

# Comprehensive School Safety Plan SB 187 Compliance Document

## 2022-2023 School Year

**School:** Orange Center School

**CDS Code:** 10-62331-6007009

**District:** Orange Center Elementary School District

**Address:** 3530 South Cherry Avenue  
Fresno, CA 93706

**Date of Adoption:**

**Approved by:**

Name	Title	Signature	Date
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### Table of Contents

Senate Bill 187: Comprehensive School Safety Plan Purpose.....	4
Safety Plan Vision.....	4
Components of the Comprehensive School Safety Plan (EC 32281).....	7
(A) Child Abuse Reporting Procedures (EC 35294.2 [a] [2]; PC 11166).....	8
(B) Disaster Procedures (EC 35295-35297; GC 8607 and 3100).....	15
(C) School Suspension, Expulsion and Mandatory Expulsion Guidelines.....	18
(D) Procedures to Notify Teachers of Dangerous Pupils (EC 49079).....	38
(E) Sexual Harassment Policies (EC 212.6 [b]).....	44

(F) School-wide Dress Code Relating to Gang-Related Apparel (EC 35183).....	52
(G) Procedure for Safe Ingress and Egress of Pupils, Parents, and Staff to and from School (EC 35294.2).....	54
(H) A Safe and Orderly School Environment Conducive to Learning (EC 35294.2) .....	60
(I) School Discipline Rules and Consequences (EC 35291 and EC 35291.5) .....	62
(J) Hate Crime Reporting Procedures and Policies.....	68
Safety Plan Review, Evaluation and Amendment Procedures.....	72
Safety Plan Appendices.....	73
Emergency Contact Numbers .....	74
Safety Plan Review, Evaluation and Amendment Procedures.....	75
Orange Center School Incident Command System.....	76
Incident Command Team Responsibilities.....	78
Emergency Response Guidelines.....	79
Step One: Identify the Type of Emergency .....	79
Step Two: Identify the Level of Emergency.....	79
Step Three: Determine the Immediate Response Action .....	79
Step Four: Communicate the Appropriate Response Action .....	79
Types of Emergencies & Specific Procedures.....	80
Aircraft Crash .....	80
Animal Disturbance.....	81
Armed Assault on Campus.....	83
Biological or Chemical Release.....	88
Bomb Threat/ Threat Of violence .....	91
Bus Disaster.....	100
Disorderly Conduct .....	106
Earthquake.....	109
Explosion or Risk Of Explosion .....	116
Fire in Surrounding Area .....	116
Fire on School Grounds.....	121
Flooding .....	121

Loss or Failure Of Utilities.....	121
Motor Vehicle Crash .....	122
Psychological Trauma.....	122
Suspected Contamination of Food or Water .....	122
Unlawful Demonstration or Walkout.....	123
	Emergency Evacuation
Map.....	127

Emergency Evacuation

127 Comprehensive School

### **Senate Bill 187: Comprehensive School Safety Plan Purpose**

The California Education Code (sections 32280-32288) outlines the requirements of all schools operating any kindergarten and any grades 1 to 12, inclusive, to write and develop a school safety plan relevant to the needs and resources of that particular school.

In 2004, the Legislature and Governor recast and renumbered the Comprehensive School Safety Plan provisions in SB 719 and AB 115. It is the intent of the Legislature in enacting the provisions to support California public schools as they develop their mandated comprehensive safety plans that are the result of a systematic planning process, that include strategies aimed at the prevention of, and education about, potential incidents involving crime and violence on school campuses.

The historical requirement of the Comprehensive School Safety Plan was presented in Senate Bill 187, which was approved by the Governor and chaptered in 1997. This legislation contained a sunset clause that stated that this legislation would remain in effect only until January 1, 2000. Senate Bill 334 was approved and chaptered in 1999 and perpetuated this legislation under the requirement of the initial legislation.

Comprehensive School Safety Plans are required under SB 719 & AB 115 and contains the following elements:

Assessment of school crime committed on school campuses and at school-related functions

- Child abuse reporting procedures
- Disaster procedures
- Suspension and expulsion policies
- Procedures to notify teachers of dangerous pupils
- Discrimination and harassment policies
- School wide dress code policies
- Procedures for safe ingress and egress
- Policies enacted to maintain a safe and orderly environment
- Rules and procedures on school discipline
- Hate crime reporting procedures

The Comprehensive School Safety Plan will be reviewed and updated by March 1st every year. In July of every year, the school will report on the status of its school safety plan including a description of its key elements in the annual school accountability report card.

A copy of the Comprehensive School Safety Plan is available for review at [www.orangecenter.org](http://www.orangecenter.org).

## **Safety Plan Vision**

### **DISTRICT OVERVIEW**

Orange Center School District is a TK-8th grade school district housed on one campus – Orange Center Center Preschool (Ages 3-5 years old) and Orange Center School (Grades TK-8) are both located on the same site. As a public education agency, Orange Center School District provides services to approximately 311 students, who come from diverse ethnic and socioeconomic backgrounds.

The ethnic makeup of students who attend Orange Center School District, as identified in the 2020-2021 School Accountability Report Cards are as follows:

Orange Center School – 74.6% Hispanic, 16.3% Asian, 3.1% White, 2% Black or African American, 0.7% American Indian or Alaska Native, 2% Two or More Races, 1.4% No Response

The Board of Trustees has adopted the following Mission Statement to guide the District:

Orange Center Elementary School strives to develop productive citizens who have in-depth knowledge and appreciation of the world around them. Our goals are to encourage students to accept responsibilities as members of society, to promote and create a lifelong enjoyment of learning, to meet the needs of the individual students, rather than just the individual class, and to produce students capable of creative and imaginative thought.

They have also established the following goals:

1. The District shall maintain a safe, healthful, orderly campus which instills pride, ownership and positive attitudes toward school.
2. The District shall provide a variety of classroom settings and instructional strategies which reflect sound educational principles supported by research.
3. All schools shall provide instruction to accommodate specialized needs of identified groups of students and shall embrace concepts supportive of modification of curriculum and strategies to aid in student academic achievement and success.
4. The Orange Center School District shall provide appropriate instruction to meet the various academic, career, college, or technical training needs of students as they progress through the school system.
5. The District shall ensure that academic proficiency in basic skill areas is attained by all students with specific adherence to the Common Core Standards and expectations at each grade level and/or subject.
6. The Orange Center School District will make a concerted effort to nurture values of self-respect, respect for others, appreciation for diversity, and a sense of personal, school and community responsibility.
7. Orange Center School District will provide time and resources for professional development of staff.
8. The Board and administration will strive to maintain the fiscal integrity of the District.
9. The organization, management and decision making structure and capabilities of the district to support the education of students will continually be evaluated and improved as needed.
10. The District will employ technology to enhance learning, teaching and non-instructional operations.
11. The Orange Center School District will maintain open communication between the school, home and community emphasizing positive relations with parents, guardians, community and encouraging cooperation, support and involvement.
12. The Orange Center School District will collaborate with other public agencies and private organizations to ensure that children's

physical, social and emotional needs are met.

13. The District will promote student health and nutrition in order to enhance readiness for learning.

14. The District will provide and maintain facilities to meet the needs of present and future students.

15. The District will provide a system of shared accountability for student achievement with clear performance standards.

#### SCHOOL NURSE

The Comprehensive School Safety Plan refers to a school nurse throughout the plan. The District does not have a full time school nurse. OCSD contracts with the Fresno County Office of Education for a part time registered nurse. The District also employs a full time Licensed Vocational Nurse (LVN). The duties of the nurse will be delegated to a designee by the Principal or his/her designee in the event of the LVN's absence.

#### ASSESSING THE CURRENT STATUS OF SCHOOL CRIME

Below is data on school crime incidents for the past 2 years:

2019-20

- 4 Drug and Alcohol Offenses
- 0 Battery
- 0 Assault with a Deadly Weapon
- 0 Homicide
- 0 Robbery/Extortion
- 3 Sex Offense
- 3 Possession of a Weapon
- 1 Property Crimes

Total of School Crime Incidents - 11

Was school at risk of being designated "persistently dangerous"? No

2020-21

- 0 Drug and Alcohol Offenses
- 0 Battery
- 0 Assault with a Deadly Weapon
- 0 Homicide
- 0 Robbery/Extortion
- 0 Sex Offense
- 0 Possession of a Weapon
- 0 Property Crimes

Total of School Crime Incidents - 0

Was school at risk of being designated "persistently dangerous"? No

## **Components of the Comprehensive School Safety Plan (EC 32281)**

### **Orange Center School Safety Committee**

The Safety Committee consists of:

Terry Hirschfield, Principal/Superintendent

Jeffrey Potter, Vice Principal

Margaret Irwin, Administrative Assistant to the Superintendent

Dalinda Langley, Technology Coordinator

Terry Barber, School Psychologist

Kris Ingraio, Maintenance & Transportation Supervisor

Melissa Hernandez, LVN

Bernadette Solorzano, Teacher

Lori Muir, Fresno County Sheriff's Department

### **Assessment of School Safety**

District Administration reviews all incidents of discipline or safety concerns each trimester. Based on this assessment, district administration will develop a plan to curtail or remedy any safety breaches or to decrease incidents of discipline via staffing changes, parent and student education, counseling referrals, planning and collaboration with the School Psychologist, Parent Advisory Committee, PBIS Team, Faculty, Support Staff, Maintenance and Transportation Supervisor, and the School Board.

### **Strategies and Programs to Provide and Maintain a High Level of Safety (EC 32281(a)1, items A-J)**

#### **SAFE SCHOOL STRATEGIES AND PROGRAMS**

Each child in the District has been given a copy of student expectations that the district has established as goals and grade level objectives, which emphasize his/her learning and achievement. Expectations for student behavior are established and clearly stated. Teachers set forth consistent academic behavior expectations in order to minimize students' anxiety and thus improve their behavior.

#### **Discipline Policies**

The District believes that one of the major functions of the public schools is the preparation of youth for responsible citizenship. The district works to foster a learning environment which reinforces the concepts of self-discipline and the acceptance of personal responsibility. The district has adopted an appropriate and positive discipline plan that is clear, fair and consistently enforced, in order to provide an environment that is secure, safe, and free from disruption. The district uses Time to Teach strategies and employs Positive Behavioral Interventions and Supports to provide this environment.

#### **Activities**

The District believes that extra- and co-curricular activities provide students the opportunity to develop self-esteem, to bond to the school, and to gain the recognition of their peers, staff members, and their parents. An extensive program of activities involving academics, visual and performing arts, student government/leadership, the sciences, and sports are offered.

#### **After School Program**

Orange Center School offers a comprehensive After School Program that extends past the regular school day until 6:00 P.M. daily. For the purposes of this plan, ASP staff will follow the plan as stated: In the absence of Superintendent/ Principal, ASP site lead will take the role outlined in each plan as designee. In the absence of the Vice Principal, The assistant site lead will take the role of the VP. In the absence of OC day office staff, the ASP door manager will take the role of Administrative Assistant to the Superintendent/Office staff. All tutors will take on the role of teacher from each plan. All plans and evacuation procedures will mirror the regular day schedule evacuation plan. Tutors will evacuate to the areas assigned based on their class assignment and the evacuation map.

## Psychologists and Counselors

The District contracts for a school psychologist through the Fresno County Office of Education. Teachers and administrators have been trained to identify those students most at-risk for academic and behavioral problems and make referrals to the Student Study Team Coordinator when necessary..

## Suspensions/Expulsions

Statutory requirements for suspension and expulsion are adhered to and all due process requirements are met. When it is deemed appropriate to do so, students may be temporarily assigned to alternative classroom placement in lieu of an off-campus suspension. Students who have been expelled, or are in danger of being expelled from other Districts, are admitted to the Orange Center School District only with the approval of the School Board. The Board typically attaches behavioral and academic contractual-type requirements to the admission of these students.

## Community Support Agencies

The District works closely and cooperatively with community support agencies which serve youth such as Child Protective Services, Fresno County Sheriff's Department, Fresno County Health Department, various mental health agencies, and others to ensure non duplication of efforts and to maximize current resources.

### **(A) Child Abuse Reporting Procedures (EC 35294.2 [a] [2]; PC 11166)**

The following is the Board Policy for Child Abuse Prevention and Reporting:

BP 5141.4

#### CHILD ABUSE PREVENTION AND REPORTING

Add Board Policy here that is adopted on March 15, 2017

#### ORANGE CENTER SCHOOL DISTRICT CHILD ABUSE REPORTING PROCEDURE

Notify a child –protective agency.

1. Call by telephone:

Immediately or as soon as practicably possible after knowing or observing suspected child abuse or neglect, a mandated reporter shall make a report by telephone to any police department, sheriff's department, county probation department if designated by the county to receive such reports, or county welfare department (Penal Code 11166)

Fresno County Department of Social Services  
Child Protective Services  
2135 Fresno Street, Suite 100  
Fresno, CA 93721

Child Protective Services Hot Line (559)-255-8320  
Fax Number (559)-266-2463

OR

Fresno County Sheriff Emergency 911

Non-emergency (559) 600-3111

## 2. Written Report

When making a child abuse referral, within 36 hours of receiving the information concerning the incident, the mandated reporter shall prepare and send to the appropriate agency a written report which includes a completed Department of Justice form. (Penal Code 11166, 11168) The form "Suspected Child Abuse Report – SS 8572" may be obtained from either the district office or the site administrator.

### CHILD ABUSE PREVENTION AND REPORTING PROCEDURES

#### Definitions

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

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

Child abuse or neglect does not include:

1. A mutual affray between minors. (Penal Code 11165.6)
2. An injury caused by reasonable and necessary force used by a peace officer acting within the course and scope of 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)

Mandated reporters include but are not limited to teachers; instructional aides; teacher's aides or assistants; classified employees; certificated pupil personnel employees; administrative officers or supervisors of child attendance; administrators and employees of a licensed day care facility; Head Start teachers; district police or security officers; licensed nurse or health care providers; and administrators, presenters, or counselors of a child abuse prevention program. (Penal Code 11165.7)

Reasonable suspicion means that it is objectively reasonable for a person to entertain a suspicion, based upon facts that could cause a reasonable person in a like position, drawing when appropriate on his/her training and experience, to suspect child abuse or neglect. (Penal Code 11166)



## Reportable Offenses

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

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

Any person shall notify a peace officer if he/she 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, where the victim is a child under age 14. (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 practicably possible 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 11166)

Fresno County Department of Social Services  
Child Protective Services 255-8320  
1404 L Street  
Fresno, CA 93721

OR

Fresno County Sheriff Emergency 911  
Non-emergency (559) 600-3111

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

## 2. Written Report

Within 36 hours of knowing or observing the information concerning the incident, the mandated reporter shall then prepare and 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)

Mandated reporters may obtain copies of the Department of Justice form from either the district or the appropriate agency.

Comprehensive School Safety Plan 10 of 127 1/21/21

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

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

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

Information relevant to the incident of child abuse or neglect may also be given to an investigator from an agency that is investigating the case. (Penal Code 11167)

## 3. Internal Reporting

The mandated reporter shall not be required to disclose his/her identity to the principal. (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

Training of mandated reporters shall include identification and mandated reporting of child abuse and neglect. (Penal Code 11165.7)

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

### Victim Interviews by Social Services

Whenever a representative from the Department of Social Services investigating suspected child abuse or neglect or the state Department of Social Services deems it necessary, a suspected victim may be interviewed during school hours, on school premises, concerning a report of suspected child abuse or neglect that occurred within the child's home or out-of-home care facility. The child

shall be given the choice of being interviewed in private or in the presence of any adult school employee or volunteer aide selected by the child. (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: (Penal Code 11174.3)

1. The purpose of the selected person's presence at the interview is to lend support to the child and enable 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. (Penal Code 11174.3)

#### Parent/Guardian Complaints Release of Child to Peace Officer

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

Upon request, the Superintendent or designee shall provide parents/guardians with a copy of this administrative regulation which contain 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 the 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, of their reporting obligations under Penal Code 11166, and of their confidentiality rights under Penal Code 11167. The district shall also provide these new employees with a copy of Penal Code 11165.7, 11166, and 11167. (Penal Code 11165.7, 11166.5)

Before beginning employment, employees 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. (Penal Code 11166.5)

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

The Superintendent or designee 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. (Penal Code 11172)
2. If a mandated reporter fails to report an incident of known or reasonably suspected child abuse or neglect, he/she is guilty of a misdemeanor punishable by a fine and/or imprisonment. (Penal Code 11166)
3. No employee shall be subject to any sanction by the district for making a report. (Penal Code 11166)

#### How Do I Recognize the Abused Child?

Most children attend school; therefore, school personnel, particularly teachers, are vital to the process of identifying child abuse. Your special situation of seeing children on a day-to-day basis can contribute significantly to combating the problem. The protection of children is a moral, as well as a legal responsibility of all school personnel.

The protection of a child requires being alert for signs of a child's need for help. Teachers frequently come in contact with children who are physically, emotionally, and sexually abused or who are victims of neglect. As a teacher, you must become aware of the dynamics of child abuse and be prepared to take an active role in its detection and elimination.

#### Indicators of Suspected Abuse

One of the most important grounds for suspicion is the one that is discussed the least: when a child tells someone. It is essential that the child not be ignored, nor the gravity of the situation minimized. Arrange to talk with the child privately. Sit next to the child. Do not show horror, anger, or disapproval of the parent, child, or situation. Do not probe or press for answers the child is unwilling to give. Do not force the child to remove clothing. Do not pry into family matters unrelated to the situation. Do not discount what a child is reporting to you because he has misrepresented things in the past.

It should be remembered, too, that when a child tells a particular person who is an individual required to report child abuse (all educators), that communication is not privileged. The individual, BY LAW, MUST report what the child has related to him or her. This requirement applies to any type of abuse communicated. Educators who report suspected child abuse as required by law cannot be held liable either civilly or criminally for making such reports.

#### Signs of Physical Abuse

##### Bruises

1. Unexplained bruises and welts located on the face, lips, mouth, torso, back, buttocks or thighs which often reflect the shape of the object used to inflict the injury, e.g., electrical cord, belt buckles, and sticks. ("Normal" bruises or welts do not usually cause lacerations, deep discoloration, or other trauma to the extent injuries from abuse do.)
2. Bruises in various stages of healing.
3. Clustered bruises, forming regular patterns.
4. Bruises on several different surface areas.
5. Bruises which regularly appear after absences, weekends, or vacations.

## Burns

1. Burns in unusual places, especially on the soles of the feet, palms of the hands, the back, and the buttocks. (These are often caused by cigars or cigarettes.)
2. Burns resembling sock-like or glove-like markings on the hands or feet, or "doughnut" burns on the buttocks or genital area. (These burns are caused by forced immersion in scalding liquids.)
3. Appliance or tool burns which leave a pattern mark of the object (iron, electric burner, fireplace tool, etc.)
4. Rope burns on the arms, legs, neck, or torso. (These appear when children are tied to beds or other structures.)

## Fractures and Other Injuries

1. Unexplained fractures (particularly to the nose or facial structure) in various stages of healing. Fractures which are a result of child abuse frequently cannot be explained by one episode of trauma. They often have not healed properly and have some additional patterns of stress in terms of growth that are evident upon examination.
2. Multiple fractures appearing in different parts of the body (ribs, vertebral-compression, or spiral fractures).
3. Unexplained abrasions and lacerations to the mouth, lips, gums, eyes, and external genitalia.
4. Unexplained swelling of the abdomen, localized tenderness, and constant vomiting.
5. Human bite marks, especially when they are recurrent and/or appear to be adult size.

## Behavioral Alert Signs of Physical Abuse

1. Unexplained behavior patterns, such as fear of adult contact, apprehension when other children cry, fear of parents, or fear of going home.
2. Chronic tardiness, poor attendance, increased withdrawal, preoccupation, or simply the need to talk to someone.
3. Inability to establish good peer relations and often aggressive, acting-out behavior.
4. Restlessness or inability to sit down.

## Physical Neglect

### Physical Indicators

1. Constant hunger.
2. Poor hygiene.
3. Inappropriate dress for weather conditions.
4. Unattended physical or medical needs.
5. Lack of supervision, especially in dangerous situations or activities over long periods of time.
6. Abandonment.

### Behavioral Indicators

1. Alcohol or drug abuse.
2. Begging or stealing food.
3. Extended stays at school (early arrival or late departure).
4. Constant fatigue, listlessness, or falling asleep in class.
5. Delinquency (i.e., thefts).
6. States there is no caretaker.

## Sexual Abuse

### Physical Indicators

1. Difficulty in walking or sitting.
2. Torn, stained, or bloody underclothing.
3. Complaints of pain or itching in the genital area.
4. Bruises, bleeding, abrasions, swellings, dislocations, or fractures of extremities.
5. Any symptom of venereal disease in the genital area, mouth, or eyes.
6. The very young, non-verbal child pointing to pictures.

### Behavioral Indicators

1. Unwillingness to change clothes for gym class or to participate in physical education class.
2. Bizarre, sophisticated, or unusual sexual behavior or knowledge in younger children, including withdrawal, fantasy, or infantile behavior.
3. Verbal reports by the child of sexual relations with a caretaker or parent.
4. The student talks about "a friend" who was sexually abused who may or may not be the child himself or herself.
5. The student appears to be worried about a situation at home but afraid of getting someone in trouble.
6. Poor peer relations.
7. Delinquent or run-away.
8. There is a change in the child's behavior indicating stress, e.g. a drastic drop in grades, sense of self-worth apparently greatly diminished, or truancy. (This happens especially in cases where the child became disillusioned from not being able to handle an abusive parent and getting no help from the other parent.)

## Emotional Abuse

Just as physical injuries can scar and incapacitate a child, emotional cruelty can similarly cripple and handicap a child emotionally, behaviorally, and intellectually. Obviously, individual incidents of emotional abuse are difficult to identify and/or recognize and, therefore, are not mandated reporting situations. However, the interests of the child should be primary, and if it is suspected that the child is suffering from emotional abuse, it should be reported. Furthermore, if there is an indication that emotional abuse is being inflicted willfully and causing unjustifiable mental suffering, reporting is required. Regardless of whether the situation is one requiring mandatory reporting or not, cases should be diverted to some sort of treatment as soon as possible.

### Behavioral Indicators

1. Withdrawn, depressed, apathetic behavior.
2. Antisocial or "acting out" behavior.
3. Displaying other signs of emotional turmoil (repetitive, rhythmic movements, inordinate attention to details, or no verbal or physical communication to others.)
4. Unwittingly makes comments about own behavior (e.g. "Daddy always tells me I'm bad.")
5. Habit disorders (sucking, biting, rocking, etc.).
6. Psychoneurotic reactions (hysteria obsession, compulsion phobias, hypochondria).
7. Behavior extremes (compliant and positive or aggressive and demanding).
8. Overly adaptive behavior (inappropriately adult or inappropriately infant).
9. Developmental lags.
10. Attempted suicide.

## Emotional Deprivation

Like emotional abuse, emotional deprivation can leave serious scars on a child. It, too, is difficult to recognize or identify, and is only a mandated reporting situation if willfully intended and if serious mental suffering results. However, the same precautions apply; in the best interest of the child, suspected emotional deprivation should be reported and/or referred for some type of intervention

treatment.

#### Physical Indicators

1. Speech disorders.
2. Lag in physical development, frailty, refusal to eat.
3. Failure to thrive.

### **(B) Disaster Procedures (EC 35295-35297; GC 8607 and 3100)**

#### **Disaster Plan (See Appendix C-F)**

##### EMERGENCIES AND DISASTER PREPAREDNESS PLAN

The administrator on duty is responsible for the protection and safety of the students at his assigned site. The site administrator will be responsible for initiation for the procedures outlined in this policy.

All employees, certificated and classified, shall remain on duty at their assigned room or station until all children are safely removed from the school site and the site administrator in charge gives the order for employees to be released.

Comprehensive School Safety Plan 15 of 127 1/21/21  
Procedures for Personal Safety and Security

1. The following signals shall be used for announcing an emergency situation:

Orange Center School:

- a. Evacuation for fire or other emergency – Fire alarm sounds – Long shrill bell ringing.
- b. Earthquake (duck and cover) – “Duck and Cover” announcement on intercom.
- b. Lockdown signal – “Lock Down” announcement on intercom
- c. All Clear - Stand up from duck and cover, lockdown or return to class – One long continuous bell (30 seconds).

2. The principal or his/her designee is responsible for the protection and safety of the students at his/her assigned site. The principal or designee shall assume overall control and supervision of activities at the school site during an emergency. He/she may use his/her discretion in emergency situations which do not permit execution of pre arranged plans. He/she will be responsible for declaring an emergency when appropriate and for requesting assistance through direct communication with the district superintendent and appropriate law enforcement, fire department, utility and medical agencies.

3. An emergency kit is provided for each classroom shall be taken with the students when they leave the classroom during an emergency. Each kit shall contain:

- a. Copy of all class rosters and emergency telephone numbers for each student.
- b. Bandages, gauze, adhesive tape and gloves for protection
- c. A form to record the student’s name and person to whom the student has been released.
- d. Flashlight in case electricity is not working.
- e. Foil blankets for students’ use in the event of inclement weather. **These items are in the process of being ordered.**
- f. Playing cards or small games that can occupy and distract students during the emergency and small blanket.

4. For special education students, the emergency kit may also include:

- a. Pre adhesive stickers to be used as name labels for all students with additional blank labels.
- b. Current significant medical information.

- c. Agreements to include medical treatment.
- d. Medications, as necessary.
- e. A strobe light for deaf students.
- f. Picture cue cards for neurologically involved or significantly delayed students.
- g. American sign language cue cards.

5. Procedures and roles of staff have been established for the following emergency situations:

- a. Fire on or off school grounds.
- b. Earthquake or other natural disasters.
- c. Hazardous materials spill or explosion.
- d. Attack or disturbance, or threat of attack or disturbance, by an individual or group.
- e. Bomb threat or actual detonation.
- f. Strategic warning.
- g. Identification of safe and injured students.
- h. Administering first aid procedures.
- i. Releasing students to parents or guardians during/following an emergency/disaster.

6. In the event that clean up and/or repair is needed due to damages, the district will establish a “clean-up” committee or have a service come in so that school can open as soon as the following day. A professional non-school personnel to do the clean up is recommended, especially in the event of gunshot victims. Some possible service companies can be found in the yellow pages under “cleaning” and “fire & water damage restoration”.

#### Procedures to Ensure Smooth Administrative Control of Operations During a Crisis

1. Generally, the principal, or her/his designee, declares an emergency and is responsible for requesting assistance through direct communication with the district superintendent. A predetermined “emergency operations center” (EOC) is established where the superintendent works with emergency services and defines the responsibility of each person.
2. Establish emergency procedures to notify the appropriate agencies (fire department, sheriff department, medical assistance agency).
3. Post and update a checklist equipment, supplies and emergency telephone numbers.
4. Have necessary equipment for emergencies available such as:
  - a. Handheld radios.
  - b. Flashlight
  - c. Camera and film, or cell phone with camera for documentation.
  - d. A telephone line that will not go dead when the electricity is not working.
5. Establish a backup command post near the school if needed, possibly the district office, in the event of a bomb threat.
6. Identify how injured students and staff will be transported to the hospital in the event that emergency vehicles are not able to transport them. Plan alternative routes for transporting injured if standard routes are obstructed.
7. Have a dismissal plan for the emergency that is orderly, keeps the students calm and is easy to understand. Conduct periodic practice drills to ensure procedures for dismissal run smoothly.
8. Establish a “buddy system” for teachers and students, especially significantly disabled students.

#### Procedures for Clear, Effective Communication System



1. Update and keep posted a clear communication system that signals an emergency, and when the crisis has passed, the signal for the “all clear” bell.
2. Establish a rumor control/information post in a location accessible to parents, interested community and media to handle inquiries in an orderly fashion. This post would provide a system for swift parental contact and an outside line for specific communication to community transportation volunteers.
3. Authorize only one or two staff members to act as police contacts.
4. Designate a spokesperson to advise the media and respond to questions and concerns. The press should be handled by the public information officer exclusively and permitted to approach staff or students only if the officials determine that such interaction would not adversely affect staff or students. Students must have parent permission before their picture may be exposed to the public.
5. Establish a procedure for establishing and maintaining control of the media and onlookers who could impede operations. Have the district’s public information officer or other appointed person provide updated information of the status of a crisis at regular intervals so as to minimize rumors and interruptions. (The Association of California School Administrators provides such a service to districts in crisis on request.)

## Resources

### Disaster Preparedness

U. S. Department of education Emergency Planning Resources

U. S. Department of Health and Human Services

California Governor’s Office of Emergency Services

Centers for Disease Control Bioterrorism

Crisis Response Plan Training for Schools – School administrators may contact Linda Sargent, Kern County Office of Education at (661) 636-4744

### Guidelines for Talking to Kids About War and Tragedy

Crisis Response and Coping with Tragedy, Counseling and Student Support Office, California Department of Education

National Association of School Psychologists

Connect for Kids

National Center For Children Exposed to Violence (includes Spanish language materials)

### Classroom Resources for Dealing with War and Terrorism

Education World

American Red Cross

### Reducing Hate-Motivated Behavior and Promoting Tolerance

About Our Kids

Safe Schools Center, Los Angeles County Office of Education

### Helping Adults Deal with Stress About Terrorism and the War

National Mental Health Association

## **Public Agency Use of School Buildings for Emergency Shelters**

### **(C) School Suspension, Expulsion and Mandatory Expulsion Guidelines**

#### **SUSPENSION AND EXPULSION/DUE PROCESS**

Board Policy for Suspension and Expulsion/Due Process is:

##### **BP 5144.1**

The Governing Board has established policies and standards of behavior in order to promote learning and protect the safety and well-being of all students. When these policies and standards are violated, it may be necessary to suspend or expel a student from regular classroom instruction.

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

Except where suspension for a first offense is warranted in accordance with law, suspension shall be imposed only when other means of correction fail to bring about proper conduct. (Education Code 48900.5)

Expulsion is an action taken by the Board for severe or prolonged breaches of discipline by a student. Except for single acts of a grave nature, expulsion shall be used only when there is a history of misconduct, when other forms of discipline, including suspension, have failed to bring about proper conduct, or when the student's presence causes a continuing danger to self or others.

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

##### **BP 5144.1 (Continued)**

###### **Zero Tolerance**

The Board supports a zero tolerance approach to serious offenses in accordance with state and federal law. This approach makes the removal of potentially dangerous students from the classroom a top priority and ensures the standardized treatment of all students. Staff shall immediately report to the Superintendent or designee any incidence of offenses specified in law, Board policy, and administrative regulation as cause for suspension or expulsion.

###### **Student Due Process**

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

###### **Required Parental Attendance**

The Board believes that parental involvement plays an important role in the resolution of classroom behavior problems. The Board expects that teachers will communicate with parents/guardians when behavior problems arise.

Whenever a student is suspended from class by a teacher because he/she committed an obscene act, engaged in habitual profanity

or vulgarity, disrupted school activities, or otherwise willfully defied valid staff authority, the teacher of the class from which the student was removed may provide that the student's parent/guardian attend a portion of a school day in the class from which the student was suspended. (Education Code 48900.1)

Before requiring parental attendance, the teacher shall make reasonable efforts to have the parent/guardian visit the class voluntarily. The teacher also may inform the parent/guardian about available resources and parent education opportunities. Teachers should reserve the option of required parental attendance for cases in which they have determined that it is the best strategy to promote positive interaction between the student and the parent/guardian and to improve classroom behavior.

The teacher shall apply this policy uniformly to all students within the classroom. This policy shall apply only to a parent/guardian who lives with the student. (Education Code 48900.1)

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

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

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

The principal or designee shall contact a parent/guardian who does not respond to the request to attend school. The Board recognizes that parent/guardian compliance with this policy may be delayed, modified, or prevented for reasons such as serious illness/injury/disability, absence from town, or inability to get release time from work.

Comprehensive School Safety Plan 19 of 127 1/21/21

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

#### Decision Not to Enforce Expulsion Order

In cases where expulsion is mandatory pursuant to Education Code 48915(c), the enforcement of an expulsion order shall not be suspended by the Board. In all other cases of expulsion, the order for expulsion may be suspended by the Board, on case-by-case basis, pursuant to the requirements of law.

Amended: December 14, 2005

Administrative Regulations for Suspension and Expulsion/Due Process are:

#### Definitions

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

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

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

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

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

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

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

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

#### Notice of Regulations

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

#### Grounds for Suspension and Expulsion

A student may be subject to suspension or expulsion when it is determined that he/she:

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

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

Pursuant to Penal Code 417.27, students are prohibited from possessing a laser pointer on school premises, except for a valid instructional or other school-related purpose. See BP 5131 – Conduct.

2. 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. (Education Code 48900(b))

3. Unlawfully possessed, used, sold, or otherwise furnished, or was 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. (Education Code 48900(c))

4. Unlawfully offered, arranged, or negotiated to sell any 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. (Education Code 48900(d))

5. Committed or attempted to commit robbery or extortion. (Education Code 48900(e))

6. Caused or attempted to cause damage to school property or private property. (Education Code 48900(f))

7. Stole or attempted to steal school property or private property. (Education Code 48900(g))

8. Possessed or used tobacco or any products containing tobacco or nicotine products, including but not limited to cigars, cigarettes, 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. (Education Code 48900(h))

9. Committed an obscene act or engaged in habitual profanity or vulgarity. (Education Code 48900(i))

10. Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Section 11014.5 of the Health and Safety Code. (Education Code 48900(j))

11. 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. (Education Code 48900(k))

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

13. Possessed an imitation firearm. Imitation firearm means a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm. (Education Code 48900(m))

14. 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. (Education Code 48900(n))

15. Harassed, threatened, or intimidated a pupil who is a complaining witness or witness in a school disciplinary proceeding for the purpose of either preventing that pupil from being a witness or retaliating against that pupil for being a witness, or both. (Education Code 48900(o))

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

17. Engaged in, or attempted to engage in, hazing. (Education Code 48900(q))

Hazing means a method of initiation or preinitiation into a student organization or body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective student. Hazing does not include athletic events or school sanctioned events. (Education Code 48900(q))

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

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

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

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

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

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

Hate violence means any act punishable under Penal Code 422.6, 422.7, or 422.75. Such acts include injuring or intimidating another person, interfering with the exercise of a person's civil rights, or damaging a person's property because of the person's race, color, religion, ancestry, national origin, disability, gender, or sexual orientation. (Education Code 233, Penal Code 422.55)

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

22. Engaged in an act of bullying, including, but not limited to, bullying by means of an electronic act, directed toward a student or school personnel. (Education Code 48900(r))

Bullying means one or more acts by a student or group of students that constitutes sexual harassment pursuant to Education Code 48900.2, as defined in item #19 above; hate violence pursuant to Education Code 48900.3, as defined in item #20 above; or harassment, threats, or intimidation pursuant to Education Code 48900.4, as defined in item #21 above. (Education Code 32261)

Electronic act means the transmission of a communication, including, but not limited to, a message, text, sound, or image by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager. (Education Code 32261)

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

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

The Superintendent or principal may use his/her discretion to provide alternatives to suspension or expulsion for a student subject to discipline under this administrative regulation, including, but not limited to, counseling and an anger management program. (Education Code 48900(r))

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

#### Removal from Class by a Teacher/Parental Attendance

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

A teacher also may refer a student to the principal or designee for consideration of suspension from school. (Education Code 48910)

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

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

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

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

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

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

This notice shall also:

1. Inform the parent/guardian when his/her presence is expected and by what means he/she may arrange an alternate date.

State that if the parent/guardian does not have a means of transportation to school, he/she may ride the school bus with the student.

2. Ask the parent/guardian to meet with the principal after the visit and before leaving school, as required by Education Code 48900.1.

Suspension by Superintendent, Principal or Principal's Designee

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

The Superintendent or principal shall immediately suspend any student found at school or at a school activity to be: (Education Code 48915)

1. Possessing, as verified by a district employee, selling or otherwise furnishing a firearm, unless the student had obtained prior written permission to possess the item from a certificated school employee, with the principal or designee concurrence.
2. Brandishing a knife, as defined in Education Code 48915(g), at another person.
3. Unlawfully selling a controlled substance listed in Health and Safety Code 11053-11058.
4. Committing or attempting to commit a sexual assault or committing a sexual battery as defined in item #14 under "Grounds for Suspension and Expulsion" above.
5. Possession of an explosive as defined in 18 USC 921.

Explosive means a destructive device and includes, but is not limited to, any explosive, incendiary, or poison gas bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one quarter ounce, mine or similar device. A destructive device includes any other type of weapon (Except a shotgun or shotgun shell recognized by the United States Secretary of Army as suitable for sporting purposes) which might be converted to project an explosive. (18 USC 921)

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

A student may be suspended from school for not more than 20 school days in any school year, unless for purposes of adjustment the student enrolls in or is transferred to another regular school, an opportunity school, or continuation school or class, in which case

suspension shall not exceed 30 days in any school year. However, this restriction on the number of days of suspension does not apply when the suspension is extended pending an expulsion. (Education Code 48903, 48911, 48912)

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

Suspensions shall be initiated according to the following procedures:

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

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

2. Administrative Actions: All requests for student suspension are to be processed by the principal or designee of the school in which the student is enrolled at the time of the misbehavior. A school employee shall report the suspension, including the name of the student and the cause for the suspension, to the Superintendent or designee. (Education Code 48911)

3. Notice to Parents/Guardians: At the time of the suspension, a school employee shall make a reasonable effort to contact the parent/guardian by telephone or in person. Whenever a student is suspended, the parent/guardian shall be notified in writing of the suspension. (Education Code 48911)

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

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

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

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

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

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



## Suspension by the Board

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

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

When the Board is considering a suspension, disciplinary action, or any other action (except expulsion) against any student, it shall hold closed sessions if a public hearing would lead to disclosure of information violating a student's right to privacy under Education Code 49073-49079. (Education Code 35146, 48912)

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

## Supervised Suspension Classroom

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

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

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

## Authority to Expel

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

The Board may also order a student expelled for any of the acts listed above under "Grounds for Suspension and Expulsion" upon recommendation by the principal, Superintendent, hearing officer or administrative panel, based on either or both of the following finding(s): (Education Code 48915(b) and (e))

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

### Mandatory Recommendation for Expulsion

Unless the principal, Superintendent or designee finds that expulsion is inappropriate due to particular circumstances, the principal or the Superintendent or designee shall recommend a student's expulsion for any of the following acts: (Education Code 48915(a))

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

### Mandatory Recommendation and Mandatory Expulsion

The Gun-Free Schools Act, 20 USC 7151, requires districts and county offices of education to submit to the CDE assurances of compliance with state and federal laws related to incidents on campus involving the possession of firearms. Item #1 below reflects language that must be submitted to the CDE for compliance. For other such language that must be submitted to the CDE, see sections in this regulation entitled "Final Action by the Board" and "Notification to law Enforcement Authorities."

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

1. Possessing, as verified by a district employee, or selling or otherwise furnishing a firearm, unless the student had obtained prior written permission to possess the firearm from a certificated school employee, with the principal or designee's concurrence.
2. Brandishing a knife as defined in Education Code 48915(g) at another person.
3. Unlawfully selling a controlled substance listed in Health and Safety Code 11053-11058.
4. Committing or attempting to commit a sexual assault or committing a sexual battery as defined in item #14 under "Grounds for Suspension and Expulsion" above.
5. Possessing an explosive as defined in 18 USC 921.

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

### Student's Right to Expulsion Hearing

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

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

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

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

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

#### Rights of Complaining Witness

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

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

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

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

#### Written Notice of the Expulsion Hearing

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

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

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

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

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

#### Conduct of Expulsion Hearing

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

Whether the expulsion hearing is held in closed or public session, the Board may meet in closed session to deliberate and determine whether or not the student should be expelled. If the Board admits any other person to this closed session, the parent/guardian, the student, and the counsel of the student shall also be allowed to attend the closed session. (Education Code 48918(c))

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

2. Record of Hearing: A record of the hearing shall be made and may be maintained by any means, including electronic recording, as long as a reasonably accurate and complete written transcription of the proceedings can be made. (Education Code 48918(g))

In accordance with the Code of Civil Procedure 1987, the subpoena must be served at least 10 days before the time required for attendance unless the court prescribes a shorter time. Unless they are parties to the hearing or are district or government employees, witnesses who appear pursuant to a subpoena receive fees equal to those prescribed for witnesses in civil actions in a superior court, and all witnesses other than the parties to the hearing receive mileage; these fees and mileage must be paid by the party requesting the subpoena.

3. Subpoenas: Before commencing a student expulsion hearing, the Board may issue subpoenas, at the request of either the student or the Superintendent or designee, for the personal appearance at the hearing of any person who actually witnessed the action that gave rise to the recommendation for expulsion. After the hearing has commenced, the Board or the hearing officer or administrative panel may issue such subpoenas at the request of the student or the County Superintendent of Schools or designee. All subpoenas shall be issued in accordance with the Code of Civil Procedure 1985-1985.2 and enforced in accordance with Government Code 11455.20 (Education Code 48918(i))

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

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

4. Presentation of Evidence: Technical rules of evidence shall not apply to expulsion hearings, but relevant evidence may be admitted and used as proof only if it is the kind of evidence on which reasonable persons can rely in the conduct of serious affairs. The

decision of the Board to expel shall be supported by substantial evidence that the student committed any of the acts pursuant to Education Code 48900 and listed in "Grounds for Suspension and Expulsion" above. (Education Code 48918(h))

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

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

5. Testimony by Complaining Witnesses: The following procedures shall be observed when hearings involve allegations of sexual assault or sexual battery by a student: (Education Code 48918, 48918.5)

a. Any complaining witness shall be given five days' notice before being called to testify.

b. Any complaining witness shall be entitled to have up to two adult support persons, including, but not limited to a parent/guardian or legal counsel, present during his/her testimony.

c. Before a complaining witness testifies, support persons shall be admonished that the hearing is confidential. d.

The person presiding over the hearing may remove a support person whom he/she finds is disrupting the hearing. e.

If one or both support persons are also witnesses, the hearing shall be conducted according to Penal Code 868.5.

f. Evidence of specific instances of prior sexual conduct of a complaining witness shall be presumed inadmissible and shall not be heard unless the person conducting the hearing determines that extraordinary circumstances require the evidence to be heard. Before such a determination is made, the complaining witness shall be given notice and an opportunity to oppose the introduction of this evidence. In the hearing on the admissibility of this evidence, the complaining witness shall be entitled to be represented by a parent/guardian, legal counsel or other support person. Reputation or opinion evidence regarding the sexual behavior of a complaining witness shall not be admissible for any purpose.

g. In order to facilitate a free and accurate statement of the experiences of the complaining witness and to prevent discouragement of complaints, the district shall provide a non-threatening environment.

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

(2) At the discretion of the person conducting the hearing, the complaining witness shall be allowed reasonable periods of relief from examination and cross-examination during which he/she may leave the hearing room.

(3) The person conducting the hearing may:

(a) Arrange the seating within the hearing room so as to facilitate a less intimidating environment for the complaining witness

(b) Limit the time for taking the testimony of a complaining witness to the hours he/she is normally in school, if there is no good cause to take the testimony during other hours

(c) Permit one of the support persons to accompany the complaining witness to the witness stand

6. Decision Within 10 School Days: The Board's decision on whether to expel a student shall be made within 10 school days after the conclusion of the hearing, unless the student requests in writing that the decision be postponed. (Education Code 48918(a))

7. Decision Within 40 School Days: If the Board does not meet on a weekly basis, its decision on whether to expel a student shall be made within 40 school days after the student is removed from his/her school of attendance, unless the student requests in writing that the decision be postponed. (Education Code 48918(a))

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

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

A hearing conducted by the hearing officer or administrative panel shall conform to the same procedures applicable to a hearing conducted by the Board as specified above in "Conduct of Expulsion Hearing." (Education Code 48918(d))

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

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

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

The Board shall make its decision about the student's expulsion within 40 school days after the date of the student's removal from school unless the student requests in writing that the decision be postponed. (Education Code 48918(a))

### Final Action by the Board

Whether the expulsion hearing is conducted in closed or public session by the Board, a hearing officer, or an administrative panel, the final action to expel shall be taken by the Board at a public meeting. (Education Code 48918(j))

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

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

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

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

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

#### Written Notice to Expel

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

1. The specific offense committed by the student for any of the causes for suspension or expulsion listed in Education Code 48900, 48900.2, - 48900.3, 48900.4, 48900.7, or 48915. (Education Code 48900.8)
2. The fact that a description of readmission procedures will be made available to the student and his/her parent/guardian. (Education Code 48916)
3. Notice of the right to appeal the expulsion to the County Board of Education. (Education Code 48918)
4. Notice of the alternative educational placement to be provided to the student during the time of expulsion. (Education Code 48918)
5. Notice of the student's or parent/guardian's obligation to inform any new district in which the student seeks to enroll of the student's status with the expelling district, pursuant to Education Code 48915.1. (Education Code 48918)

#### Decision Not to Enforce Expulsion Order

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

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

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

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

expulsion to the County Board of Education the alternative educational placement to be provided to the student during the time of expulsion, and the student's or parent/guardian's obligation to inform any new district in which the student seeks to enroll of the student's status with the expelling district, pursuant to Education Code 48915. (Education Code 48918(j)).

7. Suspension of the enforcement of an expulsion order shall not affect the time period and requirements for the filing of an appeal of the expulsion order with the County Board. (Education Code 48917)

#### Right to Appeal

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

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

#### Notifications to Law Enforcement Authorities

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

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

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

#### Post-Expulsion Placements

Education Code 48915.01 states that if the Board has established a community day school pursuant to Education Code 48661 on the same site as an elementary, comprehensive middle, junior or senior high school, expelled students may be referred to the community school at that site. Although Education Code 48663 prohibits the use of independent study in community day schools, Education Code 48916.1 does not in any way restrict the district from offering independent study as a voluntary alternative placement option for expelled students.

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

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

When the placement described above is not available, and when the County Superintendent of Schools so certifies, students expelled for acts described in items #6-13 and #18-21 under "Grounds for Suspension and Expulsion" above may be instead referred to a program of study that is provided at another comprehensive middle, junior, or senior high school, or at an elementary school. (Education Code 48915)

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



any of grades 7-12. (Education Code 48916.1)

#### Readmission After Expulsion

Readmission procedures shall be as follows:

1. On the date set by the Board when it ordered the expulsion, the district shall consider readmission of the student. (Education Code 48916)
2. The Superintendent or designee shall hold a conference with the parent/guardian and the student. At the conference the student's rehabilitation plan shall be reviewed and the Superintendent or designee shall verify that the provisions of this plan have been met. School regulations shall be reviewed and the student and parent/guardian shall be asked to indicate in writing their willingness to comply with these regulations.  
  
School regulations shall be reviewed and the student and parent/guardian shall be asked to indicate in writing their willingness to comply with these regulations.
3. The Superintendent or designee shall transmit to the Board his/her recommendation regarding readmission. The Board shall consider this recommendation in closed session if information would be disclosed in violation of Education Code 49073-49079. If a written request for an open session is received from the parent/guardian or adult student, it shall be honored.
4. If the readmission is granted, the Superintendent or designee shall notify the student and parent/guardian, by registered mail, of the Board's decision regarding readmission.
5. The Board may deny readmission only if it finds that the student has not satisfied the conditions of the rehabilitation plan or that the student continues to pose a danger to campus safety or to other district students or employees. (Education Code 48916)
6. If the Board denies the readmission of a student, the Board shall determine either to continue the student's placement in the alternative educational program initially selected or to place the student in another program that serves expelled students, including placement in a county community school. (Education Code 48916)
7. The Board shall provide written notice to the expelled student and parent/guardian describing the reasons for denying readmittance into the regular program. This notice shall indicate the Board's determination of the educational program which the Board has chosen. The student shall enroll in that program unless the parent/guardian chooses to enroll the student in another school district. (Education Code 48916)

#### Maintenance of Records

The Board shall maintain a record of each expulsion, including the specific cause of the expulsion. The expulsion record shall be maintained in the student's mandatory interim record and sent to any school in which the student subsequently enrolls upon receipt of a written request by the admitting school. (Education Code 48900.8, 48918(k))

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

#### Outcome Data

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

1. The number of students recommended for expulsion.
2. The specific grounds for each recommended expulsion.
3. Whether the student was subsequently expelled.

4. Whether the expulsion order was suspended.
5. The type of referral made after the expulsion.
6. The disposition of the student after the end of the expulsion period.

#### SUSPENSION AND EXPULSION/DUE PROCESS (STUDENTS WITH DISABILITIES)

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

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

A student who has not been officially identified as a student with a disability pursuant to IDEA and who has engaged in behavior that violated the district's code of student conduct may assert any of the protections under IDEA only if the district had knowledge that the student is disabled before the behavior that precipitated the disciplinary action occurred. (20 USC 1415(k)(5); 34 CFR 300.534)

The district shall be deemed to have knowledge that the student has a disability if one of the following conditions exists: (20 USC 1415(k)(5); 34 CFR 300.534)

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

The district would be deemed to not have knowledge that a student is disabled if the parent/guardian has not allowed the student to be evaluated for special education services or has refused services. In addition, the district would be deemed to not have knowledge if the district conducted an evaluation pursuant to 34 CFR 300.300-300.311 and determined that the student was not an individual with a disability. When the district is deemed to not have knowledge of the disability, the student shall be disciplined in accordance with procedures established for students without disabilities who engage in comparable behavior. (20 USC 1415(k)(5); 34 CFR 300.534)

If a request is made for an evaluation of a student during the time period in which the student is subject to disciplinary measures pursuant to 34 CFR 300.530, , the evaluation shall be conducted in an expedited manner. Until the evaluation is completed, the student shall remain in the educational placement determined by school authorities. (20 USC 1415(k)(5); 34 CFR 300.534)

#### Suspension

The Superintendent or designee may suspend a student with a disability for up to 10 consecutive school days for a single incident of misconduct, and for up to 20 school days in a school year, as long as the suspension(s) does not constitute a change in placement pursuant to 34 CFR 300.536. (34 CFR 300.530: Education Code 48903)

Comprehensive School Safety Plan 34 of 127 1/21/21

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

The district shall determine, on a case-by-case basis, whether a pattern of removals of a student from his/her current educational placement for disciplinary reasons constitutes a change of placement. A change of placement shall be deemed to have occurred under any of the following circumstances; (34 CFR 300.536)

1. The removal is for not more than 10 consecutive school days.
2. The student has been subjected to a series of removals that constitute a pattern because of all of the following:
  - a. The series of removals total more than 10 school days in a school year.
  - b. The student's behavior is substantially similar to his/her behavior in previous incidents that resulted in the series of removals.
  - c. Additional factors, such as the length of each removal, the total amount of time the student has been removed, and the proximity of the removals to one another, indicate a change of placement.

If the removal has been determined to be a change of placement as specified in items #1-2 above, the student's IEP team shall determine the appropriate education services. (34CFR 300.530)

#### Services During Suspension

Any student suspended for more than 10 school days in the same school year shall continue to receive services during the term of the suspension. School personnel, in consultation with at least one of the student's teachers, shall determine the extent to which services are needed as provided in 34 CFR 300.101(a), so as to enable the student to continue to participate in the general education curriculum in another setting and to progress toward meeting the goals as set out in his/her IEP. (20 USC 1412(a)(1)(A); 34 CFR 300.530)

If a student with disabilities is excluded from school bus transportation, the student shall be provided with an alternative form of transportation at no cost to the student or his/her parent/guardian, provided that transportation is specified in his/her IEP. (Education Code 48915.5)

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

The district may unilaterally place a student with a disability in an appropriate interim alternative educational setting for up to 45 school days, without regard as to whether the behavior is a manifestation of the student's disability, when the student commits one of the following acts while at school, going to or from school, or at a school-related function: (20 USC 1415(k)(1)(G); 34 CFR 300.530)

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

The student's interim alternative educational setting shall be determined by his/her IEP team. (20 USC 1415(k)(1)(G), 34 CFR 300.531)

On the date the decision to take disciplinary action is made, the parents/guardians of the student shall be notified of the decision and provided the procedural safeguards notice pursuant to 34 CFR 300.504. (20 USC 1415(k)(1)(h); 34 CFR 300.530)

A student who has been removed from his/her current placement because of dangerous behavior shall receive services, although in another setting, to the extent necessary to allow him/her to participate in the general education curriculum and to progress toward meeting the goals set out in her/her IEP. As appropriate, the student shall also receive a functional behavior assessment and behavioral intervention services and modifications that are designated to address the behavior violation so that it does not recur. (20 USC 1415(k)(1)(D); 34 CFR 300.530)

## Manifestation Determination

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

1. Notice: On the date the decision to take disciplinary action is made, the parents/guardians of the student shall be notified of the decision and provided the procedural safeguards notice pursuant to 34 CFR 300.504. (20 USC 1415(k)(1)(H); 34 CFR 300.530)
2. Manifestation Determination Review: Immediately if possible, but in no case later than 10 school days after the date the decision to take disciplinary action is made, a manifestation determination review shall be made of the relationship between the student's disability and the behavior subject to the disciplinary action. (20 USC 1415(k)(1)(E); 34 CFR 300.530)

At the manifestation determination review, the district, the student's parent/guardian, and relevant members of the IEP team, (as determined by the district and parent/guardian) shall review all relevant information in the student's file, including the student's IEP, any teacher observations, and any relevant information provided by the parents/guardians, to determine whether the conduct in question was either of the following: (20 USC 1415(k)(1)(E); 34 CFR 300.530)

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

If the manifestation review team determines that a condition in either #a or #b above was met, the conduct shall be determined to be a manifestation of the student's disability. (20 USC 1415(k)(1)(E); 34 CFR 300.530)

3. Determination that Behavior is a Manifestation of the Student's Disability: When the conduct has been determined to be a manifestation of the student's disability, the IEP team shall conduct a functional behavioral assessment, unless a functional behavioral assessment had been conducted before the occurrence of the behavior that resulted in the change of placement, and shall implement a behavioral intervention plan for the student. If a behavior intervention plan has already been developed, the IEP team shall review the behavioral intervention plan and modify it as necessary to address the behavior. (20 USC 1415(k)(1)(F); 34 CFR 300.530)

The student shall be returned to the placement from which he/she was removed, unless the parent/guardian and district agree to a change of placement as part of the modification of the behavioral intervention plan. (20 USC 1415(k)(1)(F); 34 CFR 300.530)

4. Determination that Behavior is Not a Manifestation of the Student's Disability: If the manifestation determination review team determines that the student's behavior was not a manifestation of his/her disability, the student may be disciplined in accordance with the procedures for students without disabilities. (20 USC 1415(k)(1)(D); 34 CFR 300.530)

The student shall receive services to the extent necessary to participate in the general education curriculum in another setting and to allow him/her to progress toward meeting the goals set out in his/her IEP. As appropriate, the student shall also receive a functional behavior assessment and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur. (20 USC 1415(k)(1)(D); 34 CFR 300.530)

## Due Process Appeals

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

hearing, the requesting party shall file a complaint pursuant to 34 CFR 300.507 and 300.508(a) and (b). (20 USC 1415(k)(3); 34 CFR 300.532)

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

If the student's parent/guardian or the district has initiated a due process hearing under 34 CFR 300.532 as detailed above, the student shall remain in the interim alternative educational setting pending the decision of the hearing officer or the expiration of the 45-day time period, whichever occurs first, unless the parent/guardian and district agree otherwise. (20 USC 1415(k)(4); 34 CFR 300.533)

#### Readmission

Readmission procedures for students with disabilities shall be the same as those used for all students. Upon readmission, an IEP team meeting shall be convened.

#### Suspension of Expulsion

The Governing Board's criteria for suspending the enforcement of an expulsion order shall be applied to students with disabilities in the same manner as they are applied to all other students. (Education Code 48917)

#### Notification to Law Enforcement Authorities

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

#### Report to County Superintendent of Schools

The superintendent or designee shall report to the County Superintendent when any special education student has been expelled or suspended for more than 10 school days. The report shall include the student's name, last known address, and the reason for the action. (Education Code 48203)

### **(D) Procedures to Notify Teachers of Dangerous Pupils (EC 49079)**

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

(cf. 0450 - Comprehensive Safety Plan) (cf. 5131.1 - Bus Conduct) (cf. 5137 - Positive School Climate) (cf. 6145.2 - Athletic Competition)

The Superintendent/Principal or designee shall develop standards of conduct and discipline consistent with Board policies and administrative regulations. Students and parents/guardians shall be notified of 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 (cf. 5131.7 - Weapons and Dangerous Instruments) (cf. 5142 - Safety)
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 (cf. 5131.2 - Bullying) (cf. 5145.3 - Nondiscrimination/Harassment) (cf. 5145.7 -

Sexual Harassment) (cf. 5145.9 - Hate-Motivated Behavior)

3. Conduct that disrupts the orderly classroom or school environment (cf. 5131.4 - Student Disturbances) 4. Willful defiance of staff's authority 5. Damage to or theft of property belonging to students, staff, or the district (cf. 3515.

4 - Recovery for Property Loss or Damage) (cf. 5131.5 - Vandalism and Graffiti)

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.

5. Obscene acts or use of profane, vulgar, or abusive language (cf. 5145.2 - Freedom of Speech/Expression)

6. Possession, use, or being under the influence of tobacco, alcohol, or other prohibited drugs (cf. 5131.6 - Alcohol and Other Drugs) (cf. 5131.62 - Tobacco) (cf. 5131.63 - Steroids)

7. Possession or use of a laser pointer, unless for a valid instructional or other school-related purpose (Penal Code 417.27)

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

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

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

No student shall be prohibited from possessing or using an electronic signaling device that is determined by a licensed physician or surgeon to be essential for the student's health and the use of which is limited to purposes related to the student's health. (Education Code 48901.5)

9. Plagiarism or dishonesty on school work or tests (cf. 5131.9 - Academic Honesty) (cf. 6162.54 - Test Integrity/Test Preparation) (cf. 6162.6 - Use of Copyrighted Materials) 11. Inappropriate attire (cf. 5132 - Dress and Grooming) 12. Tardiness or unexcused absence from school (cf. 5113 - Absences and Excuses) (cf. 5113.1 - Chronic Absence and Truancy) 13. Failure to remain on school premises in accordance with school rules (cf. 5112.5 - Open/Closed Campus)

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. (cf. 5145.12 - Search and Seizure)

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

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

(cf. 1020 - Youth Services) (cf. 1400 - Relations Between Other Governmental Agencies and the Schools) (cf. 5020 - Parent Rights and Responsibilities) (cf. 5127 - Graduation Ceremonies and Activities) (cf. 5138 - Conflict Resolution/Peer Mediation) (cf. 5144 - Discipline) (cf. 5144.1 - Suspension and Expulsion/Due Process) (cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities)) (cf. 6020 - Parent Involvement) (cf. 6145 - Extracurricular and Cocurricular Activities) (cf. 6159.4 - Behavioral

Interventions for Special Education Students) (cf. 6164.2 - Guidance/Counseling Services) (cf. 6164.5 - Student Success Teams) (cf. 6184 - Continuation Education) (cf. 6185 - Community Day School)

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

Legal Reference: EDUCATION CODE 200-262.4 Prohibition of discrimination 32280-32289 Comprehensive safety plan 35181 Governing board authority to set policy on responsibilities of students 35291-35291.5 Rules 44807 Duty concerning conduct of students 48900-48925 Suspension and expulsion

51512 Prohibition against electronic listening or recording device in classroom without permission CIVIL CODE 1714.1 Liability of parents and guardians for willful misconduct of minor PENAL CODE 288.2 Harmful matter with intent to seduce 313 Harmful matter 417.25-417.27 Laser scope or laser pointer 647 Use of camera or other instrument to invade person's privacy; misdemeanor 653.2 Electronic communication devices, threats to safety VEHICLE CODE 23123-23124 Prohibitions against use of electronic devices while driving CODE OF REGULATIONS, TITLE 5 300-307 Duties of students UNITED STATES CODE, TITLE 42 2000h-2000h6 Title IX, 1972 Education Act Amendments COURT DECISIONS J.C. v. Beverly Hills Unified School District, (2010) 711 F.Supp.2d 1094 LaVine v. Blaine School District, (2000, 9th Cir.) 257 F.3d 981 Emmett v. Kent School District No. 415, (2000) 92 F.Supp. 1088 Bethel School District No. 403 v. Fraser, (1986) 478 U.S. 675 New Jersey v. T.L.O., (1985) 469 U.S. 325 Tinker v. Des Moines Independent Community School District, (1969) 393 U.S. 503 Management Resources: CSBA PUBLICATIONS Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011 Providing a Safe, Nondiscriminatory School Environment for All Students, Policy Brief, April 2010 Cyberbullying: Policy Considerations for Boards, Policy Brief, July 2007 CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Bullying at School, 2003 WEB SITES CSBA: <http://www.csba.org> California Department of Education, Safe Schools Office: <http://www.cde.ca.gov/ls/ss> Center for Safe and Responsible Internet Use: <http://cyberbully.org> National School Boards Association: <http://www.nsba.org> National School Safety Center: <http://www.schoolsafety.us> U.S. Department of Education: <http://www.ed.gov> Policy ORANGE CENTER SCHOOL DISTRICT adopted: December 14, 2017 Fresno, California

### **(E) Sexual Harassment Policies (EC 212.6 [b])**

SEXUAL HARASSMENT The Board Policy for (Personnel) sexual harassment is: BP 4119.11/4219.11/4319.11

All Personnel BP 4119.11(a), 4219.11, 4319.11 SEXUAL HARASSMENT

The Governing Board prohibits sexual harassment of district employees. The Board also prohibits retaliatory behavior or action against district employees or other persons who complain, testify, or otherwise participate in the complaint process established pursuant to this policy and accompanying administrative regulation. This policy shall apply to all district employees and, when applicable, to interns, volunteers, and job applicants.

(cf. 0410 - Nondiscrimination in District Programs and Activities) (cf. 4030 - Nondiscrimination in Employment)

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

1. Providing training to employees in accordance with law and administrative regulation 2. Publicizing and disseminating the district's sexual harassment policy to staff (cf. 4112.9/4212.9/4312.9 - Employee Notifications) 3. Ensuring prompt, thorough, and fair investigation of complaints

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

All complaints and allegations of sexual harassment shall be kept confidential to the extent necessary to carry out the investigation or to take other subsequent necessary actions. (2 CCR 11023)

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

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

Complaints of sexual harassment shall be filed in accordance with AR 4030 - Nondiscrimination in Employment. An employee may bypass his/her supervisor in filing a complaint where the supervisor is the subject of the complaint.

Any district employee who engages or participates in sexual harassment or who aids, abets, incites, compels, or coerces another to commit sexual harassment in violation of this policy is subject to disciplinary action, up to and including dismissal. BP 4119.11(b) 4219.11 , 4319.11 (cf. 4118 - Dismissal/Suspension/Disciplinary Action) (cf. 4218 - Dismissal/Suspension/Disciplinary Action)

Legal Reference: EDUCATION CODE 200-262.4 Prohibition of discrimination on the basis of sex GOVERNMENT CODE 12900-12996 Fair Employment and Housing Act, especially: 12940 Prohibited discrimination 12950.1 Sexual harassment training LABOR CODE 1101 Political activities of employees 1102.1 Discrimination: sexual orientation CODE OF REGULATIONS, TITLE 2 11009 Employment discrimination 11021 Retaliation 11023 Harassment and discrimination prevention and correction 11024 Sexual harassment training and education 11034 Terms, conditions, and privileges of employment CODE OF REGULATIONS, TITLE 5 4900-4965 Nondiscrimination in elementary and secondary education programs receiving state financial assistance UNITED STATES CODE, TITLE 42 2000d-2000d-7 Title VI, Civil Rights Act of 1964 2000e-2000e-17 Title VII, Civil Rights Act of 1964, as amended 2000h-2-2000h-6 Title IX, 1972 Education Act Amendments CODE OF FEDERAL REGULATIONS, TITLE 34 106.9 Dissemination of policy COURT DECISIONS Department of Health Services v. Superior Court of California, (2003) 31 Cal.4th 1026 Faragher v. City of Boca Raton, (1998) 118 S.Ct. 2275 Burlington Industries v. Ellreth, (1998) 118 S.Ct. 2257 Gebser v. Lago Vista Independent School District, (1998) 118 S.Ct. 1989 Oncale v. Sundowner Offshore Serv. Inc., (1998) 118 S.Ct. 998 Meritor Savings Bank, FSB v. Vinson et al., (1986) 447 U.S. 57

Management Resources: OFFICE OF CIVIL RIGHTS AND NATIONAL ASSOCIATION OF ATTORNEYS GENERAL Protecting Students from Harassment and Hate Crime, January 1999 WEB SITES California Department of Fair Employment and Housing: <http://www.dfeh.ca.gov> Equal Employment Opportunity Commission: <http://www.eeoc.gov> U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/about/offices/list/ocr/index.html>

Policy ORANGE CENTER SCHOOL DISTRICT Adopted: December 14, 2017 Fresno, California

The Administrative Regulations for (Personnel) sexual harassment are: AR 4119.11/4219.11/4319.11  
Comprehensive School Safety Plan 46 of 127 1/21/21



All Personnel AR 4119.11(a), 4219.11, 4319.11 SEXUAL HARASSMENT

This administrative regulation shall apply to all allegations of sexual harassment involving employees, interns, volunteers, and job applicants, but shall not be used to resolve any complaint by or against a student.

Definitions

Prohibited sexual harassment includes, but is not limited to, unwelcome sexual advances, unwanted requests for sexual favors, or other unwanted verbal, visual, or physical conduct of a sexual nature made against another person of the same or opposite sex in the work or educational setting when: (Education Code 212.5; Government Code 12940; 2 CCR 11034)

1. Submission to the conduct is made explicitly or implicitly a term or condition of the individual's employment. 2. Submission to or rejection of the conduct is used as the basis for an employment decision affecting the individual.
3. Submission to or rejection of the conduct is used as the basis for any decision affecting the individual regarding benefits, services, honors, programs, or activities available at or through the district.

Prohibited sexual harassment also includes conduct which, regardless of whether or not it is motivated by sexual desire, is so severe or pervasive as to unreasonably interfere with the victim's work performance or create an intimidating, hostile, or offensive work environment.

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

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

AR 4119.11(b), 4219.11, 4319.11

SEXUAL HARASSMENT (continued)

Training

The Superintendent or designee shall ensure that all employees receive training regarding the district's sexual harassment policies when hired and periodically thereafter. The training shall include the procedures for reporting and/or filing complaints involving an employee, employees' duty to use the district's complaint procedures, and employee obligations when a sexual harassment report

Comprehensive School Safety Plan 47 of 127 1/21/21

involving a student is made to the employee.

(cf. 1312.3 - Uniform Complaint Procedures) (cf. 4030 - Nondiscrimination in Employment) (cf. 5145.7 - Sexual Harassment)

Notifications

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

1. Be displayed in a prominent location in the main administrative building, district office, or other area of the school where notices of district rules, regulations, procedures, and standards of conduct are posted

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

(cf. 4112.9/4212.9/4312.9 - Employee Notifications)

3. Appear in any school or district publication that sets forth the school's or district's comprehensive rules, regulations, procedures, and standards of conduct

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

1. The illegality of sexual harassment

2. The definition of sexual harassment under applicable state and federal law

3. A description of sexual harassment, with examples

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

5. The legal remedies and complaint process available through DFEH and the Equal Employment Opportunity Commission (EEOC) AR 4119.11(c) 4219.11 , 4319.11

6. Directions on how to contact DFEH and the EEOC

7. The protection against retaliation provided by 2 CCR 11021 for opposing harassment prohibited by law or for filing a complaint with or otherwise participating in an investigation, proceeding, or hearing conducted by DFEH and the EEOC In addition, the district shall post, in a prominent and accessible location, DFEH's poster on discrimination in employment and the illegality of sexual harassment. (Government Code 12950)

Policy ORANGE CENTER SCHOOL DISTRICT Adopted: December 14, 2017 Fresno, California

BP 5145.3

Students BP 5145.3(a) NONDISCRIMINATION/HARASSMENT

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

which occur off campus or outside of school-related or school-sponsored activities but which may have an impact or create a hostile environment at school.

(cf. 0410 - Nondiscrimination in District Programs and Activities) (cf. 5131 - Conduct) (cf. 5131.2 - Bullying) (cf. 5137 - Positive School Climate) (cf. 5145.9 - Hate-Motivated Behavior) (cf. 5146 - Married/Pregnant/Parenting Students) (cf. 6164.6 - Identification and Education Under Section 504)

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

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

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

The Superintendent/Principal 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 BP 5145.3(b) 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/Principal or designee shall regularly review the implementation of the district's nondiscrimination policies and practices and, as necessary, shall take action to remove any identified barrier to student access to or participation in the district's educational program. He/she shall report his/her findings and recommendations to the Board after each review.

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 1330 - Use of Facilities) (cf. 4131 - Staff Development) (cf. 4231 - Staff Development) (cf. 4331 - Staff Development) (cf. 6145 - Extracurricular and Cocurricular Activities) (cf. 6145.2 - Athletic Competition) (cf. 6164.2 - Guidance/Counseling Services)

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

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

(cf. 4118 - Suspension/Disciplinary Action) (cf. 4119.21/4219.21/4319.21 - Professional Standards) (cf. 4218 - Dismissal/Suspension/Disciplinary Action) (cf. 5144 - Discipline) (cf. 5144.1 - Suspension and Expulsion/Due Process) (cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities)) (cf. 5145.2 - Freedom of Speech/Expression)

#### Record-Keeping

The Superintendent/Principal 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 the district school.

(cf. 3580 - District Records) Legal Reference: (see next page) BP 5145.3(c)

#### NONDISCRIMINATION/HARASSMENT (continued)

Legal Reference: EDUCATION CODE 200-262.4 Prohibition of discrimination 48900.3 Suspension or expulsion for act of hate violence 48900.4 Suspension or expulsion for threats or harassment 48904 Liability of parent/guardian for willful student misconduct 48907 Student exercise of free expression 48950 Freedom of speech 48985 Translation of notices 49020-49023 Athletic programs 51500 Prohibited instruction or activity 51501 Prohibited means of instruction 60044 Prohibited instructional materials CIVIL CODE 1714.1 Liability of parents/guardians for willful misconduct of minor

Comprehensive School Safety Plan 50 of 127 1/21/21

PENAL CODE 422.55 Definition of hate crime 422.6 Crimes, harassment CODE OF REGULATIONS, TITLE 5 432 Student record 4600-4687 Uniform complaint procedures 4900-4965 Nondiscrimination in elementary and secondary education programs UNITED STATES CODE, TITLE 20 1681-1688 Title IX of the Education Amendments of 1972 12101-12213 Title II equal opportunity for individuals with disabilities UNITED STATES CODE, TITLE 29 794 Section 504 of Rehabilitation Act of 1973 UNITED STATES CODE, TITLE 42 2000d-2000e-17 Title VI and Title VII Civil Rights Act of 1964, as amended 2000h-2-2000h-6 Title IX of the Civil Rights Act of 1964 6101-6107 Age Discrimination Act of 1975 CODE OF FEDERAL REGULATIONS, TITLE 28 35.107 Nondiscrimination on basis of disability; complaints CODE OF FEDERAL REGULATIONS, TITLE 34 99.31 Disclosure of personally identifiable information 100.3 Prohibition of discrimination on basis of race, color or national origin 104.7 Designation of responsible employee for Section 504 106.8 Designation of responsible employee for Title IX 106.9 Notification of nondiscrimination on basis of sex COURT DECISIONS Donovan v. Poway Unified School District, (2008) 167 Cal.App.4th 567 Flores v. Morgan Hill Unified School District, (2003) 324 F.3d 1130

Management Resources: BP 5145.3(d) NONDISCRIMINATION/HARASSMENT

Management Resources: CSBA PUBLICATIONS Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014 Final Guidance Regarding Transgender Students, Privacy, and Facilities, March 2014 Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011 FIRST AMENDMENT CENTER PUBLICATIONS Public Schools and Sexual Orientation: A First Amendment Framework for Finding Common Ground, 2006 NATIONAL SCHOOL BOARDS ASSOCIATION PUBLICATIONS Dealing with Legal Matters Surrounding Students' Sexual Orientation and Gender Identity, 2004 U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS Examples of Policies and Emerging Practices for Supporting Transgender Students, May 2016 Dear Colleague Letter: Title IX Coordinators, April 2015

Comprehensive School Safety Plan 51 of 127 1/21/21

Dear Colleague Letter: Harassment and Bullying, October 2010 Notice of Non-Discrimination, January 1999 WEB SITES CSBA: <http://www.csba.org> California Department of Education: <http://www.cde.ca.gov> California Safe Schools Coalition: <http://www.casafeschools.org> First Amendment Center: <http://www.firstamendmentcenter.org> National School Boards Association: <http://www.nsba.org>

Regulation ORANGE CENTER SCHOOL DISTRICT Approved: December 14, 2017 Fresno, California

#### **(F) School-wide Dress Code Relating to Gang-Related Apparel (EC 35183)**

TK-8th DRESS CODE

Specific requirements for dress in the Orange Center School District include the following:

- All clothing MUST be neat, clean, and acceptable in appearance.
- Clothing will be worn as its design is traditionally intended and must be of an appropriate size.
- Belts must be of an appropriate size and worn through the belt loops.
- Students must wear shoes at all times (flip flops, athletic cleats, shoes with wheels, open toed or backless shoes are NOT allowed).
- Dresses and skirts must be mid-thigh (halfway between groin and top of knee) or longer.
- Walking shorts are allowed. The shorts should be mid-thigh in length for both boys and girls.
- Shorts must be hemmed.

- Baggy pants or “sagging” attire is not allowed. Undergarments shall not be exposed. All pants should be of an appropriate size for the student and should fit properly around the waist and at the bottom hemline. • Pants: There may be no holes or skin showing through pant above the knee.
- Bare midriffs, bare backs, off-the-shoulder and revealing tops are not allowed (i.e., tank tops, halter tops, tube tops, fishnet or see-through tops, spaghetti straps or underwear-type sleeveless shirts), unless an appropriate shirt or top is worn underneath.

- No clothing or accessories may be worn on school grounds or at school events that depict any of the following:

\*Gang symbolism (i.e., insignias, bandana's, “colors,” etc.)

\*Alcohol

\*Tobacco

\*Drugs

\*Violence

\*Profanity

\*Obscenity

\*Defamation of cultures, religion, groups, social institutions or organizations

\*Team logos or sports related insignias, with the exception of the official school logo.

- T-shirts may be worn. If the T-shirt is not tucked in then it should not hang lower than a student’s fingertips when arms are straight at the student’s side.
- Attire that may be used as a weapon may not be worn (i.e., chains, accessories or clothing with spikes or studs). • Hats or visors may be worn outside. However, hats, caps, visors, etc. must be worn as traditionally intended (i.e., with bills forward, etc.). No team sports logos on headgear. HEADGEAR MUST BE REMOVED WHEN ENTERING BUILDINGS. • Sun glasses may be worn by students while outside. However, sun glasses must be removed inside all school buildings. • Body piercing (eyebrows, nose, lips, tongue, etc.) are not allowed. Earrings are acceptable for ears only. • Hair shall be clean, neatly groomed and of natural color. Hair may not be sprayed/dyed by any coloring. Hair that causes undue attention is not acceptable, i.e., unusual design, symbols, messages, or razor cuts, with the exception of per announced school activities and dress-up days.
- Principal may decide on special dress attire for designated school days.

## **(G) Procedure for Safe Ingress and Egress of Pupils, Parents, and Staff to and from School (EC 35294.2)**

### SAFE INGRESS AND EGRESS TO AND FROM SCHOOL

The majority of students at Orange Center School District are transported to and from school on buses that load and unload the students at the bus stops directly in front of the schools or right next to the schools. Bus monitors are provided in the morning and afternoon.

Drivers are periodically, as required by law, trained in transportation safety. Conduct of students and the general public is monitored by the drivers. All incidents are documented and reported to the school. The principals of the schools respond to all incidents, with the cooperation of Southwest Transportation Agency. Parents are part of this process and when necessary, specific discipline procedures are followed.

Most of the students who are not transported by the district bus are transported by parents. Specific drop-off sites are designated and supervision is provided.

The District has adopted a policy that students are not allowed to leave campus during school hours without parental or administrative consent. All incidents of students off-campus without permission reported to administration at the school site by students, parents, or community members are investigated and proper action is taken.

The District has an enviable record of safety for arriving at, and leaving, school. The diligence of the community, staff, and parents has contributed to providing a safe environment for all students.

EMPLOYEE SAFETY The Board Policy for Employee Safety is: BP 4157, 4257, 4357

All Personnel BP 4157(a) 4257

EMPLOYEE SAFETY 4357

The Board of Trustees is committed to maximizing employee safety and believes that workplace safety is every employee's responsibility. Working conditions and equipment shall comply with standards prescribed by federal, state, and local laws and regulations.

(cf. 0450 - Comprehensive Safety Plan) No employee shall be required or permitted to be in any place of employment which is unsafe or unhealthful. (Labor Code 6402)

The Board expects all employees to use safe work practices and, to the extent possible, correct any unsafe conditions which may occur. If an employee is unable to correct an unsafe condition, he/she shall immediately report the problem to the Superintendent or designee.

The Superintendent/Principal or designee shall promote safety and correct any unsafe work practices through education and enforcement.

(cf. 4118 - Dismissal/Suspension/Disciplinary Action) (cf. 4218 - Dismissal/Suspension/Disciplinary Action)

The Superintendent/Principal or designee shall establish and implement a written injury and illness prevention program in accordance with law. (Labor Code 6401.7)

(cf. 3514 - Environmental Safety) (cf. 3514.1 - Hazardous Substances) (cf. 3516 - Emergencies and Disaster Preparedness Plan)

(cf. 4119.41/4219.41/4319.41 - Employees with Infectious Disease) (cf. 4119.42/4219.42/4319.42 - Exposure Control Plan for Bloodborne Pathogens) (cf. 4119.43/4219.43/4319.43 - Universal Precautions) (cf. 4157.2/4257.2/4357.2 - Ergonomics) (cf. 4158/4258/4358 - Employee Security)

The Superintendent/Principal or designee shall ensure the ready availability of first aid materials at district workplaces and shall make effective provisions, in advance, for prompt medical treatment in the event of an employee's serious injury or illness. (8 CCR 3400)

No employee shall be discharged or discriminated against for making complaints, instituting proceedings, or testifying with regard to employee safety or health or for participating in any occupational health and safety committee established pursuant to Labor Code 6401.7. (Labor Code 6310)

Legal Reference: BP 4157(b), 4257, 4357

EMPLOYEE SAFETY (continued)

Legal Reference: EDUCATION CODE 32030-32034 Eye safety 32225-32226 Communications devices in classrooms 32280-32289 School safety plans 44984 Required rules for industrial accident and illness leave of absence GOVERNMENT CODE 3543.2 Scope of bargaining LABOR CODE 3300 Definitions 6305 Occupational safety and health standards; special order 6310 Retaliation for filing complaint prohibited 6400-6413.5 Responsibilities and duties of employers and employees, especially: 6401.7 Injury and illness prevention program CODE OF REGULATIONS, TITLE 8 3203 Injury and illness prevention program 3400 Medical services and first aid 5095-5100 Control of noise exposure CODE OF FEDERAL REGULATIONS, TITLE 29 1910.95 Noise standards

Management Resources: DEPARTMENT OF INDUSTRIAL RELATIONS PUBLICATIONS Guide to Developing Your Workplace Injury and Illness Prevention Program, rev. August 2005 WEB SITES California Department of Industrial Relations, Occupational Safety and Health: [http://www.dir.ca.gov/occupational\\_safety.html](http://www.dir.ca.gov/occupational_safety.html) Centers for Disease Control and Prevention: <http://www.cdc.gov>

Comprehensive School Safety Plan 56 of 127 1/21/21

National Hearing Conservation Association: <http://www.hearingconservation.org> National Institute for Occupational Safety and Health: <http://www.cdc.gov/niosh> U.S. Department of Labor, Occupational Safety and Health Administration: <http://www.osha.gov>

Policy ORANGE CENTER SCHOOL DISTRICT Adopted: December 14, 2017 Fresno, California

POSITIVE SCHOOL CLIMATE The Board Policy for Positive School Climate is:

BP 5137 Students BP 5137(a)

#### POSITIVE SCHOOL CLIMATE

The Board of Trustees desires to enhance student learning by providing an orderly, caring, and nurturing educational and social environment in which all students can feel safe and take pride in their school and their achievements. The school environment should be characterized by positive interpersonal relationships among students and between students and staff.

(cf. 0410 - Nondiscrimination in District Programs and Activities) (cf. 3515 - Campus Security) (cf. 3515.2 - Disruptions) (cf. 5030 - Student Wellness) (cf. 5131.4 - Student Disturbances) (cf. 5142 - Safety) (cf. 5145.3 - Nondiscrimination/Harassment)

All staff are expected to serve as role models for students by demonstrating positive, professional attitudes and respect toward each student and other staff members. Teachers shall use effective classroom management techniques based on clear expectations for student behavior.

(cf. 4119.21/4219.21/4319.21 - Professional Standards)

Staff shall consistently enforce Board policies and regulations which establish rules for appropriate student conduct, including prohibitions against bullying, cyberbullying, harassment of students, hazing, other violence or threats of violence against students and staff, and drug, alcohol, and tobacco use.

(cf. 0450 - Comprehensive Safety Plan) (cf. 3513.3 - Tobacco-Free Schools) (cf. 4020 - Drug and Alcohol-Free Workplace) (cf. 5131 - Conduct) (cf. 5131.1 - Bus Conduct) (cf. 5131.6 - Alcohol and Drugs) (cf. 5131.7 - Weapons and Dangerous Instruments) (cf. 5136 - Gangs) (cf. 5144 - Discipline) (cf. 5144.1 - Suspension and Expulsion/Due Process) (cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities)) (cf. 5145.2 - Freedom of Speech/Expression) (cf. 5145.7 - Sexual Harassment) (cf. 5145.9 - Hate-Motivated Behavior)

The district's curriculum shall include age-appropriate character education which includes, but is not limited to, the principles of equality, human dignity, mutual respect, fairness, honesty, and citizenship. Teachers are encouraged to employ cooperative learning strategies that foster positive interactions in the classroom among students from diverse backgrounds. (cf. 5131.9 - Academic Honesty) (cf. 6141 - Curriculum Development and Evaluation) (cf. 6142.94 - History/Social Science Instruction) (cf. 6142.3 - Civic Education) (cf. 6142.4 - Service Learning/Community Service Classes) (cf. 6161.1 - Selection and Evaluation of Instructional Materials)

The Superintendent/Principal or designee may develop other strategies to enhance students' feelings of connectedness with the school, such as campus beautification projects, graffiti removal, development of extracurricular activities and after-school programs, pairing of adult mentors with individual students, recognition of student achievement, and encouragement of strong family and community involvement in the school.

(cf. 1240 - Volunteer Assistance) (cf. 5126 - Awards for Achievement) (cf. 5131.5 - Vandalism and Graffiti) (cf. 5148.2 - Before/After School Programs) (cf. 6020 - Parent Involvement) (cf. 6145 - Extracurricular and Cocurricular Activities) (cf. 6145.5 - Student Organizations and Equal Access)

Students shall have opportunities to voice their concerns about school policies and practices and to share responsibility for solving problems that affect their school.

The school shall promote nonviolent conflict resolution techniques in order to encourage attitudes and behaviors that foster harmonious relations. As part of this effort, students shall be taught the skills necessary to reduce violence, including communication skills, anger management, bias reduction, and mediation skills.

(cf. 5138 - Conflict Resolution/Peer Mediation) (cf. 6164.2 - Guidance/Counseling Services)

Staff shall receive professional development designed to improve classroom management, conflict resolution techniques, and communications with students and parents/guardians including persons of diverse backgrounds.

(cf. 4131 - Staff Development) (cf. 4231 - Staff Development) (cf. 4331 - Staff Development)

Legal Reference:

BP 5137(c) POSITIVE SCHOOL CLIMATE (continued)

Legal Reference: EDUCATION CODE 233-233.8 Hate violence prevention 32280-32289 School safety plans 32295.5 Teen court programs 35181 Governing board policy on responsibilities of students 35291-35291.5 Rules 44807 Teachers' duty concerning conduct of students 48900-48925 Suspension and expulsion

Management Resources: CSBA PUBLICATIONS Cyberbullying: Policy Considerations for Boards, Policy Brief, July 2007 Protecting Our Schools: Governing Board Strategies to Combat School Violence, rev. 1999 CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS Bullying at School, 2003 Creating Safe and Drug-Free Schools: An Action Guide, 1996 U.S. DEPARTMENT OF EDUCATION PUBLICATIONS Preventing Bullying: A Manual for Schools and Communities, 1998 WEB SITES CSBA: <http://www.csba.org> California Department of Education, Learning Support: <http://www.cde.ca.gov/ls> National School Safety Center: <http://www.schoolsafety.us> U.S. Department of Education, Office of Safe and Drug-Free Schools: <http://www.ed.gov/offices/OESE/SDFS>

Regulation ORANGE CENTER SCHOOL DISTRICT Approved: December 14, 2017 Fresno, California

## CONDUCT

The Board Policy for student conduct is: Will include updated board policy here 4/2017 In accordance with BP/AR 5145.12 – Will include updated board policy here 4/2017

### Bullying/Cyberbullying

The Board desires to prevent bullying by establishing a positive, collaborative school climate and clear rules for student conduct.

The district may provide students with instruction in the classroom or other educational settings that promotes communication, social skills, and assertiveness skills and educates students about appropriate strategies to prevent and respond to bullying and

Comprehensive School Safety Plan 59 of 127 1/21/21  
cyberbullying.

School staff shall receive related professional development, including information about early warning signs of harassing/intimidating behaviors and effective prevention and intervention strategies. Parents/guardians, students, community members also may be provided with similar information.



Students may submit a verbal or written complaint of conduct they consider to be bullying to a teacher or administrator. Complaints of bullying shall be investigated and resolved in accordance with site-level grievance procedures specified in AR 5145.7 - Sexual Harassment.

When a student is suspected of or reported to be using electronic or digital communications to engage in cyberbullying against other students or staff, or to threaten district property, the investigation shall include documentation of the activity, identification of the source, and specific facts or circumstances that explain the impact or potential impact or potential impact on school activity, school attendance, or the targeted student’s educational performance.

Students shall be encouraged to save and print any messages sent to them that they feel constitutes cyberbullying and to notify a teacher, principal, or other employee so that the matter may be investigated.

Any student who engages in cyberbullying on school premises, or off-campus in a manner that causes or is likely to cause a substantial disruption of a school activity or school attendance, shall be subject to discipline in accordance with district policies and regulations. If the student is using a social networking site or service that has terms of use that prohibit posting of harmful material, the Superintendent or designee also may file a complaint with the Internet site or service to have the material removed.

**(H) A Safe and Orderly School Environment Conducive to Learning (EC 35294.2)**

**Opportunity for Improvement:**

District will decrease the number of incidents involving students harming or intending to cause harm to others on campus.

Objectives	Action Steps	Resources	Lead Person	Evaluation
OCSD will provide educational lessons that are appropriate interaction and conflict resolution between peers at school to students and parents.	Monthly lessons to provided to teachers.	Positive Behavior Intervention and Support Literature, Team Building and Goofy Games book.	Vice Principal	Assessment of data regarding incidents each trimester.
OCSD will provide educational lessons that are focused on teaching students the components of being a good digital citizen to students and parents in order to reduce increase awareness of cyberbullying.	Lessons to provided to teachers.	Positive Behavior Intervention and Support Literature, Digital Citizenship posters and PSA's	Instructional Technology Coordinator	Assessment of data regarding incidents each trimester.

**Component:**

**Element:**

**Opportunity for Improvement:**

District will decrease the number of incidents involving medication, alcohol, tobacco, or tobacco linked products on campus.

Objectives	Action Steps	Resources	Lead Person	Evaluation
<p>OCSD will provide education regarding the health related issues as it relates to tobacco and tobacco related products to students and parents.</p>	<p>OCSD will participate in Parkers Posse Program</p> <p>The program is funded by a grant to our Fresno County Department of Public Health to deliver a No Tobacco No Vaping message throughout the county</p>	<p>Literature in multiple languages regarding tobacco use, e-cigarettes and vaping,</p>	<p>Terry Hirschfeld</p>	<p>OCSD will do a pre and post assessment with students and parents regarding the content in the literature, after presentation.</p>
<p>OCSD will provide education regarding the health related issues as it relates to over the counter and prescription drugs students and parents.</p>	<p>OCSD will participate in the "Lock it Up" program: presentation for students and parents.</p>	<p>Literature in multiple languages regarding the use of prescription and over the counter drugs.</p>	<p>Terry Hirschfeld</p>	<p>OCSD will do a pre and post assessment with students and parents regarding the content in the literature, after presentation</p>

**Component:**

**Element:**

**Opportunity for Improvement:**

District will decrease the number of incidents involving students bringing items to school that could be deemed harmful or not useful in a school setting.

Objectives	Action Steps	Resources	Lead Person	Evaluation
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<p>OCS D will provide education regarding appropriate items that are not allowed at school to students and parents.</p>	<p>district will send a note home to parents, send phone dialers, and have a parent presentation, reminding them of items that are not appropriate at school, and how to report incidents to school personnel.</p>	<p>Posters, notes, and phone dialer</p>	<p>Vice Principal</p>	<p>data will be collected each trimester regarding inappropriate items at school.</p>
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**(I) School Discipline Rules and Consequences (EC 35291 and EC**

**35291.5) Orange Center School Student Conduct Code**

**DISCIPLINE**

The Board Policy for discipline is: Students BP 5144(a) DISCIPLINE

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

(cf. 5131 - Conduct) (cf. 5131.1 - Bus Conduct) (cf. 5131.2 - Bullying) (cf. 5137 - Positive School Climate) (cf. 5138 - Conflict Resolution/Peer Mediation) (cf. 5145.9 - Hate-Motivated Behavior) (cf. 6020 - Parent Involvement)

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

In addition, the Superintendent/Principal or designee's strategies shall reflect the Board's preference for the use of positive interventions and alternative disciplinary measures over exclusionary discipline measures as a means for correcting student misbehavior.

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

(cf. 5020 - Parent Rights and Responsibilities) (cf. 5144.1 - Suspension and Expulsion/Due Process) (cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities)) (cf. 6159.4 - Behavioral Interventions for Special Education Students) (cf. 6164.5 - Student Success Teams)

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

The administrative staff may develop disciplinary rules to meet the school's particular needs consistent with law, Board policy, and district regulations. The Board, at an open meeting, shall review the approved school discipline rules for consistency with Board

policy and state law. Site-level disciplinary rules shall be included in the district's comprehensive safety plan. (Education Code 35291.5, 32282) BP 5144(b)

(cf. 9320 - Meetings and Notices)

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

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

(cf. 0410 - Nondiscrimination in District Programs and Activities) (cf. 5145.3 - Nondiscrimination/Harassment) (cf. 5145.7 - Sexual Harassment)

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

(cf. 4131 - Staff Development) (cf. 4231 - Staff Development) (cf. 4331 - Staff Development)

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

(cf. 0460 - Local Control and Accountability Plan) (cf. 3100 - Budget)

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

#### Legal Reference:

BP 5144(c) DISCIPLINE (continued)

Legal Reference: EDUCATION CODE 32280-32288 School safety plans 35146 Closed sessions 35291 Rules 35291.5-35291.7 School-adopted discipline rules 37223 Weekend classes 44807.5 Restriction from recess 48900-48926 Suspension and expulsion 48980-48985 Notification of parent/guardian

Comprehensive School Safety Plan 64 of 127 1/21/21

49330-49335 Injurious objects 52060-52077 Local control and accountability plan CIVIL CODE 1714.1 Parental liability for child's misconduct CODE OF REGULATIONS, TITLE 5 307 Participation in school activities until departure of bus 353 Detention after school

Management Resources: CSBA PUBLICATIONS Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014 Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011 Maximizing Opportunities for Physical Activity during the School Day, Fact Sheet, 2009 CALIFORNIA DEPARTMENT OF EDUCATION PROGRAM ADVISORIES Classroom Management: A California Resource Guide for Teachers and Administrators of Elementary and Secondary Schools, 2000 STATE BOARD OF EDUCATION POLICIES 01-02 School Safety, Discipline, and Attendance, March 2001 U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS Dear Colleague Letter on the Nondiscriminatory Administration of School Discipline, January 2014 WEB SITES CSBA: <http://www.csba.org> California Department of

Education: <http://www.cde.ca.gov> Public Counsel: <http://www.fixschooldiscipline.org> U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/about/offices/list/ocr> Regulation ORANGE CENTER SCHOOL DISTRICT Approved: 12/14/2017 Fresno, California

#### BP 5145.12 Search And Seizure Students

The Board of Trustees is fully committed to promoting a safe learning environment and, to the extent possible, eliminating the possession and use of weapons, illegal drugs, and other controlled substances by students on school premises and at school activities. As necessary to protect the health and welfare of students and staff, school officials may search students, their property, and/or district property under their control and may seize illegal, unsafe, or otherwise prohibited items.

(cf. 0450 - Comprehensive Safety Plan) (cf. 3515 - Campus Security) (cf. 3515.3 - District Police/Security Department) (cf. 5131 - Conduct) (cf. 5131.7 - Weapons and Dangerous Instruments) (cf. 5144.1 - Suspension and Expulsion/Due Process)

The Board urges that employees exercise discretion and good judgment. When conducting a search or seizure, employees shall act in accordance with law, Board policy, and administrative regulation.

(cf. 0410 - Nondiscrimination in District Programs and Activities) (cf. 1312.1 - Complaints Concerning District Employees) (cf. 5145.3 - Nondiscrimination/Harassment)

The Superintendent or designee shall ensure that staff who conduct student searches receive training regarding the requirements of the district's policy and administrative regulation and other legal issues, as appropriate.

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development) (cf. 4331- Staff Development)

#### Individual Searches

School officials may search any individual student, his/her property, or district property under his/her control when there is a reasonable suspicion that the search will uncover evidence that he/she is violating the law, Board policy, administrative regulation, or other rules of the district or the school. Reasonable suspicion shall be based on specific and objective facts that the search will produce evidence related to the alleged violation. The types of student property that may be searched by school officials include, but are not limited to, lockers, desks, purses, backpacks, student vehicles parked on district property, cellular phones, or other electronic communication devices.

Any search of a student, his/her property, or district property under his/her control shall be limited in scope and designed to produce evidence related to the alleged violation. Factors to be considered by school officials when determining the scope of the search shall include the danger to the health or safety of students or staff, such as the possession of weapons, drugs, or other dangerous instruments, and whether the item(s) to be searched by school officials are reasonably related to the contraband to be found. In addition, school officials shall consider the intrusiveness of the search in light of the student's age, gender, and the nature of the alleged violation.

Employees shall not conduct strip searches or body cavity searches of any student. (Education Code 49050) Searches of individual students shall be conducted in the presence of at least two district employees.

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

(cf. 5145.11 - Questioning and Apprehension by Law Enforcement) Searches of Multiple Student Lockers/Desks

All student lockers and desks are the property of the district. The principal or designee may conduct a general inspection of school properties that are within the control of students, such as lockers and desks, on a regular, announced basis, with students standing by their assigned lockers or desks. Any items contained in a locker or desk shall be considered to be the property of the student to

whom the locker or desk was assigned.

Legal Reference: EDUCATION CODE 32280-32289 School safety plans 35160 Authority of governing boards 35160.1 Broad authority of school districts 48900-48927 Suspension and expulsion 49050-49051 Searches by school employees 49330-49334 Injurious objects PENAL CODE 626.9 Firearms 626.10 Dirks, daggers, knives or razor CALIFORNIA CONSTITUTION Article I, Section 28(c) Right to Safe Schools COURT DECISIONS Redding v. Safford Unified School District, (9th Cir. 2008) 531 F.3d 1071 B.C. v. Plumas, (9th Cir. 1999) 192 F.3d 1260 Jennings v. Joshua Independent School District, (5th Cir. 1989) 877 F.2d 313 O'Connor v. Ortega, (1987) 480 U.S. 709 New Jersey v. T.L.O., (1985) 469 U.S. 325 Horton v. Goose Creek Independent School District, (5th Cir. 1982) 690 F.2d 470 Zamora v. Pomeroy, (10th Cir. 1981) 639 F.2d 662

Comprehensive School Safety Plan 66 of 127 1/21/21

ATTORNEY GENERAL OPINIONS 83 Ops.Cal.Atty.Gen. 257 (2001) 75 Ops.Cal.Atty.Gen. 155 (1992)

Management Resources: NATIONAL INSTITUTE OF JUSTICE PUBLICATIONS The Appropriate and Effective Use of Security Technologies in U.S. Schools: A Guide for Schools and Law Enforcement Agencies, 1999

WEB SITES CSBA: <http://www.csba.org> California Attorney General's Office: <http://caag.state.ca.us> California Department of Education, Safe Schools: <http://www.cde.ca.gov/lr/ss> National Institute of Justice: <http://www.ojp.usdoj.gov/nij>

Policy ORANGE CENTER SCHOOL DISTRICT adopted: April 12, 2017 Fresno, California

## **Conduct Code Procedures**

### **(J) Hate Crime Reporting Procedures and Policies**

HATE-MOTIVATED BEHAVIOR The Board Policy regarding Hate-Motivated Behavior is: BP 5145.9 Students BP 5145.9(a)

#### HATE-MOTIVATED BEHAVIOR

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

(cf. 0410 - Nondiscrimination in District Programs and Activities) (cf. 0450 - Comprehensive Safety Plan) (cf. 3515.4 - Recovery for Property Loss or Damage) (cf. 5131.5 - Vandalism and Graffiti) (cf. 5136 - Gangs) (cf. 5137 - Positive School Climate) (cf. 5141.52 - Suicide Prevention) (cf. 5145.3 - Nondiscrimination/Harassment) (cf. 5147 - Dropout Prevention)

The Superintendent/Principal 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.

(cf. 1020 - Youth Services) (cf. 1400 - Relations Between Other Governmental Agencies and the Schools) (cf. 1700 - Relations Between Private Industry and the Schools) (cf. 5148.2 - Before/After School Programs) (cf. 5148.3 - Preschool/Early Childhood Education) (cf. 6020 - Parent Involvement)

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.

(cf. 5138 - Conflict Resolution/Peer Mediation) (cf. 6142.3 - Civic Education) (cf. 6142.4 - Service Learning/Community Service Classes) (cf. 6141.94 - History-Social Science Instruction)

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

(cf. 4131 - Staff Development) (cf. 4231 - Staff Development) (cf. 4331 - Staff Development)  
BP 5145.9(b) HATE-MOTIVATED BEHAVIOR (continued)

## Grievance Procedures

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

(cf. 1312.1 - Complaints Concerning District Employees) (cf. 1312.3 - Uniform Complaint Procedures) (cf. 5131- Conduct) (cf. 5144 - Discipline) (cf. 5144.1 - Suspension and Expulsion/Due Process) (cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities)) (cf. 5145.7 - Sexual Harassment)

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

(cf. 3515.3 - District Police/Security Department) (cf. 4158/4258/4358 - Employee Security)

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.

(cf. 6164.2 - Guidance/Counseling Services) Legal Reference: (see next page)

Legal Reference: EDUCATION CODE 200-262.4 Prohibition of discrimination 32282 School safety plans 48900.3 Suspension for hate violence 48900.4 Suspension or expulsion for threats or harassment PENAL CODE 422.55 Definition of hate crime 422.6 Crimes, harassment CODE OF REGULATIONS, TITLE 5 4600-4687 Uniform Complaint Procedures 4900-4965 Nondiscrimination in elementary and secondary education programs

Management Resources: CALIFORNIA DEPARTMENT OF EDUCATION LEGAL ADVISORIES California Student Safety and Violence Prevention - Laws and Regulations, April 2004 U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS & NATIONAL ASSOCIATION OF ATTORNEYS GENERAL PUBLICATIONS Protecting Students from Harassment and Hate Crime: A Guide for Schools, 1999 U.S. DEPARTMENT OF JUSTICE PUBLICATIONS

Comprehensive School Safety Plan 70 of 127 1/21/21

Preventing Youth Hate Crimes: A Guide for Schools and Communities, 1997 WEB SITES CSBA: <http://www.csba.org> California Association of Human Relations Organizations: <http://www.cahro.org> California Department of Education: <http://www.cde.ca.gov> National Youth Violence Prevention Resource Center: <http://www.safeyouth.org> U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/about/offices/list/ocr> U.S. Department of Justice, Community Relations Service: <http://www.usdoj.gov/crs>

Regulation ORANGE CENTER SCHOOL DISTRICT Approved: December 14, 2017 Fresno, California

## Safety Plan Review, Evaluation and Amendment Procedures

District Administration reviews all data and incidents of discipline or safety concerns each trimester (October, January, and May). Based on this assessment, district administration will develop a plan to curtail or remedy any safety breaches or to decrease incidents of discipline via staffing changes, parent and student education, counseling referrals, planning and collaboration with the School Psychologist, Parent Advisory Committee, PBIS Team, Faculty, Support Staff, Maintenance and Transportation Supervisor, and the School Board. Each trimester a review of the plan will be held and appropriate updates will be suggested to the Safety Committee, the School Site Council/PAC, the School Board.

## Safety Plan Appendices

## Emergency Contact Numbers

### Utilities, Responders and Communication Resources

Type	Vendor	Number	Comments
Law Enforcement/Fire/Paramedic	Fresno Co. Sheriff Dept.	(559)600-3111	
Public Utilities	Pacific Gas & Elect. Co.	1-800-743-5000	
Emergency Services	Poison Control Center	1-800-876-4766	
Other	Fresno County Office of Education or SBC California	497-3720 Ext. 1/ 800-332- 1321	
Public Utilities	The Gas Company	1-800-427-2200	
School District	District Office	(559)237-0437	
Radio Station	Radio Emergency Broadcasts	KMAH 89.1 FM	
Law Enforcement/Fire/Paramedic	Fire Department	(559)264-4256	
Law Enforcement/Fire/Paramedic	Fresno Police Department	(559)621-7000	

### Safety Plan Review, Evaluation and Amendment Procedures

Activity Description (i.e. review steps, meetings conducted, approvals, etc)	Date and Time	Attached Document (description and location)
The Superintendent/Principal or designee shall oversee the development of a districtwide comprehensive safety plan that is applicable to the school. (Education Code 32281)	Board approved February 28, 2020 and February 2021	Board of Education Meeting Minutes - February 28, 2020
The comprehensive safety plan shall be reviewed and updated by March 1 of each year and forwarded to the Board for approval. (Education Code 32286, 32288)	February 2020 and February 2021	Board of Education Meeting Minutes - February 28, 2020
The Board shall review the comprehensive safety plan in order to ensure compliance with state law, Board policy, and administrative regulation and shall approve the plan at a regularly scheduled meeting.	February 28, 2020 and February 2021	Board of Education Meeting Minutes - February 28, 2020



School Site Council will review and approve Safety Plan	February 2020 and February 2021	SSC and PAC meeting February 26, 2020 and February 2021
Data review will occur in October, January and May of each year to determine if changes need to be implemented in the plan and amendments need to be made.	May 2020, October 2021, January 2021, May 2021	Safety planning meetings will meet to review data and follow up information and recommendations for amendments will be reported out to parent groups and school board accordingly.

**Orange Center School Incident Command System**

**Incident Commander** - Superintendent/Principal

**Safety Officer** - Maintenance and Transportation Supervisor

**Scribe** - Administrative Assistant

**Public Information Officer** - Superintendent/Principal

**Operations** - Superintendent/Principal / Administrative Assistant

**Planning/Intelligence** - Vice Principal

**Logistics** - Maintenance and Transportation Supervisor

**First Aid & Search** - Teacher A, District LVN & Instructional Technology Coordinator

**Student Release & Accountability** - TeacherB, E.L. Coordinator

**Incident Command Team Responsibilities**

**Standardized Emergency Response Management System Overview**

The California Standardized Emergency Management System (SEMS) is designed to centralize and coordinate emergency response through the use of standardized terminology and processes. This greatly facilitates the flow of information and resources among the agencies participating in response to an emergency. SEMS consists of five functions:

**Management**

During an emergency, the Incident Commander directs response actions from a designated Command Post. To effectively do this, the Incident Commander must constantly assess the situation, and develop and implement appropriate strategies. The Incident Commander must be familiar with the available resources, accurately document all response actions, and effectively communicate response strategies to others participating in the response. This function is typically filled by the school principal. The principal is assisted in carrying out this function by a Public Information & Liaison Officer and Safety Officer.

**Planning & Intelligence**

Planning and Intelligence involves the use of various methods to efficiently gather information, weigh and document the information for significance, and actively assess the status of the emergency. This understanding and knowledge about the situation at hand is vital to the effective management of a response. These activities are performed by a single person who reports directly to the Incident Commander.

**Operations**

All response actions are implemented under by Operations. This includes staff performing first aid, crisis intervention, search and rescue, site security, damage assessment, evacuations, and the release of students.

**Logistics**

Logistics supports the response by coordinating personnel; assembling and deploying volunteers; providing supplies, equipment, and services; and facilitating communications among emergency responders.

**Finance & Administration**

Finance & Administration involves the purchasing of all necessary materials, tracking financial records, timekeeping for emergency responders, and recovering school records following an emergency. These activities are performed by a single person who reports directly to the Incident Commander.

**Emergency Response Guidelines**

**Step One: Identify the Type of Emergency**

**Step Two: Identify the Level of Emergency**

**Step Three: Determine the Immediate Step Four: Communicate the Appropriate Response Action**

**Types of Emergencies & Specific Procedures:**

**Aircraft Crash**

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

The Superintendent/Principal or designee shall develop and maintain a disaster preparedness plan which details provisions for handling emergencies and disasters and which shall be included in the district's comprehensive school safety plan. (Education Code 32282)

(cf. 0450 - Comprehensive Safety Plan)  
(cf. 3516.3 - Earthquake Emergency Procedure System)

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

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

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

(cf. 1330 - Use of School Facilities)

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

### **Animal Disturbance**

Any student who has a moral objection to dissecting or otherwise harming or destroying animals shall have the right to refrain from participating in instruction which involves such activities and shall not be discriminated against because of a decision to exercise this right. (Education Code 32255.1)

(cf. 5145.2 - Freedom of Speech/Expression) (cf. 6142.93 - Science Instruction)

**The right to refrain from instruction involving harmful or destructive use of animals shall apply to all K-12 courses, except classes and activities conducted as part of agricultural education that provide instruction on the care, management, and evaluation of domestic animals. (Education Code 32255.5, 32255.6)**

**At the beginning of each academic year, the Superintendent/Principal or designee shall notify parents/guardians, in writing, of students' right to refrain from instruction involving the harmful or destructive use of animals. (Education Code 48980)**

(cf. 5145.6 - Parental Notifications)

In addition, each teacher of a course that uses live or dead animals or animal parts shall inform students of their right to refrain from the harmful or destructive use of animals. (Education Code 32255.4)

A student who wishes to refrain from such instruction shall notify the teacher and shall provide a note from his/her parent/guardian substantiating the objection. (Education Code 32255.1)

If the teacher believes an adequate alternative project is possible, he/she may work with the student to develop and agree upon an alternative project which would provide the knowledge, information, or experience required by the course of study. Alternative projects include, but are not limited to, the use of video recordings, models, films, books, and computers. The alternative project shall involve time and effort by the student comparable to that required by the original project. (Education Code 32255, 32255.1)

A teacher's determination of whether the student may pursue an alternative project or be excused from the project shall not be arbitrary or capricious. (Education Code 32255.3)

In order to receive course credit, students who participate in an alternative project shall pass all course examinations. Students may request an alternative test, however, if a regular examination requires the harmful or destructive use of animals. (Education Code 32255.1)

Legal Reference: AR 5145.8(b) REFUSAL TO HARM OR DESTROY ANIMALS (continued) Legal Reference: EDUCATION CODE 32255-32255.6 Student's right to refrain from harmful or destructive use of animals 48980-48985 Notification of parents/guardians, especially: 48980 Parental notification at beginning of term 51540 Humane treatment of animals Management Resources: CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS Comprehensive School Safety Plan 82 of 129 2/5/21 Science Framework for California Public Schools: Kindergarten Through Grade 12, 2004 Science Content Standards for California Public Schools: Kindergarten Through Grade 12, 1998 WEB SITES California Department of Education: <http://www.cde.ca.gov>

## **Armed Assault on Campus**

### **WEAPONS AND DANGEROUS INSTRUMENTS BP 5131.7**

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

#### **Possession of Weapons**

The Board prohibits any student from possessing weapons, imitation firearms, or dangerous instruments of any kind in school buildings, on school grounds or buses, or at a school-related at school-related or school-sponsored activities away from school, or while going to or coming from school.

Unless he/she has obtained prior written permission as specified below, any student who is determined to have brought a firearm to school or possessed a firearm at school, as verified by a school employee, shall be expelled for not less than one year, except that the Board may set an earlier date for readmission on a case-by-case basis, in accordance with Board policy and administrative regulation. (20 USC 7151); Education Code 48915)

Students possessing or threatening others with any weapon, dangerous instrument or imitation firearm shall be subject to suspension and/or expulsion in accordance with law, Board policy and administrative regulations.

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

The principal or designee shall notify law enforcement authorities when any student possesses a firearm; explosive, or other dangerous weapon or instrument without permission; sells or furnishes a firearm, or commits any act of assault with a firearm or other weapon. (20 USC 715120 USC 7151; Education Code 48902; Penal Code 245, 626.9, 626.10)

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

Use A student who desires to possess a firearm, imitation firearm, or other prohibited weapon on school grounds for an educational purpose shall request prior permission from the principal at least five school days in advance of the planned possession. The student's parent/guardian shall provide written permission explaining the planned use of the weapon and the duration. The student shall also submit a written explanation from the staff person responsible for the school-sponsored activity or class.

On a case-by-case basis, the principal shall determine whether to grant permission for such possession when necessary for a schoolsponsored activity or class or as part of the educational program. Factors that shall be considered include, but are not limited to, the planned use of the weapon, the duration and location of the planned use, whether an audience is expected, and any perceived adverse effects to the safety and well-being of students or staff. If the principal grants such permission, he/she shall provide the student and staff person with a written explanation regarding any limitations and the permissible duration of the student's possession.

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

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

## **Possession of Pepper Spray**

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

### **Reporting of Dangerous Objects**

The Board encourages students to promptly report the presence of weapons, injurious objects, or other suspicious activity to school authorities. The identity of a student who reports such activity shall remain confidential to the extent permitted by law. The Superintendent or designee shall develop strategies designed to facilitate student reporting of the presence of injurious objects on school grounds, such as tip hotlines, electronic transmissions, or other methods that preserve the student's anonymity. Incident reports and records shall not identify the student who reported the possession. The Superintendent or designee also shall inform staff, students, and parents/guardians that students who report the presence of injurious objects on school campuses are to be protected and their identity shielded.

## **WEAPONS AND DANGEROUS INSTRUMENTS**

Regulations Weapons and dangerous instruments include, but are not limited to:

1. Firearms: pistols, revolvers, shotguns, rifles, "zip guns," "stun guns," tasers, and any other device capable of propelling a projectile by the force of an explosion or other form of combustion.
2. Knives, razor blades, and box cutters: any dirks, daggers, ice picks, or other weapons with a fixed, sharpened blade fitted primarily for stabbing, weapons with a blade fitted primarily for stabbing, weapons with a blade longer than 2-1/2 inches, folding knives with a blade that locks into place, and razors with an unguarded blade. (Education Code 48915; Penal Code 626.10)
3. Explosive and/or incendiary devices: pipe bombs, time bombs, cap guns, containers of inflammable fluids, and other hazardous devices.
4. Any instrument that expels a metallic projectile, such as a BB or a pellet, through the force of air pressure, carbon dioxide pressure or spring action, or any spot marker gun. (Penal Code 626.10)
5. Any other dangerous device, instrument or weapon, especially those defined in Penal Code 12020, including a blackjack, slingshot, billy, nunchaku, sandclub, sandbag, metal knuckles, bow and arrows, crossbow and bolts, or any metal plate with three or more radiating points with one or more sharp edges designed for use as a weapon.
6. Any imitation firearm, defined as a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm. (Education Code 48900; Penal Code 12550)

Any employee may take any weapon or dangerous instrument from the personal possession of a student while the student is on school premises or under the authority of the district. (Education Code 49331, 49332) In determining whether to take possession of the weapon or dangerous instrument, the employee shall use his/her own judgment as to the dangerousness of the situation and, based upon this analysis, shall do one of the following:

1. Confiscate the object and deliver it to the principal immediately
2. Immediately notify the principal, who shall take appropriate action
3. Immediately notify the local law enforcement agency and the principal

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

principal shall report any possession of a weapon or dangerous instrument, to the student's parents/guardians by telephone or in person, and shall follow this notification with a letter. The employee shall retain possession of the instrument until the risk of its use as a weapon has dissipated or, upon the request of the student's parent/guardian, until the parent/guardian appears and personally takes possession. (Education Code 49331, 49332)

## **EMPLOYEE SECURITY**

The Governing Board desires to provide a safe, orderly working environment for all employees. As part of the district's comprehensive school safety plan, the Superintendent or designee shall develop strategies for protecting employees from potentially dangerous persons and situations and for assisting them in the event of an emergency situation.

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

When violence is directed against an employee by any individual and the employee so notifies the Superintendent or designee, the Superintendent or designee shall take steps to ensure that appropriate legal measures are instituted. When the employee notifies the Superintendent or designee of a threat of bodily harm, the district shall take appropriate measure to enable the employee to request assistance if a threat occurs on school grounds.

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

The Board recognizes that access to two-way communication devices allows employees to call for assistance from their supervisor or law enforcement in the event of a threat of violence or medical emergency. The district shall provide such communications devices in classrooms to the extent possible.

Employees may possess a pepper spray weapon that meets the requirements of Penal Code 12403.7 on school property and at school activities for their own safety. Any employee who is negligent or careless in the possession or handling of pepper spray shall be subject to appropriate disciplinary measures.

**Reporting of Injurious Objects** The Board requires school employees to take immediate action upon being made aware that any person is in possession of an injurious object on school grounds or at a school-related or school-sponsored activity. The employee shall use his/her own judgment as to the dangerousness of the situation and, based upon this analysis, shall do one of the following:

1. Confiscate the object and deliver it to the principal immediately.
2. Immediately notify the principal, who shall take appropriate action.
3. Immediately notify the local law enforcement agency and the principal.

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

Administrative Regulations for Employee Security are: An employee may use reasonable and necessary force for his/her self-defense, defense of another person, or protection of property; to quell a disturbance threatening physical injury to others; or to obtain possession of weapons or other dangerous objects within the control of a student. (Education Code 44807, 49001)

(cf. 5131.7 - Weapons and Dangerous Instruments)

(cf. 5144 - Discipline)

Employees shall promptly report to the principal or other immediate supervisor any attack, assault, or physical threat made against them by a student.

Both the employee and the principal or other immediate supervisor shall promptly report such instances to the appropriate local law enforcement agency. (Education Code 44014)

In addition, employees shall promptly report to the principal or supervisor, and may report to law enforcement, any attack, assault, or threat made against them on school grounds by any other individual.

(cf. 3515.2 - Disruptions)

Reports of attack, assault, or threat shall be forwarded immediately to the Superintendent/Principal or designee.

(cf. 3320 - Claims and Actions Against the District)

(cf. 3515.4 - Recovery for Property Loss or Damage)

(cf. 3530 - Risk Management/Insurance)

#### Notice Regarding Student Offenses Committed While Under School Jurisdiction

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

(cf. 5125 - Student Records)

(cf. 5144.1 - Suspension and Expulsion/Due Process)

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

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

#### Notice Regarding Student Offenses Committed While Outside School Jurisdiction

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

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

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

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

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

#### Procedures to Maintain Confidentiality of Student Offenses

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

The staff member shall also initial the student's file when reviewing it in the school office. Once the district has made a good faith effort to comply with the notification requirement of Education Code 49079 and Welfare and Institutions Code 827, an employee's failure to review the file constitutes district compliance with the requirement to provide notice to the teacher.

#### Policy Reference Disclaimer:

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

State	Description
CCP. 527.8	<a href="#">Workplace violence safety</a>
Civ. Code 51.7	<a href="#">Freedom from violence or intimidation</a>
Ed. Code 32210-32212	<a href="#">Willful disturbance; public schools or meetings</a>
Ed. Code 32225-32226	<a href="#">Communications devices in classrooms</a>
Ed. Code 35208	<a href="#">Liability insurance</a>



Ed. Code 35213	<a href="#">Reimbursement for loss or damage of personal property</a>
Ed. Code 44014	<a href="#">Report of assault by pupil against school employee</a>
Ed. Code 44807	<a href="#">Teachers' duty concerning conduct of students</a>
Ed. Code 48201	<a href="#">Transfer student's record for acts that resulted in suspension or expulsion</a>
Ed. Code 48900-48926	<a href="#">Suspension and expulsion</a>
Ed. Code 49079	<a href="#">Notification to teacher; student who has engaged in acts re: grounds suspension or expulsion</a>
Ed. Code 49330-49335	<a href="#">Injurious objects</a>
Gov. Code 12926	<a href="#">Definitions</a>
Gov. Code 3543.2	<a href="#">Scope of representation</a>
Gov. Code 995-996.4	<a href="#">Defense of public employees</a>
Lab. Code 230-230.2	<a href="#">Leaves for victims of domestic violence, sexual assault or specified felonies</a>
Pen. Code 18150	<a href="#">Gun violence restraining orders</a>
Pen. Code 18170	<a href="#">Gun violence restraining order issued after notice and hearing</a>
Pen. Code 22810	<a href="#">Purchase, possession, and use of tear gas</a>
Pen. Code 240-246.3	<a href="#">Assault and battery</a>
Pen. Code 241.3	<a href="#">Assault against school bus drivers</a>
Pen. Code 241.6	<a href="#">Assault on school employee including board member</a>
Pen. Code 243.3	<a href="#">Battery against school bus drivers</a>
Pen. Code 243.6	<a href="#">Battery against school employee including board members</a>
Pen. Code 245.5	<a href="#">Assault with deadly weapon against school employee including board member</a>
Pen. Code 290	<a href="#">Registration of sex offenders</a>
Pen. Code 601	<a href="#">Trespass by person making credible threat</a>
Pen. Code 626-626.11	<a href="#">Weapons on school grounds and other school crimes</a>
Pen. Code 646.9	<a href="#">Stalking</a>
Pen. Code 71	<a href="#">Threatening public officers and employees and school officials</a>
W&I Code 827	<a href="#">Limited exception to juvenile court record</a>
W&I Code 828.1	<a href="#">District police or security department: disclosure of juvenile records</a>

Management Resources

Description

Court Decision	<a href="#"><u>City of San Jose v. William Garbett, (2010) 190 Cal. App. 4th 526</u></a>
Website	<a href="#"><u>CSBA District and County Office of Education Legal Services</u></a>
Website	<a href="#"><u>California Department of Education, Safe Schools</u></a>
Website	<a href="#"><u>CSBA</u></a>
Cross References	
Code	Description
0450	<a href="#"><u>Comprehensive Safety Plan</u></a>
0450	<a href="#"><u>Comprehensive Safety Plan</u></a>
3320	<a href="#"><u>Claims And Actions Against The District</u></a>
3320	<a href="#"><u>Claims And Actions Against The District</u></a>
3515	<a href="#"><u>Campus Security</u></a>
3515	<a href="#"><u>Campus Security</u></a>
3515.2	<a href="#"><u>Disruptions</u></a>
3515.2	<a href="#"><u>Disruptions</u></a>
3515.4	<a href="#"><u>Recovery For Property Loss Or Damage</u></a>
3515.4	<a href="#"><u>Recovery For Property Loss Or Damage</u></a>
3515.7	<a href="#"><u>Firearms On School Grounds</u></a>
3530	<a href="#"><u>Risk Management/Insurance</u></a>
3530	<a href="#"><u>Risk Management/Insurance</u></a>
4112.9	<a href="#"><u>Employee Notifications</u></a>
4112.9-E PDF(1)	<a href="#"><u>Employee Notifications</u></a>
4118	<a href="#"><u>Dismissal/Suspension/Disciplinary Action</u></a>
4118	<a href="#"><u>Dismissal/Suspension/Disciplinary Action</u></a>
4119.21	<a href="#"><u>Professional Standards</u></a>
4119.21-E PDF(1)	<a href="#"><u>Professional Standards</u></a>
4131	<a href="#"><u>Staff Development</u></a>
4156.3	<a href="#"><u>Employee Property Reimbursement</u></a>
4157	<a href="#"><u>Employee Safety</u></a>
4157	<a href="#"><u>Employee Safety</u></a>
4161.2	<a href="#"><u>Personal Leaves</u></a>
4212.9	<a href="#"><u>Employee Notifications</u></a>
4212.9-E PDF(1)	<a href="#"><u>Employee Notifications</u></a>

4218	<a href="#">Dismissal/Suspension/Disciplinary Action</a>
4219.21	<a href="#">Professional Standards</a>
4219.21-E PDF(1)	<a href="#">Professional Standards</a>
4231	<a href="#">Staff Development</a>
4256.3	<a href="#">Employee Property Reimbursement</a>
4257	<a href="#">Employee Safety</a>
4257	<a href="#">Employee Safety</a>
4261.2	<a href="#">Personal Leaves</a>
4312.9	<a href="#">Employee Notifications</a>
4312.9-E PDF(1)	<a href="#">Employee Notifications</a>
4319.21	<a href="#">Professional Standards</a>
4319.21-E PDF(1)	<a href="#">Professional Standards</a>
4331	<a href="#">Staff Development</a>
4356.3	<a href="#">Employee Property Reimbursement</a>
4357	<a href="#">Employee Safety</a>
4357	<a href="#">Employee Safety</a>
4361.2	<a href="#">Personal Leaves</a>
5125	<a href="#">Student Records</a>
5125	<a href="#">Student Records</a>
5125.2	<a href="#">Withholding Grades, Diploma Or Transcripts</a>
5131.4	<a href="#">Student Disturbances</a>
5131.4	<a href="#">Student Disturbances</a>
5131.7	<a href="#">Weapons And Dangerous Instruments</a>
5131.7	<a href="#">Weapons And Dangerous Instruments</a>
5141	<a href="#">Health Care And Emergencies</a>
5141	<a href="#">Health Care And Emergencies</a>
5144	<a href="#">Discipline</a>
5144	<a href="#">Discipline</a>
5144.1	<a href="#">Suspension And Expulsion/Due Process</a>
5144.1	<a href="#">Suspension And Expulsion/Due Process</a>
5144.2	<a href="#">Suspension And Expulsion/Due Process (Students With Disabilities)</a>

# Evacuation Map

