiac arrest to all student athletes who will be participating in a CIF-governed athletic activity and to their parents/guardians. The student and parent/guardian shall sign and return the information sheet prior to the student's participation in the athletic activity. If an athletic activity is not covered by CIF, the student and parent/guardian shall, prior to the student's participation in the athletic activity, sign and return an acknowledgement that they have received and reviewed the sudden cardiac arrest information posted on the California Department of Education's web site. (Education Code 33479.2, 33479.3)

The Superintendent or designee shall provide training to coaches and/or athletic trainers regarding the nature and warning signs of sudden cardiac arrest. (Education Code 33479.6, 33479.7, 35179.1, 49032)

If a student athlete passes out or faints, or is known to have passed out or fainted, while participating in or immediately following participation in an athletic activity, the student shall be removed from participation at that time. If a student exhibits any other symptoms of sudden cardiac arrest, including seizures during exercise, unexplained shortness of

breath, chest pains, dizziness, racing heart rate, or extreme fatigue, the student may be removed from participation by a coach or other employee who observes these symptoms. If any such symptoms are observed, notification shall be given to the student's parent/guardian so that the parent/guardian can determine the treatment, if any, the student should seek. A student who has been removed from participation shall not be permitted to return until the student is evaluated and given written clearance to return to participation by a health care provider. (Education Code 33479.2, 33479.5)

Automated External Defibrillators

The Superintendent or designee shall acquire at least one automated external defibrillator (AED) for each district school and shall make the AED(s) available to coaches, athletic trainers, and/or other authorized persons at athletic activities or events for the purpose of providing emergency care or treatment to students, spectators, and other individuals in attendance at athletic activities and events. (Education Code 35179.6)

The district shall comply with all requirements of Health and Safety Code 1797.196 pertaining to any AED acquired by the district, including, but not limited to, regular maintenance and testing of the AED and the provision and posting of information regarding the proper use of the AED. (Education Code 35179.6; Health and Safety Code 1797.196)

Additional Notifications

Before students participate in practice or competition as part of interscholastic athletic activities, the Superintendent or designee shall, in addition to providing the students and their parents/guardians with the notices described above, send a notice to the students and their parents/guardians which:

Contains information about the procedures for filing a discrimination complaint that arises out of an interscholastic athletic activity, including the name of the district's Title IX Coordinator

Includes a copy of students' Title IX rights pursuant to Education Code 221.8

Explains that there is an element of risk associated with all athletic competitions and that the district cannot guarantee that students will not be injured, despite a commitment to every participant's health and welfare

Provides information about insurance protection pursuant to Education Code 32221.5

Requests parental permission for the student to participate in the program and, if appropriate, to be transported by the district to and from competitions

States the district's expectation that students adhere strictly to all safety rules, regulations, and instructions, as well as rules and guidelines related to conduct and sportsmanship

Includes a copy of the local CIF league rules

Includes information about the CIF bylaw and district policy requiring any student athlete and the student's parent/guardian to sign a statement that the student will not use steroids, unless prescribed by a licensed health care practitioner, and will not use prohibited dietary supplements that include substances banned by the U.S. Anti-Doping Agency

Includes the opioid fact sheet published by the Centers for Disease Control and Prevention in accordance with Education Code 49476. The district shall provide this fact sheet annually to each student athlete and shall require the student and the student's parent/guardian to sign a document acknowledging receipt of the fact sheet.

Original Adopted Date: 02/13/2025

Cross References

Code Description
0410 Nondiscrimination In District Programs And Activities
0500 Accountability
1113 District And School Websites
1113 District And School Websites
1113-E(1) District And School Websites
1230 School-Connected Organizations
1230 School-Connected Organizations
1312.3 Uniform Complaint Procedures
1312.3 Uniform Complaint Procedures
1321 Solicitation Of Funds From And By Students
1321 Solicitation Of Funds From And By Students
1325 Advertising And Promotion
1700 Relations Between Private Industry And The Schools
3260 Fees And Charges
3260 Fees And Charges
3452 Student Activity Funds
3513.4 Drug And Alcohol Free Schools
3514 Environmental Safety
3515.2 Disruptions
3515.2 Disruptions
3530 Risk Management/Insurance
3530 Risk Management/Insurance
3541.1 Transportation For School-Related Trips
3580 District Records
3580 District Records
4118 Dismissal/Suspension/Disciplinary Action
4118 Dismissal/Suspension/Disciplinary Action
4119.42 Exposure Control Plan For Bloodborne Pathogens
4119.43 Universal Precautions
4119.43 Universal Precautions
4218 Dismissal/Suspension/Disciplinary Action
4218 Dismissal/Suspension/Disciplinary Action
4219.42 Exposure Control Plan For Bloodborne Pathogens
4219.43 Universal Precautions
4219.43 Universal Precautions
4319.42 Exposure Control Plan For Bloodborne Pathogens
4319.43 Universal Precautions
4319.43 Universal Precautions
5030 Student Wellness
5111.1 District Residency
5111.1 District Residency
5121 Grades/Evaluation Of Student Achievement
5121 Grades/Evaluation Of Student Achievement
5125 Student Records
5125 Student Records
5131 Conduct
5131.1 Bus Conduct
5131.1 Bus Conduct
5131.4 Student Disturbances
5131.4 Student Disturbances

5137 Positive School Climate
5141 Health Care And Emergencies
5141 Health Care And Emergencies
5141.21 Administering Medication And Monitoring Health Conditions
5141.21 Administering Medication And Monitoring Health Conditions
5141.22 Infectious Diseases
5141.3 Health Examinations
5141.3 Health Examinations
5141.4 Child Abuse Prevention And Reporting
5141.4 Child Abuse Prevention And Reporting
5141.52 Suicide Prevention
5141.52 Suicide Prevention
5141.6 School Health Services
5141.6 School Health Services
5142 Safety
5142 Safety
5144 Discipline
5144 Discipline
5144.1 Suspension And Expulsion/Due Process
5144.1 Suspension And Expulsion/Due Process
5144.2 Suspension And Expulsion/Due Process (Students With Disabilities)
5145.3 Nondiscrimination/Harassment
5145.3 Nondiscrimination/Harassment
5145.6 Parent/Guardian Notifications
5145.7 Sexual Harassment
5145.7 Sexual Harassment
6142.7 Physical Education And Activity
6142.7 Physical Education And Activity
6142.8 Comprehensive Health Education
6145 Extracurricular And Cocurricular Activities
6145 Extracurricular And Cocurricular Activities
6153 School-Sponsored Trips
6153 School-Sponsored Trips
6164.6 Identification And Education Under Section 504
6164.6 Identification And Education Under Section 504
6173 Education For Homeless Children
6173 Education For Homeless Children
6173.1 Education For Foster Youth
6173.1 Education For Foster Youth
7110 Facilities Master Plan

## Procedures for Immigration Enforcement Notification

### Confirmation Protocol

Detail the specific process and designated staff member (e.g., principal, superintendent) responsible for confirming the presence of immigration enforcement on the schoolsite, which triggers the notification requirement.

If an Immigration Enforcement Officer comes to a school, the principal should immediately notify via phone the designated local educational agency administrator, the Executive Assistant to the Superintendent. The principal and the LEA administrator will confirm their immigration enforcement presence. Once the presence of immigration enforcement is confirmed, the designated administrator must follow established procedures to ensure all legal and policy requirements are met, including notifying district leadership and protecting the rights and privacy of students and families. The principal, under the direction of the designated administrator will:

- Verify the credentials of immigration enforcement
- Identify the reason for the immigration enforcement's presence on campus
- Request and make copies of documentation related to school access
- Document all communication with immigration enforcement and provide a copy of all documentation to the local educational agency's legal counsel, Superintendent, or other designated administrator.

Utilizing the information provided by immigration enforcement, the principal, under the direction of the designated administrator, and/or the designated administrator, will notify impacted educational partners (i.e. parent/guardians, school staff) of the immigration enforcement on campus. Notifications will also be sent to the Bureau of Children's Justice in the California Department of Justice, at BCJ@ doj.ca.gov, regarding any attempt by a law-enforcement officer to access a school site or a student for immigration-enforcement purposes.

### Required Notification Recipients

The procedures must ensure notification is issued to the following groups:

- Parents and guardians of pupils
- Teachers
- Administrators
- School personnel

Notify parents or guardians as soon as possible (unless prevented by a judicial warrant or subpoena), and do so before an officer questions or removes a student for immigration- enforcement purposes (unless a judicial warrant has been presented). Communications will be issued through the following methods for each group:

1. School personnel via email and/or text
2. Administrators via email and/or text
3. Teachers via email and/or text
4. Parents and guardians of pupils via Parent Square email and/or text, depending on whether the warrant or subpoena is for a specific student
5. School Community via Parent Square may also be sent out to the community after steps 1-4
6. Email the Bureau of Children's Justice in the California Department of Justice, at BCJ@doj.ca.gov, regarding any attempt by a law-enforcement officer to access a school site or a student for immigration-enforcement purposes.

### Notification Timing

Specify the timeline for issuing notification following confirmation, ensuring it aligns with safety goals and minimizes panic.

Notification will take place within thirty minutes of confirmation of immigration enforcement at the school site.

**Safety and Well-being Standard**

The content and timing of the notification shall consider the safety and well-being of the pupils, employees, and community members of the schoolsite.

District staff are reminded that they must immediately notify the Superintendent's Office if they receive any request from an immigration enforcement official regarding any student or access to a school site, classroom, or program. This allows the District to verify that the officer is properly authorized and to seek legal advice or intervention as needed to protect student and parent information. If a student is identified or detained by enforcement authorities, the District will notify the student's parents or guardians as soon as possible to ensure their safety and well-being are prioritized at all times.

**Privacy Constraint**

The notification shall not include any personally identifiable information.

Federal and state law protect the privacy of student records and District school staff do not share that information unless required by state law or pursuant to a court order or warrant. Our District policy specifically states that our staff does not solicit or collect information regarding citizenship or immigration status of students and their families, unless it is required by law.

**Notification Methods**

Specify the secure methods used for two-way communication to reach the required recipients, such as mass communication systems, email, or school portals, and detail how these methods are maintained.

A phone call is the first step in the communication process to ensure immediate contact and confirmation of receipt. This may be followed by an email or ParentSquare message to provide written documentation and additional details as appropriate.

**Resource Provision (Optional but Encouraged)**

The notification may include a hyperlink to additional resources for families regarding:

- Educational rights
- State laws that protect parents' and students' privacy and confidentiality
- Counseling or support services (including services that support families impacted by immigration enforcement and model policies adopted by the LEA).

The following Resources are listed for families under Immigration Resources on the District Website (www.EESD.org/find-resources/immigraion-resources): Resources
-Immigrant Legal Resource Center: Family Preparedness Plan
-Guide for Students and Families
-Quick Reference for School Officials
-Safe Schools & Resources for Immigrant Students
-County of Santa Clara Division of Equity and Social Justice

On Jan. 23, 2025, the Evergreen Board of Trustees approved the Resolution to Affirm Support for Equal Access to Education for All Children and Families Regardless of Immigration Status. The resolution can be found under the board meeting agenda for January 23, 2025 board meeting agenda at www.boarddocs.com.

**Annual Evaluation**

This plan will be evaluated and amended, as needed, by the school safety planning committee, but shall be evaluated at least once a year.

All schools must update and adopt their Comprehensive School Safety Plan (CSSP) by March 1st each year. Schools are also required to submit their updated plans to their local school district or county office of education for approval and must ensure the plans include procedures for emergencies, safety drills, and crisis response.

**Public Availability**

An updated file of all safety-related plans and materials shall be readily available for inspection by the public.

An updated file of all safety-related plans and materials (with sensitive tactical response information redacted) shall be readily available for inspection by the public, if requested.
Safety plans may be posted online at www.eesd.org or be made available for viewing at the school site administration office. EC Section 32282(d).

**State Guidance**

Compliance with this plan should align with the checklist for developing a comprehensive school safety plan, which the Department of Education is required to maintain and conspicuously post on its internet website

The CA Department of Education posts a Compliance Tool for School Safety Plans online that outlines requirements and recommendations. The Compliance Tool for School Safety Plans is on the CDE Safe Schools Planning web page: https://www.cde.ca.gov/ls/ss/vp/cssp.asp

## Procedures Regarding Pupil Smartphone Use During Emergencies

NOTES ABOUT THIS SECTION

The inclusion of this section in the Comprehensive School Safety Plan (CSSP) is required by Assembly Bill 962 (AB 962) if the school intends to maintain the authority to prohibit or limit a pupil's use of a smartphone during an emergency or perceived threat of danger. If these circumstances are not explicitly addressed here, pupils retain the right to use their smartphones during such events.

The governing board of the school district, county board of education, or charter school must develop and adopt a policy to limit or prohibit pupil smartphone use no later than July 1, 2026, and update it every five years. The policy's goal must be to promote evidence-based use of smartphone practices to support pupil learning and well-being, and its development must involve significant stakeholder participation (pupils, parents, and educators)

**Mandatory Policy Adoption and Review Requirements**

The date the policy was adopted/last updated, a summary of the policy's goal, and documentation of stakeholder involvement.

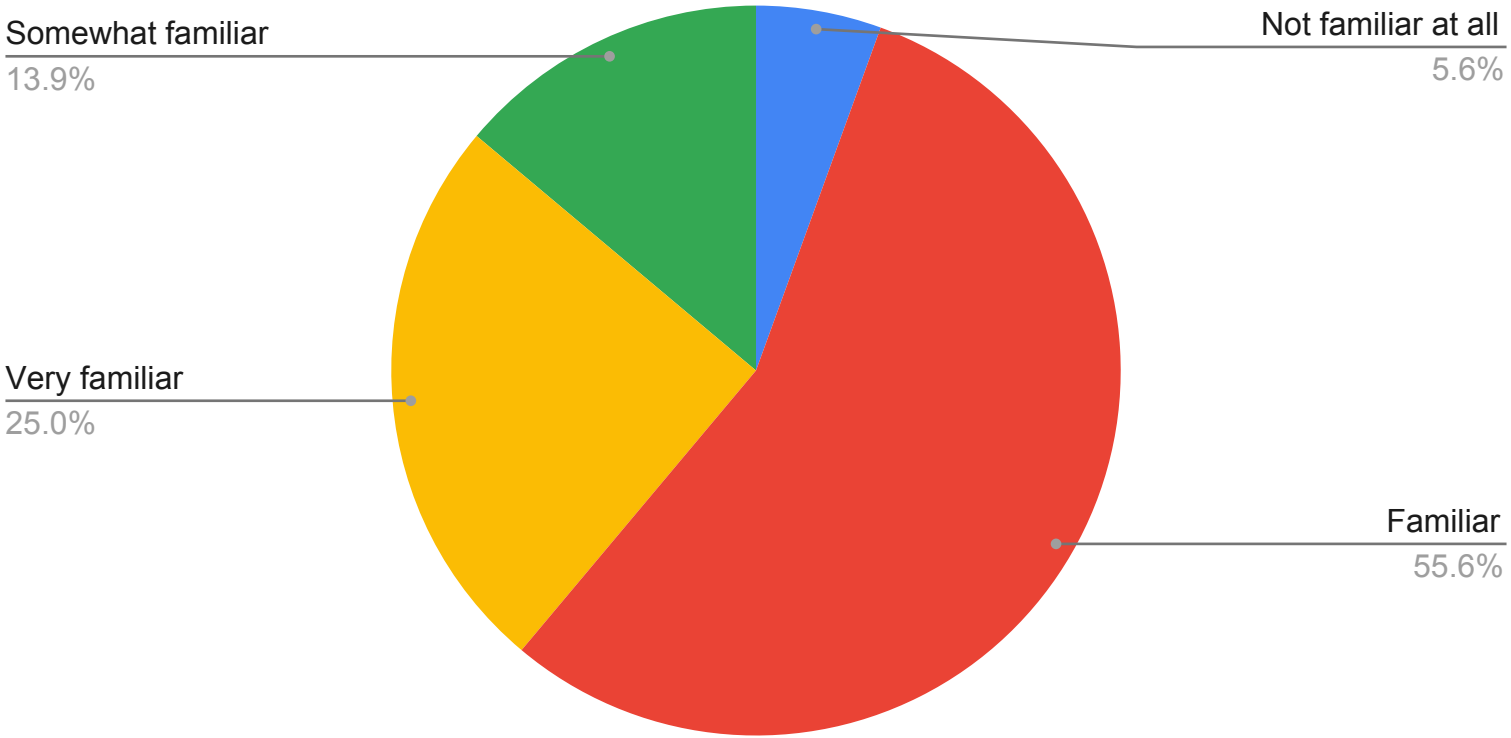
**Non-Prohibitable Circumstances for Pupil Smartphone Use**

Confirm procedures for recognizing and respecting these exceptions:

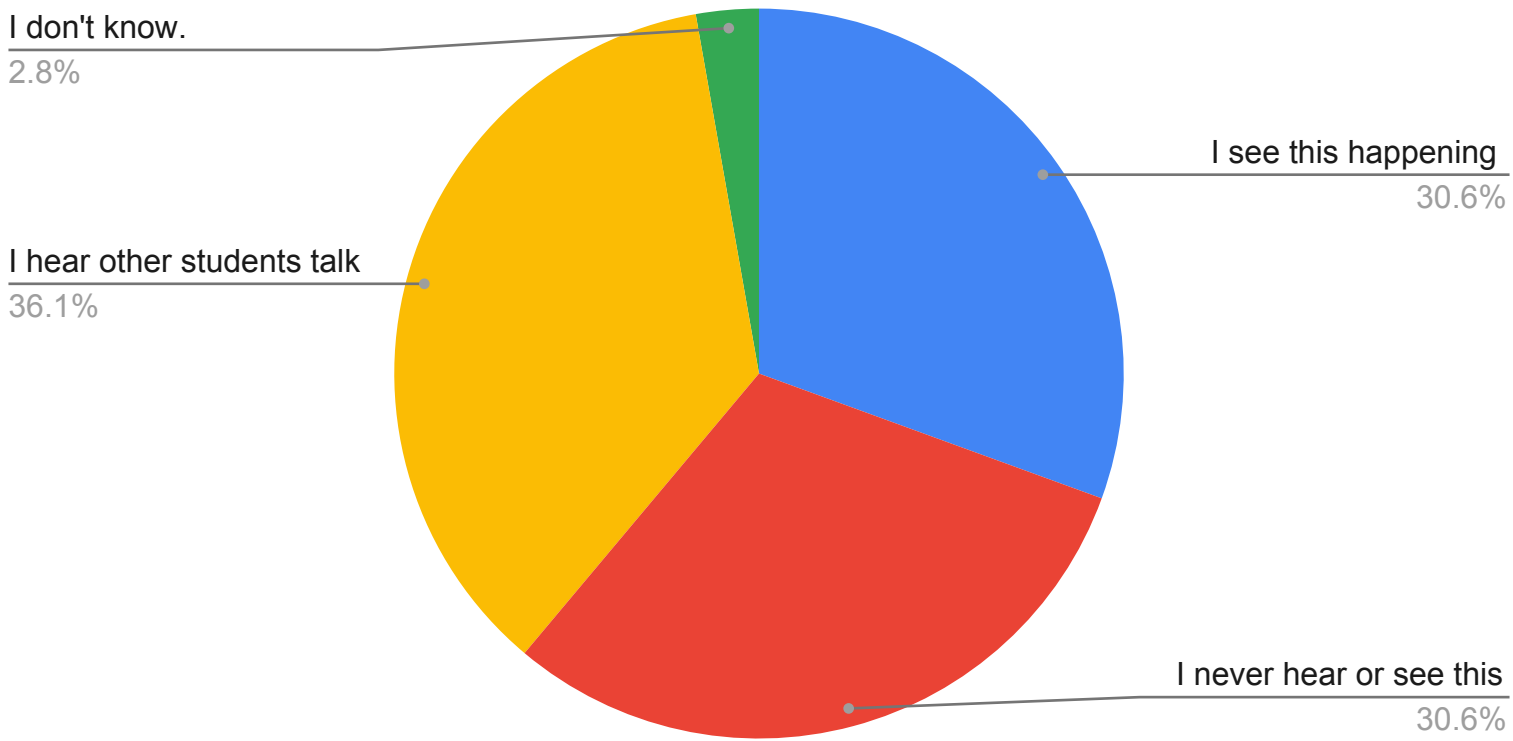
1. When a teacher or administrator grants permission, subject to any reasonable limitation imposed by that teacher or administrator.
2. When a licensed physician and surgeon determines that the possession or use of a smartphone is necessary for the health or well-being of the pupil.
3. When the possession or use of a smartphone is required in a pupil’s individualized education program (IEP).

## Additional Site Attachments

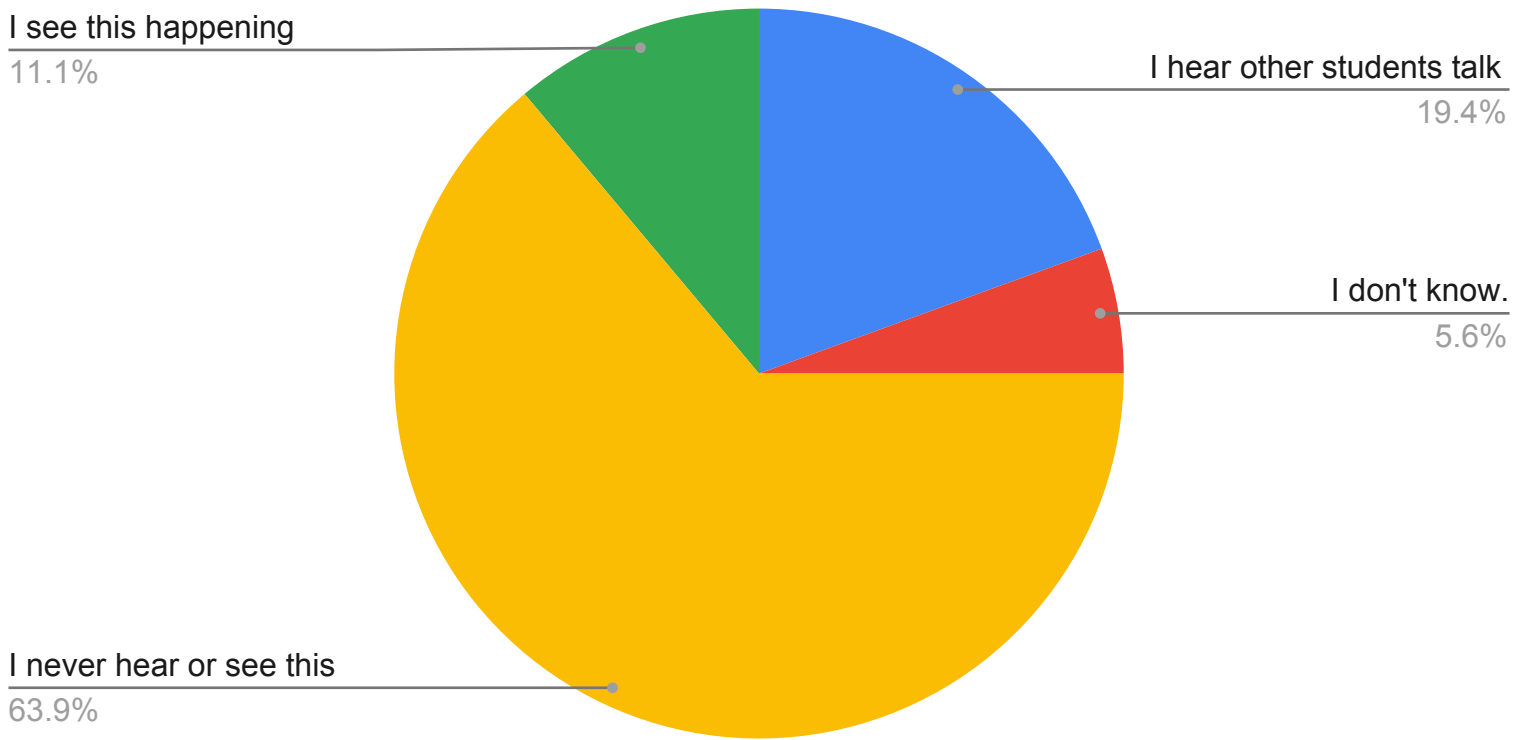
# Count of How familiar are you with the following? [Cyberbullying rules and consequences when those rules are broken.]



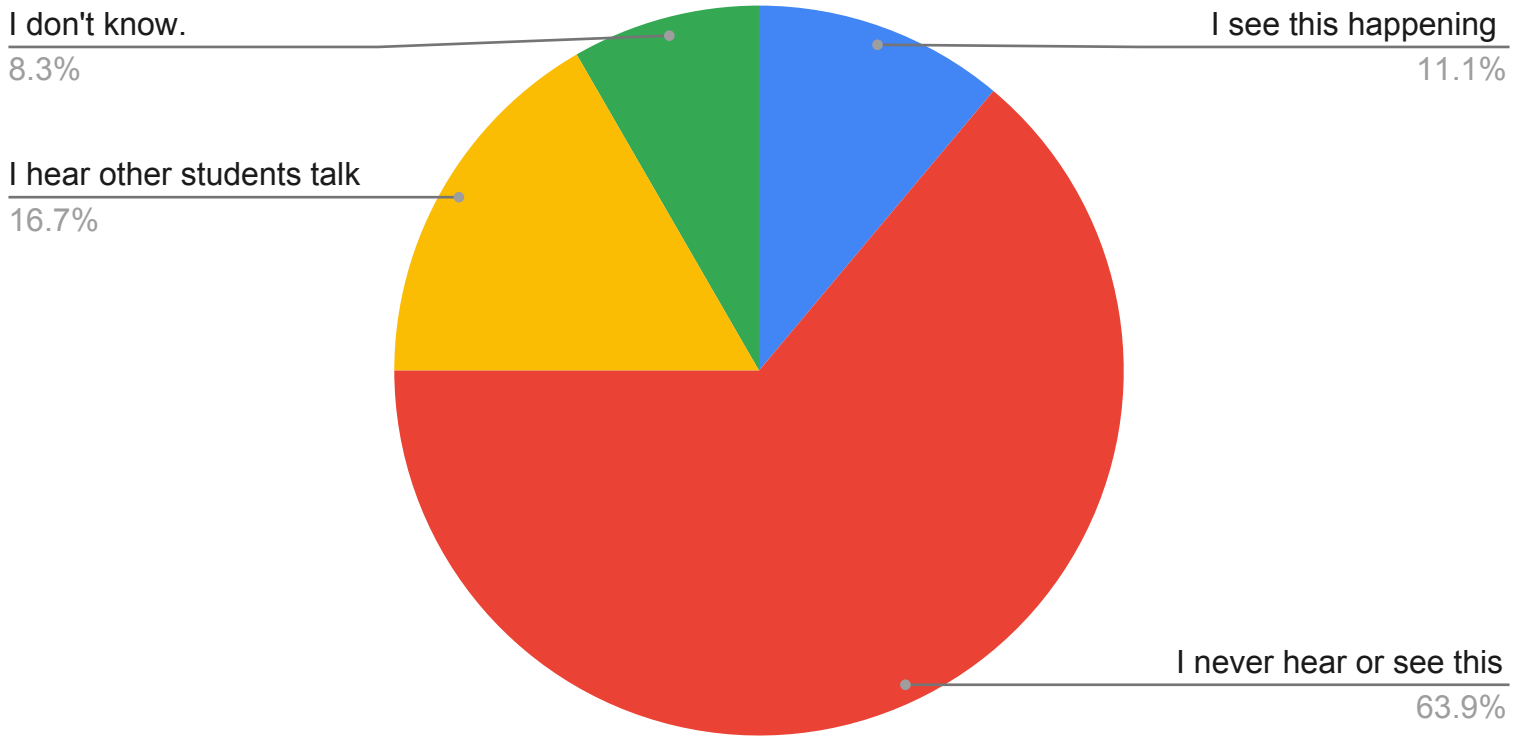
# Count of How much do you find the following to be a problem at your school? [Bullying]



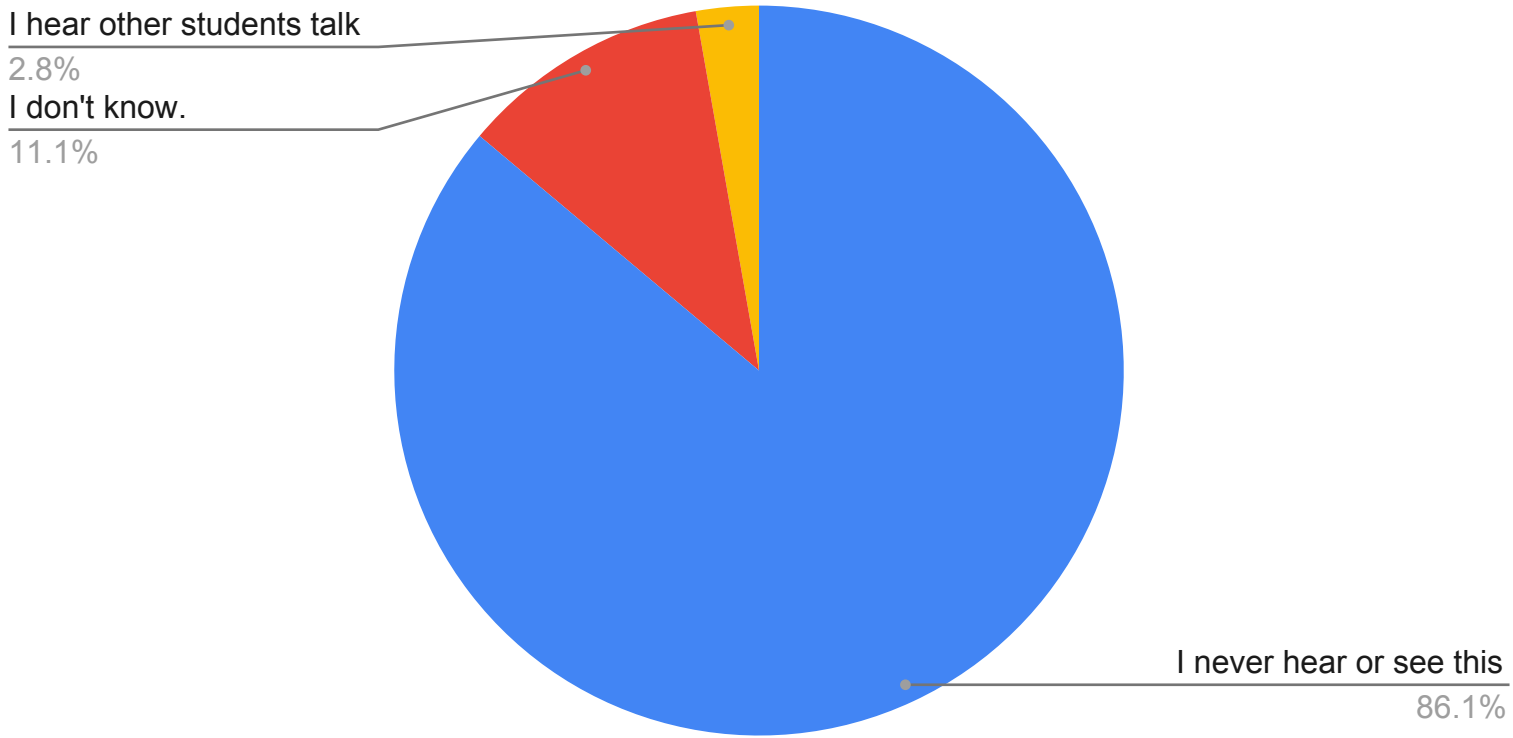
# Count of How much do you find the following to be a problem at your school? [Fights and Assault]

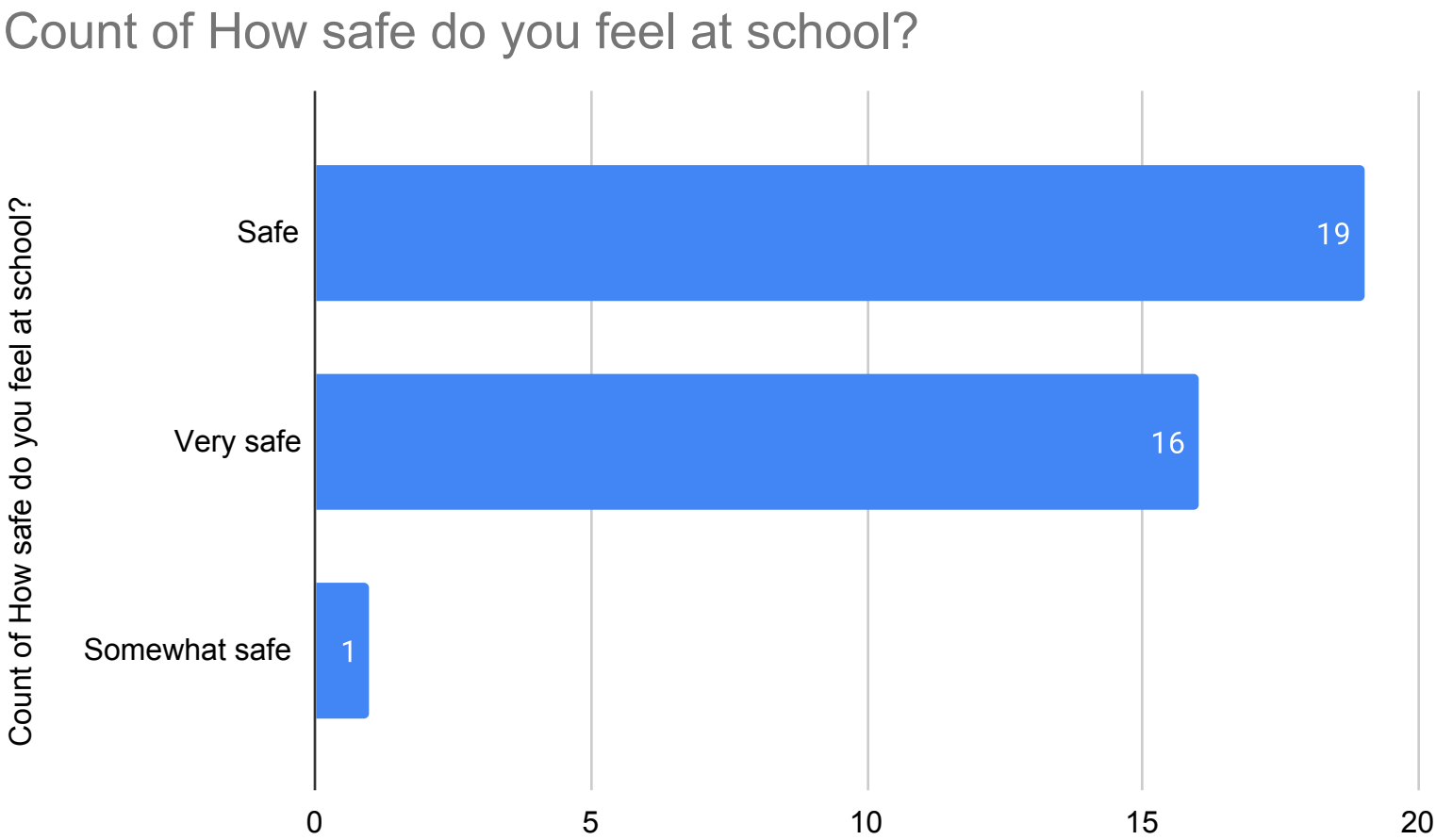


# Count of How much do you find the following to be a problem at your school? [Harassment, and intimidation]

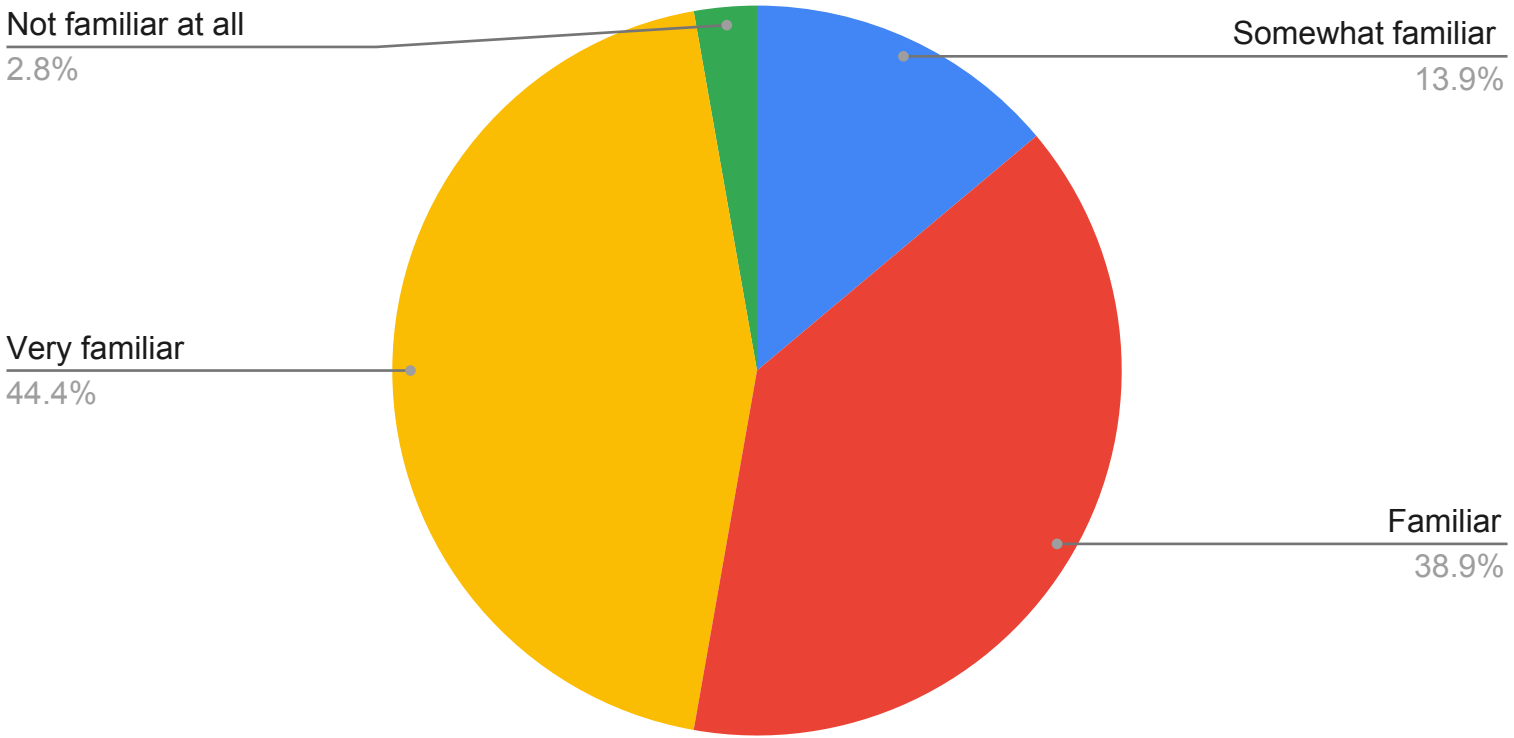


# Count of How much do you find the following to be a problem at your school? [Student interest in gangs]

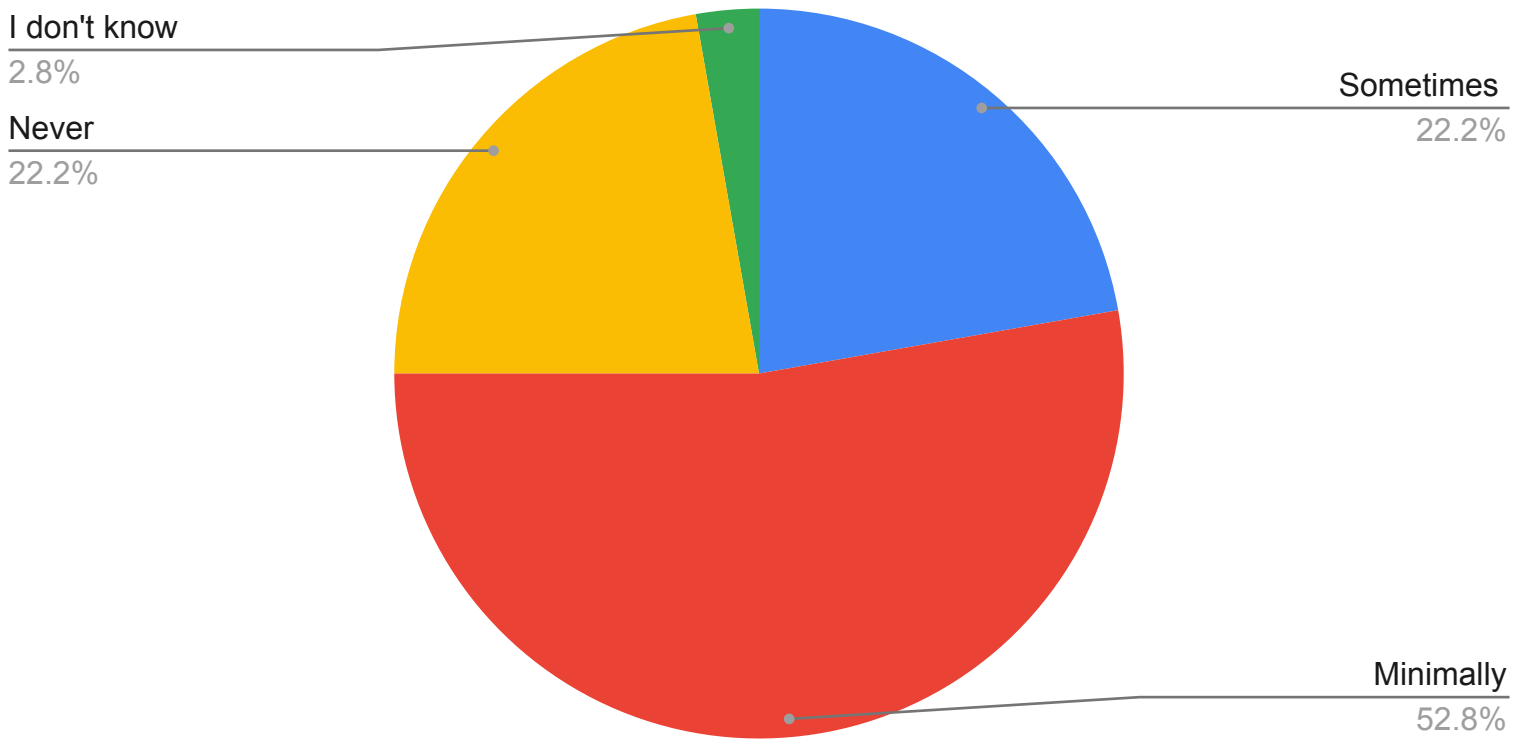



Count of How safe do you feel at school?
Count of How safe do you feel at school?
Safe
Very safe
Somewhat safe
19
16
1
0
5
10
15
20

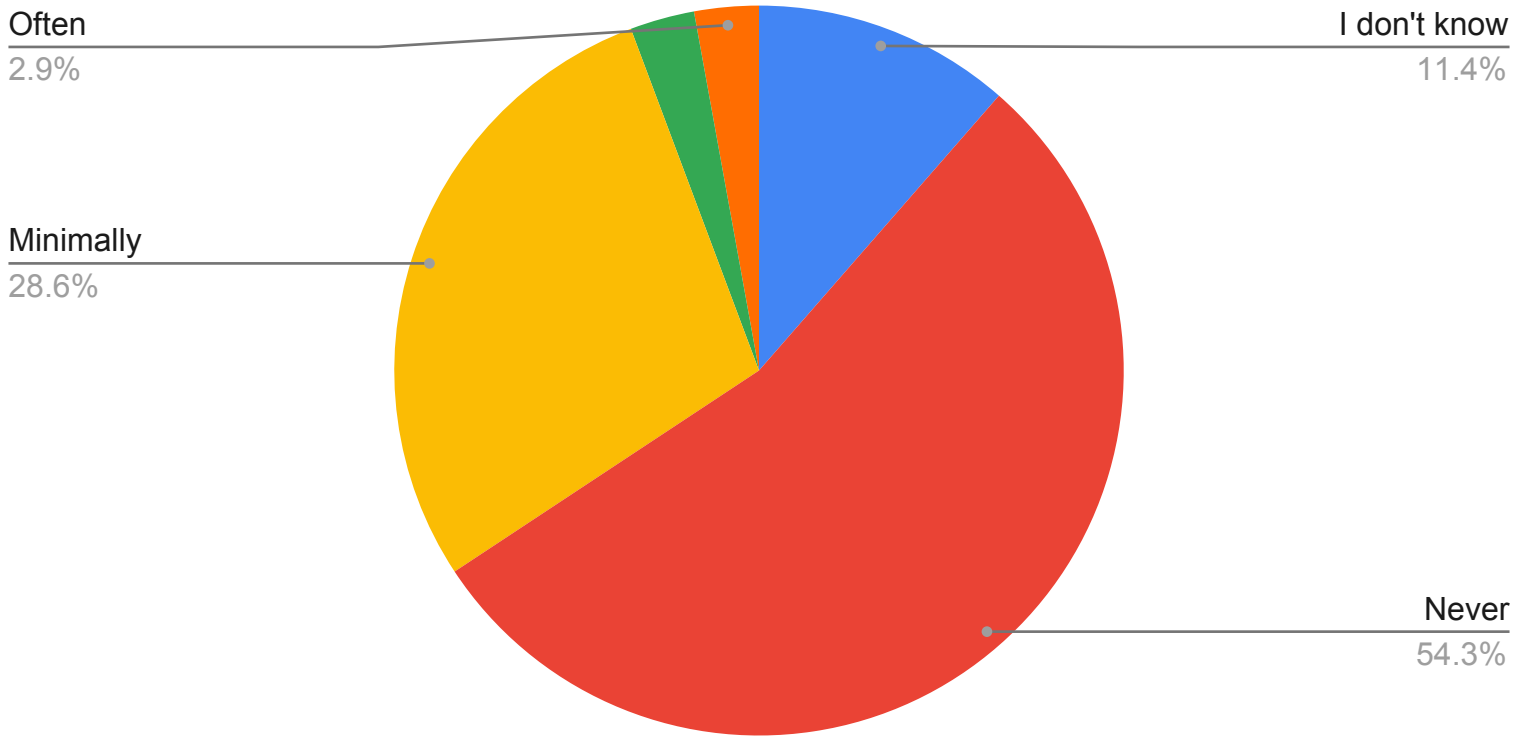
# Count of How familiar are you with the following? [School-wide rules and consequences when those rules are broken.]



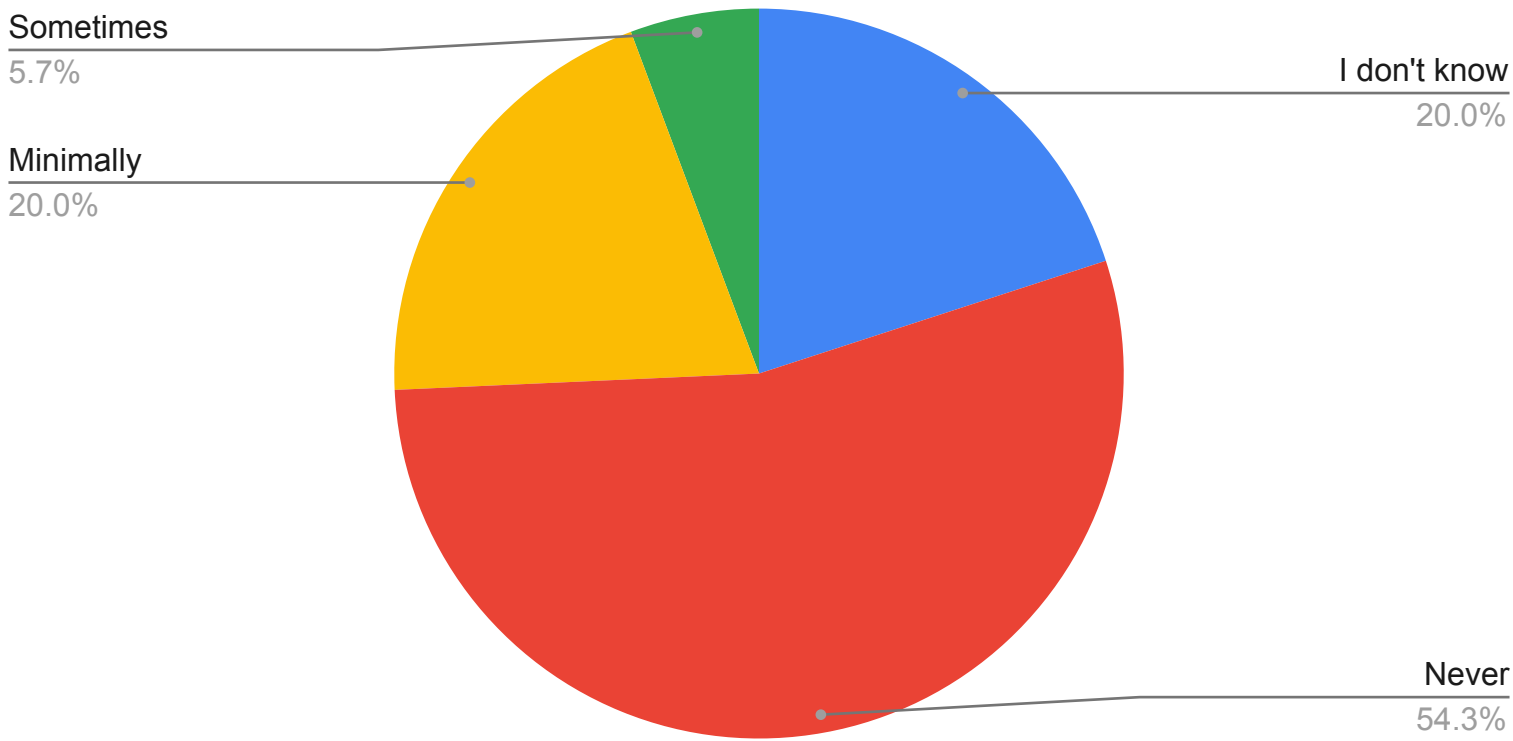
Count of How often do you hear or see any act of bullying at your school? Definition of bullying: When someone is being hurt



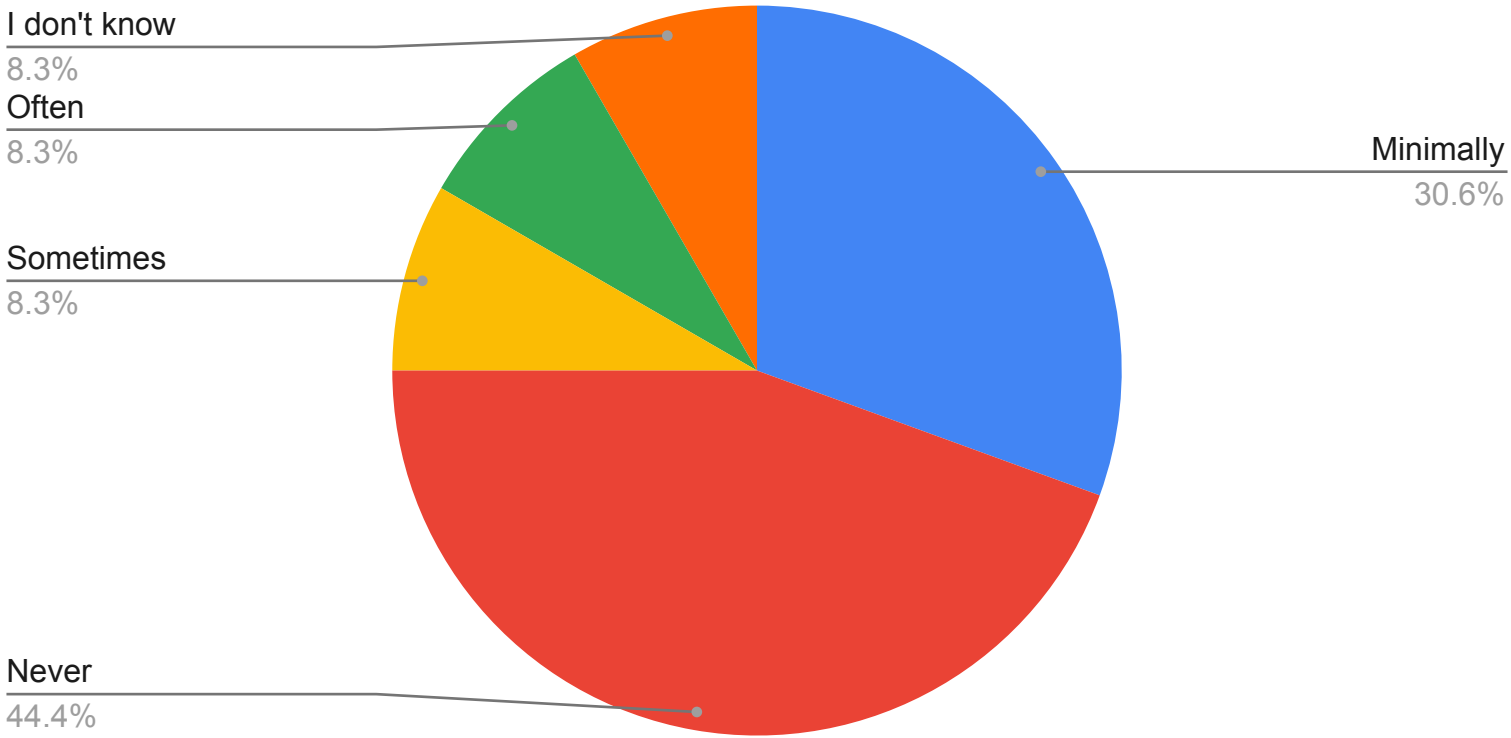
# Count of Students at my school get put down because of their ... [Clothing or physical appearance]



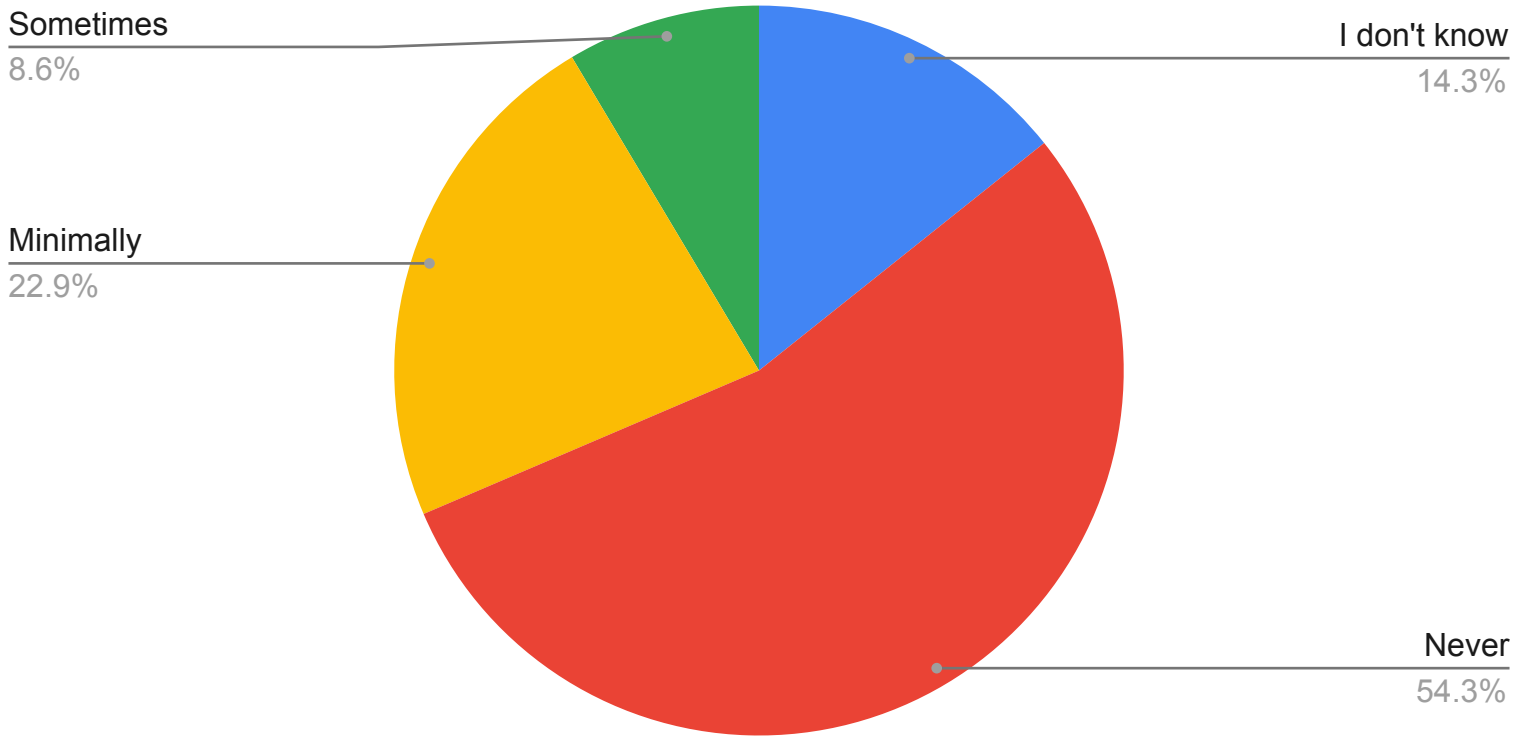
# Count of Students at my school get put down because of their ... [Gender or gender identification]



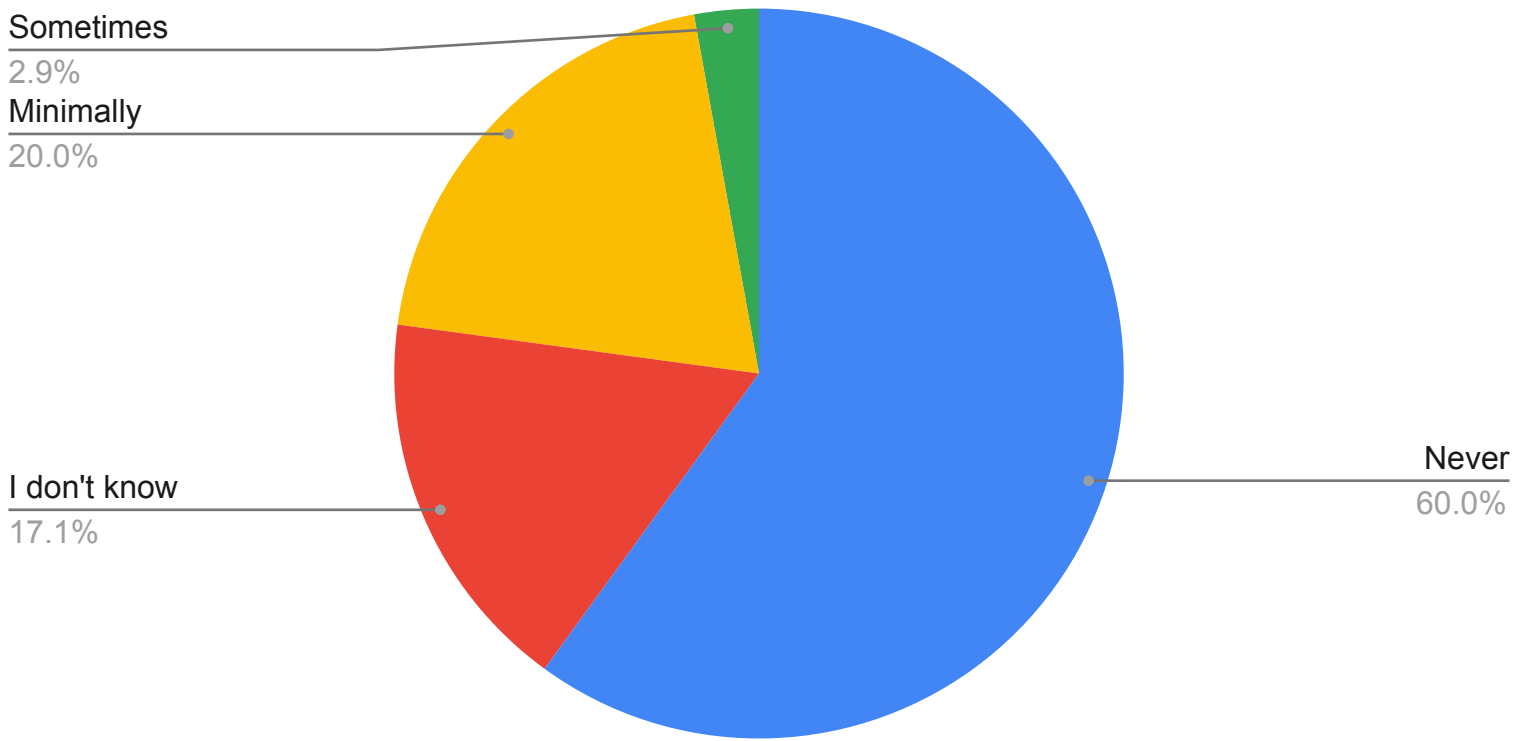
# Count of Students at my school get put down because of their ... [Learning difficulties]



# Count of Students at my school get put down because of their ... [Race]



# Count of Students at my school get put down because of their ... [Religion or cultural practices]



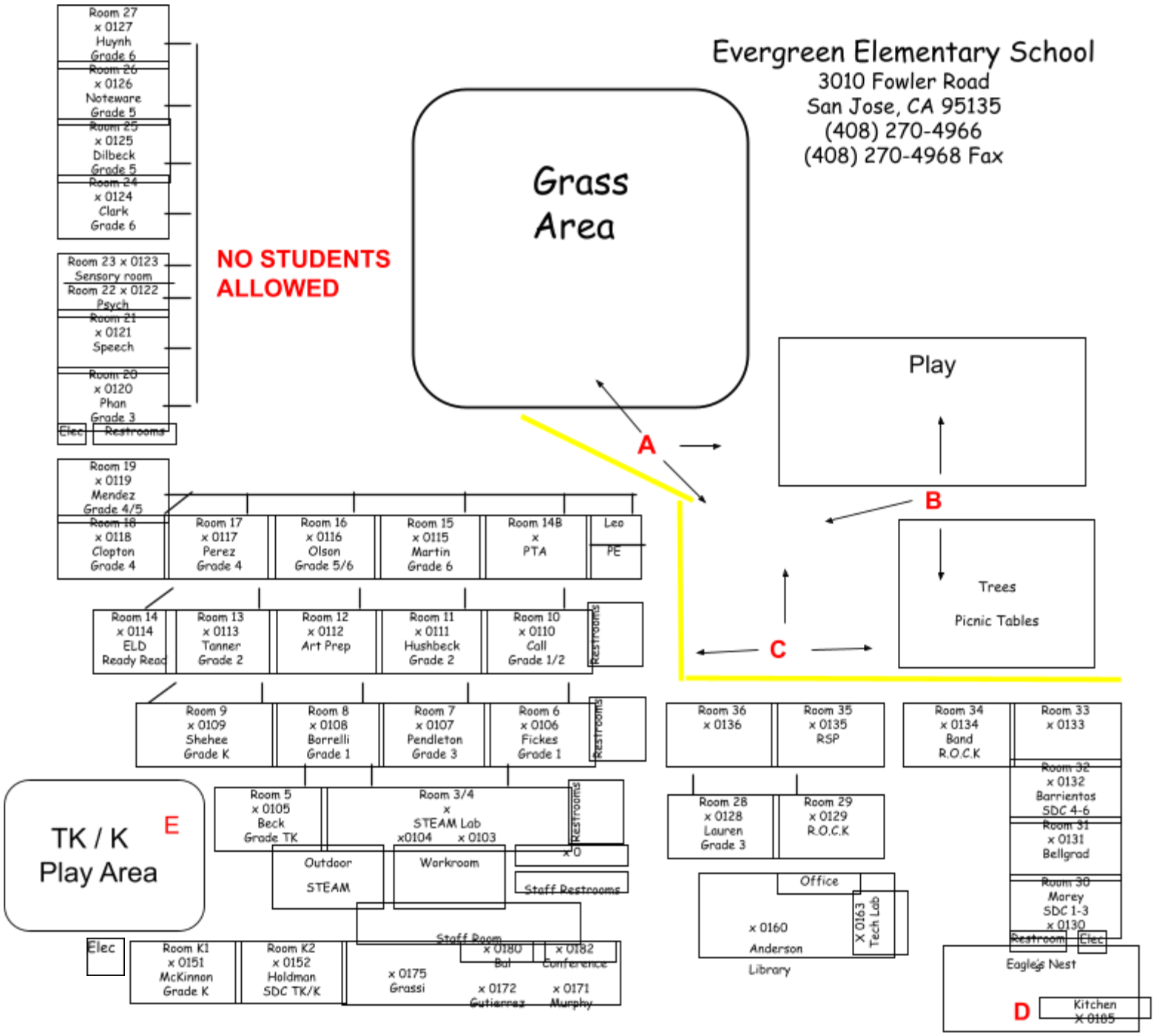
# Evergreen Elementary School
# PBIS School-Wide Expectations

| Area | Be Safe | Be Respectful | Be Responsible | Be a Problem Solver/Advocate |
|---|---|---|---|---|
| **Campus/ Arrival Dismissal** | • Walk<br>• Keep hands & feet to yourself<br>• If you hear or see something say something<br>• Share your friends not your food<br>• When coming to school-use crosswalks & look for cars | • Say “please” & “thank you”<br>• Care for & encourage others<br>• Respect all property<br>• Be a good listener<br>• When coming to school, use crosswalks, sidewalks, & walk bikes on campus<br>• Wait your turn to enter campus | • Demonstrate good character, even when no one is looking<br>• Accept the outcome of your actions<br>• Keep our school clean and beautiful<br>• Check that your materials are packed before you leave campus<br>• Wait on the front sidewalk at pickup<br>• Play during recess, not during arrival/dismissal | • Maintain a growth mindset while giving your best effort in solving a problem<br>• Determine if the problem is small, medium, or large<br>• If it’s small, try to solve it on your own<br>• If it is medium or large, get an adult’s help to solve it<br>• Use your words to solve problems<br>• Address small problems so they don’t turn into large ones |
| **Eagle’s Nest** | • Walk<br>• Enter quietly<br>• Share your friends & not your food<br>• Maintain personal space | • Follow adult directions<br>• Use good table manners<br>• Use your indoor voice<br>• Raise your hand for help & ask permission to leave the table | • Enter/Exit slowly and quietly<br>• Keep the line moving by being prepared with your lunch choice<br>• Pick up trash around you and put it in the garbage can<br>• Stay at your assigned table | |
| **Playground** | • Walk<br>• Follow all playground expectations<br>• Stay in designated areas | • Listen to directions<br>• Use kind words<br>• Follow expectations<br>• Be a good sport | • Use time wisely<br>• Keep campus clean<br>• Be an upstander | |
| **Bathrooms** | • Wash your hands with soap & water<br>• Walk to the bathroom | • Respect others’ privacy<br>• Re-enter class quietly<br>• Keep bathrooms clean | • Go, flush, and wash<br>• Return to class promptly | |
| **Library** | • Walk in the library<br>• Push in your chair | • Use quiet voices<br>• Wait for your turn<br>• Return books on time<br>• Use manners | • Handle books carefully/properly<br>• Use shelf markers appropriately<br>• Follow the checkout procedures | |

# Evergreen Elementary School
# PBIS School-Wide Expectations

# Evergreen Elementary School

3010 Fowler Road
San Jose, CA 95135
(408) 270-4966
(408) 270-4968 Fax



# Yard duty Rotation Schedule

| EVERY 2 WEEKS: | Vani Patil | Tanu Banerjee | Madhvi Mishra | Viem Ho | Oanh Truong |
|---|---|---|---|---|---|
| 10/14/24 | A | B | C | D | E |
| 10/28/24 | E | A | B | C | D |
| 11/11/24 | D | E | A | B | C |
| 12/2/24 | C | D | E | A | B |
| 12/16/24 | B | C | D | E | A |
| 1/13/25 | A | B | C | D | E |
| 1/27/25 | E | A | B | C | D |
| 2/10/25 | D | E | A | B | C |
| 3/3/25 | C | D | E | A | B |
| 3/17/25 | B | C | D | E | A |
| 3/31/25 | A | B | C | D | E |
| 4/14/25 | E | A | B | C | D |
| 5/5/25 | D | E | A | B | C |
| 5/19/25 | C | D | E | A | B |
| 6/2/25 | B | C | D | E | A |
|  | A | B | C | D | E |
|  |  |  |  |  |  |
|  |  |  |  |  |  |
|  |  |  |  |  |  |
|  |  |  |  |  |  |

# Evergreen Elementary School

# 2025 - 2026

This Sheet Must Be Posted At All Time For 3 Years

| Month | Day | Time | Number of Students | Time Req. for Complete Egress (Min & Sec.) | Activity During Drill (Class, recess, assembly) | Conducted By | |
|---|---|---|---|---|---|---|---|
| August | 29 | | | | | | Fire |
| September | 19 | | | | | | Earthquake |
| October | 16 | | | | | | ShakeOut |
| November | 13 | | | | | | Run / Hide / Defend |
| December | 12 | | | | | | Shelter in Place |
| January | 29 | | | | | | Fire |
| February | 27 | | | | | | Earthquake |
| March | 27 | | | | | | Shelter in Place |
| April | 23 | | | | | | Run / Hide / Defend |
| May | 28 | | | | | | Shelter in Place |
| June | | | | | | | |
| July | | | | | | | |

*3010 Fowler Road San Jose, Ca Phone ● 408-270-4966 ● Fax 408-270-4968*

| | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| | | Evergreen Elementary School | | | | | | |
| | | | | | | | | |
| **EMERGENCY DRILL** | | | **CHECK OFF LIST** | | | **Date: _____** | **Time:** | **_____** |
| **Amy** | | | **Diana /Alison** | | | **Jorge/Sandra** | | |
| Library | | | Room 14 PTA | | | Gas/Water | | |
| K2 Zerna | | | Room 15 YMCA | | | Eagle's Nest/Kitchen | | |
| K1 McKinnon | | | Room 16 Olson | | | Restrooms | | |
| Room 9 Shehee | | | Room 17 Perez | | | Emergency Cart | | |
| Room 5 Torres | | | Room 18 Clopton | | | **Chitra** | | |
| STEAM LAB | | | Room 19 Mendez | | | Emergency Cards | | |
| | | | Room 20 Phan | | | Wheel Chair | | |
| **Thach/Arboleda** | | | Room 21 Art Prep | | | Health Backpack | | |
| Room 28 Thach | | | Room 22 Psych | | | Office | | |
| Room 29 Alessio | | | Room 23 Storage | | | | | |
| Room 36 Arboleda | | | Room 24 YMCA | | | **Not Accounted For** | **Rm#'s** | **GR.** |
| Room 35 Sensory | | | Room 25 Dilbeck | | | | | |
| Room 34 Thorpe | | | Room 26 Noteware | | | | | |
| Room 33 Thach | | | Room 27 Huynh | | | | | |
| Room 32 ROCK | | | **Christina** | | | | | |
| Room 30 Bellgrad | | | Room 14 Intervention | | | **Injuries/ Names** | **Rm#'s** | **GR.** |
| | | | Room 13 Tanner | | | | | |
| | | | Room 12 Kaur | | | | | |
| | | | Room 11 LaCuesta | | | | | |
| | | | Room 10 Call | | | | | |
| | | | Room 8 Rodriguez | | | | | |
| | | | Room 7 Clark | | | **Visitors** | **Rm#** | |
| | | | Room 6 Fickes | | | | | |
| | | | | | | | | |

Evergreen Elementary School

# Noon Duty Handbook 2025/2026

- Make sure to walk the yard at lunchtime, looking for areas of concern. Avoid standing in one place too long unless it really needs extra watching.
- Stay close to the kids and listen to how they are speaking with each other, resolving problems, using body language.
- If talking to another adult, keep it brief so your attention is not taken away from the yard for too long. Keep a focus on the yard at all times. If there is another adult in the area, spread out and find another area of need.
- Think of ways to improve safety on our campus and send me your ideas.
- Bullying can be subtle. Catch it if you see it. Exclusion, turning ones' back on another child, and in any way making others feel bad about themselves cannot be tolerated.
- Look for loners. Talk to them. Don't force them into games or into friendships, but seek out the reason for them being alone. Let them know we are there for them.
- Tag games/chasing games are not allowed.
- Students should keep their hands to themselves (not wrestling, or pushing)
- The students are to use the restrooms for their intended use and not a hang out.
- Keep students out of the hallways and away from classrooms.
- Please be sure to have the students use their manners when assisting them.
- Make sure the students clean the entire lunch area including on the table and below the table.

Thank you so much for your service, and let me know what we can collectively do to make Evergreen a safer, happier place.

Grades TK - 6

| A | B | C | D | Floater |
|---|---|---|---|---|
| 1. Food Server<br>2. Eagle's Nest support<br>3. Dismiss to recess<br>4. Clean tables | 1. Indoor Radio<br>2. Eagle's Nest supervisor<br>3. Kinder and Outdoor play area supervisor | 1. Outdoor Radio<br>2. Picnic table supervisor<br>3. Playground equipment supervisor | 1. Eagles' Nest supervisor<br>2. Outdoor play area supervisor<br>3. Radio | 1. Eagle's Nest supervisor<br>2. Outdoor supervisor |

# 2025/2026 NOON YARD DUTY ROTATIONS

| Week of: | | | | | | |
|---|---|---|---|---|---|---|
| August 18 | A | B | C | D | E | |
| August 25 | A | B | C | D | E | |
| Sept. 1 | E | A | B | C | | D |
| Sept. 8 | D | E | A | B | C | |
| Sept. 15 | C | D | E | A | | B |
| Sept. 22 | B | C | D | E | A | |
| Sept. 29 | A | B | C | D | | E |
| Nov. 28 | E | A | B | C | D | |
| Oct. 6 | D | E | A | B | | C |
| Oct. 13 | C | D | E | A | B | |
| Oct. 20 | B | C | D | E | | A |
| Oct. 27 | A | B | C | D | E | |
| Nov. 3 | E | A | B | C | | D |
| Nov. 10 | D | E | A | B | C | |
| Nov. 17 | C | D | E | A | | B |
| Nov. 24 | B | C | D | E | A | |
| Dec. 1 | A | B | C | D | | E |
| Dec. 8 | E | A | B | C | D | |
| Dec. 15 | D | E | A | B | | C |
| Dec. 22 | C | D | E | A | B | |
| Dec. 29 | B | C | D | E | | A |
| Jan.5 | A | B | C | D | E | |
| Jan.12 | E | A | B | C | | D |
| Jan.19 | D | E | A | B | C | |
| Jan.26 | C | D | E | A | | B |
| Feb 2 | B | C | D | E | A | |
| Feb 9 | A | B | C | D | | E |
| Feb 16 | E | A | B | C | D | |
| Feb 23 | D | E | A | B | | C |
| March 2 | C | D | E | A | B | |
| March 9 | B | C | D | E | | A |
| March 16 | A | B | C | D | E | |
| March 23 | E | A | B | C | | D |

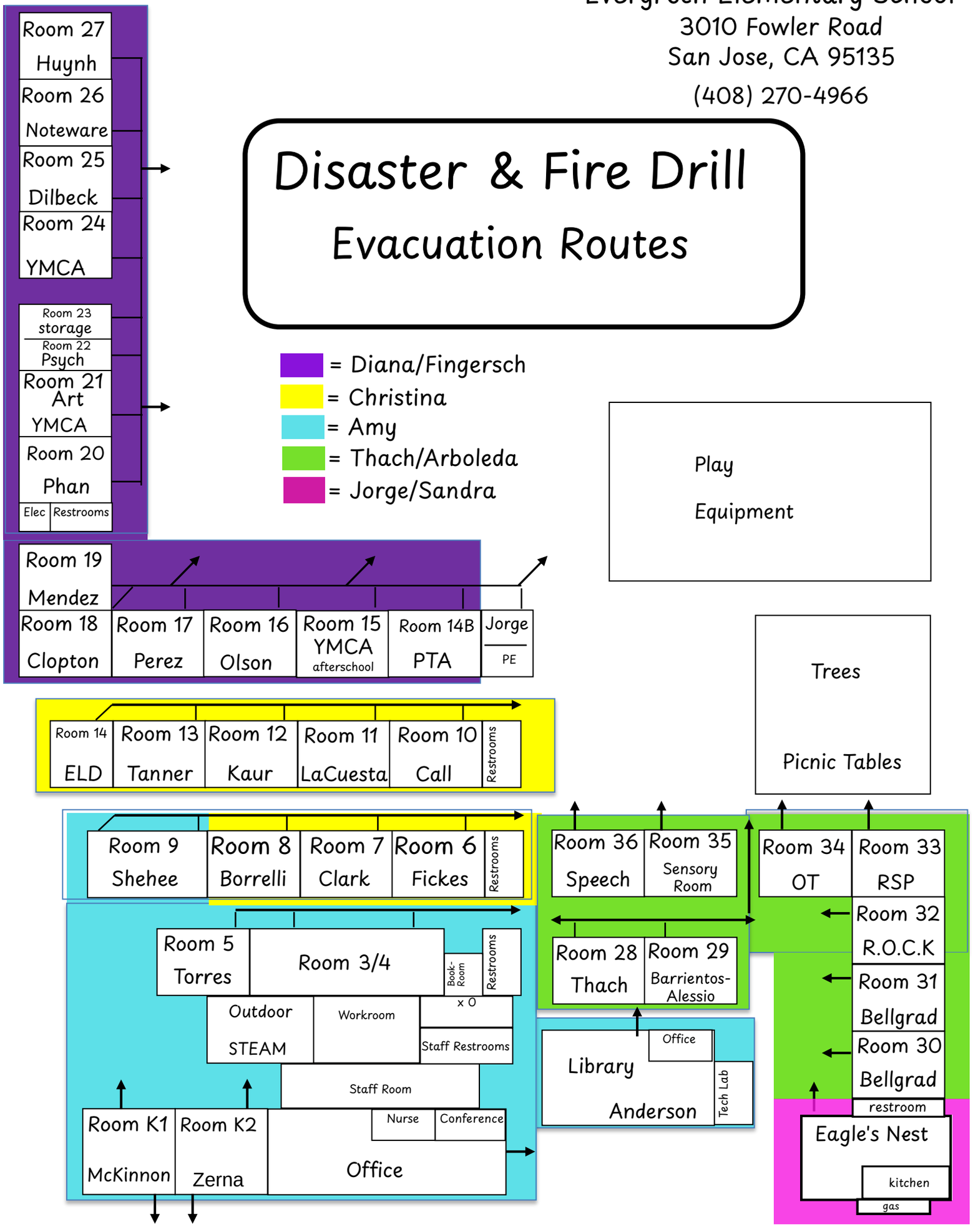
# 2025/2026 NOON YARD DUTY ROTATIONS

| Week 0f: | | | | | |
|---|---|---|---|---|---|
| March 30 | A | B | C | D | E |
| April 6 | E | A | B | C | D |
| April 13 | D | E | A | B | C |
| April 20 | C | D | E | A | B |
| April 27 | A | B | C | D | E |
| May 4 | E | A | B | C | D |
| May 11 | D | E | A | B | C |
| May 18 | C | D | E | A | B |
| May 25 | A | B | C | D | E |
| June 1 | E | A | B | C | D |
| June 8 | D | E | A | B | C |
| | | | | | |

Evergreen Elementary School
3010 Fowler Road
San Jose, CA 95135
(408) 270-4966

# Disaster & Fire Drill

## Evacuation Routes



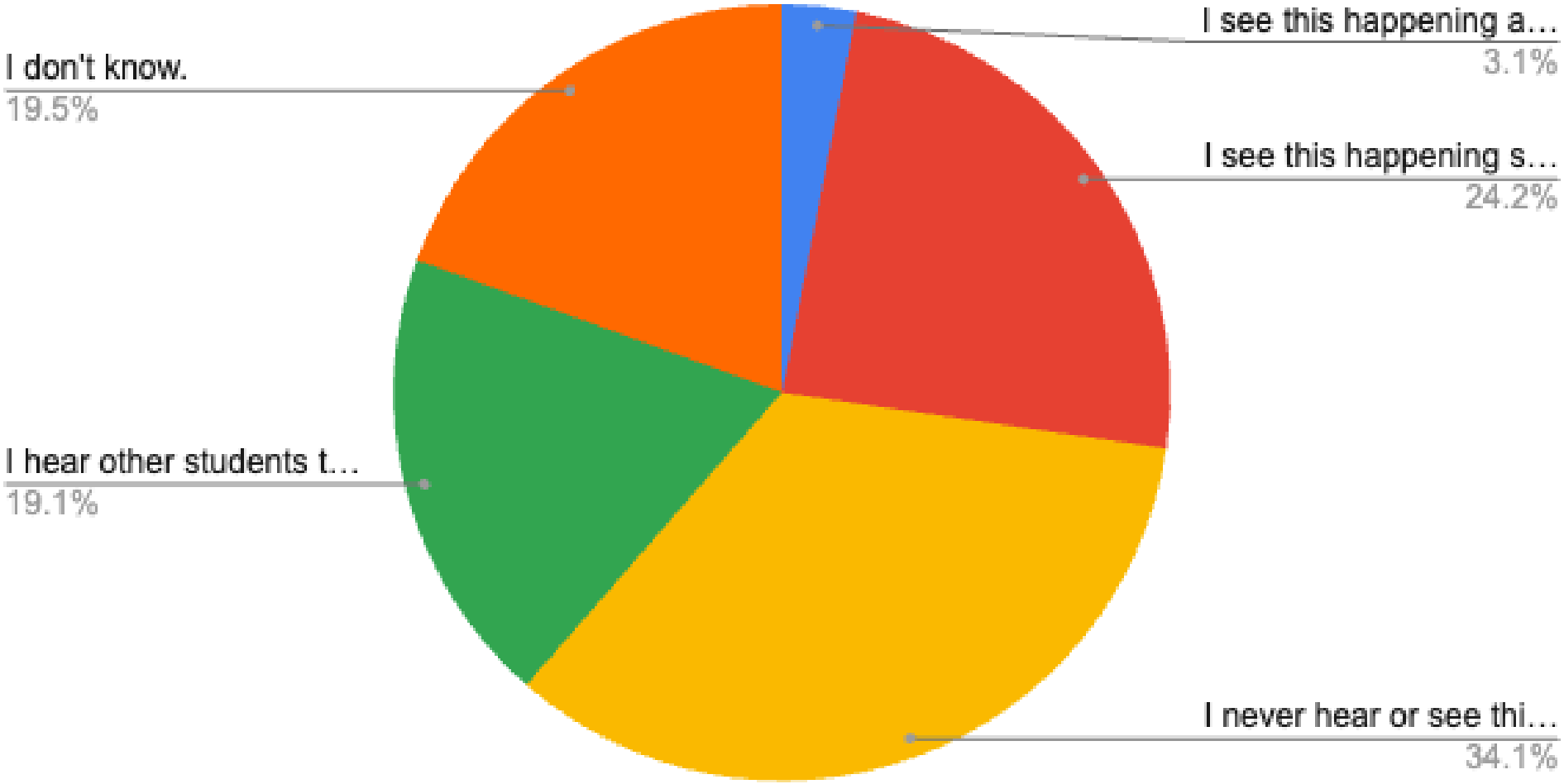
| | Kaur | Borrelli | Clark | LaCuesta | Phan | Call | Tanner | Fickes |
|---|---|---|---|---|---|---|---|---|
| Aug. 18 | PM Recess | AM Recess | PM Recess | Off | AM Recess | PM Front | AM PL | AM Recess |
| Aug. 25 | AM Recess | PM Recess | AM Recess | PM Front | AM PL | Off | AM Recess | PM Recess |
| Sep. 1 | Off | AM Recess | PM Recess | AM PL | PM Front | AM Recess | PM Recess | AM Recess |
| Sep. 8 | AM Recess | PM Front | AM PL | AM Recess | PM Recess | AM Recess | Off | PM Recess |
| Sep. 15 | PM Front | AM PL | AM Recess | PM Recess | AM Recess | PM Recess | AM Recess | Off |
| Sep. 22 | AM PL | AM Recess | PM Recess | Off | AM Recess | PM Recess | AM Recess | PM Front |
| Sep. 29 | AM Recess | PM Recess | Off | AM Recess | PM Recess | AM Recess | PM Front | AM PL |
| Oct. 6 | PM Recess | Off | AM Recess | PM Recess | AM Recess | PM Front | AM PL | AM Recess |
| Oct. 13 | AM Recess | AM Recess | PM Recess | PM Front | Off | AM PL | AM Recess | PM Recess |
| Oct. 20 | PM Recess | AM Recess | PM Front | AM PL | AM Recess | Off | PM Recess | AM Recess |
| Oct. 27 | AM PL | PM Front | AM Recess | AM Recess | PM Recess | AM Recess | Off | PM Recess |
| Nov. 3 | PM Front | AM PL | PM Recess | AM Recess | AM Recess | PM Recess | AM Recess | Off |
| Nov. 10 | Off | AM Recess | AM PL | PM Recess | AM Recess | PM Recess | AM Recess | PM Front |
| Nov. 17 | AM Recess | PM Recess | AM Recess | Off | PM Recess | AM Recess | PM Front | AM PL |
| Nov. 24 | | | | | | | | |
| Dec. 1 | PM Front | PM Recess | Off | AM Recess | PM Recess | AM PL | AM Recess | AM Recess |
| Dec. 8 | PM Recess | Off | AM Recess | PM Front | AM PL | AM Recess | PM Recess | AM Recess |
| Dec. 15 | AM Recess | PM Front | AM PL | AM Recess | Off | PM Recess | AM Recess | PM Recess |
| Dec. 22 | | | | | | | | |
| Dec. 29 | | | | | | | | |
| Jan. 5 | AM Recess | PM Recess | AM Recess | PM Recess | Off | AM Recess | PM Front | AM PL |
| Jan. 12 | PM Recess | AM Recess | PM Recess | AM Recess | PM Front | Off | AM PL | AM Recess |

| | Kaur | Borrelli | Clark | LaCuesta | Phan | Call | Tanner | Fickes |
|---|---|---|---|---|---|---|---|---|
| Jan. 19 | AM Recess | PM Recess | Off | AM PL | PM Front | PM Recess | AM Recess | AM Recess |
| Jan. 26 | PM Recess | AM Recess | AM PL | AM Recess | AM Recess | PM Recess | Off | PM Front |
| Feb. 2 | AM PL | AM Recess | AM Recess | AM Recess | PM Recess | PM Front | PM Recess | Off |
| Feb. 9 | Off | AM PL | PM Front | PM Recess | AM Recess | AM Recess | PM Recess | AM Recess |
| Feb. 16 | | | | | | | | |
| Feb. 23 | AM Recess | PM Recess | AM Recess | Off | PM Recess | AM Recess | PM Front | AM PL |
| Mar. 2 | PM Recess | Off | AM Recess | PM Recess | AM Recess | AM Recess | AM PL | PM Front |
| Mar. 9 | AM Recess | AM Recess | PM Recess | PM Front | Off | AM PL | AM Recess | PM Recess |
| Mar. 16 | Off | PM Recess | PM Front | AM Recess | AM PL | AM Recess | PM Recess | AM Recess |
| Mar. 23 | AM Recess | PM Front | Off | AM PL | AM Recess | PM Recess | AM Recess | PM Recess |
| Mar. 30 | PM Front | AM PL | AM Recess | PM Recess | AM Recess | Off | PM Recess | AM Recess |
| Apr. 6 | | | | | | | | |
| Apr. 13 | AM Recess | AM Recess | AM Recess | PM Recess | PM Recess | PM Front | Off | AM PL |
| Apr. 20 | PM Recess | AM Recess | PM Recess | AM PL | AM Recess | AM Recess | PM Front | Off |
| Apr. 27 | AM Recess | PM Recess | AM Recess | Off | PM Front | AM PL | AM Recess | PM Recess |
| May. 4 | PM Front | Off | AM Recess | PM Recess | AM PL | AM Recess | PM Recess | AM Recess |
| May. 11 | AM PL | AM Recess | PM Front | AM Recess | Off | PM Recess | AM Recess | PM Recess |
| May. 18 | Off | PM Front | AM PL | AM Recess | PM Recess | AM Recess | PM Recess | AM Recess |
| May. 25 | AM PL | AM Recess | Off | PM Recess | AM Recess | PM Recess | AM Recess | PM Front |
| Jun. 1 | AM Recess | AM PL | PM Recess | AM Recess | PM Front | Off | PM Recess | AM Recess |
| Jun. 8 | PM Recess | Off | AM Recess | AM Recess | PM Recess | PM Front | AM PL | AM Recess |

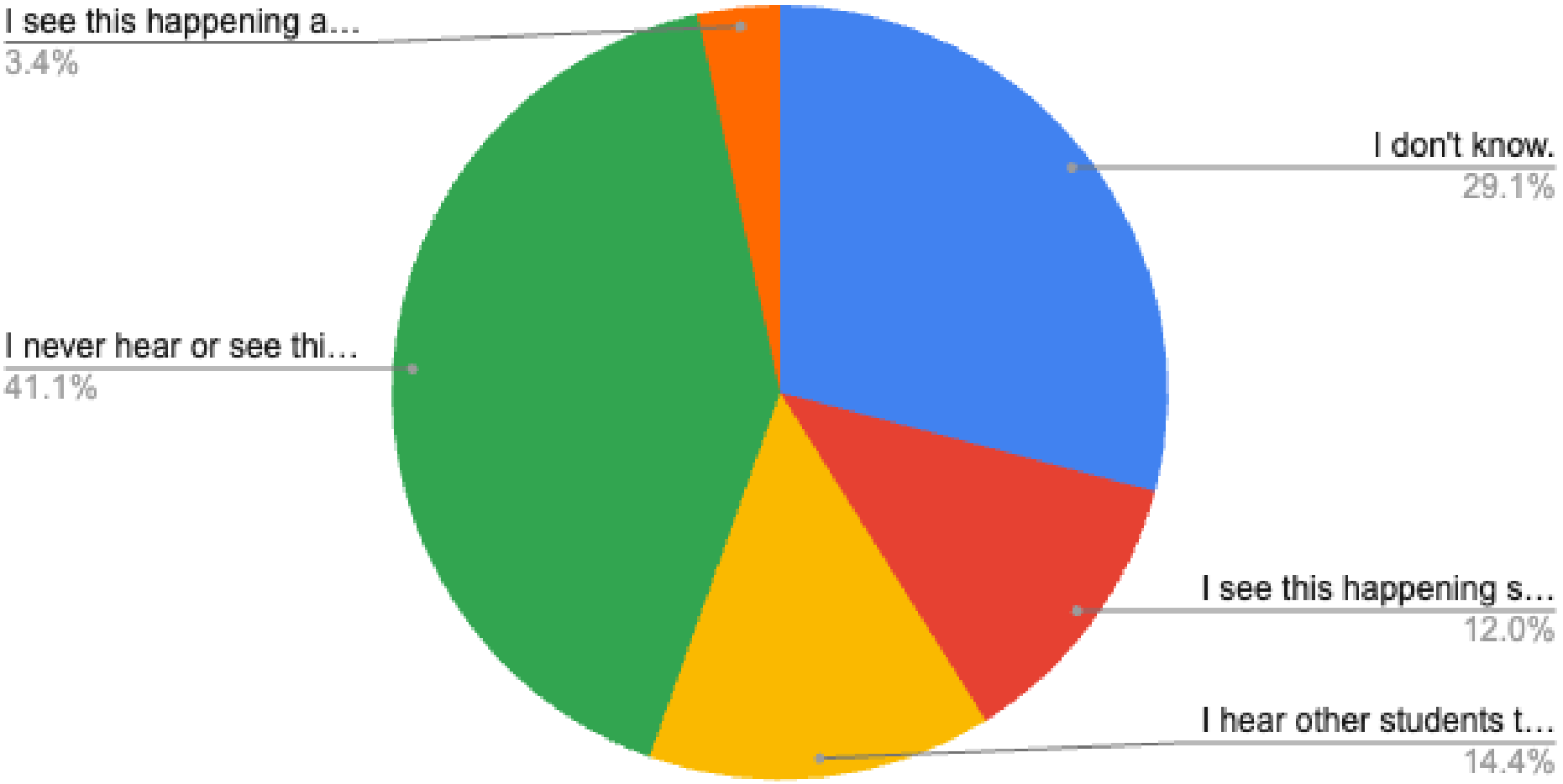
| | Huynh | Perez | Mendez | Olson | Noteware | Clopton | Dilbeck |
|---|---|---|---|---|---|---|---|
| Aug. 18 | AM Recess | Off | AM Recess | AM Recess | Blacktop | AM Front | PM PL |
| Aug. 25 | AM Recess | AM Recess | Blacktop | Off | AM Front | PM PL | AM Recess |
| Sep. 1 | Off | Blacktop | AM Recess | AM Front | PM PL | AM Recess | AM Recess |
| Sep. 8 | Blacktop | AM Front | PM PL | AM Recess | AM Recess | AM Recess | Off |
| Sep. 15 | AM Front | PM PL | AM Recess | AM Recess | AM Recess | Off | Blacktop |
| Sep. 22 | PM PL | AM Recess | Off | AM Recess | AM Recess | Blacktop | AM Front |
| Sep. 29 | AM Recess | AM Recess | AM Recess | Blacktop | Off | AM Front | PM PL |
| Oct. 6 | AM Recess | Off | AM Recess | AM Recess | AM Front | PM PL | Blacktop |
| Oct. 13 | Off | AM Recess | Blacktop | AM Front | PM PL | AM Recess | AM Recess |
| Oct. 20 | Blacktop | AM Front | PM PL | Off | AM Recess | AM Recess | AM Recess |
| Oct. 27 | AM Front | PM PL | AM Recess | Blacktop | AM Recess | AM Recess | Off |
| Nov. 3 | AM Recess | AM Recess | AM Front | PM PL | Blacktop | Off | AM Recess |
| Nov. 10 | AM Recess | Blacktop | Off | AM Recess | AM Front | AM Recess | PM PL |
| Nov. 17 | Off | AM Recess | AM Recess | Blacktop | PM PL | AM Front | AM Recess |
| Nov. 24 | | | | | | | |
| Dec. 1 | PM PL | Blacktop | AM Front | AM Recess | Off | AM Recess | AM Recess |
| Dec. 8 | AM Front | Off | AM Recess | AM Recess | PM PL | AM Recess | Blacktop |
| Dec. 15 | PM PL | AM Recess | AM Recess | Off | AM Recess | Blacktop | AM Front |
| Dec. 22 | | | | | | | |
| Dec. 29 | | | | | | | |
| Jan. 5 | AM Recess | Blacktop | Off | AM Front | PM PL | AM Recess | AM Recess |
| Jan. 12 | Blacktop | PM PL | AM Front | AM Recess | AM Recess | AM Recess | Off |

| | Huynh | Perez | Mendez | Olson | Noteware | Clopton | Dilbeck |
|---|---|---|---|---|---|---|---|
| Jan. 19 | AM Front | Off | PM PL | AM Recess | AM Recess | AM Recess | Blacktop |
| Jan. 26 | AM Recess | AM Recess | AM Recess | PM PL | Blacktop | Off | AM Front |
| Feb. 2 | Off | Blacktop | AM Recess | AM Recess | AM Recess | AM Front | PM PL |
| Feb. 9 | AM Recess | AM Recess | Blacktop | AM Front | Off | PM PL | AM Recess |
| Feb. 16 | | | | | | | |
| Feb. 23 | AM Recess | AM Front | Off | PM PL | Blacktop | AM Recess | AM Recess |
| Mar. 2 | AM Front | PM PL | AM Recess | Off | AM Recess | AM Recess | Blacktop |
| Mar. 9 | PM PL | AM Recess | Blacktop | AM Recess | AM Recess | Off | AM Front |
| Mar. 16 | AM Recess | AM Recess | AM Recess | Blacktop | AM Front | PM PL | Off |
| Mar. 23 | AM Recess | AM Recess | Off | AM Front | PM PL | Blacktop | AM Recess |
| Mar. 30 | AM Recess | Off | Blacktop | PM PL | AM Front | AM Recess | AM Recess |
| Apr. 6 | | | | | | | |
| Apr. 13 | Off | AM Front | PM PL | Blacktop | AM Recess | AM Recess | AM Recess |
| Apr. 20 | AM Recess | AM Recess | AM Recess | PM PL | Off | Blacktop | AM Front |
| Apr. 27 | AM Recess | AM Recess | AM Recess | Off | Blacktop | AM Front | PM PL |
| May. 4 | Blacktop | Off | AM Recess | AM Recess | AM Front | PM PL | AM Recess |
| May. 11 | AM Recess | Blacktop | AM Front | PM PL | AM Recess | AM Recess | Off |
| May. 18 | Blacktop | AM Front | PM PL | AM Recess | AM Recess | Off | AM Recess |
| May. 25 | AM Front | PM PL | Off | Blacktop | AM Recess | AM Recess | AM Recess |
| Jun. 1 | PM PL | AM Recess | AM Front | AM Recess | Off | Blacktop | AM Recess |
| Jun. 8 | Off | AM Recess | Blacktop | AM Recess | AM Recess | AM Front | PM PL |

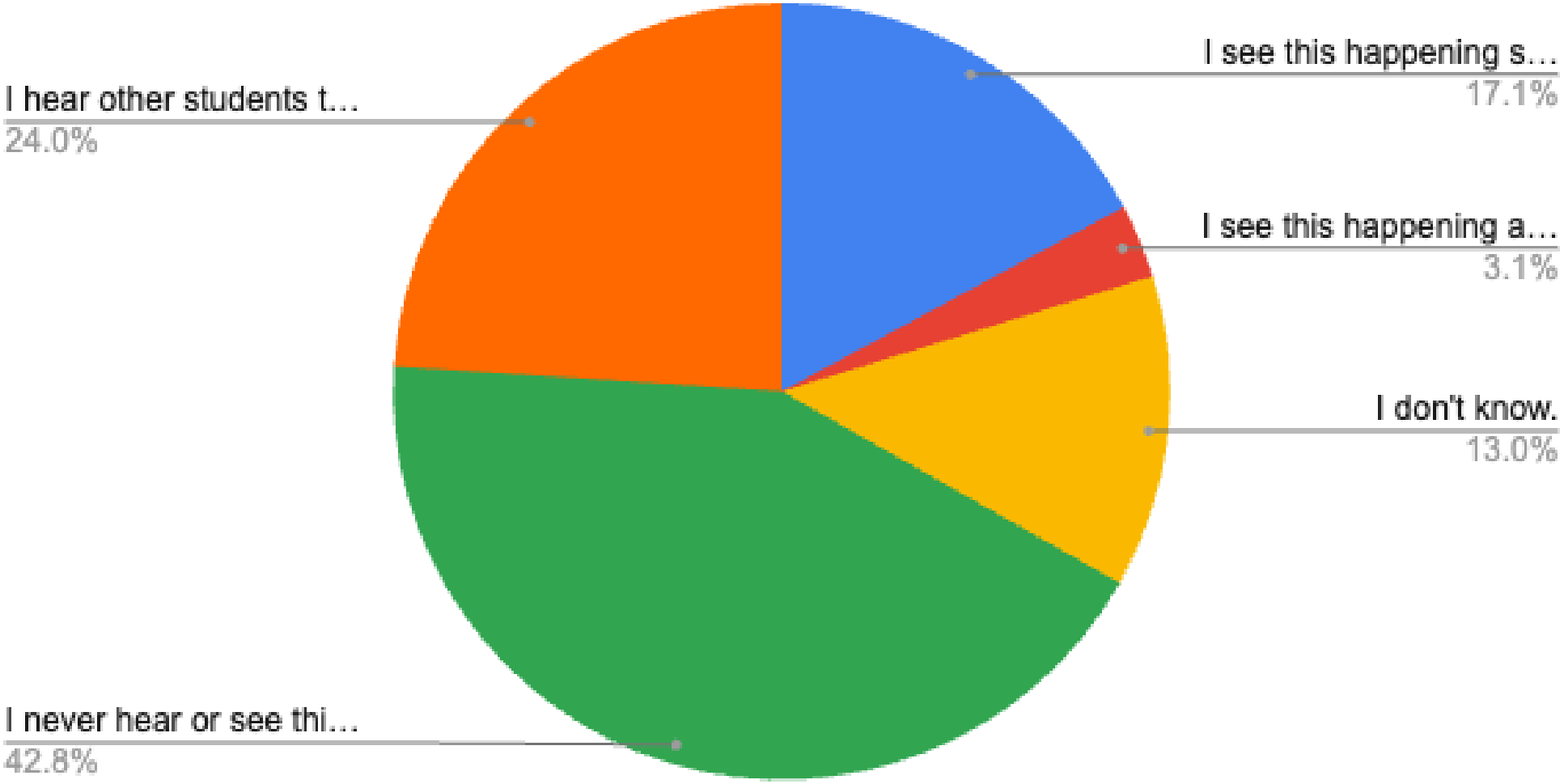
# Count of How much do you find the following to be a problem at your school? [Bullying]



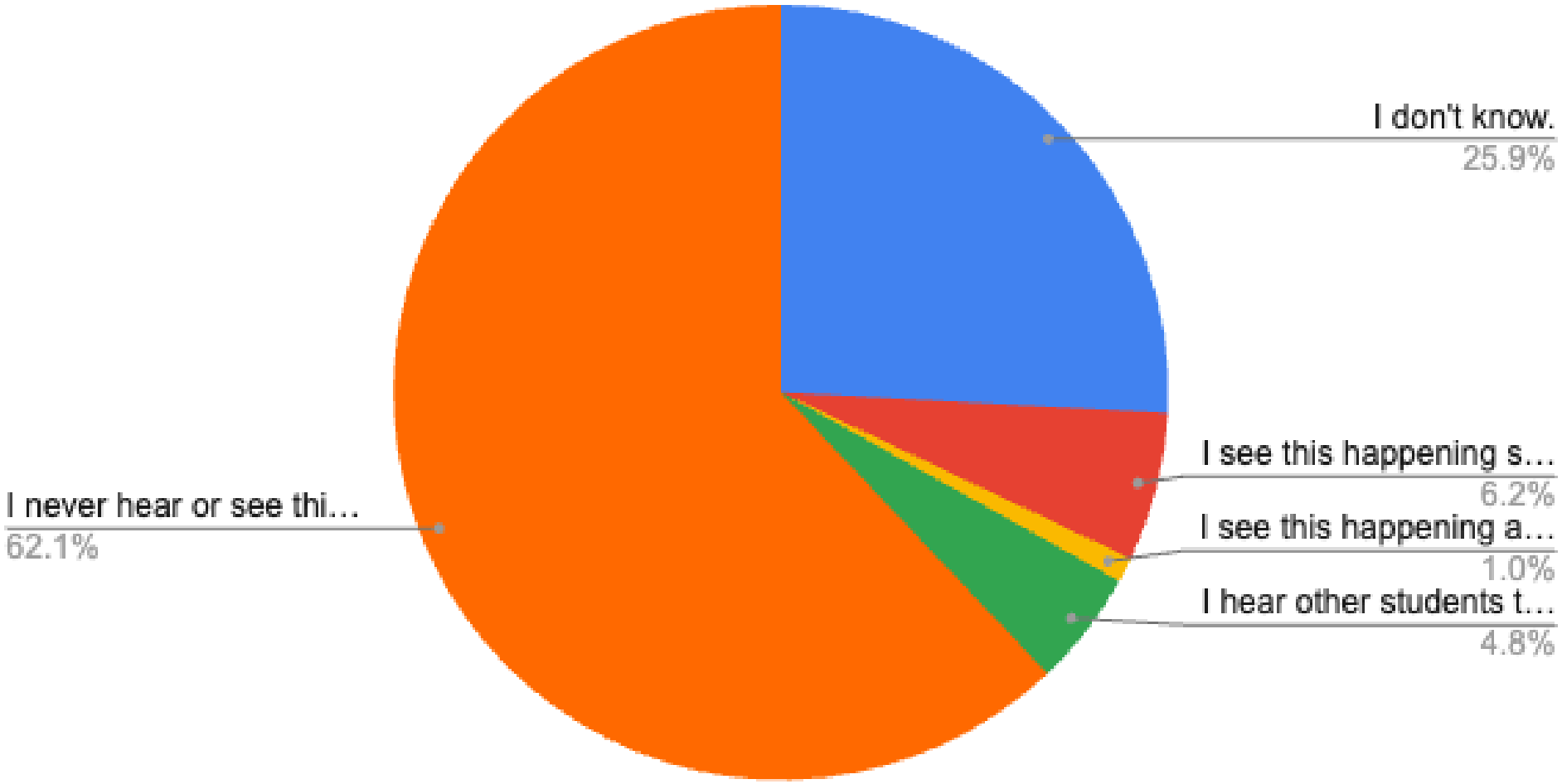
# How much do you find the following to be a problem at your school? [Harassment, and intimidation]



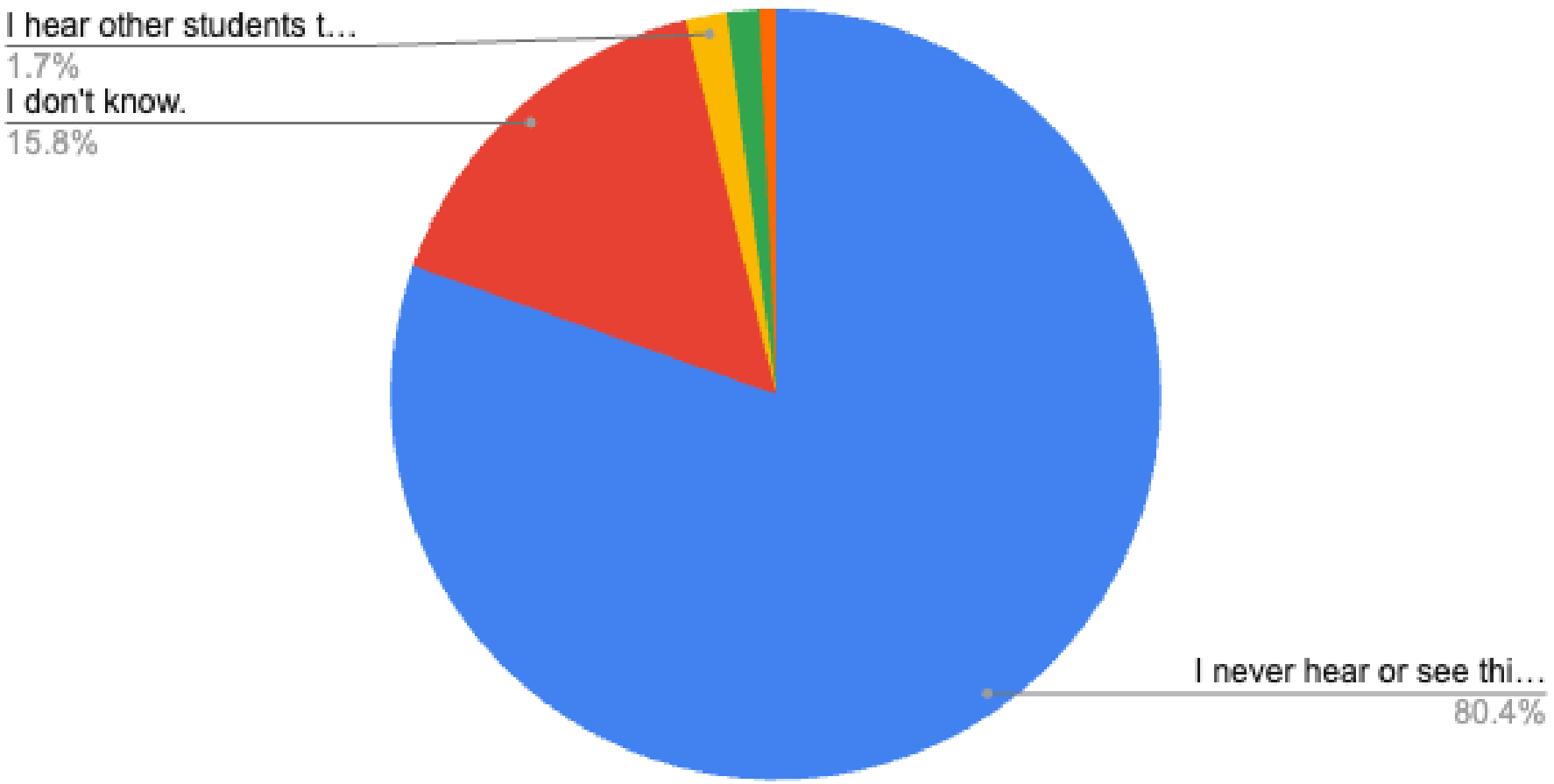
# Count of How much do you find the following to be a problem at your school? [Fights and Assaults]



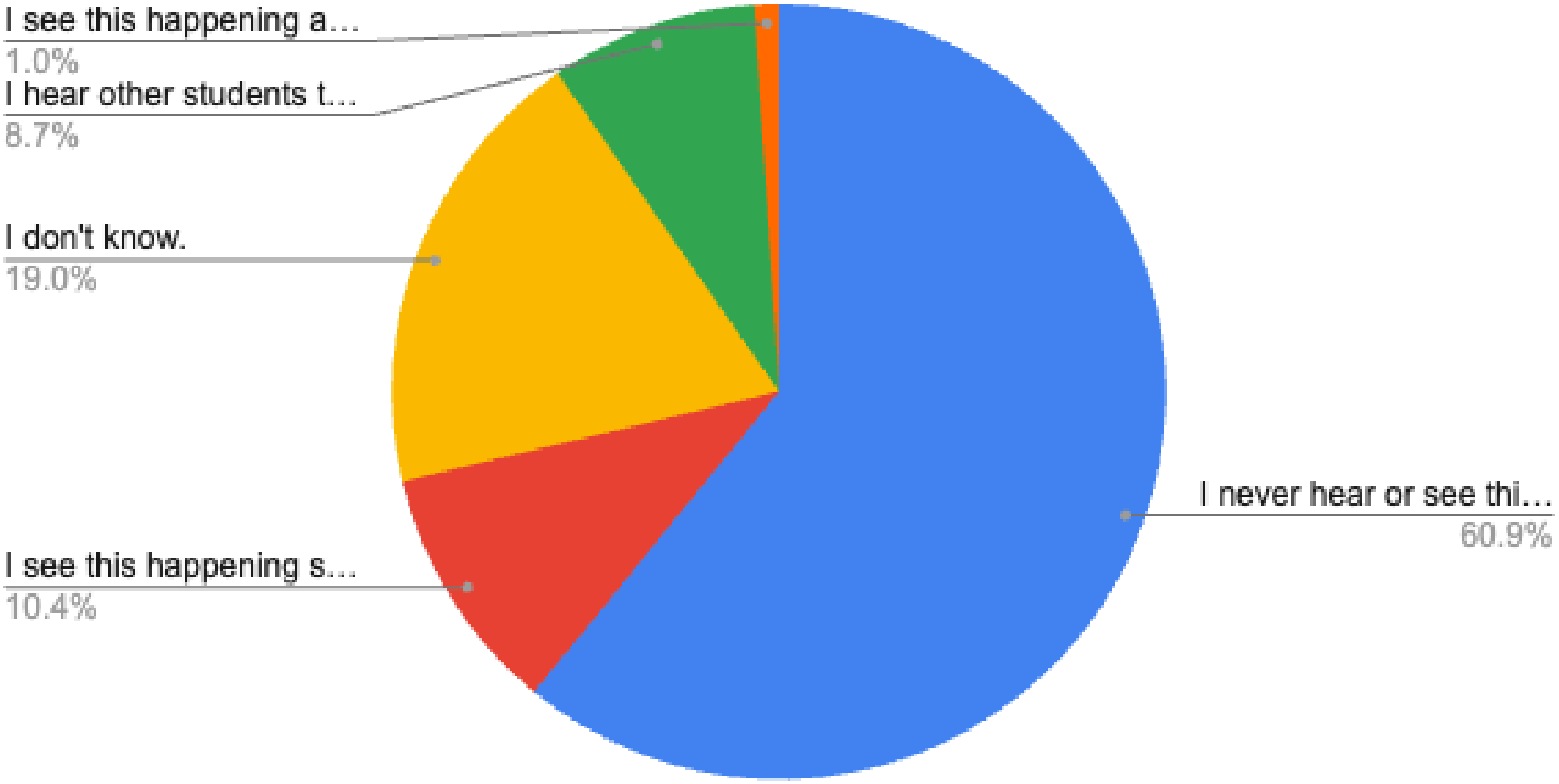
# Count of How much do you find the following to be a problem at your school? [Student Interest in Gangs]



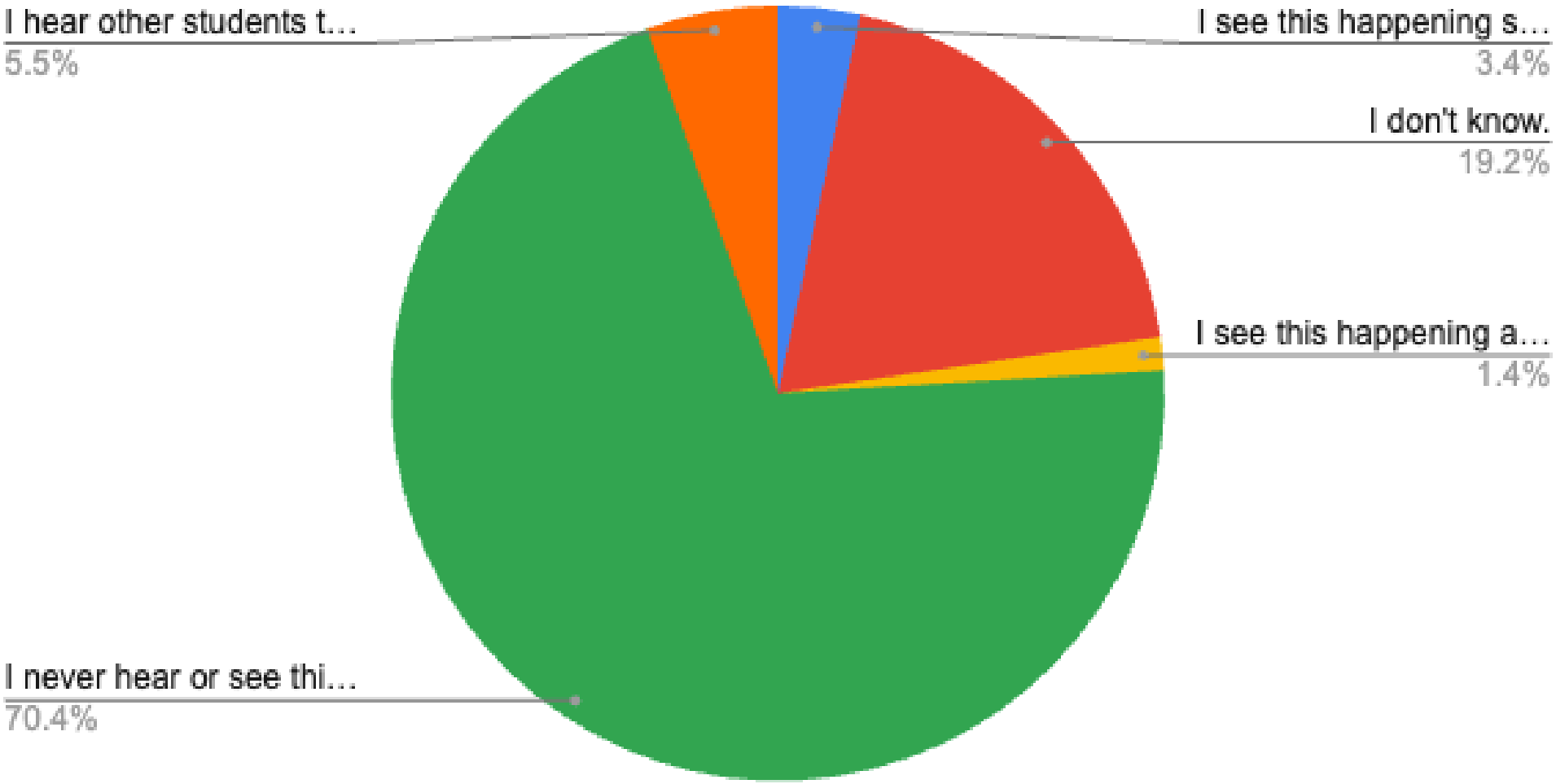
# Count of How much do you find the following to be a problem at your school? [Illegal Weapons]



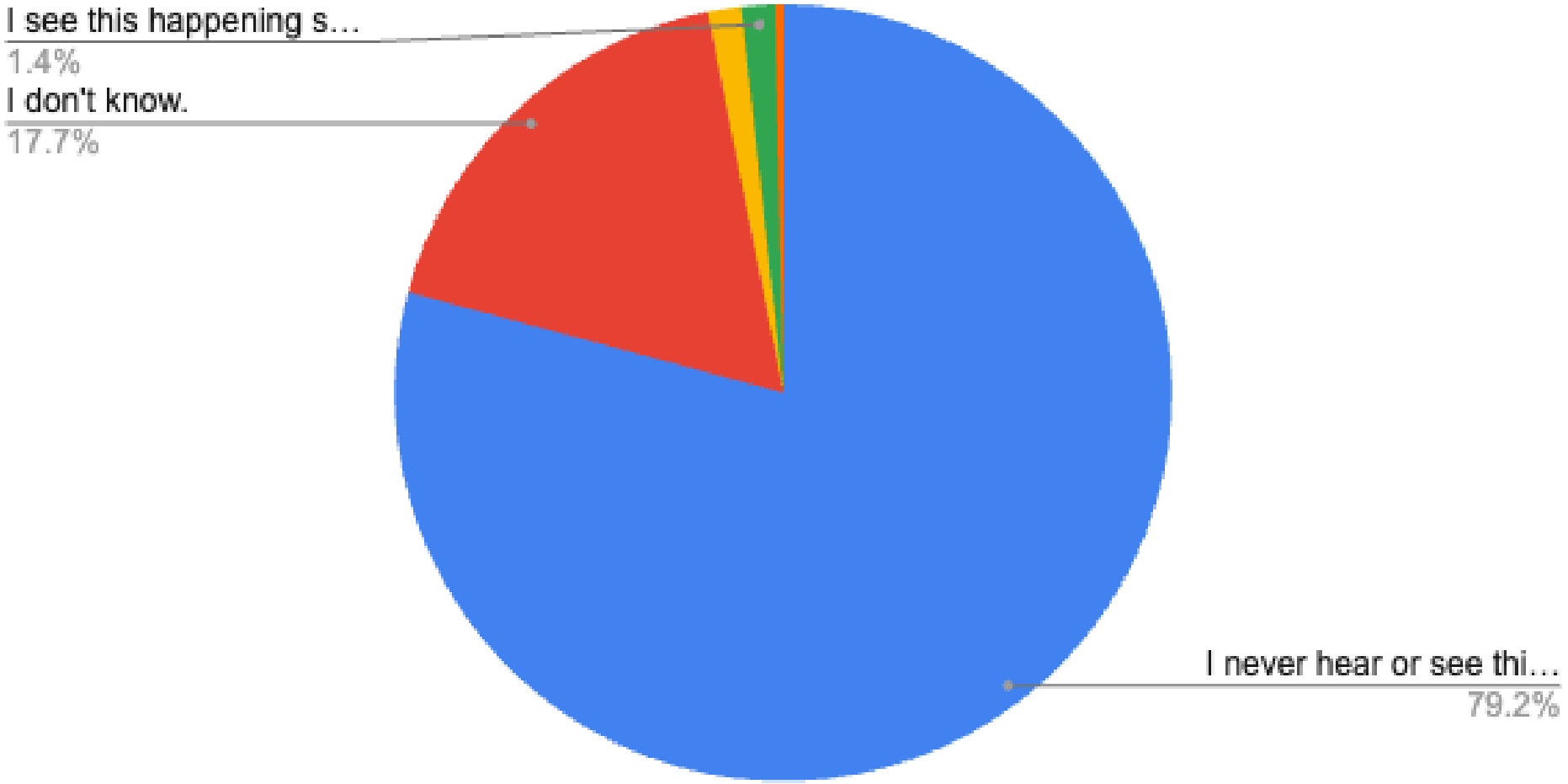
# Count of How much do you find the following to be a problem at your school? [Graffiti & vandalism]



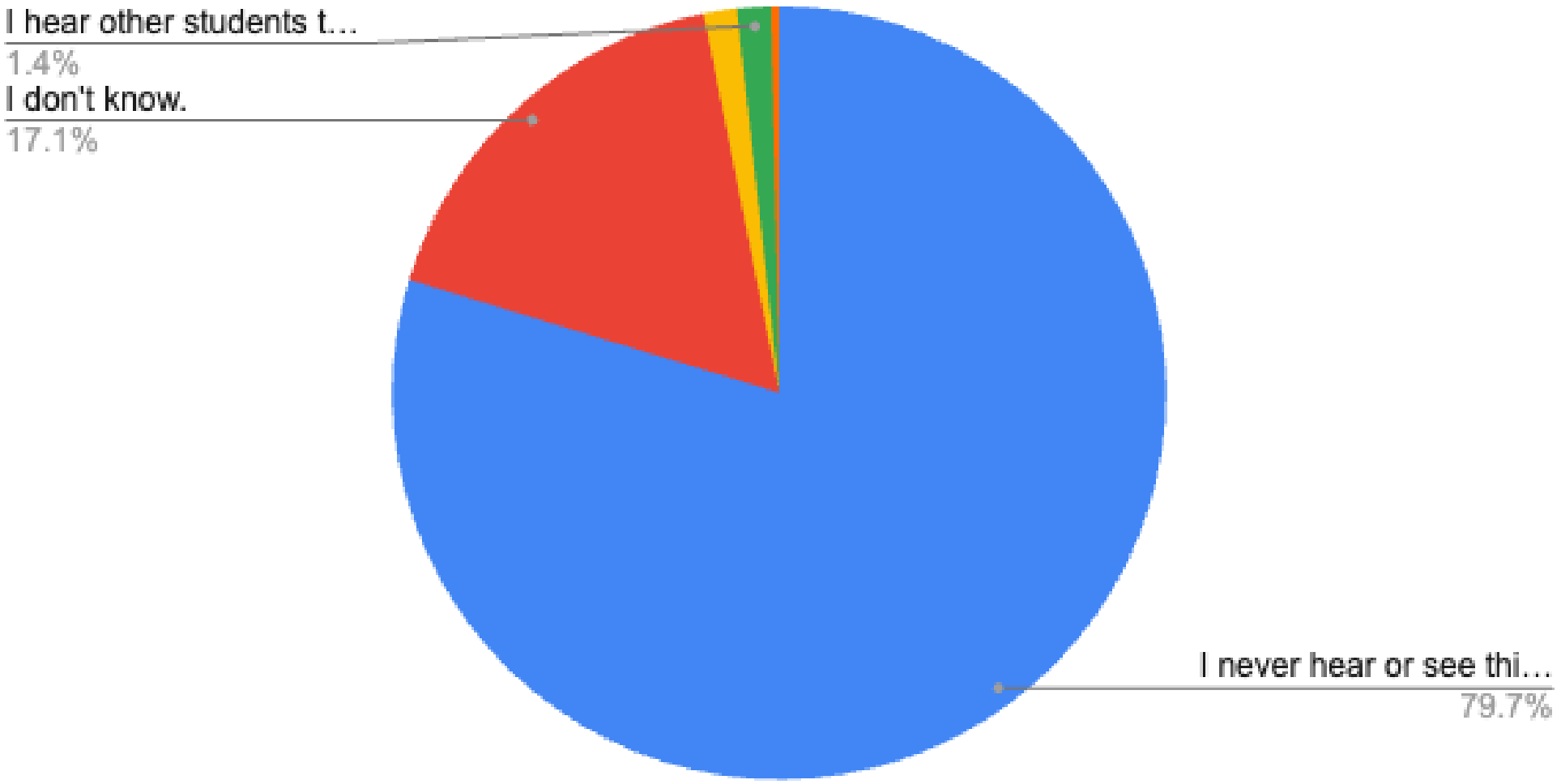
# Count of How much do you find the following to be a problem at your school? [People Trespassing on Campus]



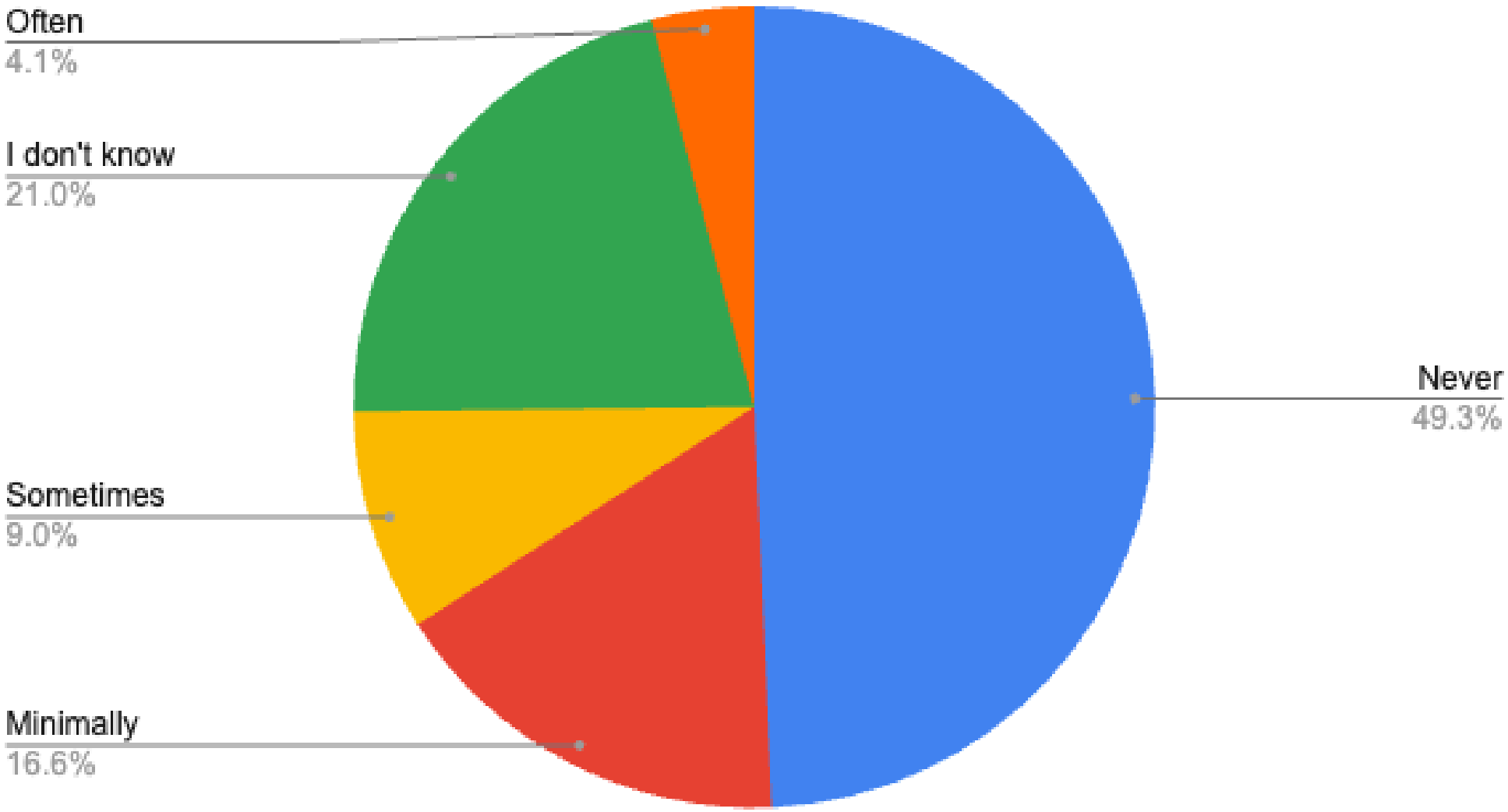
# Count of How much do you find the following to be a problem at your school? [Drug Use]



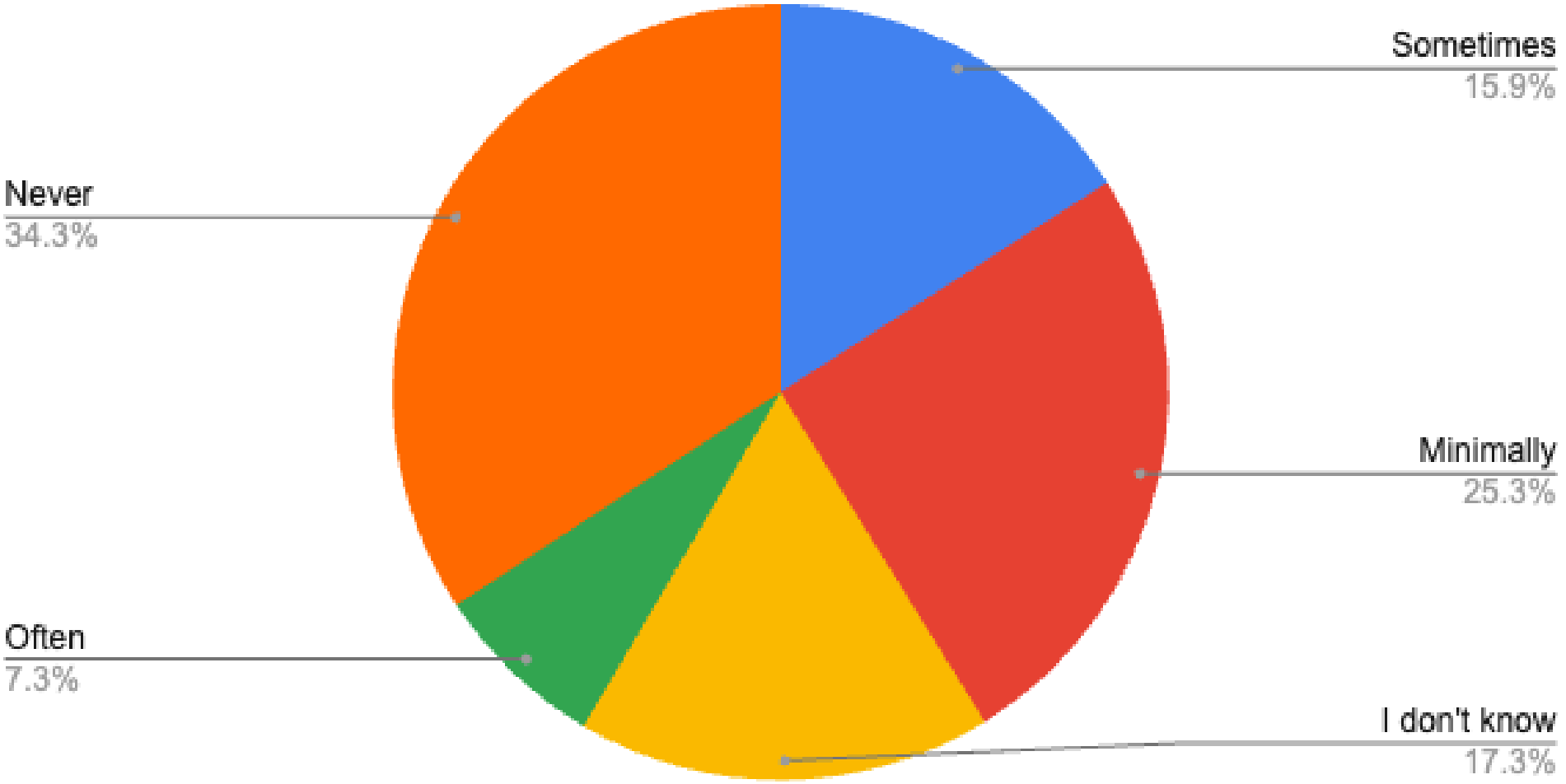
# Count of How much do you find the following to be a problem at your school? [Alcohol Use]



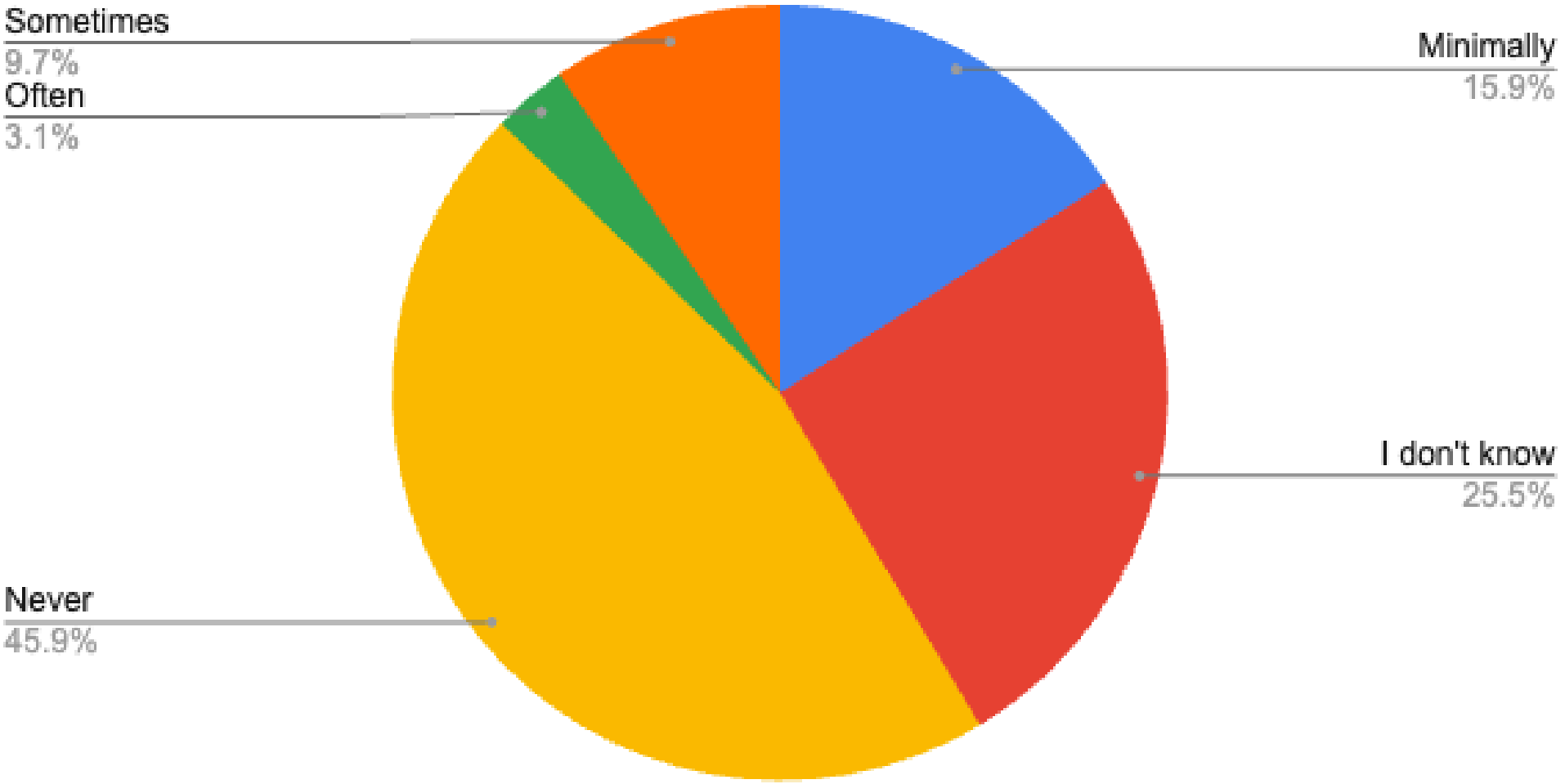
# Students at my school get put down because of their ... [Race]



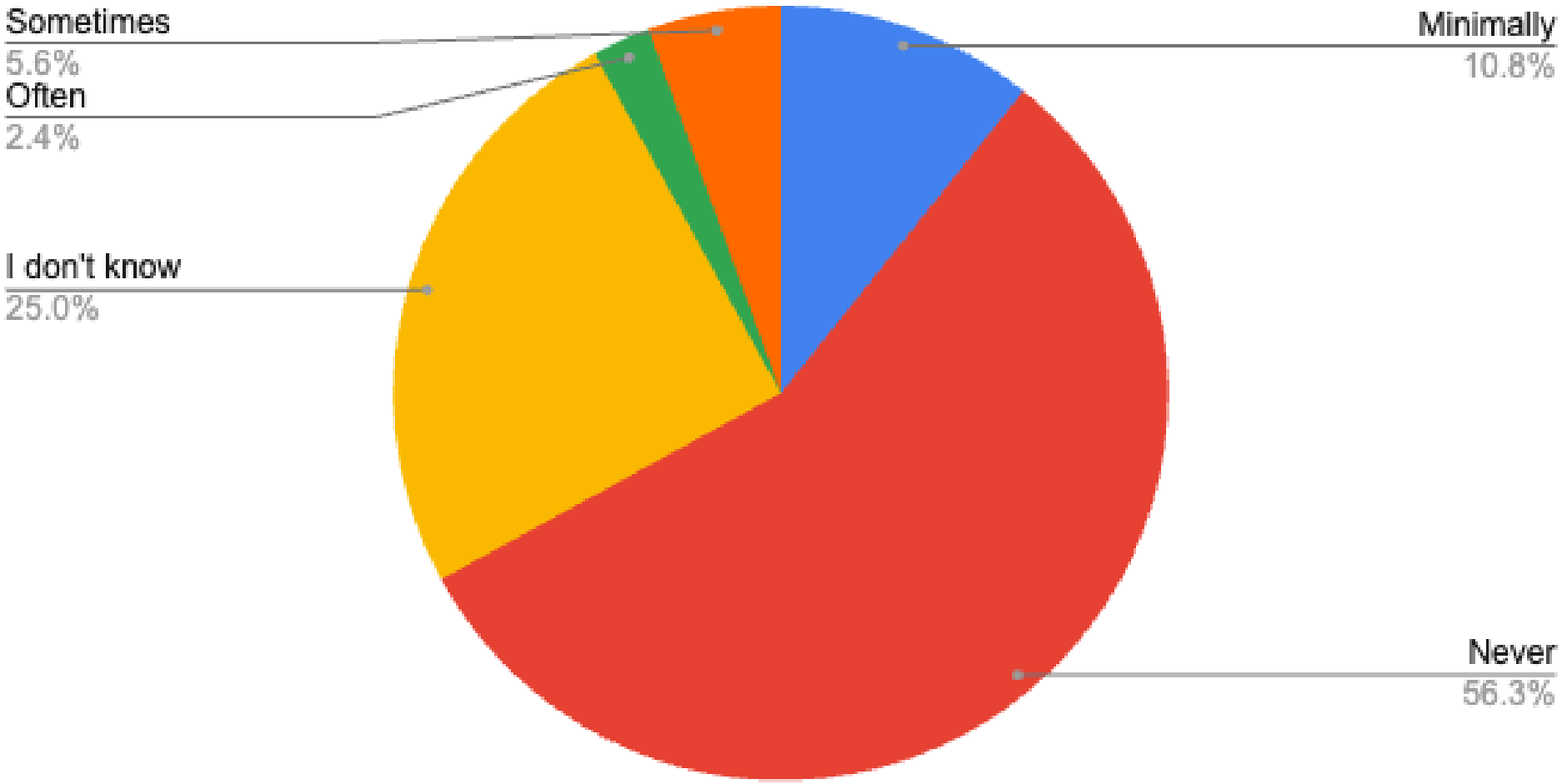
# Students at my school get put down because of their ... [Learning difficulties]



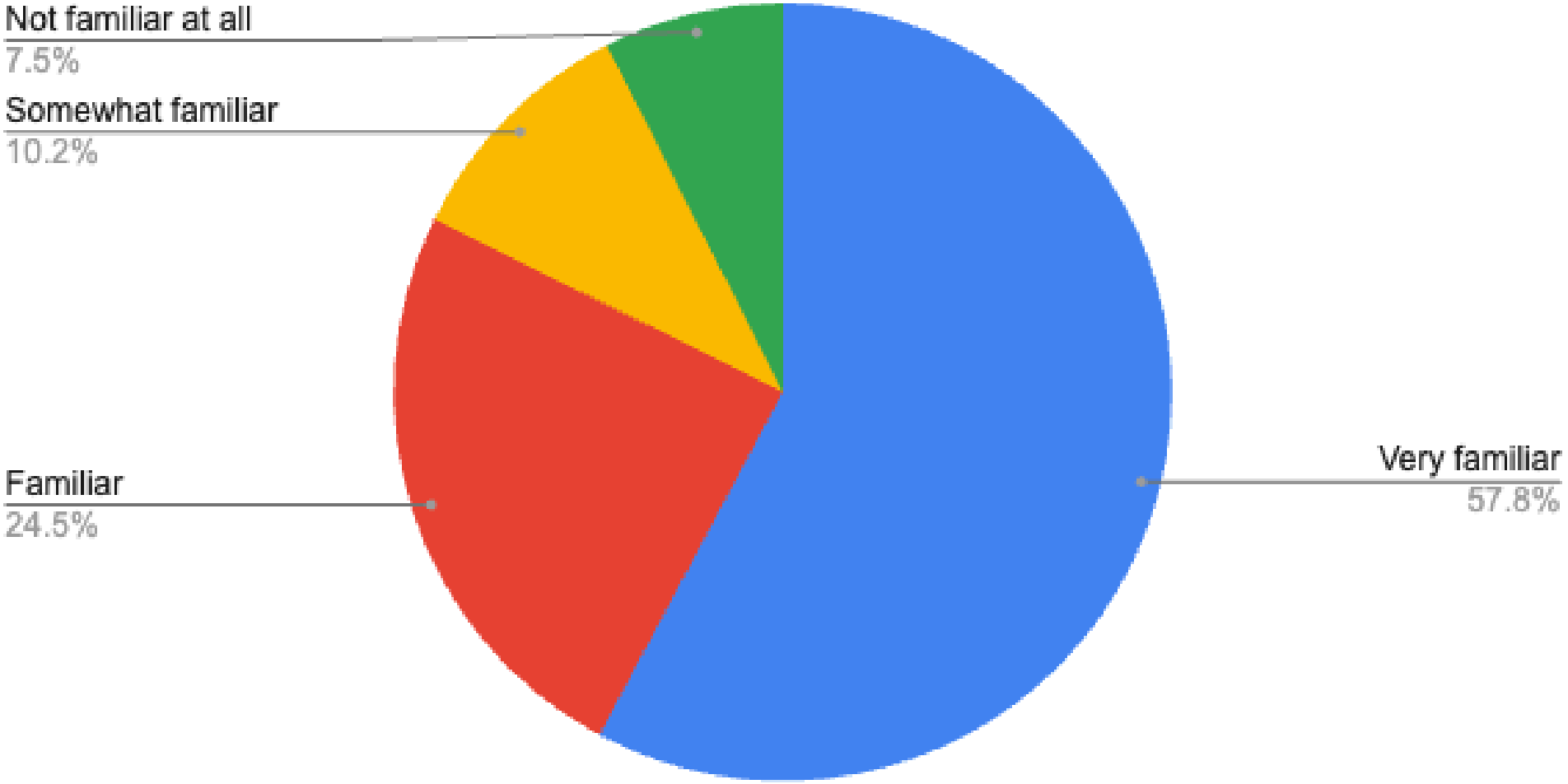
# Students at my school get put down because of their ... [Clothing or physical appearance]



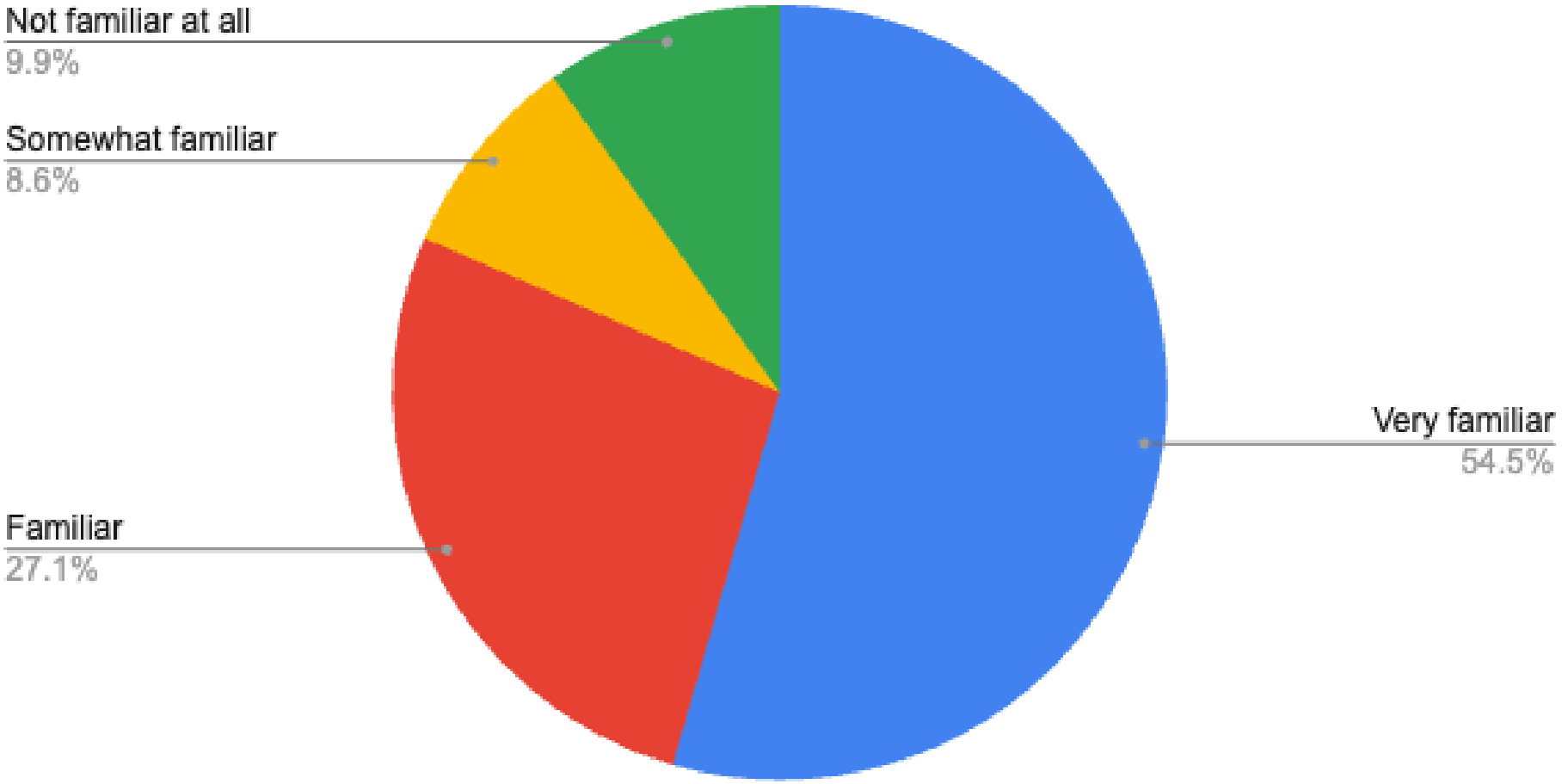
# Students at my school get put down because of their ... [Religion or cultural practices]



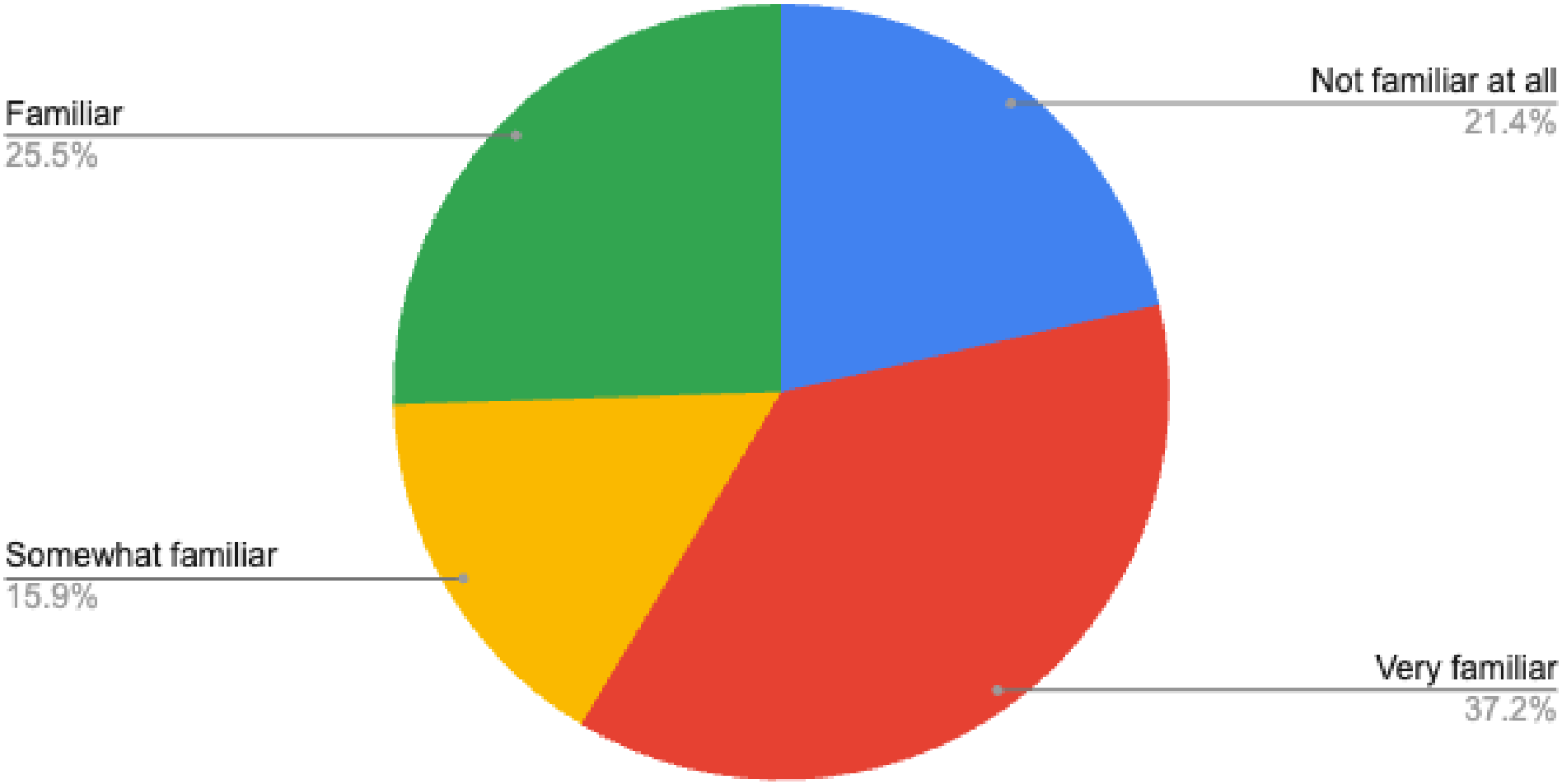
# How familiar are you with the following? [Classroom rules and consequences when those rules are broken.]



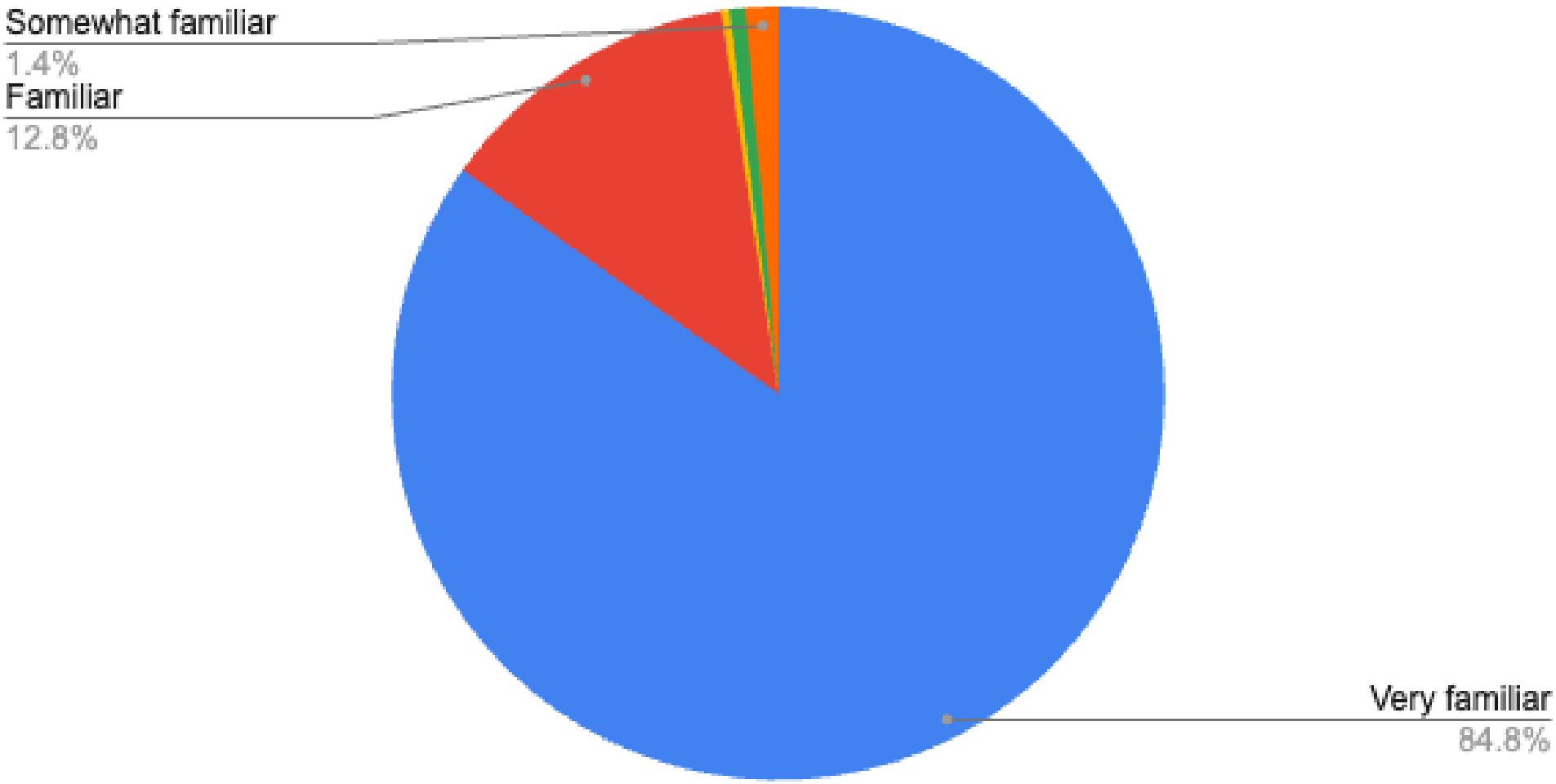
## How familiar are you with the following? [School-wide rules and consequences when those rules are broken.]



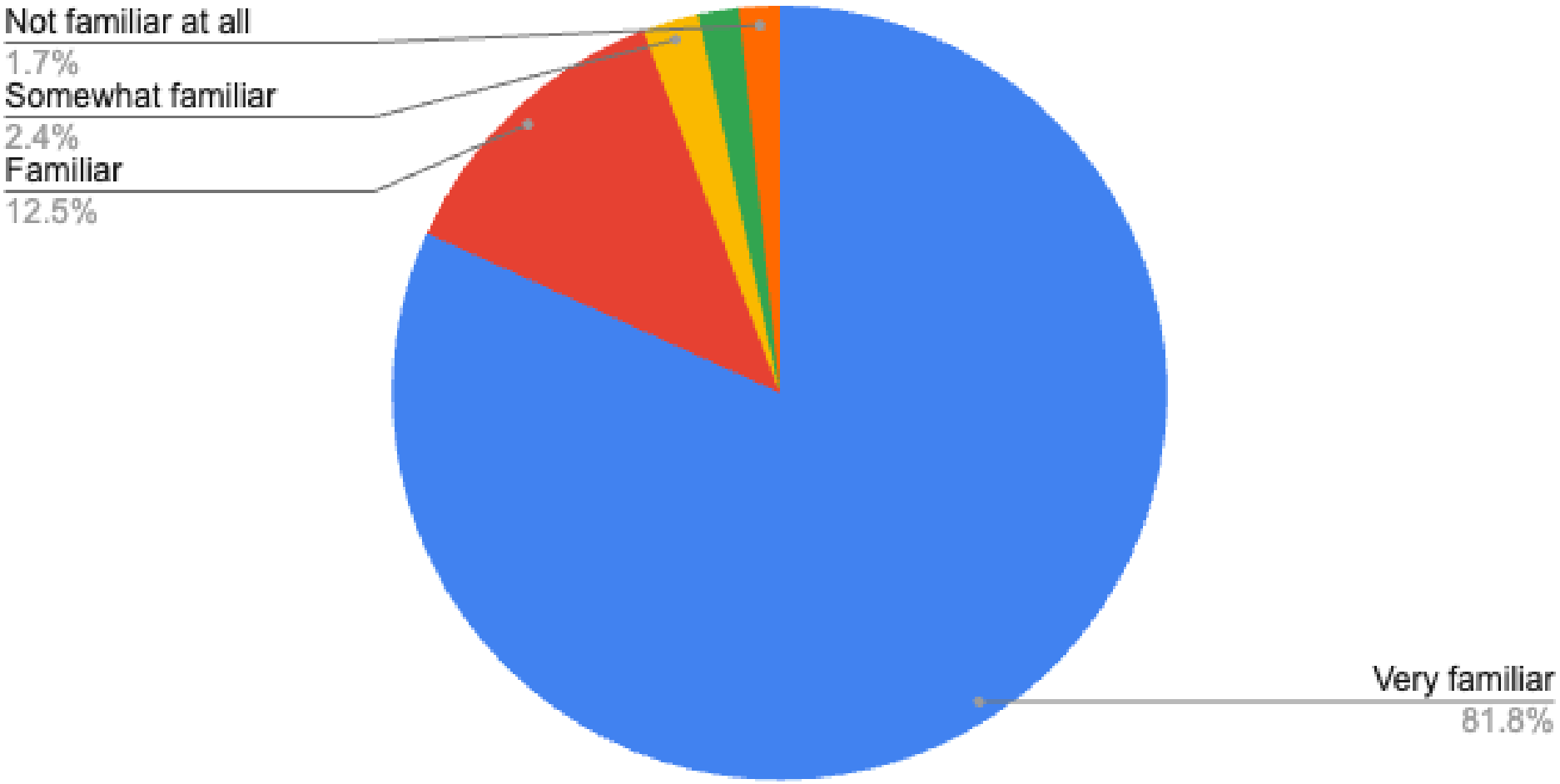
# How familiar are you with the following? [Cyberbullying rules and consequences when those rules are broken.]



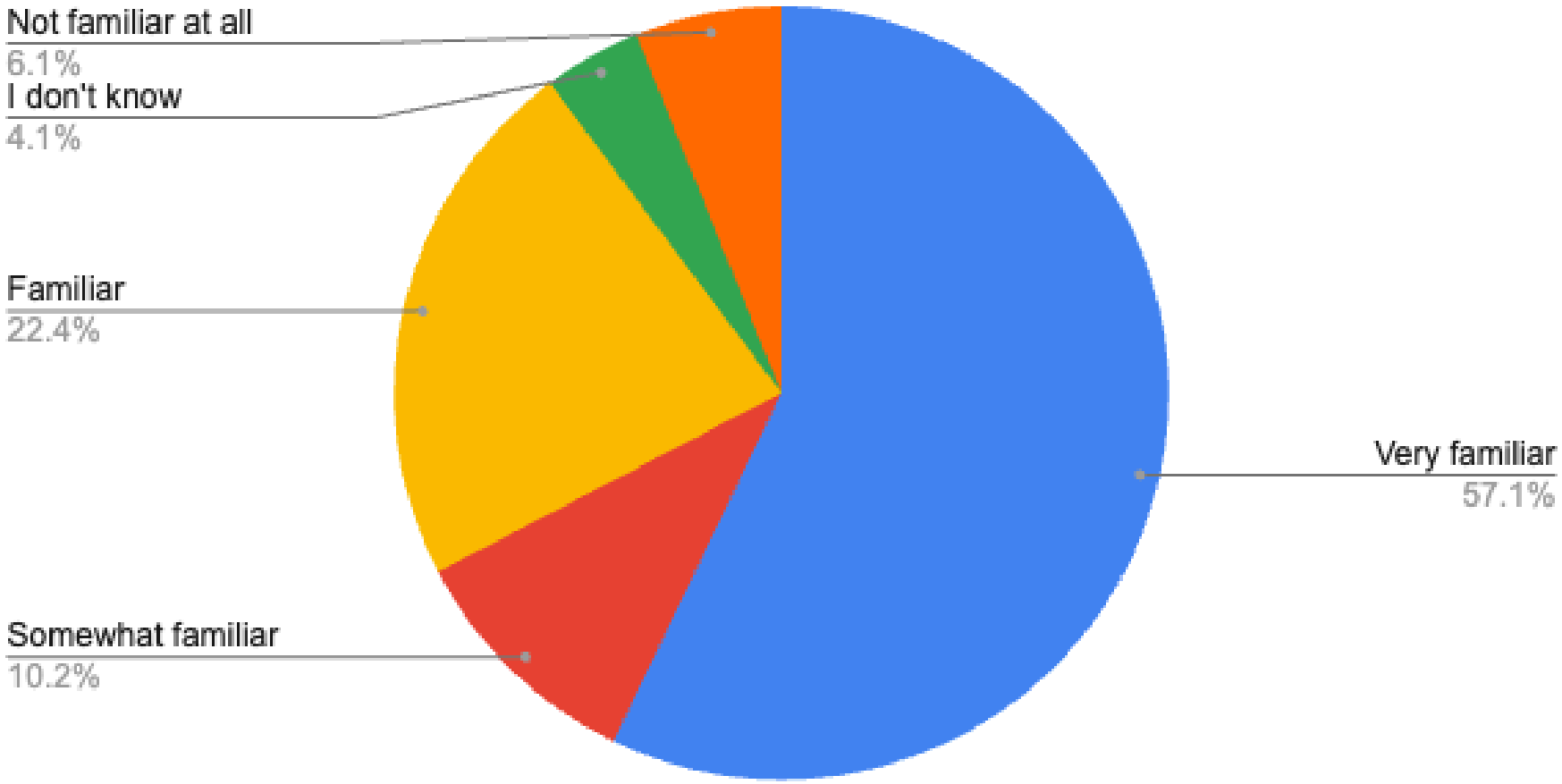
# How well do understand your school Emergency procedures? [Fire Drill]



# How well do understand your school Emergency procedures? [Earthquake Drill]



# How well do understand your school Emergency procedures? [Run, Hide, Defend]

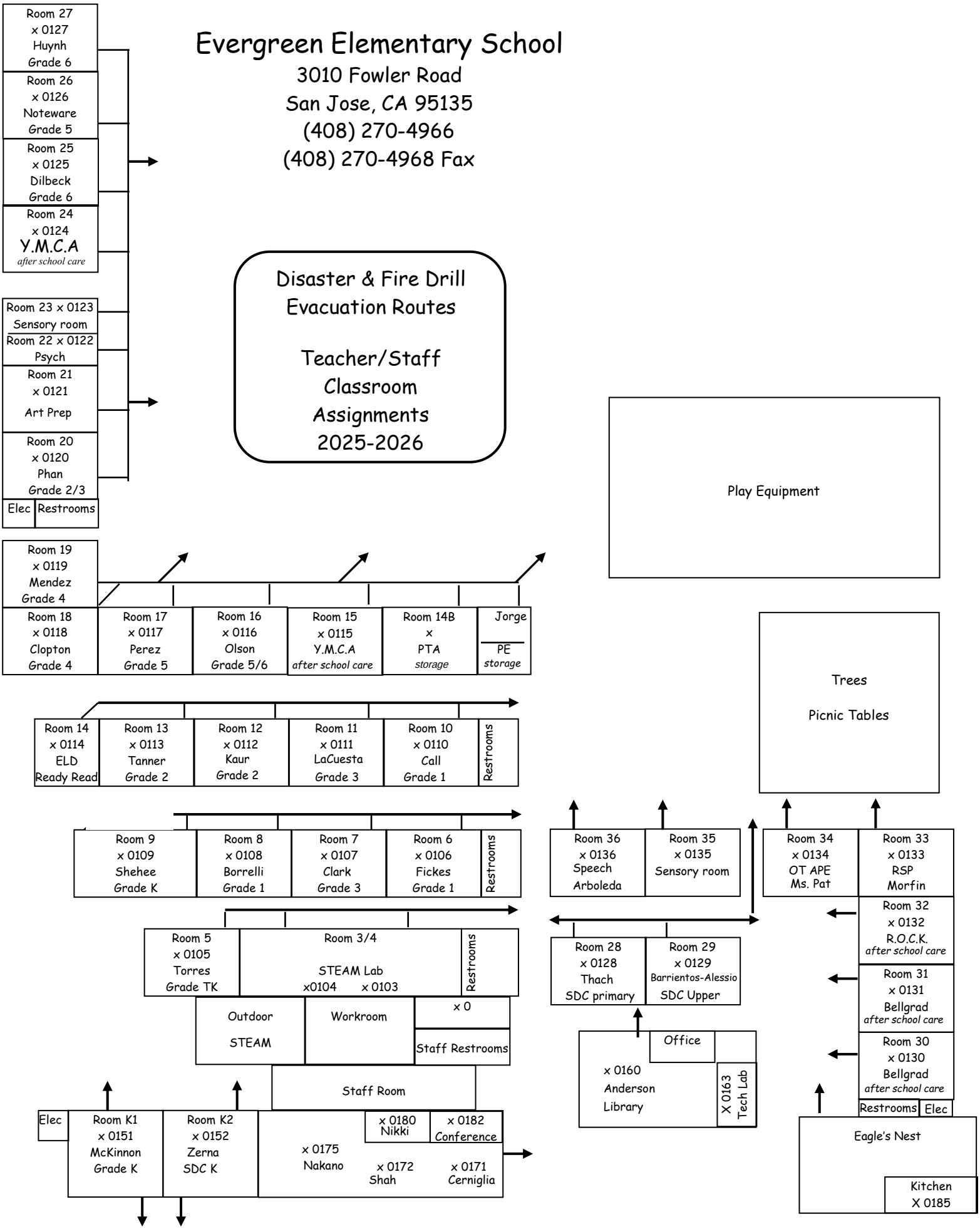


# Evergreen Elementary School

3010 Fowler Road
San Jose, CA 95135
(408) 270-4966
(408) 270-4968 Fax

## Disaster & Fire Drill Evacuation Routes

Teacher/Staff Classroom Assignments 2025-2026



# Evergreen Elementary School Handbook

2024-2025




evergreen.eesd.org/

Office 408-270-4966

3010 Fowler Road

San Jose, CA 95135


**Our Vision**

**In collaboration with all vested members of our school community, we consistently work to achieve academic excellence for all students, celebrate and appreciate our students' diversity, promote a positive school climate, and maintain an emotionally, intellectually, socially, and physically safe school environment.**

**Our Mission**

**The Evergreen community respectfully nurtures and engages each student in realistic, meaningful, and collaborative learning.**

# Principal's Message



Dear Students, Parents, and Guardians,

It is with great pleasure that I welcome you to Evergreen Elementary School, where we are dedicated to making learning engaging and fun!  As the principal of this wonderful institution, I am honored to guide and support this exciting educational journey.

At our school, we believe that knowledge  is the key to unlocking each child's limitless potential. Our dedicated team of educators is committed to providing a safe, nurturing, and inclusive environment that fosters academic excellence, personal growth, and character development.

Research demonstrates that family involvement is the number one factor in determining student success in school.  Parental/Guardian involvement can take many forms. First and foremost, it means getting children to school daily and getting them there on time.  In addition, reading to or with your child every evening is essential. Not only does this help students build their vocabulary and love of reading, but the quiet time together is immeasurable. Being present to monitor student homework and projects, providing a quiet place for their studies, and being informed about progress and grades are all important to student success.

Evergreen Elementary School is known throughout the district for its close partnership between home and school. Parents and guardians are very supportive of their students and teachers. I encourage you to get as involved as is feasible here at school. Join the PTA and help with their events and/or volunteer in whatever capacity you are able to. Your student(s) will see through this example that their education and well-being are your priority.

Sincerely,

Principal Diana Nakano

# About
# Evergreen Elementary



Once the only school in the area that served the farm community in the east foothills of San Jose, Evergreen School is honored to be the namesake of the district as well as the oldest school in the district. Evergreen Elementary opened its doors at the current location to students in the fall of 1955. We are now surrounded by homes instead of orchards and vineyards.

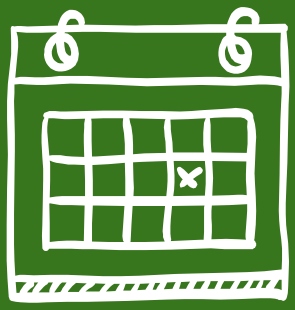
Evergreen School is a community that works together as a team to create multiple opportunities for success for all students. The staff is committed, energetic, hard-working, and creative. Parents are involved and can be seen helping around the school in classrooms, the computer lab, and on field trips. We are dedicated to the academic achievement of all students. We recognize and strive to meet our students' emotional, social, and physical needs and promote their growth by helping them become critical thinkers, problem solvers, effective communicators and caring citizens.

Evergreen is a school with "a strong 67-year tradition dignified with excellence in educating every child. " It is our privilege to be able to carry on this tradition!

*The original Evergreen School House:*



# Evergreen Elementary School Schedule





## Year At A Glance

AUGUST
19 First day of school

SEPTEMBER
2 Labor Day (No School)

OCTOBER
10 - Professional Development Day (No School)

NOVEMBER
11 Veterans Day (No School)
25 - 29  Thanksgiving Break (No School)

DECEMBER
23 - Jan 3 Winter Break (No School)

JANUARY
1-3 Winter Break (No School)
20 MLK Holiday (No School)

FEBRUARY
17-21 Presidents Break (No School)

MARCH
31 Cesar Chavez Day (No School)

APRIL
18-25 Spring Break (No School)

MAY
26 Memorial Day (No School)

JUNE
12 Last Day of School

# Evergreen Elementary School Schedule



**TK and Kindergarten will start the year with half days and transition into full days with minimum days every Thursday starting the week of September 3rd.**

**Every Thursday is a minimum day unless noted on the district calendar.**



# Evergreen Elementary Bell Schedule

## Transitional Kindergarten / Kindergarten

**August 19 - August 30 8:30 a.m. - 11:50 a.m.**

**Starting September 3rd: Follow regular and minimum day schedule below.**

### Regular Schedule

| | |
|---|---|
| 8:30 a.m. | Tardy bell |
| 9:30 a.m. | First Recess |
| 11:20 a.m. | Lunch |
| 1:00 p.m. | Second Recess |
| 2:15 p.m. | Dismissal |

### Minimum Day Schedule* (Thursday)

| | |
|---|---|
| 8:30 a.m. | Tardy Bell |
| 9:30 a.m. | Recess |
| 11:05 a.m. | Lunch |
| 12:45 p.m. | Dismissal |

## Primary - Grades 1-3

### Regular Schedule

| | |
|---|---|
| 8:25 a.m. | Freeze Bell |
| 8:30 a.m. | Tardy Bell |
| 9:45 a.m. | Recess |
| 11:35 a.m. | Lunch |
| 1:20 p.m. | Recess |
| 2:33 p.m. | Dismissal |

### Minimum Day Schedule* (Thursday)

| | |
|---|---|
| 8:25 a.m. | Freeze Bell |
| 8:30 a.m. | Tardy Bell |
| 9:45 a.m. | Recess |
| 11:15 a.m. | Lunch |
| 1:00 p.m. | Dismissal |

# Evergreen Elementary School Schedule



## Arrival

**Students are allowed to enter campus at 8:15 am every morning. They are to go directly to their classroom line and wait for their teacher to pick them up at 8:25 am. Students are considered tardy if they are not in line by 8:30 and then must check into the front office before going to class.**

## Dismissal

**Students are to be picked up within 10 minutes of school dismissal time. Students will be in the office for pick up after 2:45 pm.**

# Evergreen Elementary Bell Schedule

## Upper Grades: 4-6

### Regular Schedule

| | |
|---|---|
| 8:25 a.m. | Freeze Bell |
| 8:30 a.m. | Tardy Bell |
| 10:00 a.m. | Recess |
| 12:30 p.m. | Lunch |
| 2:35 p.m. | Dismissal |

### Minimum Day Schedule* (Thursday)

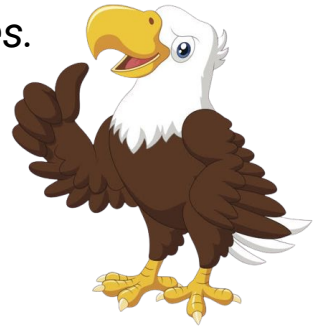
| | |
|---|---|
| 8:25 a.m. | Freeze Bell |
| 8:30 a.m. | Tardy Bell |
| 11:55 a.m. | Lunch |
| 1:00 p.m. | Dismissal |

### Assembly Schedule

| | |
|---|---|
| 8:25 a.m. | Freeze Bell |
| 8:28 a.m. | Gates Closed |
| 8:30 a.m. | Tardy Bell |
| 11:20 a.m. | TK/K Lunch |
| 11:35 a.m. | Primary Lunch |
| 12:30 p.m. | Upper Lunch |
| 2:15 p.m. | TK/K Dismissal |
| 2:33 p.m. | Primary Dismissal |
| 2:35 p.m. | Upper Dismissal |

*Students are considered late if not **in line** by 8:30 sharp.

*Our daily schedule is consistent with Educational Code minutes.*



# State and Local Policies



Every student shall attend school punctually and regularly, follow school rules, obey all directions of the staff, work diligently, behave appropriately, and respect those in authority. (CA Administrative Code 300).

1. Those students who continue to defy school authority by word or act, or who commit an obscene act or engage in habitual profanity, are subject to disciplinary action (Ed. Code 48900).
2. Students who possess, sell, or otherwise furnish any firearm, knife, explosive, or other dangerous object, shall be subject to suspension and expulsion from school and district, and the items will be confiscated (CA Administrative Code 300, Penal Code 653k, Penal Code 62610).
3. There shall be no smoking or possession of tobacco, tobacco product, or electronic cigarette (or similar product) on school grounds or during any school activity (Ed. Code 48900).
4. The use, possession or being under the influence of any controlled substance, intoxicant, or alcoholic beverage on school grounds or any school sponsored activity is strictly prohibited. Violators will be suspended from school and subject to referral to the appropriate law enforcement agency (Ed. Code 48900, CA Administrative Code 301).
5. Any student who destroys or in any way injures public or private property such as books, lockers, buildings, buses, or other equipment may face suspension or expulsion, and the parent or guardian shall be held financially liable.
6. Any student who steals, or attempts to steal school or personal property, or commits any unlawful act on school buses, school grounds, or on the way to and from school shall be subject to suspension, expulsion and referral to the appropriate law enforcement agency.
7. Suspension, including supervised suspension as described in Section 48911.1, shall be imposed only when other means of correction fail to bring about proper conduct, except when that the pupil's presence causes a danger to persons (Ed. Code 48900.5). Examples of ”Other means of correction” include: Restorative Practices, Community Service, Reflection, Conference, Positive Support Approach and After-school Programs.

## Sexual Harassment

Sexual harassment means "any unwelcome sexual advances, requests for sexual favors, and/or other verbal, visual, or physical conduct of a sexual nature made by someone in the educational setting." This conduct has the purpose or effect of having a negative impact upon the individual's work or academic performance, or creates an intimidating, hostile, or offensive educational environment.

Violators will face disciplinary actions which may include suspension or expulsion from school and subject to referral to the appropriate law enforcement agency.

A student who believes he/she is a victim of sexual harassment is to report such harassment to a teacher, administrator, or other adult authority on campus.

# District Policies



The Evergreen School District provides the following written policies for students and families yearly:

- Student Use of Technology
- Acceptable Use of Technology
- Student Substance Abuse
- Notice of Uniform Complaint
- Williams Uniform Complaint
- Student Non-Discrimination
- Student Sexual Harassment
- Protection of Pupil Rights Annual Notice to Parents
- PPRA Annual Notice of Student Education Record Privacy

The Parent Handbook is sent home at the beginning of the year and is available on the district website. (www.eesd.org)

## Uniform Complaint Procedure

The Evergreen School District shall investigate and seek to resolve complaints at the local level. The district follows uniform procedures when addressing complaints alleging unlawful discrimination or failure to comply with state or federal law in programs for consolidated categorical aid, migrant education, child nutrition, special education, adult basic education, vocational education, and child care & development. Contact the Superintendent or designee, if you have a question concerning noncompliance on any of the programs listed. After receiving the district's decision regarding a complaint, appeal procedures are available to the California Department of Education. Complainants may use any civil law remedies that may be available. (BP/AR 1312.3)

## Gender Equity Policy

Evergreen Elementary School makes every effort to ensure gender equity. All facilities, classes, awards, and extracurricular activities are made available and are open to all Evergreen students. Our physical education program is co-educational. Students are encouraged to participate in school wide activities without regard to gender.

## Textbook and Library Books

Students are responsible for the use and care of all textbooks issued to them. They are also responsible for any library books they check out. Students and their parents/guardians are financially responsible for lost or damaged books (Ed. Code 48904 ). Please be aware of this and take care of them appropriately. Library books should be returned on or before the due dates.

## Search and Seizure

School officials may search any individual student, his/her property, or district property under his/her control when there is a reasonable suspicion that the search will uncover evidence that he/she is violating the law, Board policy, administrative regulation, or other rules of the district or school. The types of student property that may be searched by school officials include, but are not limited to lockers, desks, purses, backpacks, student vehicles parked on district property, cellular phones, or other electronic communication devices. (Ed Code 49050, BP/AR 5145.12)



## Attendance Help

As a parent, help your child develop a sense of responsibility and good habits by arriving at school on time. Adult supervision does not begin until 8:15 a.m. so students should arrive to school no earlier than 8:15 a.m. Upon arriving at school, students should walk to their classroom line and wait for their teacher to lead them to their classroom. School gates will close by 8:28. Students need to be either in their classroom line or in their classroom by 8:30 a.m. to be considered on time. Students who arrive to their lines and/or in their rooms beyond 8:30 a.m. are considered tardy and should report to the office to receive a tardy slip.

A student's absence from school or tardiness must be verified by the parent/guardian with a written note or a telephone call. It is preferred that you call the day of the absence. Education Code section 48260 states that any pupil subject to compulsory full-time education or to compulsory continuation who is absent from school without a valid excuse more than three days or tardy in excess of 30 minutes on each of more than three days in one school year is truant and shall be reported to the attendance supervisor.

## Truancy and Chronic Absenteeism

**Truancy** – "Education Code Section 48260 (a) A pupil subject to compulsory full-time education or to compulsory continuation education who is absent from school without a valid excuse three full days in one school year or tardy or absent for more than a 30-minute period during the school day without a valid excuse on three occasions in one school year, or any combination thereof, shall be classified as a truant and shall be reported to the attendance supervisor or to the superintendent of the school district."

**Chronic Absenteeism** "A student is considered a chronic absentee if he or she is absent 10 percent of the days they were enrolled in a school. Chronic absence is different from truancy which counts only unexcused absences and indicates a violation of California's compulsory attendance laws. Average Daily Attendance (ADA) is the average number of students who attend school each day and is used for state funding purposes."

## Attendance

It is the responsibility of the parents/guardians to make sure students attend school daily (Education Code 48200). Students who miss more than the allotted absences or tardies from school will receive official notices of truancy (Education Code 48260). This process can lead to our district's Student Attendance Review Board (SARB) (Education Code 48263) and ultimately, the Santa Clara County District Attorney's Office for review and prosecution (Education Code 48264 and 48293 and Penal Code 270.1).

**Excessive absences, excused and unexcused, are tallied up to determine chronic absenteeism (more than 10% of the school year missed).**



## Tardy-Policy

Valid excuses for absence from school are:

Illness (a doctor's note is required after three days), quarantine as directed by a health officer, appointments for medical services, attendance of funeral services of an immediate family member so long as the absence is not more than one day if the service is conducted in California and not more than three days if the service is conducted outside California.

A pupil absent from school under this section shall be allowed to complete all assignments and tests missed during the absence that can be reasonably provided and, upon satisfactory completion within a reasonable period of time, shall be given full credit. The teacher of the class from which a pupil is absent with excuse shall determine which tests and assignments shall be reasonably equivalent to, but not necessarily identical to, the tests and assignments that the pupil missed during the absence.

All other absences are considered unexcused and therefore truant. Family travel that exceeds 10 days will result in the student being dropped from the attendance rolls. Reinstatement into the class and school is contingent upon available space. Three proofs of residence will be required when you return in order to re-enroll your child. Homework and tests are to be made up at the discretion of the individual teacher.



Excused Examples

- Illness
- Medical or dental appointments
- Serious illness or death in the immediate family
- Religious holiday observance

Unexcused Examples

- Trips or vacations
- Missing their ride, car breaks down, traffic delays
- Overslept
- Sports
- Extracurricular activities

## Attendance Line / Email

Parents are to call or email attendance to **408-270-4966 / evfrontoffice@eesd.org** each day a student is absent and report the reason for the absence. A doctor's note is required for five days of consecutive illness. Any student not in attendance during the school day may not participate in any after school program scheduled for that day. The district has implemented automated calling within the first 30 minutes of the school day. The automated call will let parents know if a student was marked absent or tardy.

## Off Campus Pass

When it is necessary for a student to leave prior to the end of the school day, the student must be checked out at the office front counter. The person checking out the student must be listed in the student's Parent Portal Account. **Please be sure all daycare persons are listed.** It is critical that the information in Parent Portal is kept current. If a student is picked up late the person picking up the child must be an adult and listed on their online account.



## Health Office

The Health Office is only for students who are ill or injured at school. You must enter the Health Office through the front office door only. Parents or family members picking up sick/injured children must sign them out in the Student Log Book.

## Medication

No medications; prescriptions or over-the-counter medicines can be brought to school and taken without both parent and physician signatures. Medication request forms may be obtained in the Health Office and need to be updated yearly. In addition, all medication must be brought in by an adult and kept in the Health Office unless the physician states otherwise.



## Visitors

**All campus visitors are required to sign in and out at the office, and wear a badge while on campus.** When volunteering on campus, please be respectful of the teachers' time in the staff room by not using it as a shortcut or being in the staff room during recess and lunch times. Children are not allowed in the staff room at any time. This includes before, during, and after school hours. Remember not to use your cell phone when volunteering in the classroom and leave the phone on vibrate so it does not disturb the class.

For the safety of our students, adults are not allowed in the lunch areas or in any student bathroom. A restroom is available for adult use  located in the front office.

## Closed Campus

Evergreen  is a closed campus, as are all Evergreen schools. Students are required to remain on campus during the entire school day. If students must leave for an appointment during the school day, the parent must come to the office to sign them out. If someone other than a parent will be picking the student up, and they are not on the emergency contact list, **please call the front office to provide permission**. In addition, the person picking the student up **must bring identification to show to the office staff. WIthout identification, the student will not be released.**  We are not allowed to release a student without your written or oral permission. Unless students are involved in an after school sponsored activity, they should leave school directly after school.



Evergreen Elementary has options of eating outside at the picnic tables or in The Eagle's Nest (dependent on weather).

Please visit Evergreen School District's CNS webpage for more information about the school meal program.

Here at Evergreen we offer an allergy free table for students at lunchtime. The table is labeled with signs. This table is Nut-Free, but is in the main eating area.  It is strictly voluntary to sit in this area. This year Evergreen has opted not to participate in the "Share-Table" program due to allergy concerns of our student body.

## Cafeteria Procedures

Evergreen Elementary has a quick and efficient process to ensure students receive fresh, nutritious and tasty food at ease.

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Lunch menus can be found on the district website. (www.eesd.org)

Students are able to receive two free meals during the school day (Breakfast and Lunch). They inform their teacher during morning attendance of what meals they need.

For safety reasons parents and visitors **are not** allowed to eat with students. All students must eat their food in designated eating areas for supervision and clean up purposes. **Parents may not drop off lunches to students throughout the day. All drop offs must go through the front office. *Office staff will not call classrooms for lunch reminders.  Make sure that your student knows that lunch will be in the office for them.***

**No off campus food of any kind may be brought on campus to share with students and their peers. This includes food delivery services.**

***We share our friends, not our food.***

## Celebratory food items

Celebratory food items are not permitted at school. Items such as cake, cupcakes, and candy should be left at home. These items create distractions to the learning environment and pose allergy risks to our students. “Goodie bags” shall contain non-food items that are school appropriate and will be passed out at the end of the school day. Examples: Pencils, pens, erasers, and coloring items.

# Eagle Daily Life

Our community is another important extension of our learning population with a mix of long-time residents and newer families. Because of our stable teaching staff, many teachers have established close relationships with families in the community, which is a testament to our village; creating supportive environments to support all students. This helps to create a trusting relationship and a positive interaction between school and home. Teachers have implemented well-established modes of communication with families that foster success. Parents understand teacher expectations and are able to be a partner in their child's education. A weekly newsletter from the principal is posted on the school website. Teachers use various methods to communicate home, such as websites, emails, and notes, regarding class activities as well as their child's academic progress.

School doesn't stop when the bell rings. At Evergreen, we offer a variety of fee-based and non-fee based before and after school programs. Our staff offers intervention classes for those kindergarten - 6th grade students teachers deem to be "at risk" in the areas of language arts and math.



## School Hours

Students should arrive to campus no earlier than 8:15 AM. The warning bell rings at 8:25 AM & the gates are closed at 8:28 AM. School begins promptly at 8:30 AM. Students need to be in their seats at the time the bell rings The dismissal time for TK/K is 2:15 PM, Primary is 2:33 PM and Upper grade is 2:35 PM. All students not picked up by 2:45 PM will remain in the office until pick-up for safety.

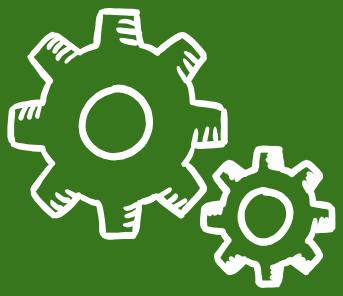
## Suggested Materials

Students are to arrive to school each day with the materials needed to be successful in all of their classes. Textbooks, pens, pencils, paper, notebooks, binders, folders and assigned materials are to be brought to school daily. If you need assistance with this please contact the front office.

## Telephone Calls and Cell Phone Policy

Students may not be called to the phone during school hours. However, in an emergency, the secretary may take a message for a student or arrange a call back. If a student needs to make a phone call to a parent, they may come up to the office and the front office staff or principal will assist them. **Students are not to have their cell phones out during the school day. Cell phones are to be silent and/or off from 8:15am – 2:35pm. Cell phones are not to be in use around campus, should not be out in the classrooms, and should only be used in a classroom if there have been specific directions from a teacher. Smart watches follow the same policy and cell phones.**

# Behavior Expectations



**Be Safe**
**Be Responsible**
**Be Respectful**



## School Wide Expectations (PBIS)

### What is PBIS?

Positive behavioral interventions and supports (PBIS) is a schoolwide systems approach aimed at establishing positive student culture and individualized behavior supports necessary to create a safe and effective learning environment for all students.

### Our Approach

Our PBIS approach includes three Eagle Values: Be Safe, Be Responsible and Be Respectful.

Evergreen Elementary has high expectations and standards for behavior through our PBIS program. We aim to:

- Enhance school climate
- Promote positive behavioral expectations.
- Teach behavior expectations by modeling what is expected.
- Reinforce positive behaviors with rewards and praise.
- Implement consistent consequences for inappropriate behaviors.
- Utilize restorative practices to support repairing harm for victims, building empathy, and reducing recurrence of problems and conflicts.

# PBIS

Evergreen students can earn a “Eagle Buck” for displaying positive behaviors. The coin to the right shows what any Evergreen student can earn for observing our Eagle Values:

- **Be Safe**
- **Be Responsible**
- **Be Respectful**

**This is a function of our PBIS program to bring clarity to expected behaviors while building positive relationships on campus.**

Students can exchange Eagle Bucks for fun prizes at the Eagle Store, which is open twice a month at lunchtime.

Prizes Include:

- Pencils / Pens
- Pins
- Shirts
- Plush toys
- Keychain
- Croc charms
- Beanies
- And more!

# Eagle Bucks



## Positive Behavioral Interventions and Supports (PBIS)

PBIS is a school-wide approach that includes three quality characteristics to enhance school climate:

- Promote positive behavioral expectations.
- Teach behavior expectations by modeling what is expected.
- Reinforce positive behaviors with rewards and praise.
- Implement consistent consequences for inappropriate behaviors.
- Utilize restorative practices to support repairing harm for victims, building empathy, and reducing recurrence of problems and conflicts.

PBIS

# Evergreen Elementary School PBIS School-Wide Expectations

**Evergreen Elementary School**
**PBIS School-Wide Expectations**

| Area | Be Safe | Be Respectful | Be Responsible |
|---|---|---|---|
| **Campus** | • Walk<br>• Keep hands, and feet to yourself<br>• If you hear or see something say something<br>• Share your friends not your food | • Say "please" and "thank you"<br>• Care for and encourage others<br>• Respect all property<br>• Be a good listener | • Demonstrate good character<br>• Accept the outcome of your actions<br>• Keep our school clean and beautiful |
| **Arrival/Dismissal** | • Walk<br>• Use the crosswalks<br>• Look for cars | • Use sidewalks and walkways<br>• Walk all bikes once on campus<br>• Wait your turn to enter the gates | • Wait on the front sidewalk for pickup.<br>• Play during recess and not during the Arrival/Dismissal<br>• Check that all materials are packed before leaving campus |
| **Eagle's Nest** | • Walk<br>• Enter quietly<br>• Share your friends and not your food<br>• Maintain personal space | • Follow noon supervisor directions<br>• Use good table manners<br>• Use a quiet indoor voice<br>• Raise your hand for help, ask to use the restroom, or be dismissed to recess | • Enter/Exit slowly and quietly<br>• Keep the line moving by being prepared with your lunch choice<br>• Clean-up after yourself<br>• Stay at your assigned table |
| **Playground** | • Walk<br>• Follow all playground expectations<br>• Stay in designated areas | • Listen to supervisor's directions<br>• Use kind words<br>• Follow playground expectations<br>• Be a good sport | • Use time wisely<br>• Keep campus clean<br>• Be an upstander |
| **Bathrooms** | • Wash your hands with soap and water<br>• Walk to the bathroom<br>• No playing in the bathroom | • Respect others' privacy<br>• Re-enter class quietly<br>• Keep bathrooms clean | • Go, flush, and wash<br>• Return to class promptly<br>• Freeze at the bell |
| **Library** | • Walk in the library<br>• Push in your chair | • Use quiet voices<br>• Wait your turn<br>• Bring books back on time<br>• Use manners / kind words | • Handle books carefully/properly<br>• Use shelf markers appropriately<br>• Follow the checkout procedures |
| **Office** | • Walk<br>• Sign in and out<br>• Wash your hands before leaving the health office. | • Use inside voices<br>• Wait to be helped<br>• Say Please and Thank you | • Be prepared to communicate<br>• Understand office routines<br>• Clean up after yourself |

PBIS

# Evergreen Elementary School Behavior Management Plan

Evergreen Elementary School

## Evergreen Elementary School Behavior Management Plan

### Teacher Managed

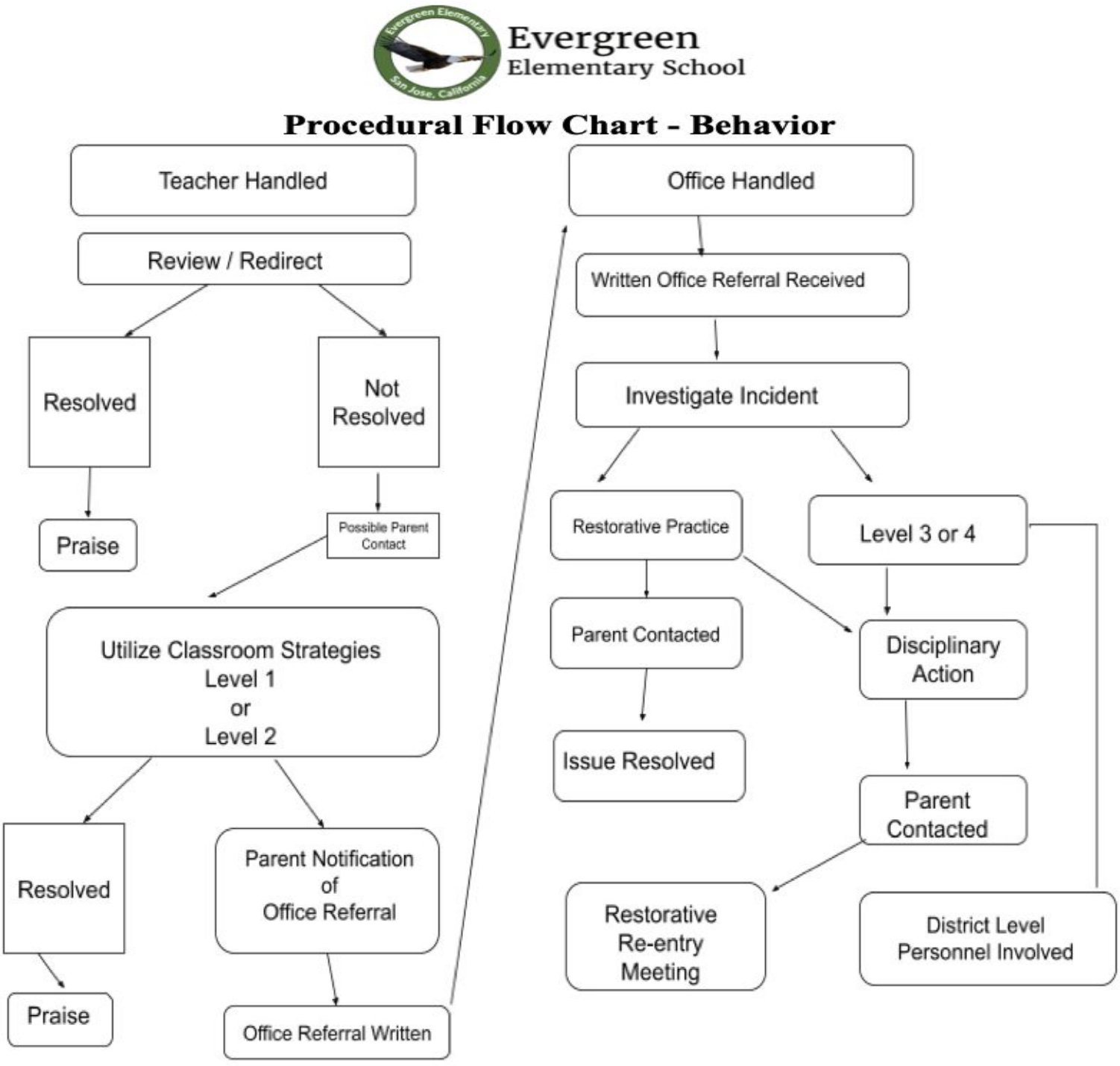
| Level 1 Incidental (Non-Referred/Non-Recorded) | Level 2 Minor (Non-Referred/Recorded) |
|---|---|
| • Running<br>• Loud voices/yelling<br>• Disruptive sounds<br>• Insubordination<br>• Out of seat<br>• Missing homework<br>• Not being prepared for class<br>• Disruptive<br>• Breaking cafeteria rules<br>• Breaking common area rules<br>• Inappropriate behavior in bathrooms<br>• Off task - use of electronic devices<br>• Other: | • Lying<br>• Indirect, inappropriate language/gestures<br>• Inappropriate dress<br>• Spitting (not at a person)<br>• Use of electronic devices that are disruptive to learning.<br>• Unauthorized access to non-student Areas<br>• Cheating/plagiarism<br>• Repeated level 1 offenses<br>• Other: |

### Office Managed

| Level 3 Major (Referred/Recorded) | Level 4 Illegal (Referred/Recorded) |
|---|---|
| • Direct inappropriate language/gesture<br>• Fighting/physical aggression<br>• Harassment/bullying<br>• Overt Defiance<br>• Property destruction/misuse<br>• Theft<br>• Forgery<br>• Internet misuse/cyber-bullying<br>• Taking pictures/video without consent<br>• Repeated Level 2 offense<br>• Other: | • Drug use/possession<br>• Weapon use/possession<br>• Habitual Truancy<br>• Arson<br>• Bomb threat/threat to school<br>• Extreme property damage/vandalism<br>• Combustibles<br>• Assault/threat<br>• Other: |

PBIS

# Procedural Flow Chart for Behavior



# Evergreen Site Policies

## Bullying

Bullying behaviors which include physical, written, verbal, and electronic–with the intent to harass, sexually harass, threaten, intimidate, Cyberbully, or cause bodily or psychological harm, are not allowed. All incidents should be reported immediately to an adult on campus or by completing the online format at:

## Unauthorized Sales

Students are not allowed to sell any unauthorized items or collect money on campus. This includes fundraisers for other schools and organizations.



## Distractive Items

Video games, Sharpies, toys, personal stereo players, or other items that are disruptive to school activities, dangerous, or potentially damaging to school property, are not allowed at school or at school sponsored functions. Items will be confiscated and must be picked up by the student or parent from the Principal.

## Dangerous Items

Matches, lighters, vape pens, cigarettes, or any smoking paraphernalia, drugs, alcohol, fireworks, laser pointers, permanent markers, spray bottles, squirt guns, play guns, water balloons, shaving cream, glass containers, aerosol containers, body sprays/perfumes, hairspray and spray paint are not allowed at school. Items will be confiscated and not returned.

## Fighting

All forms of fighting or conspiracies to fight are strictly prohibited and will result in consequences that may include suspension or expulsion. Students who “arrange” for other students to fight will also face severe disciplinary action. Recording, sharing, and/or posting a video/pictures of a fight will result in disciplinary action and possible law enforcement involvement. This includes walking to and from school.

# Evergreen Site Policies

## Social Media

Any items published on social media having negative effects on our school climate will be handled by school administrators and/or law enforcement agencies if necessary. This includes negative activity done at home. Posting on, making comments or accessing social platforms during the school day is not allowed and violations of any kind will result in disciplinary action.



## Dress Code

Appropriate and modest attire is expected at school. Student's should be comfortable without distraction.

- Undergarments **should not** be showing under any circumstances. If clothing is not worn correctly, it must be corrected or parents will be contacted.
- Sleepwear and blankets are not to be worn (Exceptions on verified Spirit Day)
- Hats or hoodies are allowed **IF** worn appropriately on campus, but are subject to individual classroom policies. Face and ears must be visible to school staff. Hoods must not be worn outside or inside buildings.
- **NO** profane, vulgar, sexually suggestive, violent, drug, alcohol, tobacco or gang-related clothing are allowed. This includes clothing or accessories that are predominantly red or blue.
- Items such as backpacks, belts and belt buckles will also be monitored. Inappropriate words, designs or anything causing a distraction may be confiscated and could lead to disciplinary action.
- No rolling backpacks allowed for safety reasons.

The school administration reserves the right to individually forbid a student from wearing any attire, logos, symbols, or insignias including excessive clothing color, that is determined to create a hostile environment or distracts from learning.

With the ever changing fashion trends, it is difficult to have a comprehensive list of acceptable attire. Therefore, appropriate attire is based on staff and administration discretion to ensure success for all students.

## Classrooms

Each classroom teacher is allowed to set guidelines and policies for his or her individual classroom. Violations of these policies may result in assigned reflection time or other consequences.

# Academics





## Academic Code

Academic integrity is important for the personal and academic success of all Evergreen students. Copying, plagiarizing, cheating, or giving your work to others to use is stealing the intellectual property of others. Consequences for such actions may result in a phone call home, zeros on the work, and a referral to administration.

## Homework Make-up Policy

Upon return to school (excused absence), students are expected to make up missed work. It is the student's responsibility to communicate with the teacher to make up missed assignments. Days allowed for make up is equal to number of days student was absent. Parents may email teachers the third day of an extended absence to arrange pick up of homework.

## Conferences

Parent and Teacher conferences take place in November. All parents are expected to attend.

## Classroom Academics

Please see each  teachers classroom syllabus for individual information. Academic policy varies between grade level and teacher. If you have any questions contact the classroom teacher first.

# Academics





## Honors_____

Gold - All A's in core academic content areas

Silver - All A's and B's  in core academic content areas

**Academic Honors is for grades 4-6 only.**

## Report Cards & Progress Reports

At the end of each progress period, Progress Reports of students are given per teacher discretion. All Trimester Report Cards will be sent home with the student or shared at conferences. If further monitoring is required, the Principal or our school psychologists can set up academic support programs after a parent conference has taken place.

## Promotion

The 6th grade promotion celebration will be held the day before the last day of school. It is intended to celebrate students' hard work in their elementary years.

We ask that nothing be brought to distract from the students success. The celebration is for all students and families to enjoy. Please give your students their balloons, gifts, flowers, etc., after you leave campus for your personal celebrations.

# Evergreen Elementary School District
# Profile of a Learner

In Evergreen School District, we engage our students in authentic learning that prepares them with the skills to be global-minded citizens. Parents want to know their child is on the right path for success in life. Our teachers want to ensure that students learn the skills needed to open doors to the future. Together we recognize that we have an important role in establishing the foundation for our children to grow and thrive.

The knowledge, skills, and attributes our students will need to pursue individual dreams and positively impact the world are defined in our Profile of a Learner. As a Learner, Communicator, Collaborator, Critical Thinker, Innovator, and Advocate, our profile includes outcomes and learning targets we want all our students to achieve during their school years in Evergreen School District.



# Home and Family

## Website and Social Media

To stay current with our school news, please check our school website:

Follow our school Social Media – we share and post as often as we can.

PowerSchool is the system we use to contact parents and guardians in case of an emergency and for safety notifications.  It is crucial that your information is kept current in PowerSchool throughout the school year. Links to the PowerSchool Registration Instructions are posted to Evergreen's website and the Evergreen School District website. Please call evergreen's front office if you need assistance.



## Appointments

If you wish to make an appointment with an administrator or any member of the faculty, please phone or send an email so that a time can be established that in convenient for both parties. Administrators are available from 8:00am – 4:00pm and teachers are available from 8:15am – 3:00pm. Call (408) 270 - 4966 for an appointment or send an email. All email addresses can be found on our school website.

## Advisory Committees and Councils

There are a variety of ways parents can get involved with their school. Besides working in the classroom and PTA, we have several advisory committees you may be interested in participating on: School Site Council, English Learners Advisory Committee (ELAC), Parent Advisory Committee (PAC), District Advisory Committee (DAC), Budget Advisory Committee (BAC) and Parent Teacher Student Association (PTA). Most committee participation requires about an hour a month. Some may need more time. To learn more see Advisory Committees and Councils at Evergreen on the school website.

# Questions?
## Email or Call us



Principal:

Diana Nakano
dnakano@eesd.org

Secretary:

Christina Cerniglia
ccerniglia@eesd.org

Health Office:

Chitra Shah
cshah@eesd.org

School Phone:

408-270-4966

School Fax:

408-270-4968

Front office:

All office staff
evfrontoffice@eesd.org

School website:

https://evergreen.eesd.org/

District website:

https://www.eesd.org/