



# Manlio Silva Elementary School

## 2024 – 2025 Comprehensive School Safety Plan

Lodi Unified School District



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At Manlio Silva School we believe that children can and want to behave appropriately when treated with dignity and respect. A positive approach to discipline with a system of logical consequences maintains appropriate behavior. In 2018-2019 school year, Silva implemented a schoolwide Positive Behavioral Interventions and Supports (PBIS) program. We continue to use a system where the underlying theme is teaching behavioral expectations in the same manner as any core curriculum subject. Schoolwide and classroom management plans are communicated to students and parents, and are consistently followed. In order to ensure we all have the opportunity to be in an orderly, safe, and productive learning environment, certain rules and responsibilities must be present. We developed a Silva Pledge which has the acronym "SHARKS" to match our mascot. It stands for Safe, Honest, Accountable, Responsible, Kinda, Students. Part of our PBIS include "Life Skills" and "Lifelong Guidelines." Every staff member considers these skills as a part of the taught curriculum. Life Skills are posted in each classroom and we have used various avenues to communicate the importance of Life Skills and how they are used in the student's everyday life. They promote good decision making, good citizenship and conflict resolution. In 2016-2017 school year, Silva implemented quarterly Life Skills Awards for first through sixth graders. There are two focused life skills for each month. In addition, every staff member has "Shark Slips" to hand out to students at any time or location for being Safe, Honest, Accountable, Responsible, and Kind Students (SHARKS). Every Friday 3-5 students from each class gets called up to the stage in the cafeteria to be recognized and PTA provides prizes at our student store for every student. Focusing on positive behavior is our focal point to a peaceful, stress-free, learning environment, and our initial records of a low number of disciplinary incidences is a great indicator that it is working. In addition, our Triple A (Attendance, Attitude, and Achievement) program has been implemented with great success since 2005. Students are recognized every month. Silva's PTA has adopted the program and sponsors books for students that earn the awards. Also, we recognize students who have been "Caught Being Good" every Friday morning when the whole school starts off on the

playground. Staff submits referrals to the principal for students who have demonstrated act of kindness. Students can also receive a consequence for breaking a class or school rule. A referral can be made by staff through Aeries (Student Information Data System) for students to see administrators and an appropriate consequence is issued to better the chance of creating a learning opportunity for the child and a change in behavior. Since the massive shooting incident at Sandy Hook Elementary in December of 2012, our staff has reviewed all of our emergency drills and procedures to create a safe campus. Upon review with staff, school resource officer, and REMS flip chart, a step by step procedure guidelines were created for fire; stop, drop, and cover; and lockdown drills..... 115

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# Section 1 – Introduction

SB 187 & AB 1747 Compliant Document

## Preface

This comprehensive school safety plan is evaluated, and amended as needed, no less than once per year per Education Code section 35294.2(e)). This plan is available for public inspection during normal business hours at the Lodi Unified School District office located at 1305 E. Vine Street, Lodi, California, 95240. For questions regarding this plan please call (209) 331-7000.

**NOTE:** Tactical responses to criminal incidents are excluded from this public inspection document. This document is not available for public inspection on the internet.

An “Inspection Log” is utilized to record the name, address, phone number and identification method of all individuals that perform a public inspection of this plan.

## Manlio Silva Elementary School CSSP

### School Stakeholders

- **Administrators:** Tim Shepherd - Principal, Preeti Raheja - Vice principal
- **Teachers:** Gamma, McCoy, Guerra
- **Parents:** Carla Granados
- **Classified:** Ingrid Ledesma
- **School Site Council representative:**
- **Support Staff:**
- **Counselors:** Nicole Turner

### Law Enforcement, Fire Department, Emergency Response

- **Sheriff, Police:** Jerry Adums, retired police, consultant
- **Fire Department:** Robert Dobre Fire inspector 1



## Vision Statement

Manlio Silva and the wider school community are committed to multiple pathways toward excellence and achievement for all students.

Students will imagine, reflect, and innovate within a safe, equitable, and responsive learning environment that develops their academic, social, and emotional growth and holistic well-being.

Students will develop the critical thinking, creative problem solving, technological and media literacy, communication, and collaboration skills necessary for civic engagement and lifelong learning.

## Mission Statement

Our mission statement is: Manlio Silva School will ensure the best education for students to be successful in life. All Silva students participate in a standards-based curriculum of rigorous academic courses that prepares them for lifelong learning and post-secondary experiences.

## Meeting Minutes

## Section 2 – Policies and Procedures

(Policies and Procedures have been excerpted and reformatted for this document. Code and Legal References have been removed. For access to documents in their original and approved form please contact the Lodi Unified School District office located at 1305 E. Vine Street, Lodi, California, 95240. For questions regarding this plan please call (209) 331-7000.)

## Child Abuse Prevention and Reporting – BP 5141.4

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

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

### **Child Abuse Report**

The district's instructional program shall include age-appropriate and culturally sensitive child abuse prevention curriculum. This curriculum shall explain students' right to live free of abuse, include instruction in the skills and techniques needed to identify unsafe situations and react appropriately and promptly, inform students of available support resources, and teach 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.

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.

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.

### **Policy**

adopted: 06/02/98

revised 11/19/02 (technical revision)

revised: 05/03/05

revised: 01/12/16

## Child Abuse Prevention and Reporting – R 5141.4

### Definitions

Child abuse or neglect includes the following:

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 peace officers acting within the course and scope of his/her employment (Penal Code 1165.6)
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 privileged to exercise, not exceeding the amount of physical control reasonably necessary to maintain order, protect property, protect the health and safety of students, or maintain proper and appropriate conditions conducive to learning (Education Code 44807)
4. An injury caused by a school employee's use of force that is reasonable and necessary to quell a disturbance threatening physical injury to persons or damage to property, to protect himself/herself, or to obtain weapons or other dangerous objects within the control of the student (Education Code 49001)
5. Physical pain or discomfort caused by athletic competition or other such recreational activity voluntarily engaged in by the 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; administrators and employees of a licensed day care facility; Head Start teachers; district police or security officers; licensed nurses or health care providers; and administrators, presenters, or counselors of a child abuse prevention program.

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

### **Reportable Offenses**

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

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

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

### **Responsibility for Reporting**

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

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

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

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

### **Reporting Procedures**

#### **1. Initial Telephone Report**

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

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

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

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

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

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

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

### 3. Internal Reporting

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

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

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

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

### **Training**

Within the first six weeks of each 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. Any school personnel hired during the school year shall receive such training within the first six weeks of employment. (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. (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.

### **Victim Interviews by Social Services**

Whenever the Department of Social Services 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 him/her of the following requirements:

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

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

### **Release of Child to Peace Officer**

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

### **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 other than English, such procedures shall be in their primary language and, when communicating orally regarding those procedures, an interpreter shall be provided.

To file a complaint against a district employee or other person suspected of child abuse or neglect at a school site, parents/guardians may file a report by telephone, in person or in writing with any appropriate agency identified above under

“Reporting Procedures.” If a parent/guardian makes a complaint about an employee to any other employee, the employee receiving the information shall notify the parent/guardian of procedures for filing a complaint with the appropriate agency. The employee also is obligated pursuant to Penal Code 11166 to file a report himself/herself using the procedures described above for mandated reporters.



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

**Notifications**

The Superintendent or designee shall provide 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 of their confidentiality rights under Penal Code 11167.

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

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 shall also notify all employees that:

1. A mandated reporter who reports a known or suspected instance of child abuse or neglect shall not be held civilly or criminally liable for making a report and this immunity shall apply even if the mandated reporter acquired the knowledge or reasonable suspicion of child abuse or neglect outside of his/her professional capacity or outside the scope of his/her employment. Any other person making a report shall not incur civil or criminal liability unless it can be proven that he/she knowingly made a false report or made a report with reckless disregard of the truth or falsity of the report.
2. If a mandated reporter fails to report an incident of known or reasonably suspected child abuse or neglect, he/she may be guilty of a crime punishable by a fine and/or imprisonment.
3. No employee shall be subject to any sanction by the district for making a report unless it can be shown that he/she knowingly made a false report or made a report with reckless disregard of the truth or falsity of the report. (Penal Code 11166)

**Rule**

- approved: 06/02/98
- revised: 11/19/02
- revised: 05/03/05
- revised: 03/06/07
- revised: 05/01/07
- revised: 01/15/08
- revised: 06/09/10
- revised: 05/17/11
- revised: 01/12/16

# Suspected Child Abuse Report Form (BCIA 8572)



STATE OF CALIFORNIA  
 BCIA 8572  
 (Rev. 04/2017)

DEPARTMENT OF JUSTICE  
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## SUSPECTED CHILD ABUSE REPORT (Pursuant to Penal Code section 11166)

[Print Form](#) [Clear Form](#)

**To Be Completed by Mandated Child Abuse Reporters**  
 PLEASE PRINT OR TYPE

CASE NAME: \_\_\_\_\_

CASE NUMBER: \_\_\_\_\_

<b>A. REPORTING PARTY</b>	NAME OF MANDATED REPORTER		TITLE		MANDATED REPORTER CATEGORY				
	REPORTER'S BUSINESS/AGENCY NAME AND ADDRESS			Street	City	Zip	DID MANDATED REPORTER WITNESS THE INCIDENT? <input type="checkbox"/> YES <input type="checkbox"/> NO		
	REPORTER'S TELEPHONE (DAYTIME)		SIGNATURE		TODAY'S DATE				
<b>B. REPORT NOTIFICATION</b>	<input type="checkbox"/> LAW ENFORCEMENT <input type="checkbox"/> COUNTY PROBATION		AGENCY						
	<input type="checkbox"/> COUNTY WELFARE / CPS (Child Protective Services)								
ADDRESS		Street	City	Zip	DATE/TIME OF PHONE CALL				
OFFICIAL CONTACTED - NAME AND TITLE				TELEPHONE					
<b>C. VICTIM One report per victim</b>	NAME (LAST, FIRST, MIDDLE)		BIRTHDATE OR APPROX. AGE		SEX	ETHNICITY			
	ADDRESS		Street	City	Zip	TELEPHONE			
	PRESENT LOCATION OF VICTIM		SCHOOL		CLASS	GRADE			
	PHYSICALLY DISABLED? <input type="checkbox"/> YES <input type="checkbox"/> NO		DEVELOPMENTALLY DISABLED? <input type="checkbox"/> YES <input type="checkbox"/> NO		OTHER DISABILITY (SPECIFY)		PRIMARY LANGUAGE SPOKEN IN HOME		
	IN FOSTER CARE? <input type="checkbox"/> YES <input type="checkbox"/> NO		IF VICTIM WAS IN OUT-OF-HOME CARE AT TIME OF INCIDENT, CHECK TYPE OF CARE: <input type="checkbox"/> DAY CARE <input type="checkbox"/> CHILD CARE CENTER <input type="checkbox"/> FOSTER FAMILY HOME <input type="checkbox"/> FAMILY FRIEND <input type="checkbox"/> GROUP HOME OR INSTITUTION <input type="checkbox"/> RELATIVE'S HOME			TYPE OF ABUSE (CHECK ONE OR MORE): <input type="checkbox"/> PHYSICAL <input type="checkbox"/> MENTAL <input type="checkbox"/> SEXUAL <input type="checkbox"/> NEGLECT <input type="checkbox"/> OTHER (SPECIFY)			
	RELATIONSHIP TO SUSPECT		PHOTOS TAKEN? <input type="checkbox"/> YES <input type="checkbox"/> NO		DID THE INCIDENT RESULT IN THIS VICTIM'S DEATH? <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNK				
<b>D. INVOLVED PARTIES</b>	<b>VICTIM'S SIBLINGS</b>								
	NAME		BIRTHDATE	SEX	ETHNICITY	NAME	BIRTHDATE	SEX	ETHNICITY
	1. _____		3. _____		4. _____				
	2. _____								
<b>VICTIM'S PARENTS/GUARDIANS</b>	NAME (LAST, FIRST, MIDDLE)		BIRTHDATE OR APPROX. AGE		SEX	ETHNICITY			
	ADDRESS		Street	City	Zip	HOME PHONE	BUSINESS PHONE		
<b>SUSPECT</b>	NAME (LAST, FIRST, MIDDLE)		BIRTHDATE OR APPROX. AGE		SEX	ETHNICITY			
	ADDRESS		Street	City	Zip	HOME PHONE	BUSINESS PHONE		
SUSPECT'S NAME (LAST, FIRST, MIDDLE)		BIRTHDATE OR APPROX. AGE		SEX	ETHNICITY				
ADDRESS		Street	City	Zip	TELEPHONE				
OTHER RELEVANT INFORMATION									
<b>E. INCIDENT INFORMATION</b>	IF NECESSARY, ATTACH EXTRA SHEET(S) OR OTHER FORM(S) AND CHECK THIS BOX <input type="checkbox"/> IF MULTIPLE VICTIMS, INDICATE NUMBER: _____								
	DATE/TIME OF INCIDENT		PLACE OF INCIDENT						
	NARRATIVE DESCRIPTION (What victim(s) said/what the mandated reporter observed/what person accompanying the victim(s) said/similar or past incident's involving the victim(s) or suspect)								

**DO NOT** submit a copy of this form to the Department of Justice (DOJ). The investigating agency is required under Penal Code section 11169 to submit to DOJ a Child Abuse or Severe Neglect Indexing Form BCIA 8583 if (1) an active investigation was conducted and (2) the incident was determined to be substantiated.



STATE OF CALIFORNIA  
 BCIA 8572  
 (Rev. 04/2017)

DEPARTMENT OF JUSTICE  
 Page 2 of 2

**SUSPECTED CHILD ABUSE REPORT  
 (Pursuant to Penal Code section 11166)**

**DEFINITIONS AND GENERAL INSTRUCTIONS FOR COMPLETION OF FORM BCIA 8572**

All Penal Code (PC) references are located in Article 2.5 of the California PC. This article is known as the Child Abuse and Neglect Reporting Act (CANRA). The provisions of CANRA may be viewed at: <http://leginfo.ca.gov/faces/codes.xhtml> (specify "Penal Code" and search for sections 11164-11174.3). A mandated reporter must complete and submit form BCIA 8572 even if some of the requested information is not known. (PC section 11167(a).)

**I. MANDATED CHILD ABUSE REPORTERS**

Mandated child abuse reporters include all those individuals and entities listed in PC section 11165.7.

**II. TO WHOM REPORTS ARE TO BE MADE ("DESIGNATED AGENCIES")**

Reports of suspected child abuse or neglect shall be made by mandated reporters to any police department or sheriff's department (not including a school district police or security department), the county probation department (if designated by the county to receive mandated reports), or the county welfare department. (PC section 11165.9.)

**III. REPORTING RESPONSIBILITIES**

Any mandated reporter who has knowledge of or observes a child, in his or her professional capacity or within the scope of his or her employment, whom he or she knows or reasonably suspects has been the victim of child abuse or neglect shall report such suspected incident of abuse or neglect to a designated agency immediately or as soon as practically possible by telephone and shall prepare and send a written report thereof **within 36 hours** of receiving the information concerning the incident. (PC section 11166(a).)

No mandated reporter who reports a suspected incident of child abuse or neglect shall be held civilly or criminally liable for any report required or authorized by CANRA. Any other person reporting a known or suspected incident of child abuse or neglect shall not incur civil or criminal liability as a result of any report authorized by CANRA unless it can be proven the report was false and the person knew it was false or made the report with reckless disregard of its truth or falsity. (PC section 11172(a).)

**IV. INSTRUCTIONS**

**SECTION A – REPORTING PARTY:** Enter the mandated reporter's name, title, category (from PC section 11165.7), business/agency name and address, daytime telephone number, and today's date. Check yes/no whether the mandated reporter witnessed the incident. The signature area is for either the mandated reporter or, if the report is telephoned in by the mandated reporter, the person taking the telephoned report.

**IV. INSTRUCTIONS (continued)**

**SECTION B – REPORT NOTIFICATION:** Complete the name and address of the designated agency notified, the date/time of the phone call, and the name, title, and telephone number of the official contacted.

**SECTION C – VICTIM (One Report per Victim):** Enter the victim's name, birthdate or approximate age, sex, ethnicity, address, telephone number, present location, and, where applicable, enter the school, class (indicate the teacher's name or room number), and grade. List the primary language spoken in the victim's home. Check the appropriate yes/no box to indicate whether the victim may have a developmental disability or physical disability and specify any other apparent disability. Check the appropriate yes/no box to indicate whether the victim is in foster care, and check the appropriate box to indicate the type of care if the victim was in out-of-home care. Check the appropriate box to indicate the type of abuse. List the victim's relationship to the suspect. Check the appropriate yes/no box to indicate whether photos of the injuries were taken. Check the appropriate box to indicate whether the incident resulted in the victim's death.

**SECTION D – INVOLVED PARTIES:** Enter the requested information for Victim's Siblings, Victim's Parents/Guardians, and Suspect. Attach extra sheet(s) if needed (provide the requested information for each individual on the attached sheet(s)).

**SECTION E – INCIDENT INFORMATION:** If multiple victims, indicate the number and submit a form for each victim. Enter date/time and place of the incident. Provide a narrative of the incident. Attach extra sheet(s) if needed.

**V. DISTRIBUTION**

**Reporting Party:** After completing form BCIA 8572, retain a copy for your records and submit copies to the designated agency.

**Designated Agency:** *Within 36 hours* of receipt of form BCIA 8572, the initial designated agency will send a copy of the completed form to the district attorney and any additional designated agencies in compliance with PC sections 11166(j) and 11166(k).

**ETHNICITY CODES**

1 Alaskan Native	6 Caribbean	11 Guamanian	16 Korean	22 Polynesian	27 White-Armenian
2 American Indian	7 Central American	12 Hawaiian	17 Laotian	23 Samoan	28 White-Central American
3 Asian Indian	8 Chinese	13 Hispanic	18 Mexican	24 South American	29 White-European
4 Black	9 Ethiopian	14 Hmong	19 Other Asian	25 Vietnamese	30 White-Middle Eastern
5 Cambodian	10 Filipino	15 Japanese	21 Other Pacific Islander	26 White	31 White-Romanian

## Student Suspension/Expulsion/Due Process – BP 5144.1

The Board of Education 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 those specified in law, in this policy, Board Policy 5144, and in the accompanying administrative regulation.

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

1. While on school grounds
2. While going to or coming from schools
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 student suspension and expulsion fairly, consistently, and in accordance with the district's nondiscrimination policies. Routine discipline matters will be handled by school administration. School resource officers will only be called upon for threats to school safety and serious school-based criminal conduct that cannot be safely and appropriately handled by the school's internal disciplinary procedures.

Except when a student's act violates Education Code 48900 (a)-(e), as listed in items #1-5 under "Grounds for Suspension and Expulsion" of the accompanying Administrative Regulation, or when his/her presence causes a danger to others, suspension shall be used only when other means of correction have been documented and have failed to bring about proper conduct.

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 in grades K-3 may be suspended for disruption or willful defiance, except by a teacher pursuant to Education Code 48910.

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

Suspended or expelled students shall be denied the privilege of participation in all extracurricular activities during the period of suspension or expulsion.

### **On Campus Suspension**

To ensure the proper supervision and ongoing learning of students who are suspended for the bases enumerated and defined 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 classroom suspension 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.

### **Authority to Expel**

A student may be expelled only the Board of Education.

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:

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, 288, 288a, or 289, or committing a sexual battery as defined in Penal Code 243.4
6. Possessing an explosive as defined in 18 USC 921

For all other violations listed in the accompanying administrative regulation under "Grounds for Suspension and Expulsion" and "Additional Grounds for Suspension and Expulsion: Grades 4-12," the Superintendent or principal shall have the discretion to recommend expulsion of a student. If the expulsion is recommended, the Board shall order the student expelled only if it makes a finding of either or both of the following:

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 a public session.

The Board may vote to suspend the enforcement of the expulsion order pursuant to the requirements of law and the accompanying Administrative Regulation.

No student shall be expelled for disruption or willful defiance.

**Due Process**

The Board shall provide for the fair and equitable treatment of students facing suspension and expulsion by affording them their due process rights under the law. The Superintendent or designee shall comply with procedures for notices, hearings, and appeals as specified in law and Administrative Regulation. Procedures governing student due process shall conform in all aspects to provisions in law.

**Maintenance and Monitoring of Outcome Data**

The Superintendent or designee shall annually present to the Board a report of the outcome data which the district is required to collect pursuant to Education Code 48900.8 and 48916.1, including 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.

The report shall be disaggregated by school and by numerically significant student subgroups, including, but not limited to, ethnic groups, socioeconomically disadvantaged students, English learners, foster youth, and students with disabilities. The report also shall include information about whether and how the district is meeting its goals for improving school climate as specified in its Local Control and Accountability Plan.

**Policy**

- adopted: 05/11/67
- revised: 04/17/79
- revised: 11/06/84
- revised: 06/02/98
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- revised: 01/12/16
- revised: 05/16/17

## Student Suspension/Expulsion/Due Process – R 5144.1

### Definitions

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

1. Reassignment to another education program or class at the same school where the student will receive continuing instruction for the length of day prescribed by the Governing Board for students of the same grade level
2. Referral to a certificated employee designated by the principal to advise students
3. Removal from the class, but without reassignment to another class or program, for the remainder of the class period without sending the student to the principal or designee as provided in Education Code 48910

Social probation means a student may not attend any school-related event or activity for forty-five (45) school days. A school-related event is any school sponsored activity that occurs outside of regular school hours. School-related events and activities include, but are not limited to, participation in or attendance at school sponsored athletic practices or events, band, choir, drama, cheer, drill or speech performances, school dances, after school rallies, student government, club meetings/activities and promotion/graduation ceremonies.

### 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.

### Grounds for Suspension and Expulsion

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

1. Caused, attempted to cause, or threatened to cause physical injury to another person, willfully used force or violence upon another person, 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
  - a) When a student has been involved in a fight, the administrator shall initiate a “No Fight Contract” to be signed by the student and a parent/guardian.
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
3. Unlawfully possessed, used, sold, otherwise furnished, or was under the influence of, any controlled substance as defined in Health and Safety Code 11053-11058, alcoholic beverage, or intoxicant of any kind

4. Unlawfully offered, arranged, or negotiated to sell any controlled substance as defined in Health and Safety Code 11053-11058, alcoholic beverage, or intoxicant of any kind, and then sold, delivered, or otherwise furnished to any person another liquid, substance, or material and represented same as such controlled substance, alcoholic beverage, or intoxicant
5. Committed or attempted to commit robbery or extortion
6. Caused or attempted to cause damage to school property or private property
7. Stole or attempted to steal school property or private property
8. Possessed or used tobacco or products containing tobacco or nicotine products, including, but not limited to, cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel, except that this restriction shall not prohibit a student from using or possessing his/her own prescription products
9. Committed an obscene act or engaged in habitual profanity or vulgarity
10. Unlawfully possessed, offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code 11014.5
11. Knowingly received stolen school property or private property
12. Possessed an imitation firearm  
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.
13. Committed or attempted to commit a sexual assault as defined in Penal Code 261, 266c, 286, 288, 288a, or 289, or committed a sexual battery as defined in Penal Code 243.4
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
15. Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma
16. Engaged in, or attempted to engage in, hazing  
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.
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 in fear of harm to himself/herself or his/her property; cause the student to experience a substantially detrimental effect on his/her physical or mental health; or cause the student to experience substantial interferences with his/her academic performance or ability to participate in or benefit from the services, activities, or privileges provided by a school.

Bullying shall include any act of sexual harassment hate violence, or harassment, threat, or intimidation, as defined Education Code 48900.2, 48900.3, 48900.4 and below in items # 1-3 of



“Additional Grounds for Suspension and Expulsion: Grades 4-12,” that has any effects described above on a reasonable student.

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

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

18. Aided or abetted the infliction or attempted infliction of physical injury on another person, as defined in Penal Code 31
19. Made terrorist threats against school officials and/or school property.  
A terrorist threat includes any written or oral statement by a person who willfully threatens to commit a crime which will result in death or great bodily injury to another person or property damage in excess of \$1,000, with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out. (Education Code 48900.7)

**Additional Grounds for Suspension and Expulsion: Grade 4-12**

Any student in grades 4-12 may be suspended, but not expelled, for disrupting school activities or otherwise willfully defying the valid authority of supervisors, teachers, administrators, other school officials, or other school personnel engaged in the performance of their duties.

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

1. Committed sexual harassment as defined in Education Code 212.5
1. Sexual harassment means conduct which, when considered from the perspective of a reasonable person of the same gender as the victim, is sufficiently severe, persistent or pervasive as to have a negative impact upon the victim's academic performance or to create an intimidating, hostile, or offensive educational environment.
2. Caused, attempted to cause, threatened to cause, or participated in an act of hate violence as defined in Education Code 233  
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.

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.

### **Suspension from Class by a Teacher**

A teacher may remove a student, including a grade K-3 student, from class for the remainder of the day and the following day for disruption, willful defiance, or any of the acts specified in Education Code 48900 and listed as items #1-19 under “Grounds for Suspension and Expulsion K-12” above.

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, he/she shall be appropriately supervised during the class periods from which he/she has been suspended.

As soon as possible, after the teacher decides to suspend the student, he/she shall ask the student's parent/guardian to attend a parent-teacher conference regarding the suspension. A counselor or psychologist may attend the conference if it is practicable, and a school administrator shall attend if either the parent/guardian or teacher so requests.

A student suspended from class shall not be returned to class during the period of removal without the approval of the teacher of the class and the principal or designee.

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

The teacher of any class from which a student is suspended may require the student to complete any assignments and tests missed during the suspension.

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

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

This notice shall also:

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

### **Suspension by Superintendent, Principal, or Designee**

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 principal's primary designee are absent from the school site.

The Superintendent, principal, or designee shall immediately suspend any student found at the school or a school activity to have committed any of the acts listed in the Board Policy under "Authority to Expel" and for which he/she is required to recommend expulsion.

The Superintendent, principal, or designee may impose a suspension a first offense if he/she determines that the student violated items #1-5 listed under "Grounds for Suspension and Expulsion: K-12" above or if the student's presence causes a danger to persons.

For all other offenses, a student may be suspended only when the Superintendent or principal has determined that other means of correction have been documented and have failed to bring about proper conduct in the student.

When other means of correction are implemented prior to imposing suspension or supervised suspension upon a student, the Superintendent, principal, or designee shall document the other means of correction used and retain them in the student's record.

### **Length of Suspension**

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

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 continuation or class, for purposes of adjustment, he/she may be suspended for not more than 30 days in any 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.

These restrictions on the number of days of suspension shall not apply when a suspension is extended pending an expulsion.

### **Due process Procedures for Suspension**

Suspensions shall be initiated according to the following procedures:

1. **Informal Conference:** Suspension shall be preceded by an informal conference conducted by the Superintendent, principal, or designee with the student and, whenever practicable, the teacher, supervisor, or school employee who referred the student to the principal. At the conference, the student shall be informed of the reason for the disciplinary action, presented with the evidence against him/her, and given the opportunity to present his/her version and evidence in support of his/her defense.  
This conference may be omitted if the Superintendent, principal, or designee determines that an emergency situation exists involving a clear and present danger to the lives, safety, or health of students or school personnel. If a student is suspended without this conference, both the

parent/guardian and student shall be notified of the student's right to return to school for the purpose of the conference. The conference shall be held within two school days, unless the student waives his/her right to it or is physically unable to attend for any reason. In such a case, the conference shall be held as soon as the student is physically able to return to school.

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.
3. Notice to Parents/Guardians: At the time of the suspension, a school employee shall make a reasonable effort to contact the parent/guardian by telephone or in person. Whenever a student is suspended, the parent/guardian shall be notified in writing of the suspension. This notice shall state the specific offense committed by the student.

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

4. Parent/Guardian Conference: Whenever a student is suspended, school officials may meet with the parent/guardian to discuss the cause(s) and duration of the suspension, the school policy involved, and any other pertinent matter.  
While the parent/guardian is required to respond without delay to a request for a conference about his/her child's behavior, no penalties may be imposed on the student for the failure of the parent/guardian to attend such a conference. The student may not be denied readmission solely because the parent/guardian failed to attend the conference.
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:
  - a) The extension of the original period of suspension shall be preceded by notice of such extension with an offer to hold a conference concerning the extension, giving the student an opportunity to be heard. This conference may be held in conjunction with a meeting requested by the student or parent/guardian to challenge the original suspension
  - 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, the Superintendent or designee shall notify the district liaison for foster youth of the need to invite the student's attorney and a representative of the appropriate county child welfare agency to attend the meeting
  - d) If the student involved is a homeless youth, the Superintendent or designee shall notify the district liaison for homeless students

### **Suspension by the Board**

The Board may suspend a student for any of the acts listed in "Grounds for Suspension and Expulsion: Grades K-12" and Additional Grounds for Suspension and Expulsion: Grades 4-12" above and within the limits specified in "Suspension by Superintendent, Principal, or Designee" above.

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.

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

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

#### **On-Campus Suspension**

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

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. Each student shall be responsible for contacting his/her teacher(s) to receive assignments to be completed in the supervised suspension classroom. The teacher(s) shall provide all assignments and tests that the student will miss while suspended. If no such work is assigned, the person supervising the suspension classroom shall assign schoolwork.

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

### **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, he/she shall recommend a student's expulsion for any of the following acts:

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

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

### **Student's Right to Expulsion Hearing**

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

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.

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.

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.

Once the hearing starts, all matters shall be pursued with reasonable diligence and concluded without unnecessary delay.

### **Stipulated Expulsion**

After a determination that a student has committed an expellable offense, the Superintendent, principal, or designee shall offer the student and his/her parent/guardian the option to waive a hearing and stipulate to the expulsion or a suspension of the expulsion under certain conditions. The offer shall

be only after the student or his/her parent/guardian has been given written notice of the expulsion hearing pursuant to Education Code 48918.

The stipulation agreement shall be in writing and shall be signed by the student and his/her parent/guardian. The stipulation agreement shall include notice of all rights that the student is waiving, including the waiving of his/her right to have a full hearing, to appeal the expulsion to the County Board of Education and to consult with legal counsel.

A stipulated expulsion agreed to by the student and his/her parent/guardian shall be effective upon approval of 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.

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

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

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

### **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:

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

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

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

If the student facing expulsion is a foster youth, the Superintendent or designee shall also send notice to the student's attorney and a representative of an appropriate child welfare agency at least 10 days prior to the hearing.

If the student facing expulsion is a homeless youth, the Superintendent or designee shall also send notice to the district's homeless liaison for the homeless at least 10 days prior to the hearing.

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

### **Conduct of Expulsion Hearing**

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

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

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

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.
3. Subpoenas: Before commencing a student expulsion hearing, the Board may issue subpoenas, at the request of either the student or the Superintendent or designee, for the personal appearance at the hearing of any person who actually witnessed the action that gave rise to the recommendation for expulsion. After the hearing has commenced, the Board or the hearing officer or administrative panel may issue such subpoenas at the request of the student or the County Superintendent of Schools or designee. All subpoenas shall be issued in accordance with the Code of Civil Procedure 1985-1985.2 and enforced in accordance with Government Code 11455.20.



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.

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

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 Board's decision to expel shall be supported by substantial evidence that the student committed any of the acts pursuant to Education Code 48900 and listed in "Grounds for Suspension and Expulsion" above. Findings of fact shall be based solely on the evidence at the hearing. While no finding shall be based solely on hearsay, sworn declarations may be admitted as testimony from witnesses whose disclosure of their identity or testimony at the hearing may subject them to an unreasonable risk of physical or psychological harm.

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

5. Testimony by Complaining Witnesses: The following procedures shall be observed when hearings involve allegations of sexual assault or sexual battery by a student:
  - a. Any complaining witness shall be given five days' notice before being called to testify
  - b. Any complaining witness shall be entitled to have up to two adult support persons, including, but not limited to, a parent/guardian or legal counsel, present during his/her testimony
  - c. Before a complaining witness testifies, support persons shall be admonished that the hearing is confidential
  - d. The person presiding over the hearing may remove a support person whom he/she finds is disrupting the hearing
  - e. If one or both support persons are also witnesses, the hearing shall be conducted in accordance with Penal Code 868.5
  - f. Evidence of specific instances of prior sexual conduct of a complaining witness shall be presumed inadmissible and shall not be heard unless the person conducting the hearing determines that extraordinary circumstances require the evidence to be heard. Before such a determination is made, the complaining witness shall be given notice and an opportunity to oppose the introduction of this evidence. In the hearing on the admissibility of this evidence, the complaining witness shall be entitled to be represented by a parent/guardian, legal counsel, or other support person. Reputation or opinion evidence regarding the sexual behavior of a complaining witness shall not be admissible for any purpose.

- g. In order to facilitate a free and accurate statement of the experiences of the complaining witness and to prevent discouragement of complaints, the district shall provide a nonthreatening environment.
    - (1) The district shall provide a room separate from the hearing room for the use of the complaining witness before and during breaks in testimony.
    - (2) At the discretion of the person conducting the hearing, the complaining witness shall be allowed reasonable periods of relief from examination and cross-examination during which he/she may leave the hearing room.
    - (3) The person conducting the hearing may:
      - (a) Arrange the seating within the hearing room so as to facilitate a less intimidating environment for the complaining witness
      - (b) Limit the time for taking the testimony of a complaining witness to the hours he/she is normally in school, if there is no good cause to take the testimony during other hours
      - (c) Permit one of the support persons to accompany the complaining witness to the witness stand
6. Decision: The Board's decision as to whether to expel a student shall be made within 40 school days after the student is removed from his/her school of attendance, unless the student requests in writing that the decision be postponed.

**Alternative Expulsion Hearing: Hearing Officer or Administrative Panel**

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

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

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

The decision to not recommend expulsion shall be final.

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.

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.

### **Final Action by the Board**

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

The Board's Decision is final. If the decision is not to 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 act listed under "Mandatory Recommendation and Mandatory Expulsion" above, this date shall be one year from the date the expulsion occurred, except that the Board may set an earlier date on a case-by-case basis. For a student expelled for other acts, this date shall be no later than the last day of the semester following the semester in which the expulsion occurred. If an expulsion is ordered during summer session or the intersession period of a year-round program, the Board shall set a date when the student shall be reviewed for readmission not later than the last day of the semester following the summer session or intersession period in which the expulsion occurred.

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

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.

### **Written Notice to Expel**

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

1. The specific offense committed by the student for any of the causes for suspension or expulsion listed above under "Grounds for Suspension and Expulsion: Grades K-12 "or "Additional Grounds for Suspension and Expulsion: Grades 4-12"
2. The fact that a description of readmission procedures will be made available to the student and his/her parent/guardian

3. Notice of the right to appeal the expulsion to the County Board of Education
4. Notice of the alternative educational placement to be provided to the student during the time of expulsion
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

### **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 his/her willingness to follow a rehabilitation program

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

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

### **Right to Appeal**

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

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

#### **Notification to Law Enforcement Authorities**

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

The principal or designee also shall notify appropriate city or county law enforcement authorities of any student acts which may involve the possession or sale of narcotics or of a controlled substance. In addition, law enforcement authorities shall be notified regarding any acts by students regarding 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.

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

#### **Placement During Expulsion**

The Board shall refer expelled students to a program of study that is:

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

When the placement described above is not available and when the County Superintendent so certifies, students expelled for acts described in items #6-12 under "Grounds for Suspension and Expulsion" and items #1-3 in "Grounds for Suspension and Expulsion: Grades 4-12" above may be referred to a program of study that is provided at another comprehensive middle, junior, or senior high school or at an elementary school.

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

#### **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 parent/guardian and the student. At the conference the student's rehabilitation plan shall be reviewed and the Superintendent or designee shall verify that the provisions of this plan have been met. School

regulations shall be reviewed and the student and parent/guardian shall be asked to indicate in writing their willingness to comply with these regulations.

2. The Superintendent or designee shall transmit to the Board his/her recommendation regarding readmission. The Board shall consider this recommendation in closed session. If a written request for open session is received from the parent/guardian 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 parent/guardian, 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.
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 parent/guardian describing the reasons for denying re-admittance 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 in to 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 juvenile justice system.

### **Maintenance of Records**

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

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.

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

### **Rule**

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## Student Suspension/Expulsion/Due Process – R 5144.2

### Students with Disabilities

A student identified as an individual with a disability pursuant to the Individuals with Disabilities Education Act (IDEA) 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

- A. The Superintendent or designee may suspend a student with a disability for up to 10 consecutive school days for a single incident of misconduct, and for up to 20 school days in a school year, as long as the suspension(s) does not constitute a change in placement.
- B. The principal or designee shall monitor the number of days, including portions of days, in which a student with a valid individualized education program (IEP) has been suspended during the school year.
- C. The Superintendent or designee shall determine, on a case-by-case basis, whether a pattern of removals of a student from his/her current educational placement for disciplinary reasons constitutes a change of placement. A change of placement shall be deemed to have occurred under either of the following circumstances:
  1. The removal is for more than 10 consecutive school days.
  2. The student has been subjected to a series of removals that constitute a pattern because of all of the following:
    - a. The series of removals total more than 10 school days in a school year.
    - b. The student's behavior is substantially similar to his/her behavior in previous incidents that resulted in the series of removals.
    - c. Additional factors, such as the length of each removal, the total amount of time the student has been removed, and the proximity of the removals to one another, indicate a change of placement.
- D. If a student's removal is determined to be a change of placement as specified in items #1-2 above, or the student is suspended for more than 10 school days in the same school year, the student's IEP team shall determine the appropriate educational services. Such services shall be designed to enable the student to continue to participate in the general education curriculum in another setting, to progress toward meeting the goals set out in his/her IEP, and to address the student's behavior violation so that it does not recur.
- E. If the IEP of a student with a disability requires the district to provide the student with transportation, the district shall provide the student with an alternative form of transportation at no cost to him/her or to his/her parent/guardian when he/she is to be excluded from school bus transportation.



### **Interim Alternative Educational Placement Due to Dangerous Behavior**

- A. The district may unilaterally place a student with a disability in an appropriate interim alternative educational setting for up to 45 school days, without regard to whether the behavior is a manifestation of the student’s disability, when the student commits one of the following acts while at school, going to or from school, or at a school-related function:
  - 1. Carries or possesses a weapon, as defined in 18 USC 930.
  - 2. Knowingly possesses or uses illegal drugs.
  - 3. Sells or solicits the sale of a controlled substance as identified in 21 USC 812(c), Schedules I-V.
  - 4. Inflicts serious bodily injury upon another person as defined in 18 USC 1365.
- B. The student's interim alternative educational setting shall be determined by his/her IEP team.
- C. 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.
- D. A student who has been removed from his/her current placement because of dangerous behavior shall receive services to the extent necessary to allow him/her to participate in the general education curriculum and to progress toward meeting the goals set out in his/her IEP. As appropriate, the student shall also receive a functional behavioral assessment and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur.

### **Manifestation Determination**

- A. The following procedural safeguards shall apply when a student with a disability is suspended for more than 10 consecutive school days, when a series of removals of a student constitutes a pattern, or when a change of placement of a student is contemplated due to a violation of the district's code of conduct:
  - 1. Notice: On the date the decision to take disciplinary action is made, the student's parent/guardian shall be notified of the decision and provided the procedural safeguards notice pursuant to 34 CFR 300.504.
  - 2. Manifestation Determination Review: Immediately if possible, but in no case later than 10 school days after the date the decision to take disciplinary action is made, a manifestation determination review shall be made of the relationship between the student's disability and the behavior subject to the disciplinary action. At the manifestation determination review, the district, the student's parent/guardian, and relevant members of the IEP team (as determined by the district and parent/guardian) shall review all relevant information in the student's file, including the student's IEP, any teacher observations, and any relevant information provided by the parents/guardians, to determine whether the conduct in question was either of the following:
    - a. Caused by or had a direct and substantial relationship to the student's disability
    - b. A direct result of the district's failure to implement the student's IEP, in which case the district shall take immediate steps to remedy those deficiencies

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

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

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

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

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

#### **Due Process Appeals**

- A. If the parent/guardian disagrees with any district decision regarding placement under 34 CFR 300.530 (suspension and removal for dangerous circumstances) or 34 CFR 300.531 (interim alternative placement), or the manifestation determination under 34 CFR 300.530(e), he/she may appeal the decision by requesting a hearing. The district may request a hearing if the district believes that maintaining the student's current placement is substantially likely to result in injury to the student or others. In order to request a due process hearing, the requesting party shall file a complaint pursuant to 34 CFR 300.507 and 300.508(a) and (b).
- B. Whenever a hearing is requested as specified above, the parent/guardian or the district shall have an opportunity for an expedited due process hearing consistent with requirements specified in 34 CFR 300.507, 300.508 (a)-(c), and 300.510- 300.514.
- C. If the student's parent/guardian or the district has initiated a due process hearing under 34 CFR 300.532 as detailed above, the student shall remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the 45-day time period, whichever occurs first, unless the parent/guardian and district agree otherwise.

### **Readmission**

- A. 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**

- A. The Board of Education'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.

### **Notification to Law Enforcement Authorities**

- A. Law enforcement notification requirements involving students with disabilities shall be the same as those specified for all students in AR 5144.1 - Suspension and Expulsion/Due Process.
- B. When giving any required notification concerning a student with disabilities to any law enforcement official, the principal or designee shall require the law enforcement official to certify in writing that he/she will not disclose the student's information or records to any other person without the prior written consent of the student's parent/guardian.

### **Report to County Superintendent of Schools**

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

### **Procedures for Students Not Yet Eligible for Special Education Services**

- A. 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.
- B. Knowledge means that, before the occurrence of the behavior that precipitated the disciplinary action, one of the following occurred:
  - 1. The parent/guardian, in writing, has expressed concern to district supervisory or administrative personnel, or to a teacher of the student, that the student is in need of special education or related services.
  - 2. The parent/guardian has requested an evaluation of the student for special education pursuant to 20 USC 1414(a)(1)(B) or 34 CFR 300.300-300.311.
  - 3. The teacher of the student or other district personnel has expressed specific concerns directly to the district's director of special education or other supervisory district personnel about a pattern of behavior demonstrated by the student.
- C. However, the district shall not be deemed to have knowledge of a student's disability if the student's parent/guardian has not allowed him/her to be evaluated for special education services or has refused services or, after evaluating the student pursuant to 34 CFR 300.300-300.311, the district determined that he/she was not an individual with a disability.
- D. 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.

- E. 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.

**Rule**

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revised: 09/18/12

## Nondiscrimination– BP 0410

### In District Programs and Activities

The Governing Board is committed to providing equal opportunity for all individuals in education. District programs, activities, and practices shall be free from discrimination based on race, color, ancestry, national origin, ethnic group identification, age, religion, marital or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity or expression, or genetic information; the perception of one or more of such characteristics; or association with a person or group with one or more of these actual or perceived characteristics.

Annually, the Superintendent or designee shall review district programs and activities to ensure the removal of any barrier that may unlawfully prevent an individual or group in any of the protected categories stated above from accessing district programs and activities, including the use of facilities. He/she shall take prompt, reasonable actions to remove any identified barrier. The Superintendent or designee shall report his/her findings and recommendations to the Board after each review.

Pursuant to 34 CFR 104.8 and 34 CFR 106.9, the Superintendent or designee shall notify students, parents/guardians, employees, employee organizations, applicants for admission and employment, and sources of referral for applicants about the district's policy on nondiscrimination and related complaint procedures. Such notification shall be included in each announcement, bulletin, catalog, handbook, application form, or other materials distributed to these groups.

The district's nondiscrimination policy and related informational materials shall be published in a format that parents/guardians can understand. In addition, when 15 percent or more of a school's students speak a single primary language other than English, those materials shall be translated into that other language.

#### **Access for Individuals with Disabilities**

District programs and facilities, viewed in their entirety, shall be in compliance with the Americans with Disabilities Act and any implementing standards and/or regulations.

The Superintendent or designee shall ensure that the district provides appropriate auxiliary aids and services when necessary to afford individuals with disabilities equal opportunity to participate in or enjoy the benefits of a service, program, or activity.

These aids and services may include, but are not limited to, qualified interpreters or readers, assistive listening devices, note takers, written materials, taped text, and Braille or large print materials.

Individuals with disabilities shall notify the Superintendent or principal if they have a disability that requires special assistance or services. Reasonable notification should be given prior to the school-sponsored function, program, or meeting.

**Policy**

adopted: 01/12/16

## Nondiscrimination/Harassment – BP 5145.3

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, and 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.

The Board of Education desires to provide a safe school environment that allows all students equal access 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, targeted at 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, marital status, pregnancy, parental status, physical or mental disability, medical condition, sex, 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.

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 or participates 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 web site in a manner that is easily accessible to parents/guardians and students, in accordance with law and the accompanying administrative regulation.

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.

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 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.

#### **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**

adopted: 05/15/01 (renumbered from 5145.3)  
revised: 05/03/05 (technical revision)  
revised: 09/07/10  
revised: 09/18/12  
revised: 05/19/15  
revised: 12/06/16  
revised: 08/15/17  
revised: 03/02/21



## Nondiscrimination/Harassment – R 5145.3

The District designates the individual identified below as the employee responsible for coordinating the District's efforts to comply with state and federal civil rights laws, and to answer inquiries regarding the District's nondiscrimination policies. The individual shall also serve as the compliance officer specified in Rule 1312.3 - Uniform Complaint Procedures as the responsible employee to handle complaints regarding unlawful discrimination, including discriminatory harassment, intimidation, or bullying, based on the student's actual 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, genetic information, or any other legally protected status or association with a person or group with one or more of these actual or perceived characteristics. The coordinator/compliance officer may be contacted at:

Aisha Brice,  
Coordinator, School Climate  
James Areida Education Support Center  
1305 East Vine Street, Lodi, CA 95240  
(209) 331-7976  
(209) 331-2245  
abrice@lodiUSD.net

### **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 coordinator/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 sexual 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 web site in a manner that is easily accessible to parents/guardians and students.
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 web site in a manner that is easily accessible to parents/guardians and students.
4. Post in a prominent location on the district web site 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, gender, gender identity, pregnancy, and parental status, including the following:

- 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 web sites 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:
    - (1) 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.
    - (2) 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 the OCR's web site.
    - (3) 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) web site.
5. 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. Such resources shall be posted in a prominent location on the district's web site in a manner that is easily accessible to parents/guardians and students.
  6. 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.
  7. 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, including transgender and gender-nonconforming 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.
  8. 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.

9. 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, including transgender and gender- nonconforming students.
10. 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.
11. 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.

#### **Enforcement of District Policy**

The superintendent or designee shall take appropriate actions to reinforce Board Policy 5145.3 - Nondiscrimination/Harassment. As needed, these actions may include any of the following:

1. Removing vulgar or offending graffiti;
2. Providing training to students, staff, and parents/guardians about how to recognize unlawful discrimination, how to report it or file a complaint, and how to respond;
3. Disseminating and/or summarizing the District's policy and regulation regarding unlawful discrimination;
4. Consistent with the laws regarding the confidentiality of student and personnel records, communicating to students, parents/guardians, and the community the school's response plan to unlawful discrimination or harassment;
5. Taking appropriate disciplinary action against students, employees, and anyone determined to have engaged in wrongdoing in violation of District policy, including any student who is found to have filed a complaint of discrimination that the student knew was not true.

#### **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, 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 or principal, whether or not 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 or principal within a school day, whether or not 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.

When any report of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, is made to or received by the principal or compliance officer, the principal or compliance officer shall notify the student or parent/guardian of the right to file a formal complaint in accordance with AR 1312.3 - Uniform Complaint Procedures or, for complaints of sexual harassment that meet the federal Title IX definition, AR 5145.71 - Title IX Sexual Harassment Complaint Procedures. Once notified verbally or in writing, the compliance officer 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, 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.

#### **Transgender and Gender-Nonconforming Students**

Gender identity of a student means a student's gender-related identity, appearance, or behavior as determined from the student's internal sense, whether or not 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.

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.

Transgender student means a student whose gender identity is different from the gender assigned sex at birth.

The District prohibits acts of verbal, nonverbal, or physical aggression, intimidation, or hostility that are based on sex, 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 which are prohibited in the district and which may constitute gender-based harassment include, but are not limited to:

1. Refusing to address a student by a name and the pronouns consistent with his/her gender identity;

2. Disciplining or disparaging a transgender student because his/her mannerisms, hairstyle, or style of dress correspond to his/her gender identity, or a non-transgender student because his/her mannerisms, hairstyle, or style of dress do not conform to stereotypes for his/her gender or are perceived as indicative of the other sex;
3. Blocking a student's entry to the bathroom that corresponds to his/her gender identity because the student is transgender or gender-nonconforming;
4. Taunting a student because he/she participates in an athletic activity more typically favored by a student of the other sex;
5. Revealing a student's transgender status to individuals who do not have a legitimate need for the information;
6. Use of gender-specific slurs;
7. Physical assault of a student motivated by hostility toward him/her because of his/her gender, gender identity, or gender expression.

The District's uniform complaint procedures (AR 1312.3) or Title IX sexual harassment procedures (AR 5145.71), as applicable, shall be used to report and resolve complaints alleging discrimination against transgender and gender-nonconforming students.

Examples of bases for complaints include, but are not limited to, the above list, as well as improper rejection by the district of a student's asserted gender identity, denial of access to facilities that correspond with a student's gender identity, improper disclosure of a student's transgender status, discriminatory enforcement of a dress code, and other instances of gender-based harassment.

To ensure that 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 transgender or gender-nonconforming status is the student's private information and the District will 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.

In any case, the district shall only allow disclosure of a student's personally identifiable information to employees with a legitimate educational interest as determined by the district pursuant to 34 CFR 99.31. Any district employee to whom a student's 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 a 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 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 desire 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 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 a transgender or gender-nonconforming individual, so that prompt action could 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 student's arrangements 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:** The District may maintain sex-segregated facilities, such as restrooms and locker rooms, and sex-segregated programs and activities, such as physical education classes, intermural sports, and interscholastic athletic programs. 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 he/she is transgender or gender-nonconforming. In addition, a student shall be permitted to participate in accordance with his/her 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 his/her gender identity shall not render invalid or inapplicable any other eligibility rule established for participation in the activity.
5. **Student Records:** A student's legal name or gender as entered on the mandatory student record required pursuant to 5 CCR 432 shall only be changed with proper documentation. When a student presents government-issued documentation of a name and/or gender change or

submits a request for a name and/or gender change through the process specified in Education Code 49070, the district shall update the student's records.

6. Names and Pronouns: If a student so chooses, District personnel shall be required to address the student by a name and the pronouns consistent with his/her gender identity, without the necessity of a court order or a change to his/her 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 district 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.

**Rule**

- approved: 05/15/01 (replaces former Rule 5145.3 Nondiscrimination/Harassment)
- revised: 05/19/15
- revised: 07/14/15 (technical revisions)
- revised: 12/06/16
- revised: 08/15/17
- revised: 03/02/21

## Notify Teachers and Counselors of Dangerous Students

### **LUSD School and District Procedures**

The principal or the principal's designee shall review documentary evidence in each student's cumulative record as the record is received by the district. The principal or the principal's designee shall note any suspension on the part of the student. The principal or the principal's designee shall transmit this information to the office of the Director of Child Welfare and Attendance (CWA). This information shall be compiled by the CWA office where it shall be added to data kept on record by the district on dangerous pupils. This information shall be forwarded to principals at each school who will retain this information in a secure, confidential place. This information pursuant to E.C. 49079, shall be made available to teachers and staff via electronic means referencing students who have been suspended and the location of the confidential information related to the suspension.



## Safety – BP 5142

The Board of Education recognizes the importance of providing a safe school environment in order to help ensure student safety and the prevention of student injury. The Superintendent or designee shall implement appropriate practices to minimize the risk of harm to students, including practices relative to school facilities and equipment, outdoor environment, educational programs and school-sponsored activities.

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

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

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

### **Crossing Guards/Safety Patrol**

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

### **Playgrounds**

The Board recognizes that playgrounds present children with visible challenges which they may choose to take in order to test their skills and courage. Playground equipment shall be carefully selected and installed, so that while presenting such challenges, it minimizes accidents and present no unseen hazards. Safety shall receive prime consideration whenever playgrounds are planned or upgraded.

The principal or designee shall ensure that playgrounds and other school facilities are regularly inspected, well maintained, and adequately supervised whenever in use by students during the school day or at school-sponsored activities. The principal or designee shall establish playground safety rules.

### **Policy**

adopted: 06/02/98  
revised: 06/03/03  
revised: 05/03/05 (technical revision)  
revised: 03/06/07  
revised: 05/01/07  
revised: 09/02/08 (technical revision)

## Safety – R 5142

### **Supervision**

The principal of each school shall ensure that certificated employees, teacher aides or yard aides supervise the conduct and safety, and direct the play, of students of the school who are on school grounds before and after school, during recess, and during other intermissions.

Students participating in activities sponsored by other agencies or organizations before or after school hours shall be the responsibility of the other organization/ agency unless otherwise stated in an agreement between the District and sponsoring agency/organization.

Teachers shall be present at their respective rooms and open them to admit students not less than 30 minutes before the time when school starts, or as specified in the collective bargaining agreement.

Safety rules for the use of facilities and equipment shall include as appropriate:

1. Rules on acceptable playground behavior and on the proper use of play apparatus in elementary schools.
2. Rules relating to gymnasium, physical education, field areas, and weight rooms in high schools.
3. Safety rules clearly posted in laboratory classrooms.
4. Shop class rules, including the requirement that power equipment never be used without the teacher's presence in the shop. Students must pass safety tests at mastery level before using such equipment, and test results must be kept on record.

School staff shall train students on the above rules and include safety instruction in their lesson plans when appropriate. Copies of the rules shall be sent to parents/ guardians and be readily available at the school at all times.

The principal or designee shall:

1. Clearly identify supervision zones on the playground and require that supervisors remain outside at a location from which they can observe their entire zone of supervision.
2. Require that all individuals supervising students remain alert in spotting dangerous conditions and report any such conditions to the principal or designee promptly and in writing.
3. Establish emergency procedures that ensure swift response to accidents, fighting, and situations that could become dangerous, such as overcrowding or unusual gatherings of students.

The Superintendent or designee shall ensure that teachers, teacher aides, yard aides and volunteers who supervise students receive training in the above safety practices and in supervisory techniques which will help them to forestall problems and resolve conflicts.

When determining the ratio of playground supervisors to students, the Superintendent or designee shall consider the size of the playground area, the number of blind spots that are not immediately visible, the age and gender of the students, and the general nature of their behavior.

### **Release of Student to Adult**

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

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

### **Missing Children**

In order to enable district staff to assist in locating missing children, the Superintendent or designee shall ensure that Department of Justice information on missing children is posted at every school. In schools maintaining elementary grades, this information shall be posted in areas restricted to adult use.

Elementary school principals are urged to review missing children's pictures whenever a new student enrolls or transfers into the school.

### **Eye Protection Devices**

The district shall provide eye protection devices in accordance with law.

Staff shall ensure that all students, teachers and visitors wear eye protective devices when they are engaged in or observing an activity or using hazardous substances likely to cause injury to the eyes.

The Board shall provide a first pair of the eye safety devices required by law at district expense. If these devices are lost or damaged, students and teachers may obtain replacements for an amount not exceeding their actual cost to the district.

### **Sun Safety**

The Superintendent or designee shall recommend appropriate practices to protect students from overexposure to ultraviolet radiation. Students shall be allowed to use sunscreen during the school day without a physician's note or prescription.

The Superintendent or designee may incorporate sun safety into the curriculum in order to increase student's understanding of the health risks associated with overexposure to ultraviolet radiation and to encourage students to engage in preventative practices.

### **Playground Design, Equipment and Maintenance**

Playgrounds shall provide access for the handicapped in accordance with law.

Playground equipment shall be installed by the manufacturer, or by the manufacturer's authorized representative, unless otherwise designated by the Assistant Superintendent, Facility Planning. A signed statement shall be secured from the manufacturer's representative stating that the equipment has been properly installed in accordance with the manufacturer's specifications.

All playground structures, including but not limited to play structures, fences, walls, bleachers, shall be installed and maintained pursuant to applicable codes and state/federal regulations.

District staff shall:

1. Frequently inspect cushioning material, redistributing and/or replenishing material as needed.
2. Regularly inspect playground equipment and fences to ensure that all parts are in good condition.
  - a. Check wooden structures for holes, cracks, splinters, and possible rot at ground level.
  - b. Look for protruding nails or sharp edges and repair as needed.

**Rule**

approved: 06/02/98 revised: 06/03/03

## Crossing Guards – BP 5142.2

The Board of Education is concerned about the safety of students as they walk to and from school. The Board desires that crossing guards be provided to help elementary children cross busy streets.

The Superintendent or designee shall periodically examine traffic patterns within elementary school attendance areas in order to identify locations where crossing assistance may be needed.

The Superintendent is authorized to employ adult crossing guards and to pursue reimbursement from the city, county, or other sources for that service as provided by law. If reimbursement is not forthcoming, the cost of providing crossing guards may be included in the district budget.

The Superintendent or designee may establish safety patrols at elementary schools for the purpose of assisting students in safely crossing streets and highways adjacent to or near the school.

**Policy**

adopted: 04/16/85

revised: 06/02/98

## Crossing Guards – R 5142.2

### **Safety Patrols**

Student safety patrol members shall be selected by the principal and serve only with written parental consent. (Education Code 49302)

Patrol members must be at least ten (10) years old and at least in the fifth grade.

Safety patrol members shall be authorized to give traffic signals and directions only in order to assist students in safely crossing streets and highways.

Patrols shall be used only at locations where the nature of the traffic permits their safe operation, as determined by a joint agreement between the district and the local law enforcement agency.

Patrol members shall be under the supervision and control of the principal or designee.

Whenever on duty, patrol members shall wear the basic standard uniform required by the California Code of Regulations, Title 5, Section 576.

The district may provide adequate hospital and medical attention for any injury or disability received by any student while performing safety patrol duties. No student shall be compelled to accept such services if his/her parent/guardian objects.

### **Rule**

approved: 06/02/98

## Conduct – BP 5131

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

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

Prohibited student conduct includes but is not limited to:

1. Conduct that endangers students, staff, or others, including, but not limited to, physical violence, possession of a firearm or other weapon, and terrorist threats
2. Discrimination, harassment, intimidation, or bullying of students or staff, including sexual harassment, hate-motivated behavior, cyberbullying, hazing or initiation activity, extortion, or any other verbal, written, or physical conduct that causes or threatens to cause violence, bodily harm, or substantial disruption
3. Conduct that disrupts the orderly classroom or school environment
4. Willful defiance of staff's authority
5. Damage to or theft of property belonging to students, staff, or the district. The district shall not be responsible for students' personal belongings which are brought on campus or to a school activity and are lost, stolen, or damaged.
6. Obscene acts or use of profane, vulgar, or abusive language
7. Possession, use, or being under the influence of tobacco, alcohol, or other prohibited drugs
8. Possession or use of a laser pointer, unless for a valid instructional or other school-related purpose

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

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

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

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

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

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

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

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

Students who violate district or school rules and regulations may be subject to discipline including, but not limited to, suspension, expulsion, transfer to alternative programs, referral to a student success team or counseling services, or denial of participation in extracurricular or co-curricular 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**

adopted: 05/11/67

revised: 01/06/82

revised: 07/21/87

revised: 06/02/98

revised: 04/04/00

revised: 11/19/02

revised: 06/03/03

revised: 09/21/04 (technical revision)

revised: 05/19/09

revised: 06/09/10

revised: 09/07/10

revised: 09/18/12



## Discipline – BP 5144

The Governing Board is committed to providing a safe, supportive, and positive school environment which is conducive to student learning and to preparing 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 involvement can minimize the need for disciplinary measures that exclude students from instruction as a means for correcting student behavior. Staff shall use preventative measures and adopt alternative disciplinary measures that provide students with appropriate interventions and supports as a means for preventing and addressing student misbehavior.

The Superintendent or designee shall design a complement of effective, age appropriate strategies for maintaining a positive school climate and correcting student misbehavior at district schools. The strategies shall focus on providing students with the 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 shall reflect the Board's preference for the use of positive interventions and alternative disciplinary measures over exclusionary discipline measures as a means for correcting student misbehavior.

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 other means of correction have been documented to have failed.

The Superintendent or designee shall create a model discipline matrix that lists violations, the interventions to be used, and, as necessary, the consequences for each as allowed by law.

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

Staff shall enforce disciplinary rules fairly, consistently, and in accordance with the district's nondiscrimination policies. Routine discipline matters will be handled by school

administration. School resource officers will only be called upon for threats to school safety and serious school-based criminal conduct that cannot be safely and appropriately handled by the school's internal disciplinary procedures.

The Superintendent or designee shall provide professional development as necessary to assist staff in developing the skills needed to effectively implement the disciplinary strategies adopted for district schools, including, but not limited to, consistent school and classroom management skills, effective

accountability and positive intervention techniques, and development of 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 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 shall report to the Board regarding: 1) disciplinary strategies used in district schools in the immediately preceding school year and their effect on student learning; and 2) whether discipline data disaggregated by race, ethnicity, gender, and/or disability raises any concerns about different treatment of particular groups of students and any strategies utilized by the District to address the concerns.

**Policy**

- revised: 02/17/76
- adopted: 05/11/67
- revised: 01/06/81
- revised: 07/21/87
- revised: 06/02/98
- revised: 09/21/04 (technical revision)
- revised: 05/03/05 (technical revision)
- revised: 02/07/12
- revised: 01/12/16
- revised: 05/16/17

## Discipline – R 5144

The District's goal is to ensure that it provides all of its students with schools that are safe and that have an environment that is conducive to learning. The District is committed to nondiscrimination in discipline and to treating all students fairly and equitably in the administration of discipline, without regard to race, color, or national origin. It is critical that students learn and are reinforced in appropriate behavior so that they are engaged in the District's education program, rather than its disciplinary system. Therefore, to the maximum extent possible and permitted by and consistent with the law, the District strives to adopt and implement student discipline policies that equitably implement research-based alternatives to exclusion; and 3) use exclusionary discipline only as a last resort.

Referral of students from the classroom environment for misbehavior should be avoided. To the extent possible, staff shall use disciplinary strategies that keep students in school and participating in the instructional program. Except when a student's presence causes a danger to himself/herself or others or he/she commits a single act of a grave nature or an offense for which suspension or expulsion is required by law, suspension or expulsion shall be used only when other means of correction have been documented and have failed to bring about the proper conduct and it is permitted by law. In no circumstance should student be suspended for tardiness or truancy. Schools shall follow the guidelines of discipline and suspensions in the Student Discipline and Intervention Matrix.

Classroom-based strategies include but are not limited to:

1. Explicit re-teaching of behavioral expectations
2. Separating students
3. Writing an apology letter
4. Assignment of additional tasks
5. Phone call to parent
6. Keeping students after class
7. Restorative conference with student(s) or class
8. Creation of a positive behavior contract
9. Conference with student
10. Conference with parent and the student

Parents should be notified if there is an escalating pattern of misbehavior that could lead to classroom or school removal. Students who exhibit a pattern of misbehavior should be provided more intensive support and interventions.

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

1. Discussion or conference between school staff and the student and his/her parents/guardians
2. Referral of the student to the school counselor or other school support service personnel for case management and counseling
3. Convening of a study team, guidance team, resource panel, or other intervention-related team (PBIS) to assess the behavior and develop and implement an individual plan to address the behavior in partnership with the student and his/her parents/guardians
4. When applicable, referral for a comprehensive psychosocial or psycho-educational assessment, including for purposes of creating an individualized education program or a Section 504 plan
5. Enrollment in a program for teaching pro-social 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 student, 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. Recess restriction as provided in the section below entitled "Recess Restriction"
12. Detention after school hours as provided in the section below entitled "Detention After School"
13. Community service as provided in the section below entitled "Community Service"
14. In accordance with Board policy and administrative regulation, restriction or disqualification from participation in extracurricular activities
15. Reassignment to an alternative educational environment
16. Suspension and expulsion in accordance with law, Board policy, and administrative regulation  
For students who have been suspended, expelled, transferred, or who are returning from alternative disciplinary placements or periods of incarceration, staff shall employ individualized efforts and strategies that seek to reintegrate students within the school community, including counseling, tutoring, and other educational services.

### **Corporal Punishment**

Corporal punishment shall not be used as a disciplinary measure against any student.

Corporal punishment includes the willful infliction of, or willfully causing the infliction of, physical pain on a student.

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

### **Recess Restriction**

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

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

### **Detention After School**

Students may be detained for disciplinary reasons up to one hour after the close of the maximum school day.

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

In cases where the school bus departs more than one hour after the end of the school day, students may be detained until the bus departs.

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, at his/her discretion, require a student to perform community service during non-school hours, on school grounds, or, with written permission of the student's parent/guardian, off school grounds. Such service may include, but is not limited to, community or school outdoor beautification, campus betterment, and teacher, peer, or youth assistance programs.

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

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

Staff shall identify the predominant languages spoken by the District's Limited English Proficient parents/guardians (LEP) and English language learners (ELLs). For those languages, the District shall create written translations of all the district's discipline policies, practices, procedures, and discipline

notices and related documents. For LEP parents/guardians and ELLS who speak other less common languages, the District shall also provide oral interpretation of these documents upon request.

**Rule**

approved: 05/11/67  
revised: 01/06/81  
revised: 07/21/87  
revised: 06/02/98  
revised: 02/20/01  
revised: 10/03/11  
revised: 02/07/12  
revised: 01/12/16  
revised: 05/16/17

## Bullying – BP 5131.3

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

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

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

Strategies for addressing bullying in district schools shall be developed with involvement of key stakeholders, including students, parents/guardians, and staff, and may be incorporated into the comprehensive safety plan, the local control and accountability plan, and other applicable district and school plans.

As appropriate, the Superintendent or designee may collaborate with law enforcement, courts, social services, mental health services, other agencies, and community organizations in the development and implementation of joint strategies to promote safety in schools and the community and to provide services for alleged victims and perpetrators of bullying.

### **Bullying Prevention**

To the extent possible, district and school strategies shall focus on prevention of bullying by establishing clear rules for student conduct and strategies to establish a positive, collaborative school climate. Students shall be informed, through student handbooks and other appropriate means, of district and school rules related to bullying, mechanisms available for reporting incidents or threats, and the consequences for perpetrators of bullying.

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

Staff shall receive related professional development, including information about early warning signs of harassing/intimidating behaviors and effective response.

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

### **Intervention**

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

School staff who witness bullying shall immediately intervene to stop the incident when it is safe to do so.

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

The Superintendent, principal, or principal's 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.

### **Reporting and Filing 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. Within one business day of receiving such a report, a staff member shall notify the principal of the report, whether or not 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 his/her observation to the principal or a district compliance officer, whether or not 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 Board Rule 1312.3 – Uniform Complaint Procedures.

When the circumstances involve cyberbullying, individuals with information about the activity shall be encouraged to save and print any electronic or digital messages that they feel constitute cyberbullying and to notify a teacher, the principal, or other employee so that the matter may be investigated. When a student uses a social networking site or service to bully or harass another student, the Superintendent or designee may file a request with the networking site or service to suspend the privileges of the student or to have the material removed.

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 Board Rule 1312.3. The student who is the alleged victim of bullying shall be given an opportunity to describe the incident, identify witnesses who may have relevant information, and provide other evidence of bullying.



**Investigation and Resolution of Complaints**

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 Board Rule 1312.3.

If during the investigation, it is determined to be discriminatory bullying, the principal or designee shall inform the complainant and shall take all necessary actions to resolve the complaint.

**Discipline**

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.

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

**Policy**

adopted: 12/10/13  
revised: 05/19/15  
revised: 08/15/17

## Search and Seizure – BP 5145.12

The Board of Education is committed to maintaining an environment for students and staff that is safe and conducive to learning and working. The Board recognizes that incidents may occur which jeopardize the health, safety and welfare of students and staff which necessitate the search and seizure of students and their property, or school property including lockers, by school officials.

School officials may search students and their property when there are reasonable grounds or suspicion that the search will uncover evidence that the student is violating the law, Board policy, administrative regulation, or other rules of the district or the school. Reasonable suspicion shall be based on specific and objective facts that the search will produce evidence related to the alleged violation. 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. The Board urges that discretion, good judgment and common sense be exercised in all cases of search and seizure.

When possible, staff shall use a metal detector when searching an individual for weapons.

The district shall notify the parent/guardian of a student subjected to an individualized search as soon after the search as possible.

The Board finds that the growing presence of weapons in the schools threatens the district's ability to provide the safe and orderly learning environment to which our students and staff are entitled. The Board also finds that random metal detector searches offer a reasonable means to keep weapons out of the schools and mitigate the fears of students and staff.

The Superintendent or designee shall establish procedures which ensure that metal detector searches are conducted in a random fashion which excludes individual discretion as to who will be searched.

Searches for the location of controlled substances (including substances represented as illegal substances), alcoholic beverages, intoxicants of any kind, firearms, knives, explosives, dangerous objects, drug paraphernalia, poisons and stolen or missing properties are matters relating to the health and safety of students and staff and may be regarded as reasonable purposes for inspection by school personnel.

In an effort to keep the schools free of drugs and weapons, the district may utilize the services of trained detection canines to sniff out and alert staff to the presence of substances and/or items prohibited by law and/or district policy. The detection canines may sniff lockers, desks, bags, personal effects or vehicles on school property or at school-sponsored events, but shall not be permitted to sniff any person or be used in classrooms occupied by students except for demonstration purposes.

Inspections may be unannounced and may be made at the discretion of the Superintendent or a designee. Students and employees shall be informed of this policy at the beginning of each school year.

**Policy**

adopted: 01/08/96  
revised: 06/02/98  
revised: 02/20/01  
revised: 05/03/05 (technical revision)  
revised: 05/19/09

## Search and Seizure – R 5145.12

Under the following conditions, school officials may conduct searches of pupils, their personal belongings and school property under joint control:

1. If there are reasonable grounds based on facts to suspect that the search will produce evidence that the pupil is violating the law or school regulations.
2. If the person conducting the search can state which law or school rule has been or is being violated.
3. If the factual basis for the search is recent and credible.
4. If the measures taken in conducting the search are reasonably related to the objectives of the search and are not excessively intrusive in light of the age and sex of the pupil and the nature of the violation.
5. If the evidence seized from the search of the student is to be given to law enforcement or to be used in student discipline proceedings.

If a search discloses evidence of other breaches of the law or of the school rule, the search may then proceed to the extent justified by the newer discovered evidence.

Each search of a pupil shall be conducted by a school official of the same sex as the pupil being searched and shall be conducted in the presence of a third party of the same sex as the pupil being searched. In cases of immediate threat to the physical safety of other persons, a pupil may be searched by either sex without a witness.

Under no circumstance may a strip search or a visual or physical body cavity search of a pupil be conducted.

A school official may search student lockers or other enclosures used by pupils for storage or any areas accessible to pupils including school buses. Except in a situation involving a clear and present danger to the lives, safety or health of pupils or school personnel, a search of student lockers, etc., or pupil possessions must be performed

in the presence of another staff member and, if possible, the student. A genuine attempt shall be made to find the student from the current or next class period (excluding lunch period). If a student is absent for any reason from the current or

next class period, the search can proceed. If the presence of an explosive is suspected, the school official may ask law enforcement to conduct the search.

At the beginning of the year or upon enrollment, all students will be given a written notice that the lockers are school property and subject to being opened by school staff.

### **Use of Trained Detection Canines**

In the utilization of trained detection canines, the district will adhere to the following administrative guidelines:

1. Under no circumstances will a canine be allowed to sniff the person of a student, employee, patron, visitor or anyone else while on District property or at any district-sponsored event. The canines shall not be used in classrooms occupied by students, except for demonstration purposes.
2. A canine may be used to sniff lockers, common areas, desks, bags, items, or vehicles that are on district property and school sponsored events.
3. Only the canine's official handler will determine what constitutes an alert by the canine. If the canine alerts to a particular item or place, the person responsible for that item or place will be called to the scene to witness the search if available. Ownership of the item or place will be established and search activities will be conducted in accordance with District policy and applicable law.
4. In the event that the canine alerts on a vehicle, the owner or person bringing it on to District property or school sponsored events shall be asked to open the vehicle for inspection to be conducted by the canine handler. Refusal to open the vehicle for inspection may result in referring the matter to law enforcement officials, disciplinary action including, but not limited to, suspension or expulsion of students, and the loss of parking privileges for students. Visitors or patrons may be banned from District property.
5. Discovery of prohibited substances or items may result in referral to law enforcement or disciplinary actions in accordance with District policy with respect to students.
6. Students shall be informed of this policy at the beginning of each school year or upon their enrollment.

For purposes of this policy a designee is a full-time certificated employee at the school site specifically designated by the principal, in writing, to assist with disciplinary procedure.

**Rule**

approved: 01/19/88  
revised: 01/24/96  
revised: 06/02/98

## Hate-Motivated Behavior – BP 5145.9

The Board of Education is committed to providing a safe learning environment that protects students from discrimination, harassment, intimidation, bullying, and other behavior motivated by a person's hostility towards another person's real or perceived ethnicity, national origin, immigrant status, sex, gender, sexual orientation, religious belief, age, disability, or any other physical or cultural characteristic. 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 if they occur.

The Superintendent or designee shall collaborate with regional programs and community organizations to promote safe environments for youth. Such collaborative efforts shall focus on ensuring an efficient use of District and community resources, developing effective prevention strategies and response plans, providing assistance to students affected by hate-motivated behavior, and/or educating students who have perpetrated hate-motivated acts.

The District shall provide students with age-appropriate instruction that includes the development of social-emotional learning, promotes their understanding of and respect for human rights, diversity, and acceptance in a multicultural society, and provides strategies to manage conflicts constructively.

The Superintendent or designee shall ensure the rules prohibiting hate-motivated behavior and procedures for reporting a hate-motivated incident are provided to students and parents/guardians.

The Superintendent or designee shall provide staff with training on recognizing and preventing hate-motivated behavior and on effectively enforcing rules for appropriate student conduct.

### **Grievance Procedures**

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

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 principal or the compliance officer responsible for coordinating the District's response to complaints and complying with state and federal civil rights laws. As appropriate, he/she shall also contact law enforcement.

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 BR 1312.3 - Uniform Complaint Procedures. 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**

adopted: 12/16/10

revised: 03/02/21

## Weapons and Dangerous Instruments – BP 5131.7

The Board of Education recognizes that students and staff have the right to a safe and secure campus free from psychological and physical harm and desires to protect them from the dangers presented by firearms and other weapons.

### **Possession of Weapons**

The Board prohibits any student from possessing weapons, imitation firearms, or other dangerous instruments, as defined in law and administrative regulation, in school buildings, on school grounds or buses, at school-related or school-sponsored activities away from school, or while going to or coming from school.

Under the power granted to the Board to protect the safety of students, staff, and others on district property and to maintain order and discipline in the schools, any school employee is authorized to confiscate any prohibited weapon, imitation firearm, or dangerous instrument from any student on school grounds.

Unless he/she has obtained prior written permission as specified below, a student possessing or threatening others with any weapon, dangerous instrument, or imitation firearm shall be subject to suspension and/or expulsion in accordance with law, Board policy, and administrative regulations.

The principal or designee shall notify law enforcement authorities when any student possesses a firearm, explosive, or other prohibited weapon or dangerous instrument without permission, sells or furnishes a firearm, or commits any act of assault with a firearm or other weapon.

### **Advance Permission for Possession of a Weapon for Educational Use**

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, at least five school days in advance of the planned possession, submit a written request to the principal which explains the planned use of the weapon and the duration. The student shall also submit a written explanation from the staff person responsible for the school-sponsored activity or class.

The principal may grant permission for such possession when he/she determines that it 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, he/she shall provide the student and staff person with a written explanation regarding any limitations and the permissible duration of the student's possession.

When the principal or designee grants permission, he/she shall take all necessary precautions to ensure the safety of all persons on school grounds, including, but not limited to, inspecting a firearm to verify that no live ammunition is present. Any weapon allowed shall be stored in a locked vehicle or in an appropriate, locked container before and after its authorized use.

A student granted permission to possess a weapon may be suspended and/or expelled if he/she possesses or uses the weapon inappropriately.

**Possession of Pepper Spray**

To prevent potential misuse that may harm students or staff, students are prohibited from carrying tear gas or tear gas weapons such as pepper spray on campus or at school activities.

**Reporting of Dangerous Objects**

The Board encourages students to promptly report the presence of weapons, injurious objects, or other suspicious activity to school authorities. The identity of a student who reports such activity shall remain confidential to the extent permitted by law.

The Superintendent or designee shall develop strategies designed to facilitate student reporting of the presence of injurious objects on school grounds, such as tip hotlines, electronic transmissions, or other methods that preserve the student's anonymity.

Incident reports and records shall not identify the student who reported the possession.

The Superintendent or designee also shall inform staff, students, and parents/guardians that students who report the presence of injurious objects on school campuses are to be protected and their identity shielded.

**Policy**

- adopted: 11/17/87
- revised: 05/04/93
- revised: 02/18/97
- revised: 06/02/98
- revised: 05/15/01
- revised: 11/19/02 (technical revision)
- revised: 11/04/03 (technical revision)
- revised: 05/03/05
- revised: 04/18/06
- revised: 06/09/10
- revised: 09/07/10
- revised: 09/18/12



## Gangs and Gang Symbols – BP 5136

The Board of Education desires to keep district schools free from the threats or harmful influence of any groups or gangs which exhibit drug use, violence or disruptive behavior. The Superintendent or designee shall take steps to deter gang intimidation of students and staff and confrontations between members of different gangs. He/she shall exchange information and establish mutually supportive efforts with local law enforcement authorities.

The Superintendent or designee shall provide inservice training which helps staff to identify gangs and gang symbols, recognize early manifestations of disruptive activities, and respond appropriately to gang behavior. Staff shall be informed about conflict management techniques and alerted to intervention measures and community resources.

The Board realizes that many students become involved in gangs without understanding the consequences of gang membership. Gang violence prevention education shall start with students in the early elementary grades and may start in kindergarten.

To further discourage the influence of gangs, the Superintendent or designee shall ensure that school rules of conduct are enforced consistently and that all students have access to counselors as needed. If a student exhibits signs of gang affiliation, staff shall so inform the parent/guardian.

The Board believes that gang-related apparel is hazardous to the health and safety of the school environment. When there is evidence of a gang presence in district schools that disrupts or threatens to disrupt school activities, the Superintendent or designee may establish reasonable dress code regulations prohibiting students from wearing gang-related apparel. In addition, individual schools may, in their school safety plans, prohibit gang-related apparel on school grounds.

### **Gang Symbols**

The Board of Education believes that gang activity is dangerous and inimical to the health and safety of the students in the District. The Board desires to take appropriate action to keep District schools and students free from the threats or harmful influences of gangs or other groups which advocate drug use or disruptive behavior.

The Board of Education believes that the health and safety of students are in jeopardy when students wear or carry any clothing or symbol that denotes membership in such a group. The Board further believes that students wearing or carrying any clothing or symbol that denotes membership in such a group has detrimental effect on the academic atmosphere of the schools in that students are led to believe that drug use and/or disruptive behavior are condoned. Further, the wearing or carrying of any such clothing or symbol can disrupt the educational process or create a clear and present danger of such disruption.

Therefore, the wearing or carrying of any clothing or symbol that denotes gang activity is prohibited on school grounds and at school activities, both on and off campus.

Prohibited items of clothing or symbols include, but are not limited to, any item of clothing, jewelry, accessory, notebook or symbol which, by the nature of its color, design, arrangement, representation, trademark or any other attribute, denotes membership in a gang or any other group which advocates drug use or disruptive behavior.

This policy shall be applied by the principal as the need for it arises at individual school sites.

**Policy**

adopted: 06/02/98  
revised: 11/19/02 (technical revision)  
revised: 09/21/04 (technical revision)  
revised: 05/03/05 (technical revision)

## Gangs and Gang Symbols – BP 5136

In accordance with Board of Education policy, individual schools that have a gang presence may, in their safety plans, include school-wide dress codes which prohibit the presence of gang-related apparel at school or school activities. School-wide dress codes shall define “gang-related apparel” and shall limit this definition to apparel that reasonably could be determined to threaten the health and safety of the school environment if it were worn or displayed on a school campus.

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

### **Prevention and Intervention Measures**

In order to discourage the influence of gangs, school staff shall take the following measures:

1. Any student displaying behavior, gestures, apparel or paraphernalia indicative of gang affiliation shall be referred to the principal or designee.
  - a. The student’s parent/guardian shall be contacted and may be asked to meet with school staff.
  - b. The student may be sent home to change clothes if necessary.
  - c. Staff members shall be provided with the names of known gang members.
  - d. Students who seek help in rejecting gang associations may be referred to community-based gang suppression and prevention organizations.
2. Any gang graffiti on school premises shall be removed, washed down or painted over as soon as discovered.
  - a. Daily checks for graffiti shall be made throughout the campus.
  - b. Graffiti shall be photographed before it is removed. These photographs shall be shared with local law enforcement authorities and used in future disciplinary or criminal action against the offenders.
3. Classroom and after-school programs at each school shall be designed to enhance individual self-esteem, provide positive reinforcement for acceptable behavior, and foster interest in a variety of constructive activities. These programs shall also:
  - a. Explain the dangers of gang membership.
  - b. Provide counseling for targeted at-risk students.
  - c. Include lessons or role-playing workshops in nonviolent conflict resolution and gang avoidance skills.
  - d. Assign individual gang members to cooperative learning groups in which they may work toward common goals with students who are not members of their gang.
  - e. Provide school-to-career instruction

Gang prevention lessons may be taught jointly by teachers and law enforcement staff.

4. Staff shall actively promote membership in authorized student organizations which can provide students companionship, safety, and a sense of purpose and belonging, including:
  - a. Positive sports and cultural activities and affiliations with the local community.

- b. Structured, goal-oriented community service projects.

**Community Outreach**

Gang prevention classes or counseling offered for parents/guardians shall address the following topics:

1. The dangers of gang membership.
2. Warning signs which may indicate that children are at risk of becoming involved with gangs.
3. The nature of local gang apparel and graffiti.
4. Effective parenting techniques.

Community programs shall address:

1. The scope and nature of local gang problems.
2. Strategies by which each segment of the community may alleviate gang problems.

**Rule**

approved: 06/02/98

## Positive Behavioral Interventions and Supports (PBIS)

PBIS is an operational framework within a multi-tiered system of support for achieving important learning and social outcomes for ALL students. It ensures all students have access to the most effective and efficient instructional and behavioral practices available. PBIS is NOT a curriculum, intervention, or practice; it is a decision making framework that guides selection, integration, and implementation of the best evidence-based academic and behavioral practices for improving important academic and behavior outcomes for all students. (OSEP Center on Positive Behavioral Interventions and Supports.)

PBIS is a proactive approach to creating a positive learning climate. At Lodi Unified School District it is a school-wide system of support that includes strategies for defining teaching and supporting appropriate student behaviors to create a positive school environment. This positive behavior continuum is implemented to make problem behavior less effective, efficient, and relevant, and desired behavior more functional. [www.pbis.org](http://www.pbis.org)

### PBIS at Lodi Unified School District:

- Fosters respectful, supportive relationships among students and staff
- Reinforces positive academic and social behavior
- Provides an opportunity for positive student/teacher interactions
- Provides intervention appropriate to student need

Students directly learn how to create this positive school climate through classroom community building strategies, the direct teaching of the school-wide positive expectations (EXAMPLE: Be Safe, Be Responsible, Be Respectful), and positive behavior reinforcement rewards.

What does PBIS look like at Lodi Unified School District?

- Discipline DATA is used to help track progress and identify areas to target for intervention.
- CONSISTENT discipline referral PROCESSES AND PROCEDURES exist throughout the school.
- Use of school-wide EXPECTATIONS AND RULES in specific settings to TEACH students appropriate behavior.
- A REWARD SYSTEM to encourage appropriate behavior and EFFECTIVE CONSEQUENCES to discourage inappropriate behavior. We recognize positive behaviors in order to encourage positive academic and social behavior.

## Dangerous, Violent, Or Unlawful Activities

### Assessment and Response Procedures

SB 671 requires a comprehensive school safety plan, and the school safety plan of a charter school, to include 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.

Emergency Incident Reporting Procedures for Lodi Unified School District

#### **FOR ON SITE EMERGENCY, CRISIS, OR DISASTER INCIDENT REPORTING**

The principal, designee, or responsible staff member determines the severity of the incident. If the incident is potentially life threatening, or if there is potential for serious injury, IMMEDIATELY CALL 911.

#### **FOR SCHOOL BUS EMERGENCY, CRISIS, OR DISASTER INCIDENT REPORTING**

Transportation, principal, designee, or responsible staff member determines the severity of the incident. If the incident is potentially life threatening, or if there is potential for serious injury, IMMEDIATELY CALL 911.

#### **OFF SITE EMERGENCY, CRISIS, OR DISASTER REPORTING**

- 1st Law Enforcement personnel will notify the Superintendent,
- 2nd Superintendent will notify the Board of Education and Cabinet,
- 3rd Superintendent will notify the Area Director(s) and the Chief Business Officer,
- 4th Area Directors(s) will notify the site(s).

Note: When appropriate, Local Law Enforcement will notify the site(s) of a critical incident.

## Opioid Overdose Protocol – Melanie’s Law

### Student Overdose or Possible Overdose Protocols

Current law (Education Code section 49414.3) allows schools to provide emergency opioid antagonist administration for individuals who may be experiencing symptoms of opioid drug poisoning. Opioid drug poisoning is a life-threatening condition that can be reversed with the administration of an opioid antagonist medication such as naloxone. Without immediate administration of an opioid antagonist and summoning Emergency Medical Services (911), death could occur.

This law allows for a school nurse or a trained volunteer to administer an opioid antagonist medication to an individual who is exhibiting potentially life-threatening symptoms of opioid drug poisoning. Training is provided to the volunteer on topics including but not limited to:

- Signs and symptoms of opioid drug poisoning
- How to administer the naloxone nasal spray (or other opioid antagonist)
- Calling EMS (911) and any follow up documentation or actions required.

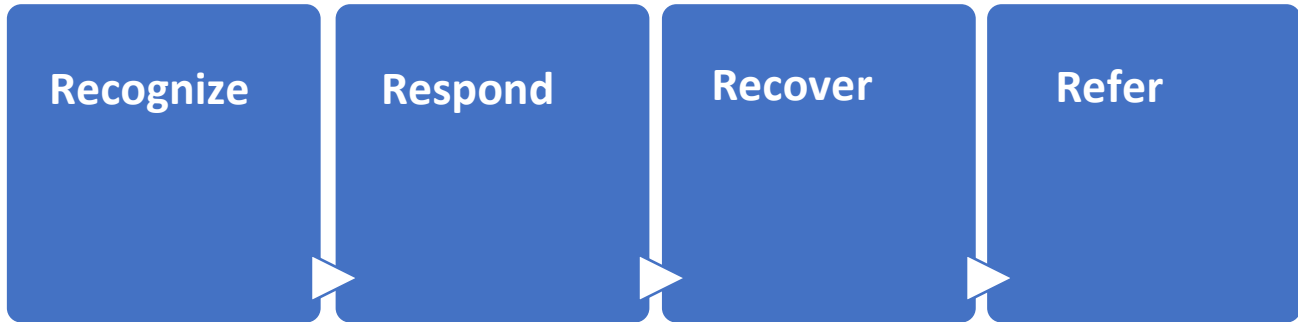
\*CPR training is recommended but not required of persons trained to administer an opioid antagonist.

Staff members who volunteer to be trained are protected under the law and will be provided defense and indemnification by the Lodi Unified School District for any and all civil liability.

This notification is provided annually to all staff. If staff are willing to be identified as a volunteer and be trained, staff complete the volunteer form and submit it to their site administrator.

Employees who volunteer to be trained may rescind their offer to volunteer at any time. No benefit will be granted to or withheld from any individual based on his or her offer to volunteer. There will be no retaliation against any individual for rescinding his or her offer to volunteer, including after receiving training.

## Student Overdose or Possible Overdose Procedures (The 4 Rs)



1. Recognize	2. & 3. Respond and Recover	4. Refer
<ul style="list-style-type: none"> <li>• Unconscious</li> <li>• Unresponsive</li> <li>• Not breathing or erratic</li> <li>• Choking/gurgling</li> <li>• Vomiting</li> <li>• Limp Body</li> <li>• Face pale and clammy</li> <li>• Fingernails/lips blue</li> <li>• Light skin-Bluish/Dark skin-grayish</li> </ul>	<p><b>Give Narcan and call 9-1-1</b></p> <ul style="list-style-type: none"> <li>• Report event and time Narcan was given</li> <li>• Report condition of victim</li> </ul> <p><b>Be Ready</b></p> <ul style="list-style-type: none"> <li>• 2<sup>nd</sup> dose if no improvement after 2 minutes</li> <li>• CPR or Rescue Breathing if no heart rate or breathing stops</li> </ul> <p><b>Stay</b></p> <ul style="list-style-type: none"> <li>• Stay with victim until EMS arrives</li> <li>• Begin CPR/Rescue Breathing if needed</li> <li>• Place person on rescue position (side)</li> <li>• Reassure victim EMS is on the way</li> </ul>	<ul style="list-style-type: none"> <li>• Complete naloxone administration form.                             <ul style="list-style-type: none"> <li>○ School nurse can help</li> </ul> </li> <li>• Complete emergency report                             <ul style="list-style-type: none"> <li>○ Submit to administrator</li> </ul> </li> <li>• Debrief with staff                             <ul style="list-style-type: none"> <li>○ Review response to opioid overdose</li> </ul> </li> <li>• Recommend follow up support services                             <ul style="list-style-type: none"> <li>○ Mental Health</li> <li>○ Counseling</li> <li>○ Primary Health Provider</li> <li>○ Drug Use Counseling</li> </ul> </li> <li>• Restock Naloxone and document                             <ul style="list-style-type: none"> <li>○ Health Services Department</li> </ul> </li> </ul>



**Narcan/Naloxone on School Sites:**

Each school site is given Narcan/Naloxone packages for overdose or possible overdose events. These complete packages contain:

- Narcan Nasal Spray
- Narcan/Naloxone Quick Start Guide
- Gloves
- Face Mask
- Adult/Child CPR Rescue Mask Kit
  - Alcohol Pads
  - Rescue Mask Instructions
- Narcan/Naloxone Administration Report



(For additional supplies, please contact Health Services 209-331-7075)



## QUICK START GUIDE

### Opioid Overdose Response Instructions

Use NARCAN® (naloxone hydrochloride) Nasal Spray for known or suspected opioid overdose in adults and children.  
**Important:** For use in the nose only. Do not remove or test the NARCAN® Nasal Spray until ready to use.

### 1 Identify Opioid Overdose and Check for Response

Ask person if he or she is okay and shout name. **Shake** shoulders and firmly rub the middle of their chest. **Check for signs of an opioid overdose:**

- Will not wake up or respond to your voice or touch
- Breathing is very slow, irregular, or has stopped
- Center part of their eye is very small, sometimes called “pinpoint pupils”

**Lay the person on their back to receive a dose of NARCAN® Nasal Spray.**



### 2 Give NARCAN® Nasal Spray

**REMOVE** NARCAN® Nasal Spray from the box. Peel back the tab with the circle to open the NARCAN® Nasal Spray. **HOLD** the NARCAN® Nasal Spray with your thumb on the bottom of the red plunger and your first and middle fingers on either side of the nozzle.



**Gently insert the tip of the nozzle into either nostril.**

- Tilt the person's head back and provide support under the neck with your hand. Gently insert the tip of the nozzle into **one nostril**, until your fingers on either side of the nozzle are against the bottom of the person's nose

**Press the red plunger firmly** to give the dose of NARCAN® Nasal Spray.

- Remove the NARCAN® Nasal Spray from the nostril after giving the dose

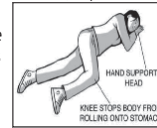
### 3 Call for Emergency Medical Help, Evaluate, and Support

**Get emergency medical help right away. Move the person on their side (recovery position) after giving NARCAN® Nasal Spray. Watch the person closely. If the person does not respond** by waking up, to voice or touch,

or breathing normally, another dose may be given. NARCAN® Nasal Spray may be dosed every 2 to 3 minutes, if available.

**Repeat Step 2 using a new NARCAN® Nasal Spray to give another dose in the other nostril.** If additional NARCAN® Nasal Sprays are available, repeat

step 2 every 2 to 3 minutes until the person responds or emergency medical help is received.



### INDICATION AND IMPORTANT SAFETY INFORMATION

NARCAN® Nasal Spray is a prescription medicine used for the treatment of a known or suspected opioid overdose emergency with signs of breathing problems and severe sleepiness or not being able to respond.

NARCAN® Nasal Spray is to be given right away and does not take the place of emergency medical care. Get emergency medical help right away after giving the first dose of NARCAN® Nasal Spray, even if the person wakes up.

NARCAN® Nasal Spray is safe and effective in children for known or suspected opioid overdose.

**Do not use NARCAN® Nasal Spray** if you are allergic to naloxone hydrochloride or any of the ingredients in NARCAN® Nasal Spray.

**What is the most important information I should know about NARCAN® Nasal Spray?** NARCAN® Nasal Spray is used to temporarily reverse the effects of opioid medicines. The medicine in NARCAN® Nasal Spray has no effect in people who are not taking opioid medicines. Always carry NARCAN® Nasal Spray with you in case of an opioid overdose.

Use NARCAN® Nasal Spray right away if you or your caregiver think signs or symptoms of an opioid overdose are present, even if you are not sure, because an opioid overdose can cause severe injury or death.

Signs and symptoms of an opioid overdose may include: unusual sleepiness and you are not able to awaken the person with a loud voice or by rubbing firmly on the middle of their chest (sternum); breathing problems including slow or shallow breathing in someone difficult to awaken or who looks like they are not breathing; the black circle in the center of the colored part of the eye (pupil) is very small, sometimes called “pinpoint pupils,” in someone difficult to awaken

Family members, caregivers, or other people who may have to use NARCAN® Nasal Spray in an opioid emergency should know where NARCAN® Nasal Spray is stored and how to give NARCAN® before an opioid emergency happens.

**Get emergency medical help right away after giving the first dose of NARCAN® Nasal Spray.** Rescue breathing or CPR (cardiopulmonary resuscitation) may be given while waiting for emergency medical help.

The signs and symptoms of an opioid overdose can return after NARCAN®

Nasal Spray is given. If this happens, give another dose after 2 to 3 minutes using a new NARCAN® Nasal Spray and watch the person closely until emergency help is received.

**What should I tell my healthcare provider before using NARCAN® Nasal Spray?**

Before using NARCAN® Nasal Spray, tell your healthcare provider about all of your medical conditions, including if you: have heart problems; are pregnant or plan to become pregnant. Use of NARCAN® Nasal Spray may cause withdrawal symptoms in your unborn baby. Your unborn baby should be examined by a healthcare provider right away after you use NARCAN® Nasal Spray; are breastfeeding or plan to breastfeed. It is not known if NARCAN® Nasal Spray passes into your breast milk.

**Tell your healthcare provider about the medicines you take,** including prescription and over-the-counter medicines, drugs, vitamins, and herbal supplements.

**What are the possible side effects of NARCAN Nasal Spray?**

**NARCAN® Nasal Spray may cause serious side effects, including:** sudden opioid withdrawal symptoms which can be severe. In someone who has been using opioids regularly, opioid withdrawal symptoms can happen suddenly after receiving NARCAN® Nasal Spray and may include: body aches, diarrhea, increased heart rate, fever, runny nose, sneezing, goose bumps, sweating, yawning, nausea or vomiting, nervousness, restlessness or irritability, shivering or trembling, stomach cramping, weakness, increased blood pressure.

Some patients may show aggressive behavior upon abrupt reversal of an opioid overdose.

In infants under 4 weeks old who have been receiving opioids regularly, sudden opioid withdrawal may be life-threatening if not treated the right way. Signs and symptoms include: seizures, crying more than usual, and increased reflexes.

These are not all of the possible side effects of NARCAN® Nasal Spray. Call your doctor for medical advice about side effects. You may report side effects to the FDA at 1-800-FDA-1088 or [www.fda.gov/medwatch](http://www.fda.gov/medwatch).

NNS CON 151 08/2020

**CLICK HERE FOR FULL PRESCRIBING INFORMATION**

## Individualized Safety Plans

The Education Code requires school disaster procedures to also include adaptations for pupils with disabilities in accordance with the federal Individuals with Disabilities Education Act and Section 504 of the federal Rehabilitation Act of 1973, and would require the annual evaluation of the comprehensive school safety plan and the annual review of a charter school's school safety plan to also include ensuring that the plan includes appropriate adaptations for pupils with disabilities and address any concerns to individual plans, as specified.

### Our School's Individualized Plans

None Requested at this time.



## Drills, Training, and Exercises

The District understands the importance of drills, training, and exercises in planning for and managing an incident. To ensure that District personnel and community first responders are aware of their duties and responsibilities under the Emergency Operations Plan and incorporate best practices, the following training, drill, and exercise actions will occur.

See District Emergency Drill Schedule for current academic year. Records are maintained at each site.

### Student Safety – Drills, Training, and Exercises

<b>Active Assailant Drill (Run, Hide, Fight)</b>	Provide this training for adult employees only, at least once per year, and it should be all-inclusive, addressing the Run, Hide, Fight protocols outlined by the FBI.
<b>Earthquake Drill</b>	Elementary Schools – one time per quarter Secondary Schools – one time per semester Education Code Requirements (excerpted) (II) A drop procedure whereby each pupil and staff member take cover under a table or desk, dropping to his or her knees, with the head protected by the arms, and the back to the windows. A drop procedure practice shall be held at least once each school quarter in elementary schools and at least once a semester in secondary schools.
<b>Evacuation Drill</b>	This drill should be done one time per semester and can be combined with the Lock Down Drill (Fire Code 403.5.2 indicates the first emergency evacuation drill of each school year shall be conducted within 10 days of the beginning of class)
<b>Fire Drill(s)</b>	Elementary and Intermediate Schools – not less than once every calendar month Secondary Schools – not less than twice yearly Legal Requirement: 19 CCR § 3.13 § 3.13. Fire Drills. (a) Group E Occupancies. (1) General. Every person and public officer managing, controlling, or in charge of any public, private, or parochial school shall cause the fire alarm signal to be sounded upon the discovery of fire. Every person and public officer managing, controlling, or in charge of any public, private, or parochial school, other than a two-year community college, shall cause the fire alarm signal to be sounded not less than once every calendar month at the elementary and intermediate levels, and not less than twice yearly at the secondary level, in the manner prescribed in California Code of Regulations, Title 24, Part 2, Section 907.
<b>Lock Down Drill (2)</b>	This drill should be done one time per semester and can be combined with the Evacuation Drill

## Emergency Operations Plan

This plan has been prepared so that in the event of an emergency, crisis, or disaster all conceivable actions will be taken to ensure the safety and welfare of students and staff. Preparing staff, students, and parents with appropriate instructions, training, and practice in how to act and react in case of an emergency will effectively minimize the problems that will arise in such a situation.

This plan includes specific courses of action to be taken in case of an emergency or disaster. Each school staff member is expected to be completely familiar with this plan so that he/she will be prepared to carry out appropriate responsibilities in any emergency.

## Emergency Action and Warning Signals

Emergency	Bell Signal	Voice Signal	What to do
All clear	One long sound (10 seconds)	“All Clear”	May return to building.
Leave Building	Fire Alarm	“Leave Building”	Move students and staff, in an orderly fashion, to an outside area of safety. Provide assistance to persons with disabilities in wheelchairs or braces. <u>Doors remain unlocked and closed.</u>
Lockdown	Site Determine and Post	“Lockdown”	Lock all doors and windows, pull shades. Those in outside areas immediately return- to classrooms. Action “Stop, Drop and Cover.”
Closed Campus	Site Determine and Post	“Closed Campus”	No unauthorized visitors. _—Close campus for lunch. _—Regular school schedule.
“Stop, Drop, Cover”  Or  “Stop, Cover”	No bell signal   No bell signal	“Stop, Drop, Cover”  Or  “Drop, Cover”	Drop to knees underneath tables or desks, away from windows, with the head protected by the arms and back to the windows. Move persons in wheelchairs/braces away from windows.  If outside, drop to the ground with the head protected by the arms and shielding the eyes. Persons in wheelchairs/braces to bend forward protect the head and shield eyes.

## Fire

If fire occurs or if you detect smoke or a burning odor, pull the closest fire alarm to initiate building evacuation.

NOTE: Whoever discovers the fire will immediately sound the fire alarm, notify the office, and provide details of the situation.

### Responsibilities of Principal

- Call 911 and report all known information about the incident.
- Notify designated Area Director.
- Initiate and monitor Action “Leave Building”.
- Check with staff for missing students.
- Confer with fire department officials about returning to the building and for further instructions.
- In the event of a fire near the school, determine which of the foregoing actions are required.

### Responsibilities of Teacher/Other Staff

- Implement Action “Leave Building”.
- Maintain control of students at a safe distance from the fire and firefighting equipment.
- Render first aid as needed.
- Report any missing/injured students to the principal.
- Do not return students to the building until the all-clear bell rings.
- Consider the types of assistance needed for students and staff with special needs.

Note: See REMS District Plan, Appendix A-17

Fire Drill Requirements and Guidelines



## Earthquakes/Severe Earthquakes

### Responsibilities of Principal

- Initiate Action “Leave Building” as soon as the quake subsides and it is determined that evacuation is necessary and evacuation routes are safe.
- Notify the designated Area Director and appropriate law enforcement agencies.
- Assess student safety. Administer first aid, as necessary.
- Initiate search-and-rescue operations.
- Inspect all buildings, with assistance, for damage.
- Give the order to return to the buildings only after they have been inspected and found to be completely safe.

### Responsibilities of Teachers/Other Staff

- Initiate Action “Stop, Drop, Cover”.
- Remain in the “Drop, Cover” until the all-clear sounds.
- Administer immediate first aid as necessary.
- Take student attendance. Notify office of missing/injured students.
- Maintain order among students in a calm, matter-of-fact manner.
- Supervise students. Initiate buddy systems.

### Responsibilities of Custodial Staff

- Check utilities/appliances, shut off if necessary. Extinguish small fires.
- Inspect all buildings, with assistance, for damage.

## Drive-By Shootings

If a drive-by shooting occurs on or adjacent to a school, these procedures should be followed:

### Responsibilities of Principal

- Initiate Action “Lockdown” or Action “Stop, Drop, Cover.”
- Immediately notify law enforcement agencies. Call 911.
- Notify the designated Area Director.
- Check for any injured/struck subjects.
- Preserve area for evidence until arrival of law enforcement.
- Make note of any witnesses or comments made why shooting occurred.
- Keep students and staff away from area where shooting occurred.
- Work in coordination with and at the direction of law enforcement officials.

### Responsibilities of Teachers/Other Staff

- In classrooms, maintain Action “Lockdown” or Action “Stop, Drop, Cover” (lie flat on floor) until the all-clear signal sounds.
- In open areas, move students to safer areas (e.g., classrooms) as quickly as possible. Initiate Action “Drop, Cover” only if it is not possible to safely reach enclosed areas.
- Check for any injured/struck subjects.
- Administer first aid as needed.
- Make note of any witnesses or comments made why shooting occurred.

Note: Drive-by shootings usually happen very quickly. Unlike hostage situations, the perpetrators of drive-by shootings usually leave the scene instantly. Staff members who witness such incidents should, without putting themselves into danger, attempt to get as precise a description of the vehicle as possible. Be cognizant of a second drive-by from the perpetrators.

## Unidentified Person on School Site

### Administrator's Responsibilities

- Identify the problem and the location.
- Approach the subject and determine the nature of their business within the building.
- Ask for their identification.
- Request them to accompany you to the office. If the suspect is looking for a specific student, check their file for court orders, e.g., personal protection orders, custody orders.
- If there is no acceptable reason to be in the building, ask the intruder to leave the building site. If they refuse to leave:
- Call 911 if situation warrants action.
- Await a police response.
- If appropriate, initiate "Lockdown" emergency action and warning signal.

### Staff's Responsibilities

- Approach the subject and determine the nature of their business.
- Request that the subject report to the office.
- If possible, accompany the person to the office.
- If suspicious, notify the Administrator in charge ASAP.

### PM Custodial Responsibilities

- Identify the problem and the location.
- Approach the subject and determine the nature of their business.
- Call the police if you suspect a problem.
- Call the principal and District Office to report the incident. Provide the suspect's description.
- Await a police response.
- Call your supervisor.

## Weapons on School Property

**Follow these procedures within the building whenever you know or suspect a student may have a weapon in a locker, car, or anywhere else on the school property.**

### Administrator’s Responsibilities

- If necessary, initiate “Lockdown” emergency action if the situation appears threatening to the safety of the building.
- Call 911 if situation warrants action.
- Determine if a reasonable suspicion exists to search for a weapon.

### Teacher’s/Staff Responsibilities

- Notify the Administrator in charge ASAP.
- Do not attempt to approach or confiscate.
- If a weapon is found, isolate the area, and do not touch the weapon. School security staff or police will secure it for evidence.
- Await further instructions from the Administrator in charge.

### After School Staff’s Responsibilities

- Initiate “Lockdown” emergency action and warning signal if the situation appears threatening to the safety of the building.
- Identify the problems and the location.
- Call 911.
- Notify the Administrator in charge ASAP

## Death/Suicide of Student or Staff Member

**Death of a student or a staff member is an emotional strain on the campus population. Without a prepared plan, additional problems related to the crisis-reaction is almost a certainty.**

### Principal Responsibilities

- Notify designated Area Director and immediate supervisor.
- Activate Site Crisis Intervention Team. Request additional District Crisis Intervention resources if deemed necessary.
- If necessary, request additional clerical support from immediate supervisor.
- Notify faculty/staff and schedule a debriefing for all staff at the end of the day.
- Prepare a call out/electronic message system parent bulletin to send to parent/guardian(s) the day of the incident, if possible, or the following school day.

If tragedy occurs during non-school hours:

Notify staff members via telephone tree/email and conduct a staff meeting before school starts.

If tragedy occurs during the instructional day:

**ELEMENTARY SCHOOLS** - Principal and Assistant Principal are to personally visit each classroom to calm students, provide information and answer questions. **DO NOT USE THE INTERCOM FOR THIS PURPOSE.** Crisis Team members may also visit classrooms to brief students and staff.

**SECONDARY SCHOOLS** - Principal meets with designated Area Directors and Department Chairpersons for briefing and instructions to notify co-workers individually. Principals may then use intercom to factually inform students of the incident and to calm students. Provide staff with information to be shared with students.

### Teacher's Responsibilities

- Provide information to students regarding the incident.
- Lead class discussions.
- Identify students in need of counseling and refer to Crisis Intervention Team.
- With the assistance of the Crisis Intervention Team, generate classroom activities to reduce impact of trauma.
- It may be necessary to modify classroom activities for a short time such as postponing tests, etc.

## Counselor/Psychologist Responsibilities

- Coordinate all counseling activities.
- Assist faculty with classroom activities and discussion guide- lines to reduce the impact of grief/trauma.
- Provide individual counseling for students and staff. Re- quest additional counseling support, if necessary, from the Support Services Office.
- Provide referral information to parents.
- Participate in staff debriefings

## School Nurse Responsibilities

- Identify students with physical symptoms which may be the result of grief/trauma. Refer for additional medical care if necessary.
- Monitor attendance patterns post-tragedy.
- Provide grief/trauma counseling for staff and students as needed.
- Participate in staff debriefings

## Bus Drivers Responsibilities

- Be alert for students who show signs of emotional dis- tress.

## Pupil Release/Evacuation Procedures

Certain actions may involve releasing students from school or relocating them from one school site to another at a time when parents expect their children to be in school. The Superintendent will authorize pupil release and/or evacuation only in times of extreme emergency, and all possible attempts to notify parents as to the situation will be made as soon as possible. In any case, pupils shall be released by District staff only. Daily attendance is a critical component in preparing for any emergency or disaster.

### Principal's Responsibilities

The principal will assess the situation in any given emergency and, based on the safety of students and the condition of the school and neighborhood, will make recommendations to the Superintendent.

Alternatives include:

- Students remain in classrooms with their teachers until they are released to their parents or are transported home via regular bus routes and times.
- Students are moved with their teachers to designated large-group areas on the school site.
- Students will be evacuated to an alternate site.

If an emergency occurs and it becomes necessary to send students home early, relocate them, or ask parents/guardians to pick them up. These procedures will be followed insofar as possible:

- Notification of parents. After receiving authorization to relocate students or send them home early, the school will notify parents via the school's call out/electronic message system. Information will include: Name of caller, type of emergency, actions to be taken, where parent may pick up child, and any other pertinent information.
- Notification of staff. Teachers and other staff members should be notified of the plan as soon as possible.

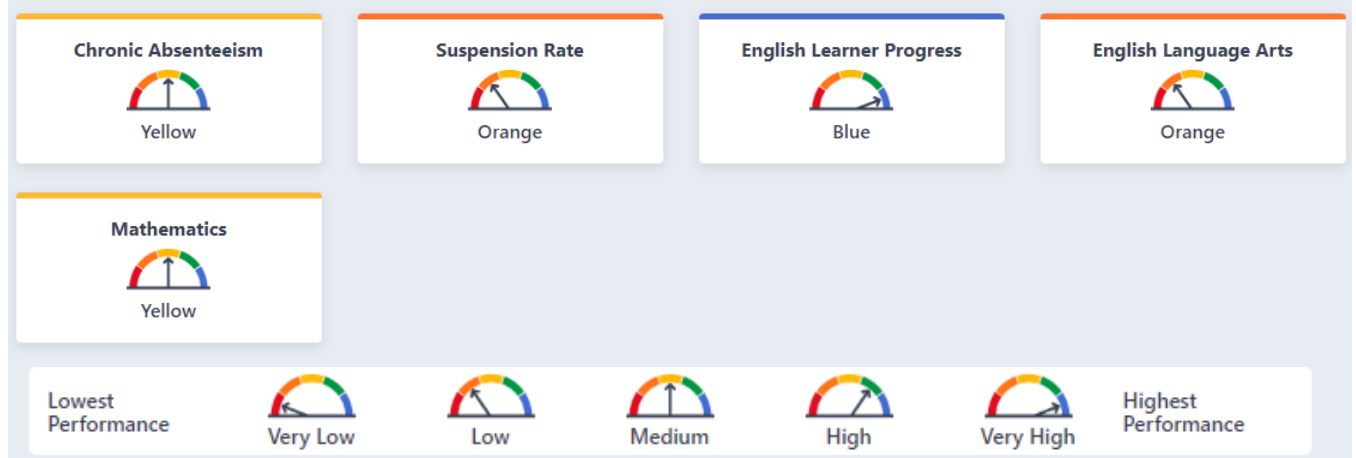
Note: See REMS District Plan, Appendix A-12, REM Evacuation Drill Checklist.

## Section 3 – Data Analysis



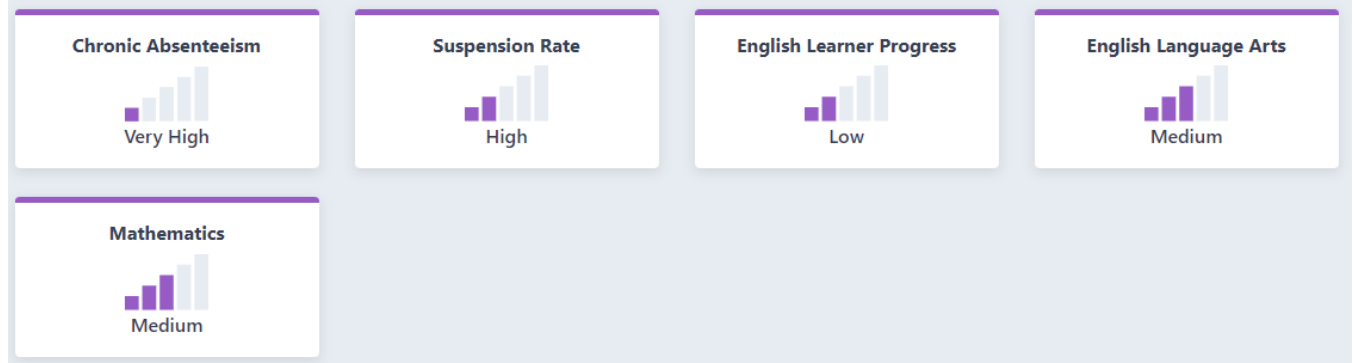
# School Performance Overview Dashboard

## School Performance Overview – 2023



## School Performance Overview – 2022

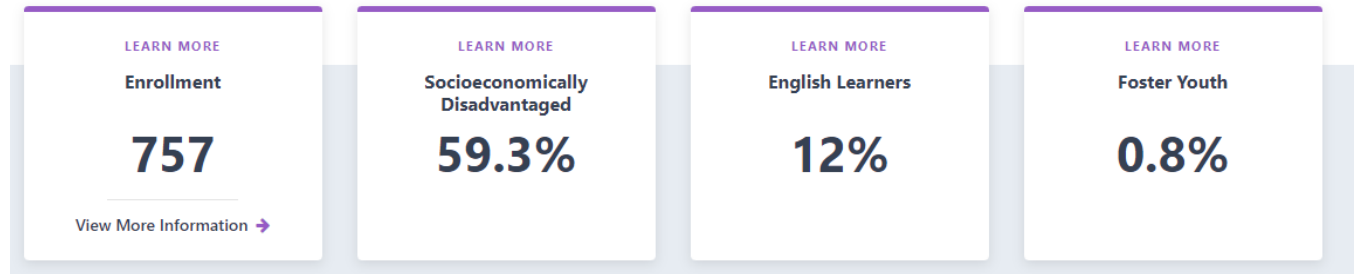
Due to the COVID-19 pandemic, state law allows the 2022 Dashboard to only display the most current year of data (also known as Status). For this year only, performance levels will be reported using one of five Status levels (ranging from Very High, High, Medium, Low, and Very Low) for state measures. Please note that the Status levels associated with the Chronic Absenteeism and Suspension Rate Indicators are reversed (ranging from Very Low, Low, Medium, High, and Very High). Information regarding this year's Dashboard data is available within the [Dashboard Communications Toolkit](#).



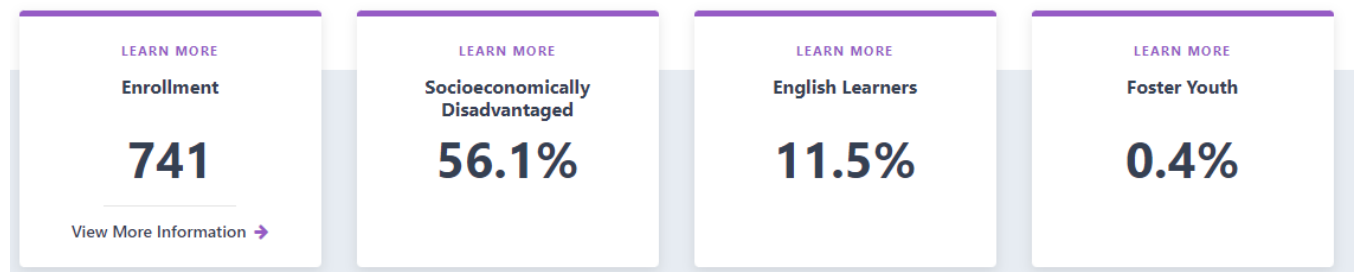
## School Performance Overview – 2021

Due to the COVID-19 pandemic, state law has suspended the reporting of state indicators on the 2021 Dashboard. However, available data that would have been included in the Dashboard are reported on the Department's web site if they were determined to be valid and reliable. Information regarding the reporting status of data is available at [COVID-19 and Data Reporting](#) and the [COVID-19 Accountability FAQs](#).

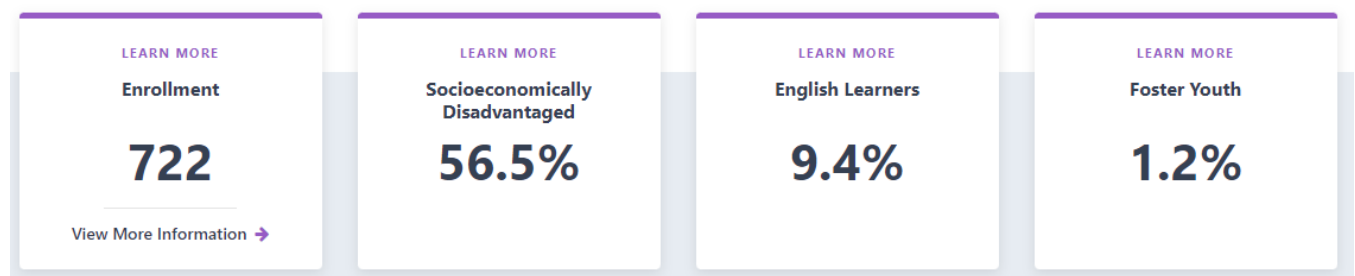
## Student Population – 2023



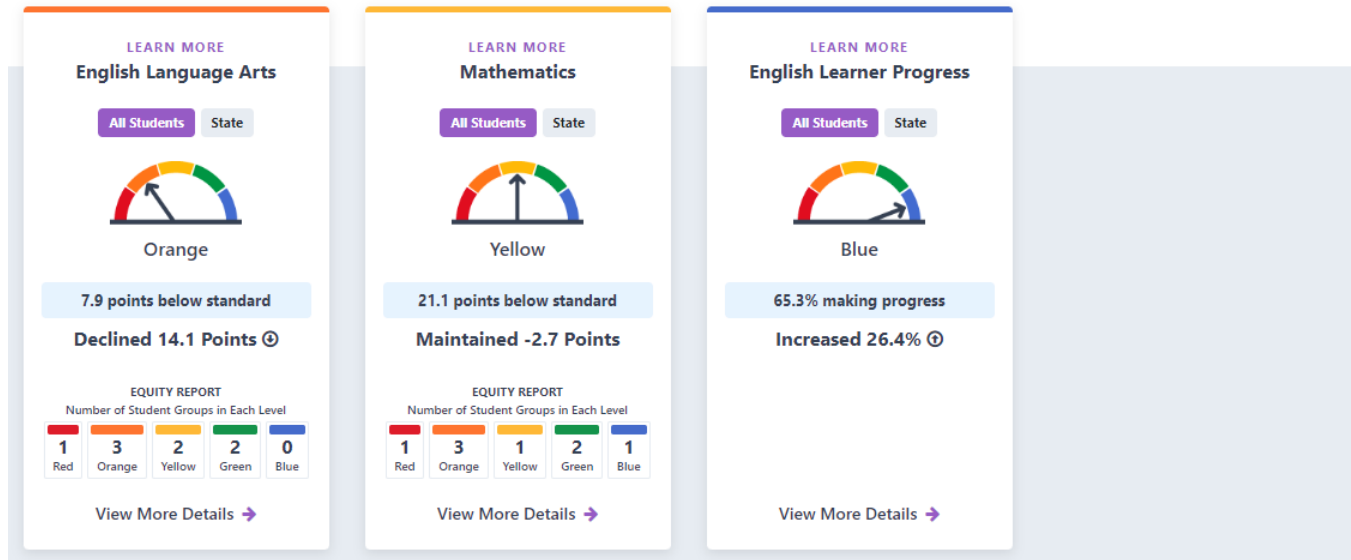
## Student Population – 2022



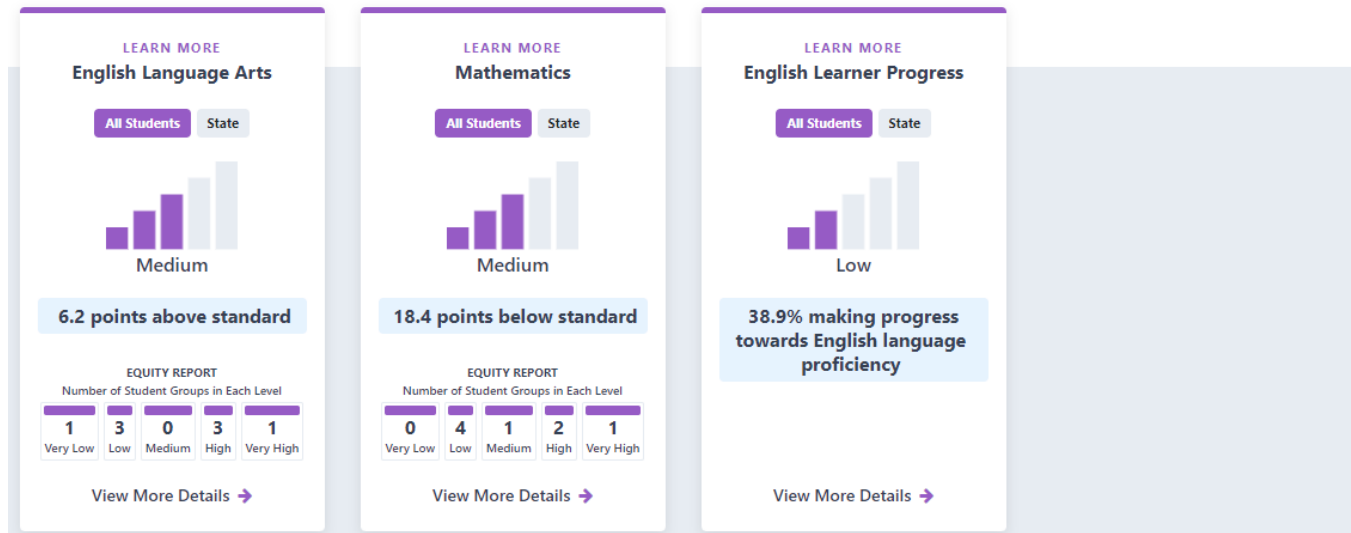
## Student Population – 2021



## Academic Performance – 2023



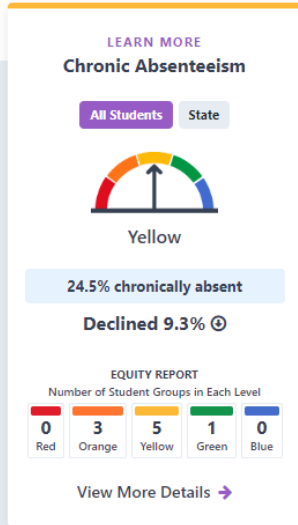
## Academic Performance – 2022



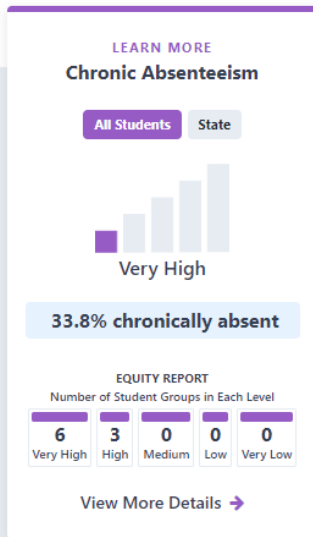
## Academic Performance – 2021

No Data Available

## Academic Engagement – 2023



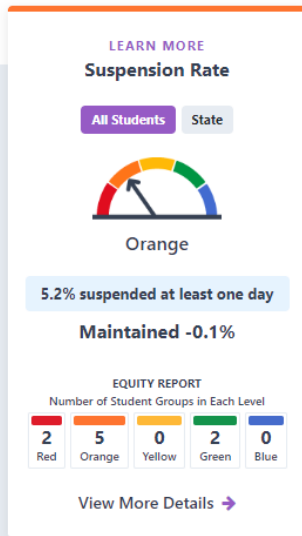
## Academic Engagement – 2022



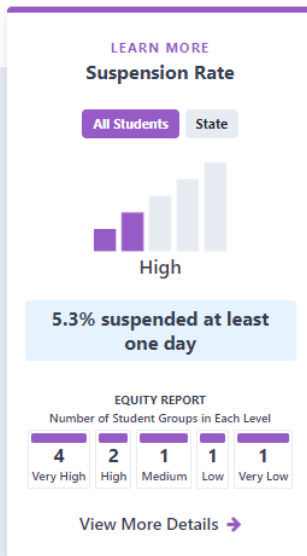
## Academic Engagement – 2021

No Data Available

## Conditions and Climate - 2023



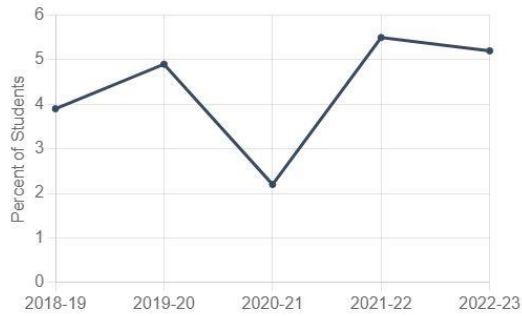
## Conditions and Climate - 2022



## Conditions and Climate - 2021

No Data Available

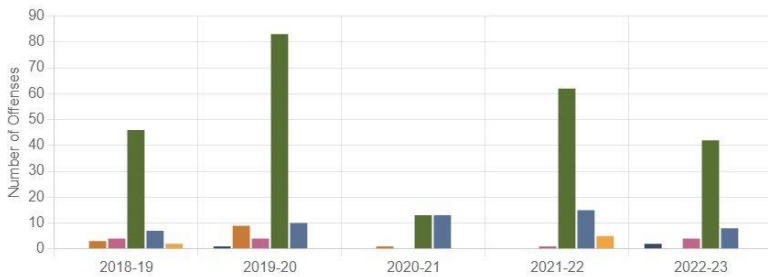
# Suspension Data



**Suspension Rate -**  
 Manlio Silva Elementary  
 CDS Code 39-68585-0108217

This graph displays the annual suspension rate and unduplicated suspension count for the selected entity. Visit Ed-Data.org for more detailed data.

	2018-19	2019-20	2020-21	2021-22	2022-23
Total	3.9 %	4.9 %	2.2 %	5.5 %	5.2 %



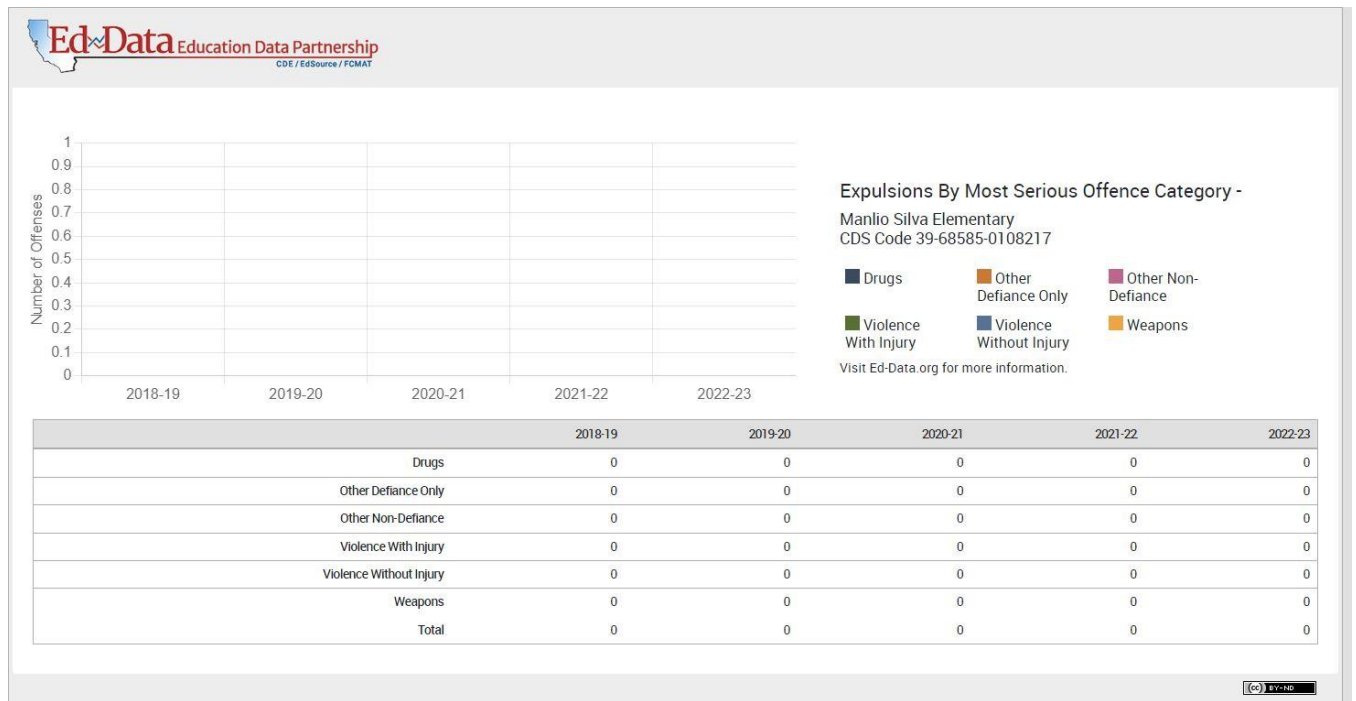
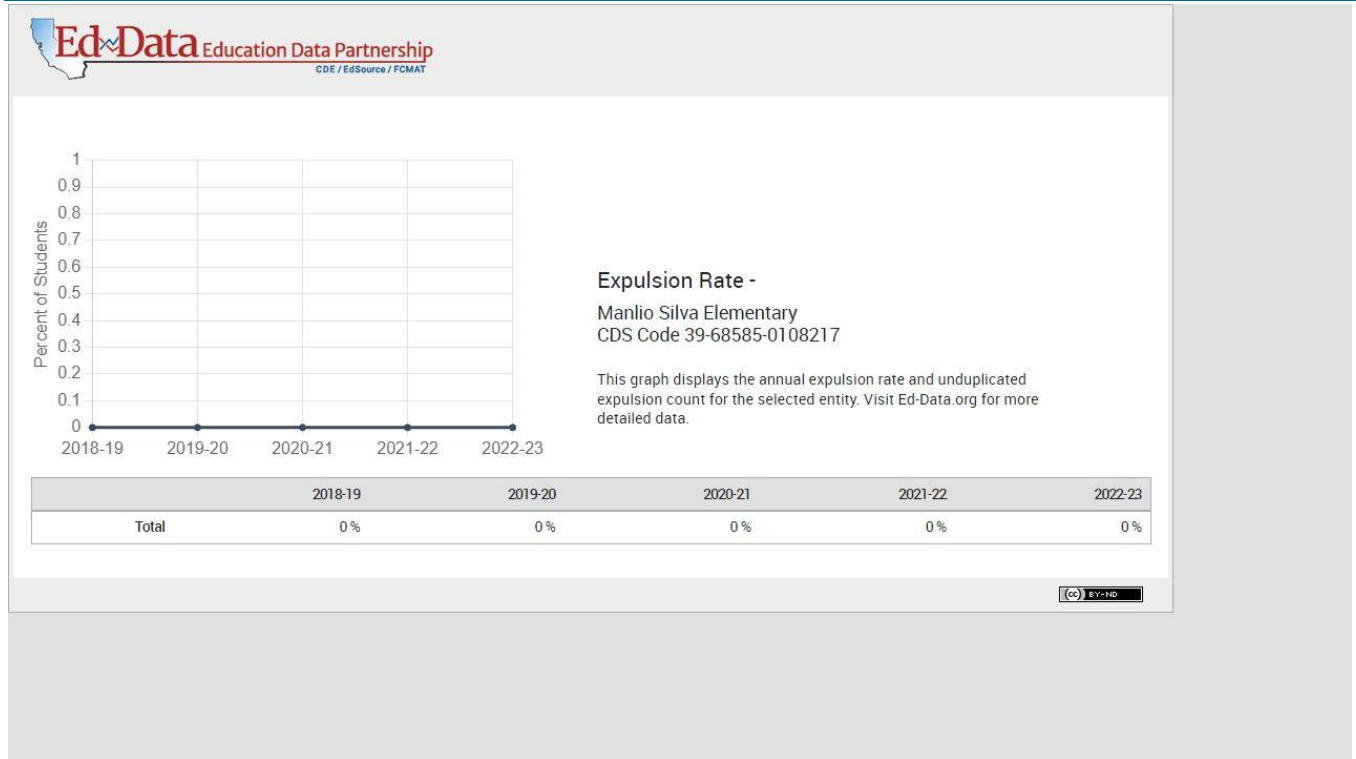
**Suspensions by Most Serious Offense Category -**  
 Manlio Silva Elementary  
 CDS Code 39-68585-0108217

Visit Ed-Data.org for more information.

	2018-19	2019-20	2020-21	2021-22	2022-23
Drugs	0	1	0	0	2
Other Defiance Only	3	9	1	0	0
Other Non-Defiance	4	4	0	1	4
Violence With Injury	46	83	13	62	42
Violence Without Injury	7	10	13	15	8
Weapons	2	0	0	5	0
Total	62	107	27	83	56



# Expulsion Data





## Drills, Training, and Exercises - Conducted

### Fire Drills

9/8/23  
9/18/23  
10/24/23  
11/20/23  
12/14/23  
1/30/24  
2/20/24  
4/16/24  
5/16/24

### Earthquake Drills (Duck, Cover, Hold)

9/8/233  
11/7/23  
3/5/24  
5/9/24

### Lockdown Drills

9/28/23  
10/26/23  
2/20/24  
4/18/24

## Section 4 – Action Plan

## Action Plan

### Areas of Pride/Accomplishments

At Manlio Silva School we believe that children can and want to behave appropriately when treated with dignity and respect. A positive approach to discipline with a system of logical consequences maintains appropriate behavior. In 2018-2019 school year, Silva implemented a schoolwide Positive Behavioral Interventions and Supports (PBIS) program. We continue to use a system where the underlying theme is teaching behavioral expectations in the same manner as any core curriculum subject. Schoolwide and classroom management plans are communicated to students and parents, and are consistently followed. In order to ensure we all have the opportunity to be in an orderly, safe, and productive learning environment, certain rules and responsibilities must be present. We developed a Silva Pledge which has the acronym "SHARKS" to match our mascot. It stands for Safe, Honest, Accountable, Responsible, Kinda, Students. Part of our PBIS include "Life Skills" and "Lifelong Guidelines." Every staff member considers these skills as a part of the taught curriculum. Life Skills are posted in each classroom and we have used various avenues to communicate the importance of Life Skills and how they are used in the student's everyday life. They promote good decision making, good citizenship and conflict resolution. In 2016-2017 school year, Silva implemented quarterly Life Skills Awards for first through sixth graders. There are two focused life skills for each month. In addition, every staff member has "Shark Slips" to hand out to students at any time or location for being Safe, Honest, Accountable, Responsible, and Kind Students (SHARKS). Every Friday 3-5 students from each class gets called up to the stage in the cafeteria to be recognized and PTA provides prizes at our student store for every student. Focusing on positive behavior is our focal point to a peaceful, stress-free, learning environment, and our initial records of a low number of disciplinary incidences is a great indicator that it is working. In addition, our Triple A (Attendance, Attitude, and Achievement) program has been implemented with great success since 2005. Students are recognized every month. Silva's PTA has adopted the program and sponsors books for students that earn the awards. Also, we recognize students who have been "Caught Being Good" every Friday morning when the whole school starts off on the playground. Staff submits referrals to the principal for students who have demonstrated act of kindness. Students can also receive a consequence for breaking a class or school rule. A referral can be made by staff through Aeries (Student Information Data System) for students to see administrators and an appropriate consequence is issued to better the chance of creating a learning opportunity for the child and a change in behavior. Since the massive shooting incident at Sandy Hook Elementary in December of 2012, our staff has reviewed all of our emergency drills and procedures to create a safe campus. Upon review with staff, school resource officer, and REMS flip chart, a step by step procedure guidelines were created for fire; stop, drop, and cover; and lockdown drills

## Findings & Desired Improvements

- GOAL 1: Reduce suspensions related to Ed Code 48900(a1) by 25 pct.
- Strategy 1.1: Positive behavior and academic recognition Strategy
- 1.2: Conflict resolution and school community service
- Baseline Data 1.1: 20 suspensions related to 48900(a1) in 2024-2025
- GOAL 2: Implement and Practice Crisis Response Plans
- Strategy 2.1: Collaborate with staff, SSC, district, and outside agencies
- Baseline Data 2.1: Practiced every month

## Priorities/Goals

- GOAL 1: Reduce suspensions related to Ed Code 48900(a1) by 25 pct.
- GOAL 2: Implement and Practice Crisis Response Plans

## Overall Strategies for the 2024 – 2025 School Year

### **Component 1 People and Programs (School Climate):**

- 1.1: Track the number of repeat offenders
- 1.2: Monitor the effectiveness of PBIS programs (ARK, counseling, # of Aeries referrals)
- 1.3: Review playground supervision procedure
- 1.4: Add to the number of adult supervisors on the playground

### **Component 2 Places (Physical Environment):**

- 2.1: Each drill will be monitored, reviewed, and documented in REMS
- 2.2: Annual review and update of site plans and maps
- 2.3: Fire drills and lock-down exercises will be logged in
- 2.4: This year's REMS plan will be reviewed and updated