

**Lodi Unified School District**

**Clyde W Needham Elementary**

**2020-21**

**Comprehensive  
School Safety Plan**

Revised 4/2019

# Preface

In Lodi Unified School District, the Comprehensive School Safety Plan (CSSP) is annually reviewed and updated by each school's School Safety Planning Committee or the School Site Council under the leadership of the school Principal.

The CSSP planning process, procedures and electronic template completion and submission are designed to be utilized by each school as a school resource for emergency management prevention/mitigation, protection, preparedness, response and recovery. The electronic template has been developed to meet the requirements for the annual safety plan process and procedures under the provisions of California Assembly Bill 1747, School Safety Plans.

The CSSP is designed to be an electronic or hard-copy safety plan. The template is also designed as a living document to be updated as necessary to meet site, district and community needs, forms or requirements.

The CSSP along with the following emergency plans and guides encompass the district's comprehensive emergency management plan for schools:

- Readiness and Emergency Management for School (REMS) District Plan
- REMS School and Classroom Guide
- Levels of Behavior Concerns, Violations and Responses: Interventions and Consequences and the Student Discipline and Intervention Matrix
- REMS After School Program Guidelines and Procedures
- Site Security Manual

Before adopting its comprehensive school safety plan, the School Safety Planning Committee/SSC shall hold a public meeting at the school in order to allow members of the public the opportunity to express an opinion about the school safety plan.

The School Safety Planning Committee/SSC shall notify, in writing, the following persons and entities, if available, of the public meeting: the local mayor, a representative of the local school employee organization, a representative of each parent organization at the school, including the parent teacher association and parent teacher clubs, a representative of each teacher organization at the school, and a representative of the student body government, and all persons who have indicated they want to be notified.

Note: An updated file of all safety related plans and materials shall be readily available for inspection by the public. See Chapter 5 for safety related plans.

**The CSSP is *NOT* intended to be a “grab and go” guide in an actual emergency.**

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# Chapter 1

## Comprehensive School Safety Plan

All Lodi Unified School District schools must review, update and adopt a Comprehensive School Safety Plan (CSSP) by March 1 each school year.

Beginning July 1, 2000, each individual school must report on the status of its school safety plan, including a description of its key elements in the school accountability report card, and must continue to do so every July thereafter. (California Education Code, Sections 32280–32289)

The following guideline may be utilized to support the annual review and evaluation of the individual school safety plan. This guide will also provide a time line and related administrative tasks to provide a process to ensure compliance.

The guideline/checklist has been organized into two parts:

1. An assessment by the School Safety Planning Committee or School Site Council (SSC) of the school climate in relation to the current status of school crime committed on campus and at school related functions. Based on this assessment, safety goals will be set for the upcoming school year.

2. The annual review and evaluation of the school comprehensive safety plan which is certified by the members of the School Safety Planning Committee/SSC and the school Principal before being presented to the district for approval. This review includes the following mandated components of Assembly Bill 1747:

- Child abuse reporting procedures
- Policies pursuant to Education Code 48900 and 48915(c) and other school-designated serious acts which would lead to suspension, expulsion, or mandatory expulsion recommendations
- Procedures to notify teachers and counselors of dangerous students
- Nondiscrimination/Harassment
- Sexual Harassment Policy
- Safe ingress and egress to and from school
- Rules and procedures on school discipline in order to create a safe and orderly environment conducive to learning
- Dress code

### Implementation Plan

The CSSP electronic plan is to be distributed electronically to staff and an updated file of all safety related plans and materials shall be readily available for inspection by the public including staff, students, parents and other community members. See Chapter 5 for a listing of other school and district safety related plans and materials.

**The Plan is *NOT* intended to be a “grab and go” guide in an actual emergency.**

# Principal’s Annual CSSP Responsibilities, Completion Timeline and Certification of Plan Requirements Have Been Met

School: Clyde W Needham Elementary

Principal: Mr. Richard Perez

Note: All boxes below, July through March, must be checked upon completion of CSSP activity(ies).

Completed By	Required Comprehensive School Safety Plan Activities
<input checked="" type="checkbox"/> July–August 30	The School Safety Planning Committee or School Site Council (SSC) completes a year-end assessment of the school climate in relations to the current status of school crime (suspension and expulsion data, law enforcement reports, etc.).
<input checked="" type="checkbox"/> August 30	Annually make available to the certificated site employees and all other employees who have regular interaction with pupils, the Lodi USD Board of Education Policy 5131.3, Bullying and the California Department of Education training document, Bullying Module.
<input checked="" type="checkbox"/> September 30	The School Safety Planning Committee or SSC completes an annual review and evaluation of the Comprehensive School Safety Plan.
<input checked="" type="checkbox"/> October 30	<ol style="list-style-type: none"> <li>1. Update electronic school safety plan template. Based on the crime data analysis, identify and set safety goals as well as the strategies and/or programs that will be used to meet the goals.</li> <li>2. Note that before adopting its CSSP, the School Safety Planning Committee or SSC shall hold a public meeting at the school site in order to allow members of the public the opportunity to express an opinion about the school safety plan.</li> <li>3. After the CSSP plan approval, input the School Safety Planning Committee or School Site Council (SSC) member names on the School Safety Planning Committee/SSC Signature Page. Copy and keep a hard copy with original member signatures in the principal’s CSSP file and have available for inspection if requested in a CSSP audit.</li> </ol>
<input checked="" type="checkbox"/> November–December 15	Complete and submit the electronic CSSP no later than December 15. Note that the school’s electronic CSSP will show as “SUBMITTED” on the district’s CSSP Compliance Report only after all required fields have been populated. Upon completion of the school’s CSSP the principal will be required to certify that all CSSP requirements have been met.
<input type="checkbox"/> March 1	An updated file of all safety related plans and materials shall be readily available for inspection by the public. See Chapter 5 for safety related plans.

## District Level Responsibilities and Completion Timeline Requirements

Completed By	District Level CSSP Activities
January 30	Review/Approval of all schools CSSP electronic submissions.
February 30	BOE receives notification that CSSP have been reviewed and approved.
October 15	District required to submit to the California Department of Education schools that have not submitted an annually updated CSSP.

# **Current Status of School Crime for Clyde W Needham Elementary**

## **School Information**

Clyde W Needham Elementary School is a an elementary school serving students in grades preschool through sixth grade in Lodi.

The most recent CBEDS report indicated a total of 317 students enrolled as of October 2, 2019. The school serves a diverse student population as evidenced by the following ethnic breakdown in the CBEDS report: 0.32% African American; 0.63% American Indian/Alaskan Native; 11.04% Asian; 0.00% Filipino; 78.55% Hispanic; 0.00% Native Hawaiian/Pacific Islander; 4.10% White.

The current school enrollment is 335 students. The ethnic make-up of the school is 77.15% Hispanic, 12.76 % Asian, 3.86% White, .30% African-American, and 5.04% other non-Hispanic. Over 90% of students are considered to be socioeconomically disadvantaged, approximately 65.22% are English Learners and about 12.25% are identified as Special Education students. Of the school's 20 teachers, 14 are "fully qualified" and one is an internship through a local university. The school has one part-time psychologist, one part-time counselor, 2 part-time speech therapist, one part-time P.E. teacher, and one part-time music teacher.

***Note: Based on the above information, data, and assessment, the School Safety Planning Committee/SSC will set safety goals for the upcoming year.***

# **Current Status of School Crime for Clyde W Needham Elementary**

## **Suspensions**

During the prior school year, there were a total of 7.0 days of suspension involving 3 students represented by the following Ed. Code 48900 reasons for suspension:

- (.3) Caused, attempted to cause, threatened to cause, or participated in an act of hate violence (2 occurrences)
- (a)(1) Caused, attempted to cause, or threatened to cause physical injury to another person (2 occurrences)

During 2019-2020 the suspension rate was 0.4% with a total of 1 unduplicated suspensions.

# **Current Status of School Crime for Clyde W Needham Elementary**

## **Expulsions**

There were no expulsions during the prior school year.

There were no expulsions during the 2019-2020 school year.



# **Safe School Strategies and Programs**

## **for Clyde W Needham Elementary**

**Note: Below the school is to provide a comprehensive written narrative of the safe school strategies and programs that are in place and will be utilized at the school.**

Needham Elementary School has a variety of safety programs in place that have been effective in maintaining a safe environment. Needham School has effective and engaging instructional programs and practices, which take into account learning styles and individual differences, honor cultural diversity, and are student focused. Supervision before, during, and after school is a high priority and responsibility of the principal, teachers, custodian and support staff assigned to critical areas. The principal, custodians, teachers, and office staff are connected via school-wide radio and phones systems. This year we also employ the use of eight surveillance cameras and have been approved for four more to assist in supervision, before, during, and after school hours. An assigned school resource officer makes regular visitations to the site and is available for periodic visits with students and families. This year is our first year of implementing our newly developed site PBIS plan with identified core values for students to demonstrate that they are Knights in Shining Armor. These core values include being Courageous, Problem Solvers, who are Ready to Learn every day, Students are recognized with "Knights Notes" highlighting core values they demonstrate, earned rewards, and certificates at awards assemblies held each quarter. Teachers serve as positive role models of character development and conflict resolution on campus. Additionally, assemblies and activities are planned to motivate and teach positive lifeskills to students, such as Caring, Responsibility, Perseverance and Problem Solving, including Anti-Bullying themes. Students are also encouraged to practice AVID beliefs and are reminded regularly to act like a scholarly student. Every student receives a Daily Planner or Homework folder on the first day of school and each student is required to bring it to class each day. It is part of the responsibility training (AVID) for students to write down information for assignments, projects, tests, and due dates. This is a positive tool to assist students in study skills, organization, planning, and communication with home in order to achieve their greatest potential and enhance their learning experiences. Teachers communicate regularly with parents through newsletters, notes home, emails, phone calls, and face-to-face encounters. The site's community liaison and support staff work everyday to help connect parents and families with school and community resources to ensure student safety and academic success. Report cards and progress reports are sent home regularly in order to keep parents informed of their child's progress in character development and academics. The site principal is visible on campus, in and out of classrooms and greeting students and parents on campus in addition to maintaining discipline in a fair and positive manner.

# Chapter 2

## School Safety Planning Committee/SSC

The School Safety Planning Committee or SSC is responsible for developing the school site safety plan. California Education Code, Section 32281

The School Safety Planning Committee/SSC shall be composed of the following members: the principal or designee, one teacher who is a representative of the recognized certificated employee organization; one parent/guardian whose child attends the school; one classified employee who is a representative of the recognized classified employee organization; other members if desired.

The School Safety Planning Committee/SSC shall consult with a representative of a law enforcement agency or a School Resource Officer and a fire department representative and other first responder in writing and development of the CSSP plan. (California Education Code Section, 3228

Other members of the school or community may provide valuable insights as members of the School Safety Planning Committee/SSC. Additional members may include:

- A representative from the local law enforcement agency
- A representative from the local fire department
- School Resource Officers
- Guidance counselor
- Special Education Department Chairperson
- Key community service providers
- Community members
- Student representative(s)
- Disciplinary team member
- Staff leaders
- Additional parent representatives

**The template on the next page may be utilized as the School Safety Planning Committee/SSC signature page.**

# Clyde W Needham Elementary

## School Safety Planning Committee/SSC Signature Page

### 2020-21

List each member of the Clyde W Needham Elementary School Safety Planning Committee or SSC who participated in the review, updating and approval of the CSSP. Have each member sign a hard copy of the signature page and maintain the copy in the principal's CSSP file and have it available for inspection if requested in a CSSP audit.

Date: 2020-08-31 Indicate the current school year meeting date when the CSSP was made available to allow members of the public the opportunity to express an opinion about the CSSP. The meeting date shall precede the plan approval by the School Safety Planning Committee or SSC.

Date: 2020-08-31 Indicate the current school year date the School Safety Planning Committee or SSC approved the CSSP.

Mr. Richard Perez

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Principal

Anna Campos

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School Safety Planning Committee Representative/SSC

Misty Jaymot

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Teacher Representative

Ariana Ruvira

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Classified Staff Representative

Miriam Galvan

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Parent of a Child Who Attends the School Representative

Brannon Haro

---

School Resource Officer or Law Enforcement Representative

Brad Doell

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Fire Department Representative

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Other Member(s) of School Safety Planning Committee/SSC:

Chris Dyer, Eddie Saenz

# Chapter 3

## Annual Safety Goals

The School Safety Planning Committee/SSC shall make an assessment of the prior year status of school crime committed on campus and at school-related functions and will update and develop appropriate strategies and programs that will provide or maintain a high level of school safety. (California Education Code, Section 32282)

While the School Safety Planning Committee/SSC reviews school, district and community crime data trends such as the California Safe School Assessment, other data can bring value to the discussions. Such data may include:

- Mental Health Data
- State, District or Site Surveys (such as the Youth Risk Behavior Survey)
- Disciplinary Data
- Community Police Data

Data may be more valuable if disaggregated by gender, age, zip code, ethnicity, etc. Current trends should be reviewed as well.

*Based on data analysis*, the School Safety Planning Committee/SSC will assess the prior year's goals and, thereafter, identify one or two safety-related goals for the school year as well as the strategies and/or programs that will be used to meet those goals. The objective is to provide meaningful goals in order to improve the campus climate.

The goals are reported, with the safety plan, to the district and are shared with the school staff and community.

In order to keep the goals as a safety focus for the school year, it is recommended that at least three brief meetings be held to review data and progress. The progress can be reported to the School Safety Planning Committee/SCC, staff, parent groups and the district.

The year-end assessment should be completed in July through August and reported upon.

**The following templates may be utilized for the Prior School Year Goal Assessment and the CSSP Goals.**

# Clyde W Needham Elementary

## Comprehensive School Safety Plan Prior School Year Goal Assessment Review

**GOAL 1:** Prevent injuries during school pick-up and drop off periods

**Strategy 1.1:** Increase supervision and cameras to monitor areas & intervene

**Strategy 1.2:** Educate staff, students, & parents about procedures

**Baseline Data 1.1:** one student hit by car last year, many near accidents

**Assessment 1.1:** Gather qualitative data from staff and parents at meetings

**Assessment 1.2:** .

**Assessment 1.3:** .

**Assessment 1.4:** .

**Assessment Data 1.1:** .

**Comments:** .

**GOAL 2:** Reduce suspensions resulting from violent acts by 10pct

**Strategy 2.1:** Implement PBIS plan to develop core values & recognize positive

**Baseline Data 2.1:** 5 cases of students causing/attempting physical injury in 201

**Assessment 2.1:** Analyze discipline data (referrals and suspensions) quarterly

**Assessment 2.2:** Analyze student recognition data quarterly

**Assessment 2.3:** .

**Assessment Data 2.1:** .

**Comments:** .

Note: The prior school goal assessment should be completed in July through August and reported upon.

# Clyde W Needham Elementary

## Comprehensive School Safety Plan 2020-21

**GOAL 1:** Prevent injuries during school pick-up and drop off periods

**Strategy 1.1:** Increase supervision and cameras to monitor areas & intervene as needed

**Strategy 1.2:** Educate staff, students, & parents about procedures

**Baseline Data 1.1:** one student hit by car last year, many near accidents

**Assessment 1.1:** Gather qualitative data from staff and parents at meetings

**Assessment 1.2:** .

**Assessment 1.3:** .

**Assessment 1.4:** .

**Assessment Data 1.1:** .

**Comments:** .

**GOAL 2:** Reduce suspensions resulting from violent acts by 10pct

**Strategy 2.1:** Implement PBIS plan to develop core values & recognize positive behavior.

**Baseline Data 2.1:** 5 cases of students causing/attempting physical injury in 2016-17

**Assessment 2.1:** Analyze discipline data (referrals and suspensions) quarterly

**Assessment 2.2:** Analyze student recognition data quarterly

**Assessment 2.3:** .

**Assessment Data 2.1:** .

**Comments:** .

# Chapter 4

## Mandated Education Codes, Lodi Unified School District Policies, Rules and Procedures

The School Safety Planning Committee/SSC has reviewed the site safety plan and made necessary updates and revision.

- Conduct, LUSD Board of Education Policy 5131
- Discipline, LUSD Board of Education Rule 5144
- Bullying, LUSD Board of Education Policy 5131.3
- Child Abuse Prevention and Reporting, LUSD Board of Education Policy and Rule 5141.4) Child abuse reporting consistent with Penal Code 11164.
- Suspension and Expulsion, California Education Code 48900, 48915 C Policies pursuant to Educational Code 48915 and other school-designated serious acts which would lead to suspension, expulsion or mandatory expulsion recommendations
- Notification of Student Disciplinary Background, California Education Code 49079 and LUSD Procedure to Notify Teachers and Counselors of Dangerous Students
- Gangs and Gang Symbols, Board of Education Rule 5136.
- Access to District Campuses, Board of Education Policy and Rule 5142.7 Procedures for safe entrance and exit of students, parents/guardians and employees to and from the school
- Nondiscrimination/Harassment, LUSD Board of Education Policy and Rule 5145.3
- Sexual Harassment, LUSD Board of Education Policy and Rule 5145.7
- Hate-Motivated Behavior, LUSD Board of Education Policy 5149.9
- See Chapter 5 for Routine and Emergency Disaster Procedures that include:
  - Emergency and Disaster Preparedness Plan
  - Fire Drills
  - Bomb Threats
  - Earthquake Emergency Procedure System
  - Transportation Safety and Emergencies

**Note: When the School Safety Planning Committee reviews the following mandated components, critical questions to review include:**

- What is the policy or procedure?
- How are staff, students and/or parents notified that this policy exists?
- How are staff, students and/or parents notified relative to a specific incident?
- What staff/student training(s) have been completed?
- What additional trainings are needed?

# Student Conduct

## (LUSD Board of Education Policy 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 that 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.

Revised: 09/18/12

# Student Discipline

## (LUSD Board of Education Rule 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 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. 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 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.

**NOTE: The LUSD Levels of Behavior Concerns, Violations and Responses: Interventions and Consequences and the Student Discipline and Intervention Matrix is distributed to all students annually at the start of the new school year.**

Revised: 05/16/17

# **Bullying**

## **(LUSD Board of Education Policy 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.

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.

Revised: 08/15/17

Effective January 1, 2019, AB 2291, School Safety: Bullying, became law.

In compliance with this bill, the CDE has developed and posted an online training module related to bullying and bullying prevention, including cyberbullying. The Bullying Module—School Safety document can be accessed at <https://www.cde.ca.gov/ls/ss/se/documents/bullymodule1.docx>

The bill requires schools to annually make available this online training module to certificated school site employees and all other school site employees who have regular interaction with pupils.

In the box below, indicate when (date) and how the online CDE bullying training module was made available to certificated school site employees and all other school site employees who have regular interaction with pupils.

Anti-bullying/PBIS school wide and class presentations done annually. This year we will be developing a PBIS video with a strong message of being kind to each other.



# Child Abuse Prevention and Reporting

## (LUSD Board of Education Policy 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.

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.

Revised: 01/12/16

### Child Abuse Prevention and Reporting—Staff Training

(Insert how the district has in-serviced newly hired staff on child abuse prevention and reporting, and/or how the school site has provided in servicing for staff on an annual basis-meeting, Keenan training video, staff handbook notifications, memos, etc.)

Needham Elementary School staff are provided yearly training during staff development hours each fall. Newly hired staff are trained within their first month after they are hired.
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### 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 11165.6)
3. An injury resulting from the exercise by a teacher, vice principal, principal, or other certificated employee of the same degree of physical control over a student that a parent/guardian would be 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)

Human Services Agency – Child Protective Services  
102 South San Joaquin Street  
Stockton, CA 95202  
209-468-1333

When the initial telephone report is made, the mandated reporter shall note the name of the official contacted, the date and time, and any instructions/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)

Revised 01/12/16

# Suspension & Expulsion

## (California Education Code 48900, 48915 C)

A pupil shall not be suspended from school or recommended for expulsion, unless the superintendent of the school district or the principal of the school in which the pupil is enrolled determines that the pupil has committed an act as defined pursuant to any of subdivisions (a) to (r), inclusive:

- (a)** (1) Caused, attempted to cause, or threatened to cause physical injury to another person.  
(2) Willfully used force or violence upon the person of another, except in self-defense.
- (b)** Possessed, sold, or otherwise furnished a firearm, knife, explosive, or other dangerous object, unless, in the case of possession of an object of this type, the pupil had obtained written permission to possess the item from a certificated school employee, which is concurred in by the principal or the designee of the principal.
- (c)** Unlawfully possessed, used, sold, or otherwise furnished, or been under the influence of, a controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind.
- (d)** Unlawfully offered, arranged, or negotiated to sell a controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind, and either sold, delivered, or otherwise furnished to a person another liquid, substance, or material and represented the liquid, substance, or material as a controlled substance, alcoholic beverage, or intoxicant.
- (e)** Committed or attempted to commit robbery or extortion.
- (f)** Caused or attempted to cause damage to school property or private property.
- (g)** Stole or attempted to steal school property or private property.
- (h)** Possessed or used tobacco, or products containing tobacco or nicotine products, including, but not limited to, cigarettes, cigars, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel. However, this section does not prohibit use or possession by a pupil of his or her own prescription products.
- (i)** Committed an obscene act or engaged in habitual profanity or vulgarity.
- (j)** Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell drug paraphernalia, as defined in Section 11014.5 of the Health and Safety Code.
- (k)** (1) Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, school officials, or other school personnel engaged in the performance of their duties  
(2) Except as provided in Section 48910, a pupil enrolled in kindergarten or any of grades 1 to 3, inclusive, shall not be suspended for any of the acts enumerated in this subdivision, and this subdivision shall not constitute grounds for a pupil enrolled in kindergarten or any of grades 1 to 12, inclusive, to be recommended for expulsion. This paragraph shall become inoperative on July 1, 2018, unless a later enacted statute that becomes operative before July 1, 2018, deletes or extends that date.
- (l)** Knowingly received stolen school property or private property.



- (m)** Possessed an imitation firearm. As used in this section, “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.
- (n)** Committed or attempted to commit a sexual assault as defined in Section 261, 266c, 286, 288, 288a, or 289 of the Penal Code or committed a sexual battery as defined in Section 243.4 of the Penal Code.
- (o)** Harassed, threatened, or intimidated a pupil who is a complaining witness or a witness in a school disciplinary proceeding for purposes of either preventing that pupil from being a witness or retaliating against that pupil for being a witness, or both.
- (p)** Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.
- (q)** Engaged in, or attempted to engage in, hazing. For purposes of this subdivision, “hazing” means a method of initiation or preinitiation into a pupil 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 pupil. For purposes of this subdivision, “hazing” does not include athletic events or school-sanctioned events.
- (r)** Engaged in an act of bullying. For purposes of this subdivision, the following terms have the following meanings:
- (1) “Bullying” means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, and including one or more acts committed by a pupil or group of pupils as defined in Section 48900.2, 48900.3, or 48900.4, directed toward one or more pupils that has or can be reasonably predicted to have the effect of one or more of the following:
- (A) Placing a reasonable pupil or pupils in fear of harm to that pupil’s or those pupils’ person or property.
  - (B) Causing a reasonable pupil to experience a substantially detrimental effect on his or her physical or mental health.
  - (C) Causing a reasonable pupil to experience substantial interference with his or her academic performance.
  - (D) Causing a reasonable pupil to experience substantial interference with his or her ability to participate in or benefit from the services, activities, or privileges provided by a school.
- (2) (A) “Electronic act” means the creation and transmission originated on or off the school site, by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager, of a communication, including, but not limited to, any of the following:
- (i) A message, text, sound, or image.
  - (ii) A post on a social network Internet Web site, including, but not limited to:
    - (I) Posting to or creating a burn page. “Burn page” means an Internet Web site created for the purpose of having one or more of the effects listed in paragraph (1).
    - (II) Creating a credible impersonation of another actual pupil for the purpose of having one or more of the effects listed in paragraph (1). “Credible impersonation” means to knowingly and without consent impersonate a pupil for the purpose of bullying the pupil and such that another pupil would reasonably believe, or has reasonably believed, that the pupil was or is the pupil who was impersonated.
    - (III) Creating a false profile for the purpose of having one or more of the effects listed in paragraph (1). “False profile” means a profile of a fictitious pupil or a profile

using the likeness or attributes of an actual pupil other than the pupil who created the false profile.

(B) Notwithstanding paragraph (1) and subparagraph (A), an electronic act shall not constitute pervasive conduct solely on the basis that it has been transmitted on the Internet or is currently posted on the Internet.

(3) "Reasonable pupil" means a pupil, including, but not limited to, an exceptional needs pupil, who exercises average care, skill, and judgment in conduct for a person of his or her age, or for a person of his or her age with his or her exceptional needs.

- (s) A pupil shall not be suspended or expelled for any of the acts enumerated in this section unless the act is related to a school activity or school attendance occurring within a school under the jurisdiction of the superintendent of the school district or principal or occurring within any other school district. A pupil may be suspended or expelled for acts that are enumerated in this section and related to a school activity or school attendance that occur at any time, including, but not limited to, any of the following:
- (1) While on school grounds.
  - (2) While going to or coming from school.
  - (3) During the lunch period whether on or off the campus.
  - (4) During, or while going to or coming from, a school-sponsored activity.
- (t) A pupil who aids or abets, as defined in Section 31 of the Penal Code, the infliction or attempted infliction of physical injury to another person may be subject to suspension, but not expulsion, pursuant to this section, except that a pupil who has been adjudged by a juvenile court to have committed, as an aider and abettor, a crime of physical violence in which the victim suffered great bodily injury or serious bodily injury shall be subject to discipline pursuant to subdivision (a).
- (u) As used in this section, "school property" includes, but is not limited to, electronic files and databases.
- (v) For a pupil subject to discipline under this section, a superintendent of the school district or principal may use his or her discretion to provide alternatives to suspension or expulsion that are age appropriate and designed to address and correct the pupil's specific misbehavior as specified in Section 48900.5.
- (w) It is the intent of the Legislature that alternatives to suspension or expulsion be imposed against a pupil who is truant, tardy, or otherwise absent from school activities.

Approved: 09/27/14

### **Mandatory Recommendation for Expulsion**

The principal, or superintendent of schools shall immediately suspend, pursuant to Section 48911, and shall recommend expulsion of a pupil that he or she determines has committed any of the following acts at school or at a school activity off school grounds:

- a. Possessing, selling, or otherwise furnishing a firearm. This subdivision does not apply to an act of possessing a firearm if the pupil has obtained prior written permission to possess the firearm from a certificated school employee, which is concurred in by the principal or the designee of the principal. This subdivision applies to an act of possessing a firearm only if an employee of a school district verifies the possession.
- b. Brandishing a knife at another person.

- c. Unlawfully selling a controlled substance as defined by Education Code.
- d. Committing or attempting to commit a sexual assault as defined in the Education Code.

*Education Code (EC) 48915(c)*

The principal or superintendent of schools shall immediately suspend, pursuant to Section 48911, and shall recommend expulsion of a pupil that he or she determines has committed any of the following acts at school or at a school activity off school grounds:

- 1) Possessing, selling, or otherwise furnishing a firearm. This subdivision does not apply to an act of possessing a firearm if the pupil had obtained prior written permission to possess the firearm from a certificated school employee, which is concurred in by the principal or the designee of the principal. This subdivision applies to an act of possessing a firearm only if the possession is verified by an employee of a school district. The act of possessing an imitation firearm, as defined in subdivision (m) of Section 48900, is not an offense for which suspension or expulsion is mandatory pursuant to this subdivision and subdivision (d), but it is an offense for which suspension, or expulsion pursuant to subdivision (e), may be imposed.
- 2) Brandishing a knife at another person.
- 3) Unlawfully selling a controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code.
- 4) Committing or attempting to commit a sexual assault as defined in subdivision (n) of Section 48900 or committing a sexual battery as defined in subdivision (n) of Section 48900.
- 5) Possession of an explosive.

Amended: 01/2014

# **Notification of Student Disciplinary Background (Education Code 49079) and LUSD Procedures to Notify Teachers and Counselors of Dangerous Students**

California Education Code 49079 requires that school districts inform any teachers and counselors when, based on records maintained by the district or received from law enforcement, it has information that, during the three previous school years, a pupil has engaged in, or is reasonably suspected to have engaged in, the following criminal or disruptive conduct at school, while going to or from school, or during a school sponsored activity:

- a. Causing, attempting, or threatening physical injury to another;
- b. Possessing, selling, or otherwise furnishing a firearm, knife, or other dangerous object;
- c. Possessing, using or selling illegal drugs, alcohol, or drug paraphernalia;
- d. Committing or attempting to commit robbery or extortion;
- e. Damaging or attempting to damage school property;
- f. Stealing or attempting to steal school or private property;
- g. Committing an obscene act or engaging in habitual profanity or vulgarity;
- h. Disrupting school activities or otherwise willfully defying the valid authority of supervisors, teachers, administrators, school officials, or other school personnel engaged in the performance of their duties; and
- i. Knowingly receiving stolen school or private property

Amended: 1/2001

## **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.

Reviewed: 12/13/17

# **Gangs and Gang Symbols**

## **(LUSD Board of Education, Rule 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 that 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
  - f. 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 problem.

Approved: 6/02/98

# Access to District Campuses

## (LUSD Board of Education Policy 5142.7)

The California Constitution declares that: "All students and staff of public primary, elementary, junior high and senior high schools have the inalienable right to attend campuses which are safe, secure and peaceful." (Art. 1, S. 28 (c).)

Nevertheless, in recent years incidents of abduction and violence against pupils while on school campuses have multiplied throughout the state.

This policy, and its accompanying rules, implements the mandate of the State Constitution to provide safe schools by formalizing rules and procedures regulating access to the campuses of the District's elementary, middle and high schools. Consistent with this policy, the Board of Education affirms, with the exception of high school campuses, which shall be limited public forums unless the site principal designates otherwise, that district property is a non-public forum during school hours.

Various statutes impose criminal penalties on persons convicted of trespassing or unlawfully disrupting the operation of a public school. Violation of this policy, while not necessarily constituting a violation of criminal statutes punishable through the criminal justice system, will be enforced against any person by civil injunction or other civil remedy, where acts that violate this policy do not also constitute criminal behavior.

It is not the intent of the Board of Education by adopting this policy and rules to raise any legal standard of care applicable to the District and its officers, employees and agents, or to otherwise affect existing law relating to liability of the District or its officers, employees and agents.

Revised: 06/02/98

**Note: Access to District Campuses requires that visitors to a campus be approved through the school site administrator.**

Needham is located at 420 South Pleasant Ave. in Lodi, CA. Students arriving on busses are ingressed and egressed on South Pleasant Ave in a bus only loading zone. Staff parking is located at the main parking lot on South Pleasant Ave. Administrative staff and designated staff oversee the safe ingress and egress before and after school.

# Access to District Campuses

## (LUSD Board of Education Rule 5142.7)

### A. Definitions

As used in this Administrative Regulation:

1. "Access" means physical presence on a campus of a District school during school hours.
2. "Employee" means:
  - a. Employees and officers of the District, including members of the Board of Education.
  - b. Volunteers while participating in a curriculum-related activity at the invitation and under the authorization of an appropriate District administrator.
  - c. Independent contractors of the District, such as attorneys, accountants, consultants, etc., while representing or performing services for the District.
3. "Legitimate educational purpose" means the purpose of advancing the educational mission of the school, as represented by the following:
  - a. Visits to a classroom with the approval of and under the supervision of the classroom's teacher.
  - b. Attendance at school functions, such as parent-teacher conferences, extra-curricular activities, PTA meetings, student presentations, etc.
  - c. Meetings with a school administrator, teacher, counselor or other educational staff.
4. "Outsider" means an outsider as defined in Penal Code Section 627.1. Generally, an outsider includes any person other than:
  - a. a pupil of the school who is not currently suspended;
  - b. a parent or guardian;
  - c. a District officer or employee or other public employee whose employment requires him or her to be on school grounds;
  - d. any person present at the request of the school;
  - e. a representative of a school employee organization;
  - f. an elected public official; and,
  - g. members of the media.

Comment: The term "outsider" is used in these Regulations only indirectly and only in connection with a general summary of certain activities that may constitute criminal behavior. (See Section E.4.a.) While the term "outsider" overlaps Section B of these Regulations to a certain extent, the specific provisions of Section B—and not the provisions of Penal Code Section 627.1—will govern in determining access under this policy.

5. "Parent" means a natural parent, adopted parent or legal guardian of a pupil.
6. "Pupil" means a person who is currently enrolled at a District school and who is not currently suspended from the school. A person is only a "pupil" with respect to the school at which he or she is currently enrolled, and not with respect to any other District school. A person enrolled at a District school is not considered a "pupil" for the purposes of this Regulation during the period the person is "off-track" in a year-round education schedule, unless the person is on campus for a "legitimate educational purpose," as defined above.



7. "School Hours" for purposes of this Regulation, means that time commencing 30 minutes before the first class at the site and continuing until 30 minutes after the last class at the site.

## B. Campuses Are Not Public Forums

1. All school district property, except as noted in B2 below, shall be a non-public forum during school hours and no person shall have access to a District school except as noted in B3 below.
2. All 9-12 campuses shall be limited public forums during school hours and no person shall have access to such sites except as noted in B3 below.
3. Notwithstanding B1 and B2 above, the following persons shall have access to District property during school hours:
  - a. Employees
  - b. Pupils
  - c. A parent, at a campus where the parent's child is enrolled, when the parent is present:
    1. For a "legitimate educational purpose;"
    2. For a private meeting of short duration with the child; or
    3. To drop off or pick up the parent's child if the child is a pupil of that school.
      - a. Another relative of the pupil, or another adult, may drop off a pupil before school and pick up a pupil after school, unless the principal or his/her designee has reason to believe in a particular case that the safety of any pupil might be compromised thereby.
      - b. Except in an emergency, or other extraordinary circumstances, as determined by the principal or his/her designee, no person other than a parent may pick up a pupil during school hours unless the parent has given written consent.
  - d. Authorized bargaining unit representatives while engaged in the lawful representation of an established bargaining unit. Typically, this shall be during non-work hours and in a non-student area.
  - e. Law enforcement personnel, public safety personnel, and other public employees or officials while engaged in the lawful performance of their duties.
  - f. Representatives of the media, as authorized by Board Policy 1112.
  - g. Other persons present on campus at the invitation or direction of, or with the permission of a District or school administrator, for any of the following reasons:
    1. To make an organized presentation to pupils or employees which relates to the school curriculum, or has some other educational purpose.
    2. To meet with, or conduct business with, one or more employees regarding subject matter related to the educational mission of the school or District.
    3. To safeguard the health and safety of pupils.
    4. To maintain, repair or construct District property and/or to provide, maintain or repair utility services (telephone, gas, electric, etc.) to District schools.
    5. To attend a sporting event or other school function to which the pupil generally is invited.
  - h. An identified adult, at the written request of a parent and subject to the limitations set forth below, to counsel with the parent's child.
    1. The parent of the affected pupil must complete and sign an application.
    2. The application, absent extraordinary circumstances, shall be submitted 5 days in

advance. When extraordinary circumstances exist, the district will make every effort to expedite the process for the student's welfare.

3. The parent will:

- a. Identify the adult who is authorized access;
- b. Identify the proposed frequency of visits (e.g., specified dates, every Tuesday, once a week, once a month, etc.);
- c. Specify the length of the visit;
- d. Affirm that the purpose of the visit is to personally counsel the parent's child;
- e. Agree to indemnify and hold the district harmless for any damages that the district may suffer which are approximately caused by the presence of their authorized visitor; and
- f. Provide such other pertinent information as the application may require.

4. The authorized visitor shall sign the application form to acknowledge that she/he is to interact only with the named student and only for the purpose of personal counseling of the named student.
5. The authorized visitor shall wear or display an identification badge.
6. Access pursuant to an application is limited to the lunch hour and generally will be limited to the outside school grounds or the cafeteria.
7. In the absence of extraordinary circumstances, a properly completed application will be approved. The site administrator and/or superintendent, however, retains the discretion to modify/alter times and/or dates of access if a visit on a particular day conflicts with the educational program or conflicts with the well-being of the student.
8. A person previously approved may have his/her authorization immediately revoked by a site administrator, at any time, if the administrator determines that the person's continued presence on campus either presents a threat of disruption or physical danger to any person or is not in compliance with the terms and conditions of the application approval.

### C. Exceptions

The Superintendent or a principal, or his/her respective designee, may approve access of a person who does not fall within any of the categories listed in Section B, above.

1. Such access shall be approved only if the Superintendent or principal, or designee, finds that there is a valid reason for permitting access in a particular case.
2. As used in this section, a valid reason means a reason that is both related to the educational mission of the District school or District school-sponsored program and not inconsistent with the purpose of these rules and regulations.

### D. Duration of Access

1. With the exception of (i) District officers and administrators, (ii) teachers and other employees assigned to that particular campus, and (iii) pupils, all persons authorized to be present on a District campus under Sections B or C of these rules should remain on campus only for the period reasonably necessary or appropriate to fulfill the reason for the visit to the campus.
2. Any administrator at a school site may request any such person to leave the campus if it appears that the purpose of the visit to the campus has been fulfilled.

3. If the administrator would otherwise have found a valid reason for access, access shall not be denied on the basis of the administrator's belief that the person will engage in speech protected by the First Amendment of the U.S. Constitution while on the campus.

#### E. Response to Unauthorized Presence on Campus

If reason exists to believe that a person is present on campus without authorization, or that a person has remained on campus after fulfilling the purpose for visiting the campus, any administrator or teacher, or designee thereof, should:

1. Inquire with the school office to determine the status of that person.
2. If it appears that the person is present in violation of Sections B, C or D of this regulation, the principal or other available administrator, or designee thereof, should inquire of that person the reasons for his/her presence on campus.
3. If the principal or other administrator determines that the person's presence on campus is in violation of Sections B, C or D, the administrator or designee should request the person to leave the campus.
4. If the person refuses to leave following such a request, the principal should be informed immediately. The principal should thereupon attempt to determine whether the continued presence of the person on the campus constitutes a criminal trespass or a criminal disruption of the operation of the school. If appropriate, the Superintendent/designee should be contacted.

The following generally-described acts may constitute a violation of the criminal law:

- a. An "outsider" who is not properly registered with the school office, or whose registration has been revoked, remains on campus during school hours after the principal or designee has requested the outsider to leave. Criminal liability arises only if the principal or designee who denies or revokes the outsider's registration reasonably concludes that the outsider's presence would disrupt school operation, damage property or result in the distribution or use of controlled substance.
  - b. Any person who is not a student, officer or employee of a school, or who is not required by his/her employment to be on the campus, fails to leave the campus after being requested to do so by the principal or designee, and it reasonably appears that such person is committing or intends to commit any act likely to interfere with the peaceful conduct of the school.
  - c. Any person who loiters about a school where it is reasonably apparent that the person intends to commit a crime if the opportunity presents itself.
  - d. A person who willfully interferes with the good order or conduct of any school class or activity with the intent to disrupt or to inflict damage or injury.
  - e. Any parent or other person who conducts himself/herself with substantial disorder in a place where a school employee is required to be in the course of his/her duties.
5. If the principal or Superintendent, or respective designee, determines that a criminal act has occurred, the police/sheriff should be contacted.
  6. If the principal or the Superintendent, or his/her respective designee, determines that no violation of criminal laws has occurred or is likely to occur, the police/sheriff should not be called, unless the principal or designee determines that the person's presence on campus creates a reasonable risk of danger to any person. However, the principal should inform the person of this District Policy and attempt to persuade the person to leave the campus of

his/her own volition.

7. If the same person, or different persons associated with the same group or organization, repeats a violation of these rules, the principal of the affected campus should immediately inform the Superintendent. The Superintendent or his/her designee shall promptly inform the members of the Board. The Board may determine, at a regular or special meeting, whether to seek a restraining order or injunction from a court of law against the offending party or parties.
8. If the Superintendent determines that compelling circumstances create an urgent need to seek a restraining order without delay, the Superintendent may so authorize District Counsel, and shall immediately so inform the members of the Board.

#### F. Effect of Rules

1. Nothing in these rules and regulations is intended to supersede:
2. Board Policy 1250, governing visits of "constituents."
3. The Civic Center Act, Education Code Section 40040 et seq., and its implementation through Board Policy 1330.

Revised: 06/02/98

# **Nondiscrimination/Harassment**

## **(Board of Education Policy 5145.3)**

### **Nondiscrimination in District Programs and Activities**

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

This policy shall apply to all acts related to school activity or to school attendance occurring within a district school, and to acts which may have an impact or create a hostile environment at school.

Unlawful discrimination, including discriminatory harassment, intimidation, or bullying, includes physical, verbal, nonverbal, or written conduct based on any of the categories listed above. Unlawful discrimination also shall include the creation of a hostile environment when the 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 the 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 files or otherwise participates in the filing or investigation of a complaint or report regarding an incident of 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. He/she shall provide training and 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 educational program. He/she shall report his/her findings and recommendations to the Board after each review.

Regardless of whether a complainant complies with the writing, timeline, and/or other formal filing requirements, all complaints alleging unlawful discrimination, including discriminatory harassment,

intimidation, or bullying, shall be investigated and prompt action taken to stop the discrimination, prevent recurrence, and address any continuing effect on students.

Students who engage in unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, in violation of law, Board policy, or administrative regulation shall be subject to appropriate consequence or discipline, which may include counseling, suspension, and/or expulsion for behavior that 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.

Revised: 08/15/17

# **Nondiscrimination/Harassment**

## **(Board of Education Rule 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, including Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act, and the Age Discrimination Act of 1975, 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 actual race, color, ancestry, national origin, nationality, ethnicity, ethnic group identification, age, religion, marital or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, gender expression, or any other legally protected status; 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. The coordinator/compliance officer may be contacted at:

Enrique Avalos, Coordinator, Positive School Climate  
James Areida Education Support Center  
1305 East Vine Street, Lodi, CA 95240  
(209) 331-7976 (209) 331-2245  
[eavalos@lodiUSD.net](mailto:eavalos@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 to students, parents/guardians, employees, volunteers, and the general public and post them on the district's web site and other prominent locations.
2. 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.
3. Annually notify all students and parents/guardians of the district's nondiscrimination policy. The notice shall inform students and parents/guardians of the possibility that students will participate in a sex- segregated school program or activity together with another student of the opposite biological sex, and that they may inform the compliance officer if they feel such participation would be against the student's religious beliefs and/or practices or a violation of his/her right to privacy. In such a case, the compliance officer shall meet with the student and/or parent/guardian who raises the objection to determine how best to accommodate that student. The notice shall inform students and parents/guardians that the district will not

typically notify them of individual instances of transgender students participating in a program or activity.

4. The superintendent or designee shall ensure that all students and parents/guardians, including students and parents/guardians 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 fifteen (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.
5. Provide to students, employees, volunteers, and parents/guardians age- appropriate training and 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 guidelines for addressing issues related to transgender and gender-nonconforming students.
6. 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.
7. 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' privacy rights and ensure their safety from threatened or potentially discriminatory behavior.

### **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 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 the school's response to students, parents/guardians, and the community
5. Taking appropriate disciplinary action against perpetrators and anyone determined to have engaged in wrongdoing, including any student who is found to have made a complaint of discrimination that he/she knew was not true

### **Process for Initiating and Responding to Complaints**

Any student who feels that he/she has been subjected to unlawful discrimination described above or in district policy is strongly encouraged to immediately contact the compliance officer, principal,



or any other staff member. In addition, any student who observes any such incident is 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 submitted to or received by the principal or compliance officer, he/she shall inform the student or parent/guardian of the right to file a formal complaint pursuant to the provisions in Rule 1312.3—Uniform Complaint Procedures. Any report of unlawful discrimination involving the principal, compliance officer, or any other person to whom the complaint would ordinarily be reported or filed shall instead be submitted to the Superintendent or designee. Even if the student chooses not to file a formal complaint, the principal or compliance officer shall implement immediate measures necessary to stop the discrimination and to ensure all students have access to the educational program and a safe school environment.

Upon receiving a complaint of discrimination, the compliance officer shall immediately investigate the complaint in accordance with the district's uniform complaint procedures specified in Rule 1312.3.

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

**Gender identity** means a student's gender-related identity, appearance, or behavior, whether that 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 or gender expression is different from that traditionally associated with the assigned sex at birth.

Acts of verbal, nonverbal, or physical aggression, intimidation, or hostility that are based on sex, gender identity, or gender expression, regardless of whether they are sexual in nature, where the act has the purpose or effect of having a negative impact on the student's academic performance

or of creating an intimidating, hostile, or offensive educational environment are prohibited under state and federal law. Examples of 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 (Rule 1312.3) 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 his/her 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 the latter instance, the district shall limit disclosure to individuals reasonably believed to be able to protect the student's well-being. Any district employee to whom a student discloses his/her transgender or gender-nonconforming status 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 he/she is required to disclose or report the student's information pursuant to this procedure, 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 his/her 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 (3) school days.

As appropriate given the physical, emotional, and other significant risks to the student, the compliance officer may consider discussing with the student any need to disclose the

student's transgender or gender-nonconformity status to his/her 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 unless district personnel present a credible basis for believing that the student's assertion is for an improper purpose. In such a case, the compliance officer shall document the improper purpose and, within seven (7) school days of receiving notification of the student's assertion, shall provide a written response to the student and, if appropriate, to his/her parents/guardians.
3. **Addressing a student's Transition Needs:** The compliance officer shall arrange a meeting with the student and, if appropriate, his/her parents/guardians to identify potential issues, including transition-related issues, and to develop strategies for addressing them. 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 his/her 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 his/her 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. A student shall be entitled to access facilities and participate in programs and activities consistent with his/her gender identity. If available and requested by any student, regardless of the underlying reason, the district shall offer options to address privacy concerns in sex-segregated facilities, 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, access to a staff member's office, 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 pursuant to a court order. However, at the written request of a student or, if appropriate, his/her parents/guardians, the district shall use the student's preferred name and pronouns consistent with his/her gender

identity on all other district-related documents.

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 shall 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 his/her gender identity, subject to any dress code adopted on a school site.

Revised: 12/06/16

# **Sexual Harassment**

## **(Board of Education Policy 5145.7)**

The Board of Education is committed to maintaining an educational environment that is free from harassment and discrimination. The Board prohibits, at school or at school-sponsored or school-related activities, sexual harassment targeted at any student by anyone. The Board also prohibits retaliatory behavior or action against any person who reports, files a complaint or testifies about, or otherwise supports a complainant in alleging sexual harassment.

The district strongly encourages any student who feels that he/she is being or has been sexually harassed on school grounds or at a school-sponsored or school-related activity by another student or an adult who has experienced off-campus sexual harassment that has a continuing effect on campus to immediately contact his/her teacher, the principal, or any other available school employee. Any employee who receives a report or observes an incident of sexual harassment shall notify the principal or a district compliance officer. Once notified, the principal or compliance officer shall take steps to investigate and address the allegation, as specified in the accompanying administrative rule.

The superintendent or designee shall take appropriate actions to reinforce the district's sexual harassment policy.

### **Instruction/Information**

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

1. What acts and behavior constitute sexual harassment, including the fact that sexual harassment could occur between people of the same sex and could involve sexual violence
2. A clear message that students do not have to endure sexual harassment
3. Encouragement to report observed instances of sexual harassment, even where the victim of the harassment has not complained
4. A clear message that student safety is the district's primary concern, and that any separate rule violation involving an alleged victim or any other person reporting a sexual harassment incident will be addressed separately and will not affect the manner in which the sexual harassment complaint will be received, investigated, or resolved
5. A clear message that, regardless of a complainant's noncompliance with the writing, timeline, or other formal filing requirements, every sexual harassment allegation that involves a student, whether as the complainant, respondent, or victim of the harassment, shall be investigated and prompt action shall be taken to stop harassment, prevent recurrence, and address any continuing effect on students
6. Information about the district's procedure for investigating complaints and the person(s) to whom a report of sexual harassment should be made
7. Information about the rights of students and parents/guardians to file a civil or criminal complaint, as applicable, including the right to file a civil or criminal complaint while the district investigation of a sexual harassment complaint continues

8. A clear message that, when needed, the district will take interim measures to ensure a safe school environment for a student who is the complainant or victim of sexual harassment and/or other students during an investigation and that, to the extent possible, when such interim measures are taken, they shall not disadvantage the complainant or victim of the alleged harassment

### **Complaint Process and Disciplinary Actions**

Sexual harassment complaints by and against students shall be investigated and resolved in accordance with laws and district procedures specified in Board Rule 1312.3—Uniform Complaint Procedures. Principals are responsible for notifying students and parent/guardians that complaints of sexual harassment can be filed under Board Rule 1312.3 and where to obtain a copy of the procedures.

Upon investigation of a sexual harassment complaint, any student found to have engaged in sexual harassment or sexual violence in violation of this policy shall be subject to disciplinary action. For students in grades 4–12, disciplinary action may include suspension and/or expulsion, provided that, in imposing such discipline, the entire circumstances of the incident(s) shall be taken into account.

Upon investigation of a sexual harassment complaint, any employee found to have engaged in sexual harassment or sexual violence toward any student shall have his/her employment terminated in accordance with law and the applicable collective bargaining agreement.

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

Revised: 08/15/17

# Sexual Harassment

## (Board of Education Rule 5145.7)

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

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

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

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

### **School-Level Complaint Process/Grievance Procedure**

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

1. **Notice and Receipt of Complaint:** Any student who believes he/she has been subjected to sexual harassment or who has witnessed sexual harassment may file a complaint with any

school employee. Within 24 hours of receiving a complaint, the school employee shall report it to the district Coordinator for Nondiscrimination/Principal. In addition, any school employee who observes any incident of sexual harassment involving a student shall, within 24 hours, report this observation to the Coordinator/Principal, whether or not the victim files a complaint.

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

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

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

- 3. Initial Interview with student:** When a student or parent/guardian has complained or provided information about sexual harassment, the Coordinator/Principal shall describe the district's grievance procedure and discuss what actions are being sought by the student in response to the complaint. The student who is complaining shall have an opportunity to describe the incident, identify witnesses who may have relevant information, provide other evidence of the harassment, and put his/her complaint in writing. If the student requests confidentiality, he/she shall be informed that such a request may limit the district's ability to investigate.

- 4. Investigation Process:** The Coordinator/Principal shall keep the complaint and allegation confidential, except as necessary to carry out the investigation or take other subsequently necessary action.

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

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

- 5. Interim Measures:** The Coordinator/Principal shall determine whether interim measures are necessary during and pending the results of the investigation, such as placing students in separate classes or transferring a student to a class taught by a different teacher.



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

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

- a. How the misconduct affected one or more students' education
  - b. The type, frequency, and duration of the misconduct
  - c. The identity, age, and sex of the harasser and the student who complained, and the relationship between them
  - d. The number of persons engaged in the harassing conduct and at who the harassment was directed
  - e. The size of the school, location of the incidents, and context in which they occurred
  - f. Other incidents at the school involving different students
8. **Written Report on Findings and Follow-Up:** No more than 30 days after receiving the complaint, the Coordinator/Principal shall conclude the investigation and prepare a written report of his/her findings. This timeline may be extended for good cause. If an extension is needed, the Coordinator/Principal shall notify the student who complained and explain the reasons for the extension.

The report shall include the decision and the reasons for the decision and shall summarize the steps taken during the investigation. If sexual harassment occurred, the report shall also include any corrective actions that have or will be taken to address the harassment and prevent any retaliation or further harassment.

This report shall be presented to the student who complained, the person accused, and the parents/guardians of the student who complained and the student who was accused, and the Superintendent or designee.

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

### **Enforcement of District Policy**

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

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

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

### **Notifications**

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

1. Be included in the notifications that are sent to parents/guardians at the beginning of each school year
2. Be displayed in a prominent location in the main administrative building or other area where notices of district rules, regulations, procedures, and standards of conduct are posted
3. Be Provided as part of any orientation program conducted for new students at the beginning of each quarter, semester, or summer session
4. Appear in any school or district publication that sets forth the school's or district's comprehensive rules, regulations, procedures and standards of conduct
5. Be included in the student handbook
6. Be provided to employees and employee organizations

Revised: 09/18/12

# **Hate-Motivated Behavior**

## **(Board of Education Policy 5145.9)**

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

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

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

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

### **Grievance Procedures**

Any student who believes he/she is a victim of hate-motivated behavior shall immediately contact the Coordinator for Nondiscrimination/Principal. Upon receiving such a complaint, the Coordinator/Principal shall immediately investigate the complaint in accordance with school-level complaint process/grievance procedures as described in Rule 5145.1 Prohibition to Harassment. A student who has been found to have demonstrated hate-motivated behavior shall be subject to discipline in accordance with law, Board policy, and administrative regulation.

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

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

Adopted: 12/16/10

# Chapter 5

## Routine and Emergency Disaster Procedures

Refer to the current **Comprehensive School Safety Plan (CSSP)**, **LUSD Readiness and Emergency Management for School (REMS) District Plan** and the **LUSD REMS School and Classroom Guide** for specific school and district disaster procedures.

The CSSP along with the following emergency plans and guides encompass the district's comprehensive emergency management plan for schools:

- Readiness and Emergency Management for School (REMS) District Plan
- REMS School and Classroom Guide
- Levels of Behavior Concerns, Violations and Responses: Interventions and Consequences and the Student Discipline and Intervention Matrix
- REMS After School Program Guidelines and Procedures
- Site Security Manual

For specific emergency action plans and emergency procedures for fire drills, bomb threats, earthquake, bus safety and emergencies, and many other district and school specific emergency action plans and emergency procedures refer to the aforementioned plans and guide.

California Education Code, Section 32282 requires that an updated file of all safety related plans and materials shall be readily available for inspection by the public

In the box below, indicate where in the school the updated file including the CSSP plan and the other aforementioned emergency management plans are located and are readily available for inspection by the public.

Front office and classrooms.

Note:

1) For information regarding the current aforementioned plans and guides, school personnel may contact the school principal.

2) For information on the Site Security Manual, contact the LUSD Maintenance and Operations Department Office, 209-331-7193.

**The CSSP is *NOT* intended to be a “grab and go” guide in an actual emergency.**