

Comprehensive School Safety Plan

LEA: Mt. Diablo Unified School District

School: Ayers Elementary School

CDS: 07 61754 6003958

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School Year: 2021-2022

Public Hearing Date(s): Feb 24, 2021

X The school certifies completion of this safety plan.

School Site Council Approval: Feb 24, 2021

Board of Education Approval:

Introduction

The Comprehensive School Safety Plan shall be used to provide details regarding each school's strategies, programs and procedures to support a safe school environment. The California Education Code sections **32280-32289** outline 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. Requirements are:

- 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 information contained in a school's safety plan may be supplemented by information not specified in the California Education Code sections **32280-32289**.

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School's Vision Statement EC 32282 (a)(2)(H)

The vision of Ayers Elementary is to provide students with academic skills, life skills, positive attitudes and a growth mindset that allows them to become responsible and productive citizens and to foster a desire for a lifetime of academic and personal growth.

Our mission is to provide a positive learning environment that supports and encourages each child to reach their full potential. We work collaboratively with parents and community members to create that learning environment, which includes high educational standards, the integration of technology to help reach those standards, a safe and orderly environment, and differentiated learning opportunities to ensure the success of all students.

Safety Plan Development and Review Committee EC 32282(e)

<p align="center">School Site Council EC 32281(b)(1) or Delegated School Safety Planning Committee EC 32281(2)(A-E) Members</p>	Principal or Designee	Other School Staff	Law Enforcement	Parent	Community Member	Student	Other
	(B)	(E)	(F)	(G)	(H)	(I)	
1. Martha Thomas	X						
2. Alison Dinicola		X					
3. Shelley Okimura		X					
4. Colleen Chavez		X					
5. James Bergmann		X					
6. Shannon Shrestha				X			
7. Crystal Elliott				X			
8. Heather Scott				X			
9. Christie Chu				X			
10. Lynn Dale				X			
11. Officer Drago(Unable to attend)			X				
12.							
13.							
14.							
15.							
16.							
17.							
18.							
19.							
20.							

Safety Plan Annual Training and Review Log BP 0450; BP 3516

School Year 2021-2022

Meeting Type	Meeting Date			Comments
	Month	Day	Time	
Faculty Meeting	August	9	8:00	review of Safety Plan
Parent Club Meeting	October	5	7:00	reviewed plan
Safety Committee Meeting	November	25	3:30	SSC and Safety committee running concurrently during 2020-2021 school year
SSC Meeting	November	25	3:30	Reviewed plan and made additional edits
Public Hearing	February	24	3:30	Reviewed plan
SSC Meeting	February	24	3:30	Reviewed and approved safety plan

Meeting agendas, sign in sheets and minutes for all meetings listed on this log are maintained at the school as evidence of compliance.

Complete texts of Board Policies (BP) and Administrative Regulations (AR) are accessed via the District website. www.MDUSD.org.

School Climate

Current Status of School Crime

Each school is required to assess the current status of school crime committed on the school campus and at school-related functions. You may accomplish this by reviewing the following type of information: Local law enforcement crime data; suspension/expulsion data; behavior referrals; counseling referrals; attendance rates; SART/SARB data; CHK Survey data; SPSA data; property damage/vandalism data; or any other data pertinent to your assessment.

Data Source	2018-19	2019-20	2020-21	2021-22
Suspensions (number of incidents)	0	6	0	0
- Violence	0	6	0	0
- Tobacco	0	0	0	0
- Drugs/Alcohol	0	0	0	0
- Weapons	0	0	0	0
Expulsions	0	0	0	0
Attendance, general ed. (%)	96.26	93%	95%	90.8%
Attendance, special ed. (%)	91.99	87%	95.7%	81.4%
SART (number of referrals)	8	14	18	17
SARB (number of referrals)	4	5	0	1

SARB (number referred to Court)	1	1	0	0
SST (number referrals)	12	11	7	13
Coordinated Care Team (number of referrals)	0	9	5	11
Positive Behavior Team Referrals	0	0	0	0
Vandalism Reports	0	0	0	0

Assessment of the Current Status of School Crime EC 32282(a)(1) Assessment of the Current Status of School Crime EC 32282(a)(1) with Parent, Teacher, and Student Input

Your assessment conclusions should reflect input from staff, students, parents and community members, as appropriate. Ayers Elementary School enjoys a high level of safety, a moderate level of student discipline concerns, and supportive families who value education and ensure regular student attendance. The school data continues to reveal that we are a high performing school with great parent and community involvement and support.

The data shows that Ayers consistently has low rates of suspension . We are working very closely with district staff and specialists to deal with the behaviors in ways that do not result in suspension. The staff and principal counsel students, work diligently with parents and students to teach problem solving skills, we write behavior contracts and provide interventions before using suspension except in cases where suspension is required.

Our data for attendance also demonstrates consistency. We provide perfect attendance awards and also encourage attendance with phone calls, letters, and newsletter articles. With the Aeries Student Data System, Automated Attendance calls go out daily for absences. Teachers are also supportive and remind students and parents of the importance of being at school every day. Many parents request Independent Study Contracts for absences longer than five days. (During the 2021-2022 school year attendance awards were suspended due to the increased level of absences required by state and county guidelines.)

We use our SST process to create Student Success Plans. Students are provided with resources and services as needed through this process. The SST team also helps parents with referrals for other services and supports as needed.

Provide and Maintain a High Level of School Safety EC 32282(a)(2)

Identify appropriate strategies and programs that provide and maintain a high level of school safety. The large circle in front of the main office is used for morning drop off and afternoon pickup. The bus circle is located in front of our MUR and is separate from our large circle to increase safety for our students. Ayers PTA has organized Crossing Guard Volunteers to assist students crossing Myrtle Drive before and after school. Parents and Visitors check in at the office and receive badges when on campus. Ayers School follows district guidelines and require all volunteers to be fingerprinted, be TB tested, and receive clearance in these areas. Staff alerts office if an unknown person or persons are on campus. Emergency drills are performed monthly and procedures are reviewed annually.

Our goals to increase safety include additional safety signage for the parking lots and car circle and the purchase of walkie-talkies to maintain communication during emergencies and during daily outdoor supervision.

School Interventions and Support Systems BP 5144; AR 5149

MDUSD BP 5144

Discipline

List and describe interventions and support systems that are in place as a deterrent to suspension and expulsion. Positive reinforcement in the form of individual school recognition is critical to a successful discipline program. Ayers' students are recognized for their achievements individually and publicly on a regular basis by school staff. The following are ways in which students can be given positive support for their work.

Individual praise by staff

Recognition in class setting by their teacher

Bear Lair School Store

Honey Pot Awards

Class Special Recognition - Bear Paw Recognition

Trimester Awards Assemblies

Trimester Ayers R.O.C.K.S. Assemblies

Personal notes to parents from staff

Certificates of Achievement

Perfect Attendance Award Program

Classroom incentives

Displays of Student Work

Office Recognition

The Ayers Student Conduct and Discipline Policy is based on the belief that no students will be allowed to engage in behavior that is not in his or her best interest and student behavior must not interfere with the educational interests of other students and staff.

Students can expect disciplinary measures if they are involved in:

- Threatening, extorting, assaulting, or fighting
- Possession of tobacco, drugs, pills, etc.
- Possession of knives, firecrackers or similar objects that could harm others
- Taking other people's property (stealing)
- Defacing or damaging school or personal property
- Unauthorized absence, tardies, leaving school without permission
- Possession of toys, skateboard, radios, similar items that are allowed at school by permission only
- Obscene acts, profanity
- Disrupting school or classroom activities
- Defying authority of teachers and other school personnel
- Throwing objects
- Sexual harassment, i.e. name calling, taunting, comments, etc., that have sexual connotations

We realize all student behavior cannot be summarized in this manner and some flexibility in dealing with individual students will be necessary.

Describe the guidelines for the roles and responsibilities of mental health professionals, community intervention professionals, counselors, school resource officers and police officers on your campus.

Our Mental Health Team support students as needed to be successful members of our school community. We have a school counselor on-site two days per week who works with individuals and students in small social skills groups.

See Appendix A

Ensuring a Safe and Orderly Environment AR 0450
Component I: The Social Climate, People, and Programs

Identify proposed changes to or the addition of curriculum, strategies and programs that ensure a safe and orderly environment.

Goal #1:				
Systematically reward and recognize students for participation, effort, achievement and contribution to the school community.				
Component I The Social Climate People and Programs	Who will take the Lead	Completion Date and Budget	Resources Needed	How We Will Monitor and Evaluate
Activities				
1.0 Bear Paws distributed for class-wide demonstration of school core values	Admin, Staff	Ongoing, Approximately \$500 annually	Bear Paws, Pizza and Drinks for Parties, Popcorn, Popsicles	Staff Discussion, Tracking, Pizza Party Records
2.0 Bear Lair - Honey Pot Store	Admin, Staff	Ongoing, Approximately \$1000 annually	Time, paper rewards, prize box items, birthday recognition	Tracking weekly winners, staff and family input
3.0 Monthly Attendance Awards	Admin	Ongoing, Approximately \$800 annually	Attendance Tags, Monthly Classroom Book	Tracking attendance, staff, student and community input; suspended during Covid-19 pandemic
4.0 Trimester ROCKS Assemblies	PBIS Team	Ongoing, Approximately \$600 annually	Award certificates, Awards Medals	Staff, student, and community input
5.0 Recognition Wall	Admin	Ongoing, Approximately \$300 annually	Bulletin Board, Positive Referral Certificates, Photo Printing	Staff, student, and community feedback

Goal #2: Students will have access to social/emotional learning and supports.				
Component I The Social Climate People and Programs	Who will take the Lead	Completion Date and Budget	Resources Needed	How We Will Monitor and Evaluate
Activities				
1.0 Morning Meetings	Admin and Counselor	Ongoing, approx \$500 annually	SEL Activity Handbook, Morning meetings prompts and calendar,	Observation, SEL survey, staff feedback
2.0 MTSS/CARE team	CARE Team	No expected budget needs	Tier 2 and Tier /";;;;;	Review progress at leadership, PBIS and CARE
3.0 Mental Health and SEL consultation	CARE Team	Ongoing, no anticipate budget expense	School Counselor	CARE team review of student needs

Goal #3:				
Component I The Social Climate People and Programs	Who will take the Lead	Completion Date and Budget	Resources Needed	How We Will Monitor and Evaluate
Activities				

Ensuring a Safe and Orderly Environment AR 0450

Component II: Physical Environment

Identify proposed changes to or the addition of strategies and programs that ensure a safe and orderly environment.

Goal #1:
By June 2022, 100% of classrooms will have updated emergency supplies, cards, and communication equipment necessary to sustain students in the event of a schoolwide emergency.

Component II Physical Environment Place	Who will take the Lead	Completion Date and Budget	Resources Needed	How We Will Monitor and Evaluate
Activities				
1.0 Evaluate inventory and purchase replacement materials	PTA Safety Chair and Office Staff	Ongoing, \$500 annually	Time and funds to purchase materials for backpacks	Inventory Records
2.0 Practice monthly emergency drills	Admin, Staff	June 2022	Safety drill schedule	Drill records
3.0 Meet semi-annually with Safety committee to review practices and needs.	Principal and Safety Committee	June 2022	Time	Meeting Minutes
4.0 Update Disaster Plan to include 2021-2022 staff members with role designations	Principal and Safety Committee	August 2021	Time	Updated plan
5.0 Ensure all materials in classrooms are properly treated with flame retardant	Admin	Ongoing, \$25 annually	Flame Retardant Spray	Certificates maintained in office

Goal #2:				
Component II Physical Environment Place	Who will take the Lead	Completion Date and Budget	Resources Needed	How We Will Monitor and Evaluate
Activities				

Goal #3:				
Component II Physical Environment Place	Who will take the Lead	Completion Date and Budget	Resources Needed	How We Will Monitor and Evaluate
Activities				

School-wide Dress Code BP/AR 5132

MDUSD BP 5132

Dress and Grooming

School Dress Code

The proper attire for students attending Ayers Elementary is clothing that covers and protects them so they can participate fully in the activities at school. We appreciate parent's help in setting a proper student attitude for school through proper dress.

Some specific guidelines and examples of the Ayers dress code are listed below:

Clothing, apparel or attire should provide adequate coverage of the body. All items promoting gang affiliation are prohibited.

Clothing items and accessories should not have any writing, pictures or symbols which degrade any gender, racial, cultural or religious values or which advocate gender, racial, cultural or religious prejudices. Accessories should not distract from the safety of the learning environment.

Clothing apparel and attire must be sufficient to conceal undergarments at all times and be the appropriate size.

Hats, caps, hoods and beanies may be worn outdoors for weather protection and removed when entering a building.

Students should wear sturdy shoes or sneakers. These are necessary during Physical Education and/or recess.

Flip flops and sandals are not safe and not allowed. Roller shoes, skates and/or blades are not to be worn at school.

Any apparel, hair style, cosmetics or jewelry, even if not specifically mentioned above, which creates a safety concern or causes unnecessary distraction from the educational setting is prohibited.

Students who are in violation of the school dress code will be expected to comply by a variety of means including but not limited to: reversing their clothes (wearing a shirt inside out), changing their clothing, having the item of clothing removed, contacting parents/guardians to bring appropriate clothing, etc...

See Appendix A

School Discipline, Rules and Consequences BP 5131; BP 5144

MDUSD BP 5131

Conduct

School, Discipline, Program, Rules and Consequences.

School-wide Rules and Expectations

Ayers R.O.C.K.S Core Values

We are:

Responsible

On-Task

Cooperative

Kind and

Safe

Hall Expectations

- Allow personal space
- Keep hands, feet, and objects to self
- Move quietly – don't disturb others
- Walk on the outside of the yellow line
- No running near school buildings

Restroom Expectations

- Keep walls and floors clean
- Use quiet voices
- Put trash in garbage cans
- Use supplies wisely
- No hanging around/visiting in bathrooms
- No food in the bathrooms

Lunchroom/Lunch Line Expectations

- Give the students next to you some room to sit and eat
- Keep the lunch area clean
- Clean up after yourself and throw your garbage away
- Leave only with permission
- No food sharing
- Use an inside voice

Assembly Expectations

- Listen courteously during the program
- Show appropriate appreciation
- Keep hands, feet, and objects to self
- Follow directions for entering/exiting MUR

Consequences:

Ayers staff will follow the MDUSD Discipline Matrix

See Appendix A

General Emergency Preparedness

EMERGENCY PREPAREDNESS AND CRISIS RESPONSE PLAN

Purpose of the Plan

This response plan is designed to assist school staff, students, parents and local agencies organize resources of the school and community to respond to a crisis situation while school is in session.

Regulatory Authority

State laws and regulations require school districts develop emergency plans and train staff in emergency response procedures. These include laws applicable to school staff and students as well as Cal/OSHA regulations specifically addressing the safety of district employees.

The Katz Act [California Education Code, §35295-35297] requires schools plan for earthquakes and other emergencies. It also requires training in earthquake preparedness procedures for both certificated and classified staff.

The Petris Bill [Government Code, §8607] requires school districts be prepared to utilize the Standardized Emergency Management System (SEMS) when responding to emergencies. This requires that principles of SEMS are incorporated in District plans; that the Incident Command System (ICS) are used at school sites; that all school personnel are trained in how the respective systems work and correlate; and that schools have drills and exercises in order to practice using the systems.

This plan is designed and structured to ensure compliance with the mandates of state law as well as with Cal/OSHA's Emergency Action Plan Standard Title 8, California Code of Regulations §3220. This regulation requires each employer facility have an Emergency Action Plan which focuses on specific emergency contingencies, response personnel roles, and evacuation plans of each employer's site where employees work. Schools and school districts are included in this mandate.

School Site Emergency Preparedness and Response Coordination

Each principal shall supervise the planning, operating and testing of their respective school's Emergency Preparedness and Crisis Response Plan. Each principal will also ensure that all school staff and students are familiar with the basic elements of the District's Emergency Operations Plan, which will be utilized at the district office in the event of a major emergency or district-wide disaster. The principal must ensure that the Incident Command System are utilized by all staff personnel in the event of an emergency incident and shall serve as the Incident Commander at all school crises or emergencies.

Campus and Facility Site Preparedness Duties

This school and the District have designated specific persons to assume emergency position responsibilities in the event of a site emergency or District-wide disaster. The following information provides a breakdown of these responsibilities:

All School Staff:

- Become familiar with the school's emergency and evacuation procedures.
- Participate in First Aid and CPR training, as appropriate.

Annually each principal shall:

- Designate Staff Incident Command Structure Assignments.
- Update this site Emergency Preparedness and Crisis Response Plan.
- Ensure personnel are properly trained in their respective assignments.
- Conduct survey of personnel to determine CPR/First Aid/Disaster Preparedness/Medical Training.
- Survey parents to determine who may wish to volunteer during an extended emergency or disaster.
- Ensure needs of students and staff with disabilities are provided for in the event of an emergency.
- Designate primary and alternate locations for command post, evacuation, first aid, student release, and morgue.
- See that parents are informed of the plan and its effect upon students.
- Compile/maintain list of local emergency agencies including telephone numbers and addresses.
- Practice building evacuation plans including testing of warning systems, alarm signals, and communications methods.
- With Maintenance and Operations, complete a site and building hazard survey.
- Ensure all emergency equipment and supplies are in usable condition at all times.

Teachers:

- Teachers are responsible for the supervision of students in their charge.
- Understand emergency response procedures.
- Have planned activities for use during disasters to lessen possible tension.

School Office Managers or Designee:

- Organize and maintain the emergency first aid supplies and distribute back-up supplies.
- Assist principal in developing procedures to protect essential records.
- Ensure battery-operated AM/FM radio is available in working condition; know the call number and frequency of disaster information station.
- Maintain an up-to-date list of students and staff who require life sustaining medication.

School Custodians or designee:

- Assist principal in planning control procedures for different types of building damage.
- Routinely check that battery-operated equipment is in working condition.

CRISIS/EMERGENCY INCIDENT RESPONSE SYSTEM

Crisis Response

The primary goals of crisis response are to:

- Prevent a potentially chaotic situation from escalating into a catastrophic event.
- Help those affected to return, as quickly as possible, to a normal level of functioning.
- Decrease the potential long-term effects of the crisis.

Incident Command System (ICS)

The Incident Command System is an emergency response system used to manage an emergency incident at a specific facility or site. The ICS, as designated by the MDUSD, will be used by this school as the formal emergency response structure. This is in contrast to the Standardized Emergency Management System (SEMS) which is used to manage resources at a district-wide level.

The organization of the Incident Command System is based on five major management functions or sections, which are also utilized in the SEMS response structure:

- Command (Management) Team - Provides overall direction of response at the school site
- Operations Team- Supports on-scene response at school site
- Planning Team- Collects, evaluates and documents information about the incident
- Logistics Team - Provides services, personnel and supplies in support of incident response
- Finance Team - Provides financial tracking, procurement and cost accounting of incident response

COMMAND AND ORGANIZATION DURING A CRISIS

Foundations of Crisis Response

The primary foundation for any emergency or crisis response system is to ensure, as much as is humanly possible, the application of the three C's at all times.

These three C's are:

- **Control** – Control is the cornerstone of every crisis/emergency response. In emergency response this is initiated and maintained through the effective use of the Incident Command System.
- **Communication** - Communication is essential to maintaining effective coordination of all response actions. Ongoing communication is must be maintained between response persons, school staff, and the command team.
- **Coordination** - Coordination is essential to ensure that the most effective and appropriate response actions are used throughout a response operation. Proper utilization of the Incident Command System will ensure that all response operations are coordinated from a central point and that no response action is taken at cross purposes to any other.

CHAIN OF COMMAND

An appropriate Incident Command System will be utilized during all school emergencies. This will facilitate the maintenance of effective control and coordination at campus emergencies.

In the event of a crisis, the principal will act as the Incident Commander at all school emergencies and is responsible for initiating and carrying out any emergency actions as required. The principal directs the ICS Team members and other school staff in the implementation of the response actions through the assignment of appropriate duties. If the principal/site administrator is not present, or cannot assume control for any other reason, the Chain of Command is as follows:

Incident Commander (Principal/Site Administrator)	Martha Thomas/Martha Thomas
IC Alternate #1	Sharon Akiyama
IC Alternate #2	James Bergmann
IC Alternate #3	

INCIDENT COMMAND SYSTEM (ICS)

During campus emergencies, designated school staff function within the Incident Command System until the arrival of outside response personnel. Upon arrival of outside response agencies, the Incident Commander will turn over command of the incident to the ranking response person. The school Incident Commander will document the time of the relinquishing of command and will remain at the Incident Command Post as part of a unified command structure.

The school will coordinate activities with the District Office during a major emergency or disaster. As deemed necessary by the principal or other person acting as the Incident Commander, resource requests will be made by the campus Logistics Team Leader directly to the District Office. All requests for initial emergency assistance will be made to the local emergency response agencies.

Note: Not all members of the ICS will be activated at every emergency. Decisions as to the extent of the response and staff activation will be made by the Incident Commander at the initiation of the response. School staff designated as the primary person for each position is shown following each position title.

SECTION CHIEFS

Incident Commander: Martha Thomas

Provides overall direction of response at school site; determines level of staffing; communicates with local public safety and District Office

- Communicate and coordinate with Section Chiefs

- Release teachers according to school's first opportunity release.

- Account for the presence of all students and staff as reported by Assembly/Shelter and Care Officer

- Direct the evacuation of the building, if necessary, using prescribed procedures for emergency type and safest evacuation location.

Public Information Officer: Sharon Akiyama

Media liaison, official spokesperson for school; coordinates information for parent community

- Ensures parents and guardians are notified as soon as possible of seriously injured children transported to hospital or other emergency treatment centers.

Reports to Incident Commander

<p>Disaster Response Officer: Robert Queen</p> <p>Ensures activities are conducted in safe manner, assures safety of personnel (staff, students, volunteers and responders)</p> <p>Reports to Incident Commander</p>
<p>Agency Liaison: Dana Heinz</p> <p>Assists in establishing and coordinating outside agencies that provide services or resources</p> <ul style="list-style-type: none"> Serve as the principal's chief communication agent between school site and District Emergency Operations Center. Keep principal informed regarding District directives, injury reports, damage reports, status of students, etc. As directed by the Incident Commander, reports the emergency to appropriate emergency response agencies and the Superintendent. <p>Reports to Incident Commander</p>

DISASTER RESPONSE TEAMS

<p>Operations Team: Supports on-scene response at school site</p>
<p>Operations Team Leader: Dana Heinz</p> <p>Supports on-scene response at school site; develops Incident Action Plan with Incident Commander</p> <p>Reports to Disaster Response Officer</p>
<p>Search and Recovery: Jim Bergmann</p> <p>Searches facility for injured and missing students and staff; conducts initial damage assessment; provides light fire suppression</p>
<p>Security/Traffic: Hugh Ellis</p> <p>Coordinates security needs; establishes traffic and crowd control; restores utilities; secures perimeter and isolates Fire and Hazardous Materials</p>
<p>Crisis Intervention: Kristen Wenger</p> <p>Provides onsite counseling and intervention; determines need for outside mental health support</p>
<p>First Aid: Jen Mucha, Denise Marks</p> <p>Provides triage and medical care; establishes morgue, if needed.</p>
<p>Assembly/Shelter and Care: Carlene Tamichi</p> <p>Provides accounting and long-term care for all students until reunited with parents/guardians; manages food and sanitation needs. Teachers report roll and status of student condition to Assembly/Shelter and Care</p>
<p>Student Release: Allison Newlin, Karen Noh, Shelley Okimura</p> <p>Provides for systematic and efficient reunification of student with parents/caretakers; maintains records of student release</p>

<p>Planning Team: Collects, evaluates and documents information about the incident</p>
<p>Planning Team Leader: Cindy LeLaurin</p> <p>Reports to Disaster Response Officer</p>
<p>Situation: Michelle Hackel, Cindy LeLaurin</p> <p>Processes and organizes all incident information, including staff student and facility status, maintains ICS status boards and school site map</p>
<p>Documentation: Marisa Lujan</p> <p>Collects and archives all incident documents</p> <p>Documentation is to be maintained at the site and a copy forwarded to Risk Management at the Dent Center.</p>

<p>Resources/Staffing: Cindy LeLaurin</p> <p>Tracks equipment and personnel assigned to the incident, checks in all resources (incoming equipment, personnel and volunteers).</p>
<p>Demobilization: Bryan McShane</p> <p>Coordinates orderly and safe release of assigned resources and deactivation of incident response at the site</p>
<p>Logistics Team - Provides services, personnel and supplies in support of incident response</p>
<p>Logistics Team Leader: Jim Bergmann</p> <p>Review report from Facilities Officer on conditions of utilities to determine if they should be turned off.</p> <p>Reports to Disaster Response Officer</p>
<p>Food and Supply: Denise Marks, Shelly Okimura</p> <p>Assesses supply resources at site, including food and water, procures supplies and provides personnel, as requested, including volunteers</p> <ul style="list-style-type: none"> Cover and preserve all usable food and water. Direct the rationing, use and preparation of cafeteria food stock and water supply, whenever the feeding of students, staff and/or the community becomes necessary. Report the condition of the kitchen, including any damage, to the Facilities Team Leader..
<p>Transportation: Cindy Dean</p> <p>Arranges transportation for staff, students and supplies. Call Transportation for buses, if necessary.</p>
<p>Facilities: Alison Newlin</p> <p>Recommended filled by School Custodial Team</p> <p>Coordinates site repairs and use of school facilities; arranges for debris removal</p> <ul style="list-style-type: none"> Check water, gas and electricity and report findings to the Incident Commander. Turn off utilities and intake valves on water heaters if directed. Utilities should not be turned off unless absolutely necessary (e.g., broken gas or water mains, or downed electrical wires) Help set up emergency sanitation facilities if needed. Safeguard all usable water within the building.
<p>Communications/IT: Cindy LeLaurin, , Mike Dulaney</p> <p>Maintains all communication equipment, including radios; provides services to support information technology. Monitor radio emergency broadcasts.</p>
<p>Finance Team - Provides financial tracking, procurement and cost accounting of incident response</p>
<p>Finance Team Leader: Michael Reinhardt</p> <p>Provides for the preservation of essential school records. Takes student emergency information cards and AM/FM radio as the building is evacuated.</p> <p>Reports to Disaster Response Officer</p>
<p>Time: Dung Nguyen</p> <p>Maintains incident time logs for all personnel.</p>
<p>Procurement: Dana Heinz</p> <p>Tracks and maintains complete records of site expenditures and purchases made by Logistics; manages vendor contracts</p>
<p>Cost: Dana Heinz</p> <p>Provides cost estimates, analysis and recommendations for cost savings</p>

Compensation/Claims: Cindy LeLaurin
Processes compensation/injury claims related to incident

Teachers - Supervise students in their charge, remain with the students unless assigned to an activated ICS position, or released by Incident Commander

Evacuate safely; take emergency kit and current class list

Take roll as soon as conditions permit such action. **Report missing students to Assembly/Shelter and Care Officer;** if there is reason to believe that a student might be endangered, report need for rescue.

Check with buddy classes when evacuating. If there are seriously-injured persons who cannot be moved report to Search and Recovery Officer

Provide minor first aid until emergency first aid station is established. Indicate need for major first aid assistance. Document first aid provided.

Help to restore order/assist other teachers and students. Talk with students about incident/disaster to help reduce anxiety.

Release students according to the site student release plans as directed by Student Release Officer. When all students are released, physically report to Command Post. Remain on site until released by Incident Commander.

EMERGENCY RESPONSE COMMUNICATIONS

During an emergency:

- Manage your environment to reduce confusion.
- Communicate with students to reduce anxiety and confusion.
- Call 911 if the emergency is in your area (e.g. your classroom) and inform office of the call.
- When evacuating your area communicate all clear by Link to Cliff Notes Evacuation #3 and lock the door. Keep room unlocked if a victim is still inside the room.
- During evacuation do not call the office unless you witnessed the emergency incident or suspects.
- Students should be allowed to text that they are safe but should not talk on the phone.
- Communication may be achieved by the use of intercom, walkie-talkies, telephones, messengers, bullhorns.
- School site direct dial telephones lines will continue to operate. This is usually the line that serves the fax machine. Each site should have one direct-dial telephone unit that can be plugged into this line.
- District school buses have a radio that can call the district. If on campus, the bus radio can be used to communicate with the district.

LOCATIONS

Command Post: The Command Post will be located such that the full emergency assembly area is in view, while maintaining adequate separation from students, evacuation assembly areas, the medical treatment area and student release areas. School personnel designated to contact outside emergency response agencies will notify the responding agency of the location of the Command Post at the school.

Primary Location This section removed from posted plan for security purposes. If you wish to see the full plan,
Alternate Location contact the school principal for an appointment.

Evacuation Area: Whenever an evacuation is called ensure that the area is not a potential danger to the evacuees and/or is not in the path of the event. This includes danger from natural disasters, chemical/hazardous materials, explosive devices and potential violence threats. Notify the Incident Commander immediately if evacuation is deemed unsafe.

Primary Location	This section removed from posted plan for security purposes. If you wish to see the full plan, contact the school principal for an appointment.
Alternate Location	
Off-Site Location	
Alternate Off-Site	

First Aid/Emergency Medical Response Center: In the event of a major disaster the First Aid area will act as both triage and treatment units. Two assumptions must be made regarding medical services:

- During a major event, local emergency medical service services may not be available and transportation of the injured may be delayed.
- District employees and visitors will be dependent on first aid rendered by trained district employees.

Primary Location	This section removed from posted plan for security purposes. If you wish to see the full plan, contact the school principal for an appointment.
Alternate Location	

Morgue: In the event of a major incident or disaster resulting in fatalities, the local emergency response agencies may need to set up a morgue at the school. Area should be separate from student evacuation locations.

Primary Location	This section removed from posted plan for security purposes. If you wish to see the full plan, contact the school principal for an appointment.
Alternate Location	

Student Release: Students will be released only to authorized adults listed on Emergency Release Cards. Adults picking up students must sign the Student Release Log. Identification must be checked

Primary Location	This section removed from posted plan for security purposes. If you wish to see the full plan, contact the school principal for an appointment.
Alternate Location	
Off-Site Location	
Alternate Off-Site	

SCHOOL STAFF EMERGENCY RESPONSIBILITIES

General Staff Responsibilities

All staff members are directly responsible for the protection of students, members of the public and school assets. School administrators and teachers must ensure that appropriate steps are taken during emergencies. General responsibilities for ALL school staff in case of emergency include, but are not necessarily limited to, the following:

- Ensure that students are properly notified of the emergency.
- Take appropriate action with students as conditions require.
- Initiate first aid, rescue, equipment shutdown or damage control as needed.
- Account for all students.
- Notify the Assembly/Shelter and Care Officer of missing persons, or of any employees or students who require medical assistance.
- Contact parents or guardians as appropriate.

District Staff as Disaster Workers

The California Government Code [§3100 et. seq.], declares that all public government employees are disaster workers subject to such disaster service activities as may be assigned to them by their superiors or by law. In accordance with these legal responsibilities of public employees, all district personnel are subject to be called upon and must be prepared if at home or elsewhere, to report for duty in the event of an extreme emergency. Arrangements for care of one's family should be prearranged in order to permit discharge of this emergency responsibility. This law applies to District employees in the following cases:

- When a local emergency has been proclaimed
- When a state emergency has been proclaimed by the governor
- When a federal disaster declaration has been made by the president

All staff members should have a personal plan for themselves and their families that can be implemented during an emergency. Staff members should be prepared to remain on site for as long as 72 hours or longer following an emergency, possibly without contacting their home and families. Staff members with special home considerations should discuss these with the principal prior to any emergency.

Release of Teachers/Staff from Duties as Disaster Workers

Government Code §3100 declares that public employees are disaster service workers, subject to such disaster service activities as may be assigned to them by their superiors or by law. The term public employee includes all persons employed by the state or any county, city, state agency or public district, excluding aliens legally employed.

This means all school staff are considered disaster workers during a major emergency. School personnel assigned to school level Incident Command System positions and responsibilities will assume their posts as assigned by the site Incident Commander. Others will remain at a central staging location to await assignment as needed. No staff person will be released from their normal or emergency response duties without the expressed permission of the principal or designee as directed by the superintendent or a designee. School principals will not allow such releases of their staff without first obtaining authorization from the superintendent or a designee.

Priority Release of Employees:

Staff members with special home conditions, such as infant children or invalid relatives, are invited to submit a written petition for "first opportunity" release after the crisis stages of an emergency. The administrator in charge will exercise this release at the earliest opportunity as follows:

- Those with dependents
- Those with no dependents
- Administrators

Potential Emergency Types and Responses Part One

School Administrators, teachers, and other staff will, at some time, be forced to deal with different types of potential or actual crises or emergency situations. The following sections describe the most probable situations, with specific response action directions included for each emergency type. The response actions are determined in coordination with the MDUSD Emergency Response Plan, the Incident Command System, and other district policies and guidelines.

ACTIVE SHOOTER SITUATIONS: RESPONDING TO AN ACTIVE SHOOTER SITUATION

School Comprehensive School Safety Plans should include courses of action that will describe how students and staff can most effectively respond to an active shooter situation to minimize the loss of life, and teach and train on these practices, as deemed appropriate by the school.

Law enforcement officers may not be present when a shooting begins. The first law enforcement officers on the scene may arrive after the shooting has ended. Making sure the staff knows how to respond and instruct their students can help prevent and reduce the loss of life.

No single response fits all active shooter situations; however, making sure each individual knows his or her options for response and can react decisively will save valuable time. Depicting scenarios and considering response options in advance will assist individuals and groups in quickly selecting their best course of action.

Understandably, this is a sensitive topic. There is no single answer for what to do, but a survival mindset can increase the odds of surviving. As appropriate for your community, it may be valuable to schedule a time for an open conversation regarding this topic. Though some parents or personnel may find the conversation uncomfortable, they may also find it reassuring to know that, as a whole, their school is thinking about how best to deal with this situation.

During an active shooter situation, the natural human reaction, even if you are highly trained, is to be startled, feel fear and anxiety, and even experience initial disbelief and denial. You can expect to hear noise from alarms, gunfire and explosions, and people shouting and screaming. Training provides the means to regain your composure, recall at least some of what you have learned, and commit to action. There are three basic options: run, hide, or fight. You can run away from the shooter, seek a secure place where you can hide and/or deny the shooter access, or incapacitate the shooter to survive and protect others from harm.

As the situation develops, it is possible that students and staff will need to use more than one option. During an active shooter situation, staff will rarely have all of the information they need to make a fully informed decision about which option is best. While they should follow the plan and any instructions given during an incident, often they will have to rely on their own judgment to decide which option will best protect lives.

RESPOND IMMEDIATELY

It is not uncommon for people confronted with a threat to first deny the possible danger rather than respond. An investigation by the National Institute of Standards and Technology (2005) into the collapse of the World Trade Center towers on September 11, 2001, found that people close to the floors impacted waited longer to start evacuating than those on unaffected floors.²¹ Similarly, during the Virginia Tech shooting, individuals on campus responded to the shooting with varying degrees of urgency.²² These studies highlight this delayed response or denial. For example, some people report hearing firecrackers when in fact they heard gunfire.

Train staff to overcome denial and to respond immediately, including fulfilling their responsibilities for individuals in their charge. For example, train staff to recognize the sounds of danger, act, and forcefully communicate the danger and necessary action (e.g., "Gun! Get out!") to those in their charge. In addition, those closest to the public address or other communications system, or otherwise able to alert others, should communicate the danger and necessary action. Repetition in training and preparedness shortens the time it takes to orient, observe, and act.

Upon recognizing the danger, as soon as it is safe to do so, staff or others must alert responders by contacting 911 with as clear and accurate information as possible.

As part of its preparedness mission, Ready Houston produces “Run, Hide, Fight” videos, handouts, and trainings to promote preparedness among residents of the Houston region. These materials are not specific to a school setting but may still be helpful. These videos are not recommended for viewing by minors. All of these items are available free of charge, and many are available at <http://www.readyhouston.org/videos.html>

Occupants of both towers delayed initiating their evacuation after World Trade Center 1 was hit. In World Trade Center 1, the median time to initiate evacuation was 3 minutes for occupants from the ground floor to floor 76, and 5 minutes for occupants near the impact region (floors 77 to 91). See National Institute of Standards and Technology, 2005. Federal Building and Fire Safety Investigation of the World Trade Center Disaster Occupant Behavior, Egress, and Emergency Communications. Available at http://www.mingerfoundation.org/downloads/mobility/nist_world_trade_center.pdf

Report of the Virginia Tech Review Team, available at <http://www.washingtonpost.com/wpsrv/metro/documents/vatechreport.pdf> and <http://www.washingtonpost.com/wpsrv/metro/documents/vatechreport.pdf>.

23J. Pete Blair with M. Hunter Martaindale, United States Active Shooter Events from 2000 to 2010: Training and Equipment Implications. San Marcos, Texas: Texas State University, 2013. Available at <http://alerrt.org/files/research/ActiveShooterEvents.pdf>

RUN

If it is safe to do so for yourself and those in your care, the first course of action that should be taken is to run out of the building and far away until you are in a safe location.

Students and staff should be trained to

- Leave personal belongings behind;
- Visualize possible escape routes, including physically accessible routes for students and staff with disabilities as well as persons with access and functional needs;
- Avoid escalators and elevators;
- Take others with them, but not to stay behind because others will not go;
- Call 911 when safe to do so; and
- Let a responsible adult know where they are.

HIDE

If running is not a safe option, hide in as safe a place as possible.

Students and staff should be trained to hide in a location where the walls might be thicker and have fewer windows. In addition:

- Lock the doors;
- Barricade the doors with heavy furniture;
- Close and lock windows and close blinds or cover windows;
- Turn off lights;
- Silence all electronic devices;
- Remain silent;
- Hide along the wall closest to the exit but out of the view from the hallway (allowing for an ambush of the shooter and for possible escape if the shooter enters the room);
- Use strategies to silently communicate with first responders if possible, for example, in rooms with exterior windows make signs to silently signal law enforcement officers and emergency responders to indicate the status of the room's occupants; and
- Remain in place until given an all clear by identifiable law enforcement officers.

FIGHT

If neither running nor hiding is a safe option, as a last resort when confronted by the shooter, adults in immediate danger should consider trying to disrupt or incapacitate the shooter by using aggressive force and items in their environment, such as fire extinguishers, and chairs. In a study of 41 active shooter events that ended before law enforcement officers arrived, the potential victims stopped the attacker themselves in 16 instances. In 13 of those cases they physically subdued the attacker.²³ While talking to staff about confronting a shooter may be daunting and upsetting for some, they should know that they may be able to successfully take action to save lives. To be clear, confronting an active shooter should never be a requirement in any school employee's job description; how each staff member chooses to respond if directly confronted by an active shooter is up to him or her. Further, the possibility of an active shooter situation is not justification for the presence of firearms on campus in the hands of any personnel other than law enforcement officers.

BOMB THREAT/SUSPICIOUS PACKAGE

BOMB THREAT

This section removed from posted plan for security purposes. If you wish to see the full plan, contact the school principal for an appointment.

SUSPICIOUS PACKAGE

Anyone discovering a suspicious package, box or strange device will do the following:

- Not touch or remove strange objects.
- Notify the principal.
- Principal will notify the police department, the fire department and the superintendent.
- Principal will evacuate the buildings.

Whenever a bomb threat is received or a suspicious package is found, a police officer will evaluate the threat or object before instituting a search of the buildings or sounding the signal for staff and students to return to the buildings.

The superintendent is to be kept informed of all actions.

EARTHQUAKE

Although the probability of an earthquake occurring is lower than most other emergency types, the potential for injuries and damage from one is high. It is essential that students and staff remain aware of the following basic actions:

If an earthquake or other situation warrants, drop to the floor, take protective position under desks or furniture with backs to windows and hands covering head and face. Stay in position until directed to evacuate or take other protective action.

If outside, move away from buildings and trees and take protective position. When situation permits, proceed to the designated assembly point. Standby: Alert students in your area to stand by for further information. Make whatever assessment of the situation is possible. Render emergency first aid as required.

If inside, stay inside during ground shaking. In classrooms or offices, move away from windows, shelves and heavy objects or furniture that may fall. Take cover under a safe table, desk or counter. At the teacher's command, students should take the DROP position.

If a "shelter" (table, desk, etc.) is not available, move to an inside wall or corner, turn away from windows, kneel alongside wall, and bend head close to knees, with elbows firmly behind neck protecting face.

If notebooks or jackets are handy, hold these overhead for added protection from flying glass and ceilings debris. Remain in sheltered position for at least 60 seconds or until directed to move by an adult.

If in halls, on stairways, or other areas where no cover is available, students must follow the directions of the nearest teacher or school employee.

If in the library, immediately move away from windows and bookshelves and take appropriate cover. In the science lab or shops, all burners should be extinguished (if possible) before taking cover. Stay clear of hazardous chemicals that may spill.

The duration of ground shaking depends on a number of factors, including the severity of the earthquake. Advise students to anticipate shorter or longer episodes of ground shaking during actual earthquakes and their aftershocks.

EARTHQUAKE HAZARDS COMMONLY FOUND IN SCHOOL BUILDINGS:

- Glass that shatters or flies around
- Objects stored above head-level on shelves, walls, and ceilings (such as unused projectors, books, science equipment, boxes)
- Objects that block movement to safe places (books on floors, tipped desks and bookcases)
- Cabinets without latches
- Objects stored on wheels
- Open shelving without a lip or restraining wire
- Free standing cabinets
- Blocked exits
- Objects in hallways that block movement (glass, tables, locker contents)

SETTLING DOWN AFTER THE FIRST SHOCK:

After the first shock, teachers will evacuate the classrooms, being alert to the possibility of aftershocks.

When leaving the classroom, teachers should make every effort to take with them the roll book and emergency supplies.

Announce that no student is to return to the room unless directed to do so.

Teachers will take classes to pre-arranged places on the campus.

Teachers and students will remain in designated areas until re-entry to the building has been approved or they are directed to move elsewhere.

School will remain open indefinitely until every student has been released to parents or to an authorized person.

Do not light any fires after the earthquake because of possible gas leaks.

If possible, notify utility companies of any break or suspected breaks in service.

The **Incident Commander** should procure the advice of the Director of Maintenance and Operations regarding the safety of the buildings.

The **Incident Commander** should keep the superintendent informed of conditions at the school.

Whenever possible disaster supplies should be kept in a locked shed away from the school buildings and accessible once all personnel and students are safely accounted for and secured in the evacuation area.

STUDENT RELEASE

This section removed from posted plan for security purposes. If you wish to see the full plan, contact the school principal for an appointment.

THE GREAT SHAKEOUT EARTHQUAKE DRILLS

All Mt. Diablo USD schools are encouraged to participate in the annual Great ShakeOut Earthquake Drills. See <https://www.shakeout.org/index.html> for more information.

FIRE

In the event a fire is detected within a school building, the school fire alarm will be sounded. This will automatically implement the action to LEAVE THE BUILDING.

Upon receiving the order to evacuate, staff will assume their designated positions in the hallways of the school. They will then monitor the evacuation procedures and assure that all persons have left the building. Staff are also responsible to ensure that all disabled persons in the building are assisted as necessary.

1. Take emergency backpack, and attendance information.
2. Teachers evacuate with current class. If evacuation occurs outside of a class period: Teachers are to take students to designated area
3. Upon exit double check to indicate room is all clear and lock door. Keep unlocked if victim is inside.
4. Check with buddy teacher. Assist/evacuate both classes if needed.
5. If on prep or don't have a class: Report to area assigned to your class
6. Check common areas while evacuating.
7. Evacuate to primary location via assigned route, adjust as needed.
8. At evacuation location, line up, and take attendance.
9. Hold up GREEN card if all students are accounted for. RED card if missing students or assistance required. If not used, describe alternate practice:
10. Stay with class unless you are released to assume other duties.
11. Release from drill will be notification from Admin
12. Communicate with your students and maintain control.

The fire department will be notified. The police and superintendent should also be notified.

Access roads to the school campus should be kept open by **Security/Traffic** team personnel.

Students and staff will not return to the buildings until the fire department declares the area safe and the **Incident Commander** has announced the ALL CLEAR.

Clothing on fire: STOP. DROP. ROLL. Use other pieces of clothing to help smother the flames. Immediately call 911. Render first aid.

INTRUDER ALERT/ANTI-VIOLENCE RESPONSE

This section removed from posted plan for security purposes. If you wish to see the full plan, contact the school principal for an appointment.

ACTIVE ALERT: LOCK DOWN

This section removed from posted plan for security purposes. If you wish to see the full plan, contact the school principal for an appointment.

STAFF ROLES DURING ACTIVE LOCK DOWN

This section removed from posted plan for security purposes. If you wish to see the full plan, contact the school principal for an appointment.

PRACTICE ALERT: LOCK DOWN

16. The principal will announce, This is a drill

17. Follow the instructions above for an Active Alert. Release from Drill is: notification from office

Intruder drills are practiced each year. Staff training is provided. Ample warning and preparation are made so that students and families are aware of the drills. Law enforcement should be invited to participate in these drills

Potential Emergency Types and Responses Part Two

CHEMICAL SPILLS WITHIN THE SCHOOL

In the event of a chemical spill or incident at school, the site administrator will determine what emergency action to take depending upon the circumstances. Teachers in the area shall do the following:

- Restrict the area of the incident and evacuate the area as deemed necessary.
- Rescue injured or trapped persons and remove from area, if trained to do so.
- Provide first aid as needed.
- If possible, determine the name(s) of the chemical(s) and provide that to the emergency respondents.
- Allow no one in the immediate area of the spill except emergency personnel.
- The office will alert classes to, "Shelter-in-Place."
- Notify the Superintendent's office.

CHEMICAL ACCIDENT NEAR THE SCHOOL

Warning of a chemical accident is usually received from fire and/or police departments or from emergency services officials when such accident occurs sufficiently near a school to be a threat to the safety of students and staff. An overturned tanker, a broken fuel line, and an accident in a commercial establishment that uses chemicals are all potential hazards. Whether the accident occurs at the school or off the school grounds, the site administrator shall determine if there is need to EVACUATE or to SHELTER-IN-PLACE. This decision will be made in coordination with offsite emergency respondents. If it is necessary to evacuate the area, move crosswind, never directly with or against the wind which may be carrying fumes. Get upwind as quickly as possible.

CRISIS INVOLVING INDIVIDUAL STUDENTS AND/OR STAFF

The sudden death, serious injury to a student or staff member either through natural causes, accidents or as the result of an act of violence, such as school shooting, missing students (known or suspected abduction), physical assault, sexual assault, non-natural or non-accidental causes or other unexpected events are, without question, a crisis. Responding to these kinds of crisis situations in a timely and effective manner is as critical as dealing with an earthquake or a fire.

1. Contact Student Services to request the District Crisis Intervention Team immediately following a serious injury, accident or death of a student or staff member.
2. Work with your school psychologist to determine identification of short- and long-term interventions for students or staff traumatized by the event.
3. Work with the Superintendent's office to formulate a public statement.
4. Discuss the crisis in a factual manner in follow up meetings and/or communications.
5. Be sensitive to latent behavior problems that are trauma-related.

A general message will be prepared and whenever possible parents will be contacted first in order to be the first adults to provide the information and support their children. All staff will be debriefed and supported. Activities to best meet the needs of the community will be provided aimed at providing counseling, a way for all to process (writing, drawing, and sharing). Activities such as games, music and reading may be planned over a short period of time to reduce anxiety and work demands. Follow and close monitoring for students and staff to insure latent reactions and responses.

DISCARDED WEAPON OR DRUG LAB/PARAPHERNALIA

DISCARDED WEAPON: GUN OR RELATED ITEM

A staff person may discover a discarded gun or related item or a student may also bring this to a staff person's attention.

In these circumstances:

- Staff will remain at the location and notify the office of the situation.
- The office will immediately notify the local authorities.
- Staff will not take any active response role in these situations.
- Keep the area clear of students and faculty until local authorities have arrived.
- As appropriate, conduct a Shelter in Place.

DISCARDED WEAPON: KNIFE OR RELATED ITEM

A staff person may discover a discarded knife or related item or a student may also bring this to a staff person's attention.

In these circumstances:

- Staff will remain at the location and notify the office of the situation.
- Trained staff as designated by principal or designee will recover the item and notify the authorities as appropriate.

DISCARDED DRUG LAB OR DRUG USE PARAPHERNALIA

A staff person may discover a discarded drug lab or drug use paraphernalia or a student may also bring this to a staff person's attention.

In these circumstances:

- Staff will remain at the location and notify the office of the situation.
- The office will immediately notify the local authorities.
- Staff will not take any active response role in these situations.
- Keep the area clear of students and faculty until local authorities have arrived.
- As appropriate, conduct a Shelter in Place.

EXPLOSION

The DROP command is to be given immediately in the event of an explosion at the school or within a school building.

If the explosion occurs within the building or threatens the building, the teacher will then implement the school evacuation plan. Assemble at the designated assembly area.

Sound the fire alarm and proceed as above for a fire.

Notify the superintendent's office.

FALLEN AIRCRAFT

Warning of a failing or fallen aircraft is usually by sight, sound or fire. If an aircraft falls near the school, the following actions will be taken:

- The site administrator will determine which emergency actions should be implemented. When necessary, teachers will take immediate action to ensure the safety of students if the site administrator is unable to direct emergency action.
- Students and staff must be kept at a safe distance from the aircraft, as it may explode. Move crosswind or stay up wind to avoid fumes.
- Call 911

Notify the Superintendent's office.

NATURAL GAS LEAK OR RUPTURED GAS LINE

The site administrator will evaluate the situation and determine the need for a building evacuation.

Offsite emergency respondents will be called if a leak is suspected.

In general, an evacuation of the building(s) will be conducted whenever there is a strong smell of natural gas within the school. Evacuations under other circumstances will be decided upon based on discussions with offsite emergency respondents. The site administrator will then initiate whatever emergency action is required.

Notify the superintendent's office.

RABID OR VICIOUS ANIMAL

If a rabid or vicious animal is at or in the vicinity of the school, the Animal Control Center should be notified immediately. Teachers shall be notified Shelter In Place. Students outside of the building will be quietly and cautiously sent into the nearest building and secured in a room behind closed doors.

Notify the Superintendent's Office.

SEVERE WINDSTORM

Warning of an impending windstorm is usually received via radio, television or civil defense officials. The United States Weather Bureau can usually forecast severe windstorms. If high winds develop during school hours without sufficient warning, the following emergency actions should be taken:

- Implement action to TAKE COVER. Students and staff should assemble inside shelters or buildings.
- Close windows and window coverings. Seek shelter away from windows.
- Remain near an inside, ground level wall if the building is more than one level.
- Evacuate classrooms that bear the full force of the wind.
- Avoid auditoriums, gymnasiums and other enclosures that have long roof spans.
- Keep tuned to a local radio station for the latest advisory information.
- Take roll and complete a Student Accountability Form.
- Notify site administrator of any break or suspected break in utility lines or buildings which might present an additional hazard.
- If possible, contact and report conditions to the superintendent.
- Don't permit any staff to leave the building until the winds have subsided and it is safe to do so.

UTILITIES LOSS OR FAILURE

LOSS OF ELECTRICAL POWER:

Consult PG&E website for grid of outages: www.pge.com

Contact PG&E to report a Power Outage 1 800-743-5002

WATER EMERGENCY:

Contra Costa Water District Emergency Number 925-688-8374

Golden State Water Company Emergency 800-999-4033, 877-933-9533 (TTY- hearing impaired)

PHONE ISSUES:

Contact Technology Information Services (TIS) at extensions 4094 or 4105 to report phone issues.

ADDITIONAL INFORMATION:

Contact Maintenance, Operations & Facilities at extension 3884 if any utility will be off for an extended period of time.

Notify the superintendent of the situation.

If necessary, make appropriate arrangements with Maintenance and Operations for temporary communications, water delivery and portable rest rooms.

In the event of an extended outage, consult with the cafeteria manager. The cafeteria manager will consult with Food and Nutritional Services x4124.

If an extended outage is likely, provide a School Messenger update to keep parents/guardians informed.

EMERGENCY PREPAREDNESS AND CRISIS RESPONSE PLAN

EVACUATION PROCEDURES

EVACUATION ALARM SYSTEM

A crisis or emergency may warrant an evacuation of the school building(s). Once notified of an emergency situation, the **Incident Commander**, will carry out the initial response actions delineated in the **Emergency Preparedness and Crisis Response Plan**. In consultation with members of the **Incident Command Team**, the principal will determine whether an evacuation is warranted or is the safest action given the character of the emergency.

Incident Command Team members will immediately assume their designated response duties as activated by the **Incident Commander**. The **Disaster Response Officer** will ensure, during the evacuation itself, that all evacuation assistance personnel are operative and performing their respective duties as assigned.

When a decision is made to evacuate, the **Assembly /Shelter and Care Team** leader will immediately report to the assembly area and inspect the area for hazards. The **Assembly /Shelter and Care Team** leader will notify the **Disaster Response Officer** immediately if the area is safe. If not, the **Assembly /Shelter and Care Team** will advise that the evacuation be done to the alternate assembly location.

This evacuation may be a partial evacuation of only portions of the building in a localized emergency [e.g., a small chemical spill] or it may be a general evacuation of all building. When an evacuation is ordered, students and staff will be notified according to the site's **Preparedness and Crisis Response Cliff Notes**.

If deemed appropriate and safe, the school's fire alarm will sound in the event of a general building evacuation. If neither mechanical system is operable, the Incident Commander will utilize office, custodial or student personnel to notify classrooms of the need to evacuate.

COORDINATING THE EVACUATION

Upon receiving the order to evacuate, staff will assume their designated positions in the school. They will then monitor the evacuation procedures and assure that all persons have left the building. Staff are also responsible to ensure that all disabled persons in the building are assisted as necessary.

1. Take emergency backpack, and attendance information.
2. Teachers evacuate with current class. If evacuation occurs outside of a class period: Teachers are to take students to designated area
3. Upon exit double check to indicate room is all clear and lock door. Keep unlocked if victim is inside.
4. Check with buddy teacher. Assist/evacuate both classes if needed.
5. If on prep or don't have a class: Report to area assigned to your class
6. Check common areas while evacuating.
7. Evacuate to primary location via assigned route, adjust as needed.
8. At evacuation location, line up, and take attendance.
9. Hold up GREEN card if all students are accounted for. RED card if missing students or assistance required. If not used, describe alternate practice:
10. Stay with class unless you are released to assume other duties.
11. Release from drill will be notification from Admin
12. Communicate with your students and maintain control.

EVACUATION ASSEMBLY AREAS

When ordered to evacuate, students and staff will follow the evacuation route prescribed for their respective areas and exit the building in an orderly and controlled manner. Any volunteers or visitors to the classroom should be advised to go with the classroom to the assembly area.

ALL students and staff must report to the assembly area and remain there until the **Incident Command Team**, via the **Assembly /Shelter and Care Team**, notifies them it is clear to return to the building. Under no circumstances are students to leave the area unless released by the teacher in strict accordance with the school's **Student Release Procedures** as outlined in the site's **Preparedness and Crisis Response Cliff Notes**. This will not be done unless it is authorized by the **Incident Command Team**.

Teachers MUST take a head count of all persons under their care to ensure that all students, volunteers and visitors are present. This will be reported to the **Assembly /Shelter and Care Team** as outlined in the site's **Preparedness and Crisis Response Cliff Notes**. If someone is deemed missing, the teacher is to immediately report this fact to the **Assembly /Shelter and Care Team** as outlined in the site's **Preparedness and Crisis Response Cliff Notes**.

ACCESS CONTROL PERSONNEL

Whenever an evacuation is called, the designated **Security/Traffic** response team (designated prior to an emergency) will automatically assume duties as traffic controllers to prevent unauthorized public vehicles or persons access to the school campus and building(s). They will function according to the duties delineation shown in the **Emergency Preparedness and Crisis Response Plan**.

EMERGENCY PREPAREDNESS AND CRISIS RESPONSE PLAN

STUDENT EARLY DISMISSAL AND EMERGENCY SCHOOL CLOSURE

During school hours, all students are considered under the care and supervision of school staff. In all circumstances, and especially in the event of emergency incidents or circumstances, the safety of the students and the school staff is of paramount importance. All actions taken shall bear in mind the safety and well-being of both students and school employees.

Thus, in the event of a major emergency incident or disaster during school hours, school will not be dismissed without the expressed and clear authorization of the District Superintendent or a designee, and children will remain under the supervision of school authorities. Students will only be released from school and District responsibility in strict accordance with the procedures outlined in the District's Early Release Policy as described below. Parents/guardians or designated emergency contacts who come to the school to pick up students must properly identify themselves in order for their children to be released.

RELEASE OF STUDENTS FROM SCHOOL

MDUSD and this school want to reunite parents with their children at the earliest time possible after an emergency situation or major disaster event. However, if it is not possible for parents to pick up their children or make arrangements for others to do so, students will be held at the school or other area until such time as they can be safely released. Each year the school will notify all parents of the procedure for reuniting parents with children in the event of an emergency at school. Parents are encouraged to print out and complete the **ABC's – Three Steps to Protect Your Child during Emergencies in the School Day (Appendix B)**

In the event students are held at a school, they may be released only to the student's own parent(s) or a person authorized beforehand by the parent. As a part of annual registration, sites collect emergency contact information in AERIES. From AERIES, **Emergency Cards** shall be printed and used for this purpose. It is recommended sites print copies for teachers to have on hand in their emergency packs along with roll information. Office shall also print out the **Emergency Student List** or **Emergency Cards** and maintain that in the office emergency evacuation kits.

Parents or others must check with this school's **Student Release** team at the emergency **Student Release Location** prior to pick up of their children. Teachers will release students according to the procedure outlined under the **Emergency Student Release Procedures** described below.

EMERGENCY RELEASE PLAN PROCEDURES

Teachers will utilize the following procedures to properly release students from their care to a parent, legal guardian or person authorized in writing to pick up the student:

1. At time of emergency, students remain with their current classes. Teacher takes roll on an Accountability Form and await direction from **Incident Commander** via **Student Release** team.
2. **Incident Command** will communicate with district office for dismissal directive. Students will report to (first period or other) classes, upon **Student Release** team directive.
3. This section removed from posted plan for security purposes. If you wish to see the full plan, contact the school principal for an appointment.
4. Students will be released only to authorized adults listed on the **Emergency Card** or **Emergency Student List**. Adults picking up students must sign **Student Release Log** and indicate destination. Unless otherwise directed by **Incident Commander** via **Student Release officer**, a runner takes message to teacher with name of student being released and name of adult picking up student. Teacher double-checks sign-out sheet, stamps/marks student and releases.
5. Students may go home with people listed on **Emergency Card** or **Emergency Student List** if parent can't be reached.
6. Periodically, as students are released, remaining students will be consolidated.
7. Teacher takes attendance after each consolidation, informs **Assembly/Shelter and Care** team as well as the **Student Release** team, and keeps all documentation.

EMERGENCY PREPAREDNESS AND CRISIS RESPONSE PLAN

TRAINING

The key to effective and coordinated emergency response efforts is the proper training of school response personnel as to their duties in an emergency or disaster. Proper training is mandated under the SEMS requirements for District staff and students and by Cal/OSHA for employees of the District.

ALL DISTRICT RESPONSE STAFF AND STUDENTS

All non-response District staff, as well as all students, will receive training in the following areas:

- Brief overview of the District Emergency Operations Center (EOC) plan and its coordination with School Crisis Response plans.
- Brief overview of the School Crisis Response Plans and its coordination with the District EOC plan.
- Responder positions within each plan and the duty to follow instructions of the response team personnel.
- Use of drills and exercises to provide hands-on instruction to staff and students.

SCHOOL CRISIS RESPONSE TEAM PERSONNEL

All school staff will receive training and detailed information on the **Incident Command System** and its use at a school crisis or disaster response. This will include but is not limited to:

- Initiation and functioning of the ICS Command Post.
- ICS response positions, their responsibilities, and the use of position checklists.
- Development of site Incident Action Plans and the utilization of, and coordination with, EOC actions at the District level.
- Importance of documentation of site ICS activities and damage assessment information.
- Demobilization procedures for down-sizing and closing the ICS Command Post.

DRILLS AND EXERCISES

Because emergencies occur without warning, life-protecting actions must be taken immediately at the first indication of emergency conditions. There may be no time to think through all of the options for what must be done. Emergency drills will be conducted periodically to help familiarize everyone with basic procedures and to help students and staff learn how to react immediately and appropriately.

Exercises and drills will be conducted at the school site level. The essential components of school site emergency drills are classroom training and discussions, demonstrations and exercises designed to help staff and students learn and practice where to seek shelter and how to protect themselves based on the kind of emergency they are facing.

EMERGENCY PREPAREDNESS AND CRISIS RESPONSE PLAN

RECOMMENDED EMERGENCY SUPPLIES

The school shall maintain a quantity of emergency supplies that will be utilized by trained personnel in the event of a school crisis or a district-wide disaster. Some materials should be stored in a central location on campus as a means of providing ready access to assist any area in the school.

Each classroom should also have its own supply of first aid and other equipment to facilitate each teacher in helping the students they are responsible for.

CENTRAL SCHOOL EMERGENCY SUPPLIES

Central School Emergency Supplies are recommended to include at least the following items:

- Two first aid kits (see below)
- Two tool kits (see below)
- Radio (battery-operated) wrapped in plastic bag
- Batteries (left in original packages; replaced in years ending with 0, 3, or 7)
- Water carrier
- Water purification tablets and/or household bleach
- Toilet paper
- Hard hats
- Blankets (4 wool, 5 space blankets)
- Large plastic tarp
- Sheets for medical use (slings) or to signal for specific help. (Sheets will be spread out on the lawn as needed.)
- Spray paint to use on sheets to identify needs (Example: NEED DOCTOR, PGE, SEND MEDIC, ETC.)
- Water - 25 gallons

TEACHER EMERGENCY KITS

Teacher Emergency Kits are located in each classroom. It is recommended they contain at least the following:

- Class lists (updated by the teacher as necessary) with a place for parent signatures when releasing students and to assist in the taking of roll.
- Student Accountability Forms
- List of Special Needs students
- Disaster Emergency Cards (one for each student)
- Simple first aid supplies
- Orange/ ID arm band and name card with teacher's name to be worn by the teacher
- Copy of the Campus Response Plan and the District Disaster Plan (Cliff Notes/Summary of plan)
- Water-10 gallons

- Flashlight
- Work gloves
- 40 Plastic garbage bags to be used as rain gear
- Clip board
- Pens/pencils/permanent markers (at least one permanent marker to use for triaging student emergency needs)
- Pad of paper

Each employee should have a personal survival kit available at all times containing prescription medicines, extra eye glasses, change of clothes, toiletries, comfortable shoes, jacket and other necessary items.

FIRST AID KITS

School First Aid Kits are recommended to contain at least the following items:

- First aid manual
- 3 triangular bandages
- 6 stretch gauze bandages
- 2 instant ice packs
- 1 after-burn treatment spray
- 2 packages long bandages
- 30 boxes sterile pads for small wounds (120 pads)
- 2 bottles liquid soap
- 6 bottles aspirin
- Hydrogen peroxide
- Paper towels
- Felt pens to identify injured children sent elsewhere for treatment. Write name on child's arm; non-water soluble
- Sheets
- Needle nose pliers for removal of glass
- 6 sanitary napkins (for severe bleeding)
- A zip lock bag containing:
 - 1 tube medicated ointment
 - 5 smelling salts (ammonia inhalant)
 - 2 rolls tape
 - Tweezers
 - Scissors

TOOL KIT(S)

The school Tool Kit(s) is recommended to contain at least the following items:

- Work gloves
- Goggles
- Flashlight (batteries in package)
- Lantern (batteries in box)
- Duct tape
- Masking tape
- Utility knives
- Hammer
- Blade screwdrivers (small, medium, large)
- Crowbar (a longer crowbar is stored in custodian's office)
- Waterproof matches
- Rope
- Nails
- Sheets (to signal for help)
- Spray paint (to use on sheets to identify needs)
- Radio

- Large shovel located in custodian’s office

LIST OF STAFF WITH SPECIAL SKILLS

Each Central School Emergency Kit and each Teacher Emergency Kit will also contain a list of school staff members with specialized emergency skills. These include, but are not limited to:

- Medical or first aid experience
- Search and rescue experience
- Fire-fighting, chemical spill containment experience
- Communications equipment experience (indicate type)
- Emergency vehicle (indicate type)
- Foreign Language knowledge

Site Emergency Preparedness Plan

Safety Plan Timeline and Checklist

The timeline and checklist will assist in addressing mandates and determining that the Incident Command System portion of your comprehensive safety plan is in place and functional.

2021-2022 MDUSD ANNUAL SAFETY PLAN TIMELINE		
MONTH	ACTIVITY	PERSON(S) RESPONSIBLE/DATE
August	Facility Hazard Assessment Update School Map(s) Inventory and Replace Supplies Update Staff Roster and Buddy Lists Update Incident Command System (ICS) Assignments and Procedures Staff Review of Safety Plan Mandates ¹ Calendar all Safety Drills Student Instruction on Safety Drills First Fire Drill within 10 days of start of school Parent Advisement Re: Plan	Admin, Office Staff and School Staff, August 2021
August/September	Staff Review of ICS Procedures Staff Review of Safety Drill Procedures First Aid Review Conduct Survey of Staff Skills Survey Parents for Emergency Volunteers Update List of Resources	Admin, September 2021
August - June	<ul style="list-style-type: none"> * Fire Alarm (EC 32001): All principals shall cause the fire alarm to be sounded at least once every month * Fire Drills (Title 5 TS 550, EC 32001): Elementary and Middle - at least once a month High schools - at least once per semester. Fire Alarm to be sounded in months without a drill * Intruder Drills: all levels at least once per semester * Earthquake Drills (E.C. 35297): Elementary and Middle - once per quarter High schools - once per semester * Shelter in Place Drills: at least once a year (Typically part of county-wide drill first Wednesday of November) 	Admin and Office Staff , June 2022
November	Shelter-in-Place	Office Staff, by June 2022
January - February	Assessment of Crime Related Data by Staff, Students, SSC, Parents Safety Plan Goals Reviewed/Updated Updated Safety Plan Approved by SSC	Admin, February 2022

Emergency Alarm and Drill Log AR 3516.1

School Year 2021-2022

School: Ayers Elementary School

Principal: Martha Thomas

Type	Month	Day	Time of Day	Comments (Include length of fire drills)
Intruder Alert Drill	September	30	12:45 pm	doors closed and locked
Fire Drill	September	30	12:50 pm	2 mins 57 secs
Earthquake Drill	October	26	10:30 am	Drop and take cover
Fire Drill	October	26	10:35 am	3 mins 15 sec
Fire Drill	November	30	1:33 pm	3 mins 5 sec
Fire Drill	December	17	2:45 pm	1 min 58 sec
Fire Drill	January	31	8:30 am	3 min 10 sec
Shelter-in-Place Drill	February	28	1:30 pm	scheduled
Fire Drill	February	28	1:30 pm	scheduled
Intruder Alert Drill	March	16	10:30	scheduled
Fire Drill	March	16	10:45	scheduled
Fire Drill	April	12	9:00	scheduled
Earthquake Drill	May	17	12:50	scheduled
Fire Drill	May	17	12:50	scheduled
Fire Alarm Testing	June	14	8:45 am	scheduled
Fire Alarm Testing	July	1	8:45 am	scheduled
Fire Drill	August	23	8:45 am	scheduled

- * **Fire Alarm Testing:** All principals shall cause the fire alarm to be sounded at least once every month
- * **Fire Drills (Title 5 TS 550, EC 32001):**
Elementary and Middle - at least once a month
High schools - at least once per semester. Fire Alarm to be sounded in months without a drill
- * **Intruder Drills:** all levels at least once per semester
- * **Earthquake Drills (E.C. 35297):**
Elementary and Middle - once per quarter
High schools - once per semester
- * **Shelter-in-Place:** at least once a year (Typically part of county-wide drill first Wednesday of November)

The Fire Marshall requires that a fire drill log be maintained at the school site for two years and presented during an inspection or by request of the Fire Department.

See Appendix A

Emergency Contact Numbers

Utilities, Responders and Communication Resources

Type	Vendor	Number	Comments
Local Hospitals	John Muir-Concord Emergency	674 2333	2540 East Street Concord CA 94520
Local Hospitals	John Muir-Walnut Creek Emergency	939 5800	1601 Ygnacio Valley Rd Walnut Creek CA 94598
Law Enforcement/Fire/Param edic	Clayton Police	673 7350	6000 Heritage Trail Clayton CA 94517
Law Enforcement/Fire/Param edic	Concord Police	671 3200	1350 Galindo St Concord CA 94520
Law Enforcement/Fire/Param edic	Martinez Police	372 3400	525 Henrietta St Martinez CA 94553
Law Enforcement/Fire/Param edic	Pleasant Hill Police	288 4600	330 Civic Drive Pleasant Hill CA 94523
Law Enforcement/Fire/Param edic	Walnut Creek Police	943 5844	1666 North Main St Walnut Creek CA 94596
Law Enforcement/Fire/Param edic	Contra Costa Sheriff's Department	335 1500	561 Pine St #7 Martinez CA 94553
Public Utilities	PG&E Emergency	1-800-743-5000	If you smell natural gas, see downed power lines, or suspect another emergency situation, leave the area immediately and then call 9-1-1 or PG&E at 1-800-743-5000. Consult PG&E website for grid of outages: www.pge.com
Public Utilities	Contra Costa Water Emergency	M-F 688 8095	Before and after hours and weekend emergencies, call 688 8374
American National Red Cross	Bay Area Red Cross Disaster Relief	(415) 427 8000	1663 Market St San Francisco CA 94103
School District	MDUSD	682 8000	
Other	US Federal Aviation Administration	(650) 876 2883	603 S.F. International Airport San Francisco, CA 94128

Campus Disturbances and Disruptions BP/AR 5131.4; BP/AR 3515.2

MDUSD AR 5131.4

Campus Disturbances

Campus Disturbance Plan.

Ayers will follow the Mt Diablo Unified School District Board Policies. During campus disruptions that impact the safety of all students on campus the most appropriate emergency procedure (lockdown, shelter-in-place, or evacuation) will be enacted. Individual campus disruptions that do not impact the entire school site will not result in the use of school-wide emergency procedures. Disruptions from individuals not authorized to be on campus will not be tolerated. The principal or designee will direct the individual to leave the school grounds. If that person refuses to leave, law enforcement will be contacted. Disruptions from students will also not be tolerated. The student will be escorted to the office where a conference will be held. Family contact will be made and a request for family attendance at the conference may be made at that time. Staff members will make use of emergency channel on their walkie-talkies to alert staff in the event of a disturbance that may require a lockdown.

See Appendix A

Access to School Campus by Visitors BP/AR 1250

MDUSD BP 1250

Visitors/Outsiders

Visitor Registration Procedure:

All visitors to the school must sign in at the office before entering the campus area. Visitors are to wear a "visitor" badge at all times while on the school campus. Itinerant staff members and district staff members must also sign in at the office before proceeding to a classroom. Only parents/community members who have been fingerprinted and approved by the district may volunteer in the classroom or attend school field trips as chaperones.

See Appendix A

Procedures for Safe Ingress and Egress of Pupils, Parents, and Staff AR 0450

Describe the procedures for safe passage when students and adults are entering and leaving school grounds. Identify your site's access points. Describe the utilization of campus supervisors, security personnel, and security equipment. The big traffic circle in the front of the office and classroom area is limited to the following use: vehicles dropping off or picking up their children. There is no parking, or leaving your vehicle. The smaller circle drive that goes through the far parking lot, and stops in front of the MUR, is for Special Education students,

The back gate to the playing field is closed during school hours to prevent access to school grounds from the back of the campus.

Written traffic procedures are included in the information parents receive at Walkthrough, in the school e-newsletter, and in flyers available in the office. The principal provides personal reminders to drivers before, during and after school. Staff and a parent volunteers monitor the drop off areas each morning to help reinforce the "no parking" rules and to assure student safety

MDUSD employees wear district badges.

Visitors to the school are required to check-in and out of the office and must wear a clearly visible "Visitor's Badge."

Classroom visitation procedures are included in the Parent Handbook.

Parents/guardians who pick up their children early complete a "sign-out" in the school office.

Teachers are assigned supervision duty before school, after school, and during recess periods.

Staff members are assigned duty at the "front of the school" at dismissal.

Noon supervisors supervise students in the lunchroom and on the playground during lunchtime.

Kindergarten students are dismissed only to parents/authorized adults or daycare staff. Parents accompany kindergarten students to the door each morning.

Parents are provided with written information on how to pick up students in the event of a major emergency (i.e. earthquake).

Emergency drills are held to familiarize staff/students with emergency exit routes and procedures.

Security cameras are utilized at all times to monitor all areas of the campus. including the play areas and restroom entrances.

See Appendix A

Students with Disabilities

If you have not described them elsewhere in your safety plan, include adaptations for students with disabilities in accordance with the federal Americans with Disabilities Act of 1990 (42 U.S.C. SEC §. 12101 et seq.) for disaster procedures, routine and emergency.

Ayers will follow all MDUSD School Board policies and comply fully with the federal ADA for students with disabilities. Ramps to ensure access to all classrooms, and buildings, behavior plans and IEP's to meet the academic needs, ADA restrooms for students and adults, and additional staff to assist students. At this time Ayers has no students with disabilities that would require additional assistance in case of an emergency. Staff is aware of all students needs. There is a wheelchair in the office that can be used if a student is temporarily in need of additional assistance during an evacuation.

Ayers Elementary School Incident Command Structure

Incident Commander
Martha Thomas
Provides overall direction of response at school site; determines level of staffing; communicates with local public safety and District EOC

Public Information Officer
Sharon Akiyama
Media liaison, official spokesperson for school; coordinates information for parent community

Disaster Response Officer
Robert Queen
Ensures activities are conducted in safe manner, assures safety of personnel (staff, students, volunteers and responders)>

Agency Liaison
Dana Heinz
Assists in establishing and coordinating outside agencies that provide services or resources (E.G. Red Cross)

Operations
Dana Heinz
Supports on-scene response at school site; develops Incident Action Plan with Incident Commander, coordinates After Action Report with section chiefs

Planning
Cindy LeLaurin
Collects, evaluates and documents information about incident, including status of students staff and facilities, coordinates demobilization of ICS response

Logistics
Jim Bergmann
Provides services, personnel and supplies in support of incident response.

Finance/Administration
Michael Reinhardt
Provides financial tracking, procurement and cost accounting of incident response, administers incident-related compensation and claims

Search and Recovery
Jim Bergmann
Searches facility for injured and missing students and staff; conducts initial damage assessment; provides light fire suppression

First Aid
Jen Mucha, Denise Marks
Provides triage and medical care; establishes morgue, if needed.

Situation
Michelle Hackel, Cindy LeLaurin
Processes and organizes all incident information, including staff student and facility status, maintains ICS status boards and school site map

Food and Supplies
Denise Marks, Shelly Okimura
Assesses supply resources at site, including food and water, procures supplies and provides personnel, as requested, including volunteers.

Time
Dung Nguyen
Maintains incident time logs for all personnel.

Security/Traffic
Hugh Ellis
Coordinates security needs; establishes traffic and crowd control; restores utilities; secures perimeter and isolates ire/HazMat

Assembly/Shelter and Care
Carlene Tamichi
Provides accounting and long-term care for all students until reunited with parents caretakers; manages food and sanitation needs of students.

Documentation
Marisa Lujan
Collects and archives all incident documents

Transportation
Cindy Dean
Arranges transportation for staff, students and supplies.

Procurement
Dana Heinz
Tracks and maintains complete records of site expenditures and purchases made by Logistics; manages vendor contracts

Crisis Intervention
Kristen Wenger
Provides onsite counseling and intervention; determines need for outside mental health support

Student Release
Allison Newlin, Karen Noh, Shelley Okimura
Provides for systematic and efficient reunification of student with parents/caretakers; maintains records of student release

Resources/Staffing
Cindy LeLaurin
Tracks equipment and personnel assigned to the incident, checks in all resources (incoming equipment, personnel and volunteers).

Facilities
Alison Newlin
Coordinates site repairs and use of school facilities; arranges for debris removal

Cost
Dana Heinz
Provides cost estimates, analysis and recommendations for cost savings

Demobilization
Bryan McShane
Coordinates orderly and safe release of assigned resources and deactivation of incident response at the site

Communications/IT
Cindy LeLaurin, , Mike Dulaney
Maintains all communication equipment, including radios; provides services to support information technology functions.

Compensation/Claims
Cindy LeLaurin
Processes compensation/injury claims related to incident

This section removed from posted plan for security purposes. If you wish to see the full plan, contact the school principal for an appointment.

This section removed from posted plan for security purposes. If you wish to see the full plan, contact the school principal for an appointment.

Maps

Insert labeled site maps that contain the following information:

1. Ingress and egress patterns.

This section removed from posted plan for security purposes. If you wish to see the full plan, contact the school principal for an appointment.

This section removed from posted plan for security purposes. If you wish to see the full plan, contact the school principal for an appointment.

2. Evacuation routes.

This section removed from posted plan for security purposes. If you wish to see the full plan, contact the school principal for an appointment.

3. Incident Command System locations: command post, morgue, first aid center, evacuation assembly area, student release area, media area.

This section removed from posted plan for security purposes. If you wish to see the full plan, contact the school principal for an appointment.

This section removed from posted plan for security purposes. If you wish to see the full plan, contact the school principal for an appointment.

4. Emergency and first aid supply locations, and school tool kit(s) locations.

This section removed from posted plan for security purposes. If you wish to see the full plan, contact the school principal for an appointment.

This section removed from posted plan for security purposes. If you wish to see the full plan, contact the school principal for an appointment.

5. Location of AEDs.

This section removed from posted plan for security purposes. If you wish to see the full plan, contact the school principal for an appointment.

This section removed from posted plan for security purposes. If you wish to see the full plan, contact the school principal for an appointment.

6. Locations of utility lines and shut off valves.

This section removed from posted plan for security purposes. If you wish to see the full plan, contact the school principal for an appointment.

Appendix A: Active Shooter Event Quick Reference Guide

When law enforcement arrives:

- Remain calm and follow instructions
- Drop items in your hands (e.g., bags, jackets)
- Raise hands and spread fingers
- Keep hands visible at all times
- Avoid quick movements toward officers, such as holding on to them for safety
- Avoid pointing, screaming or yelling
- Do not ask questions when evacuating

Information to provide to 911 operations:

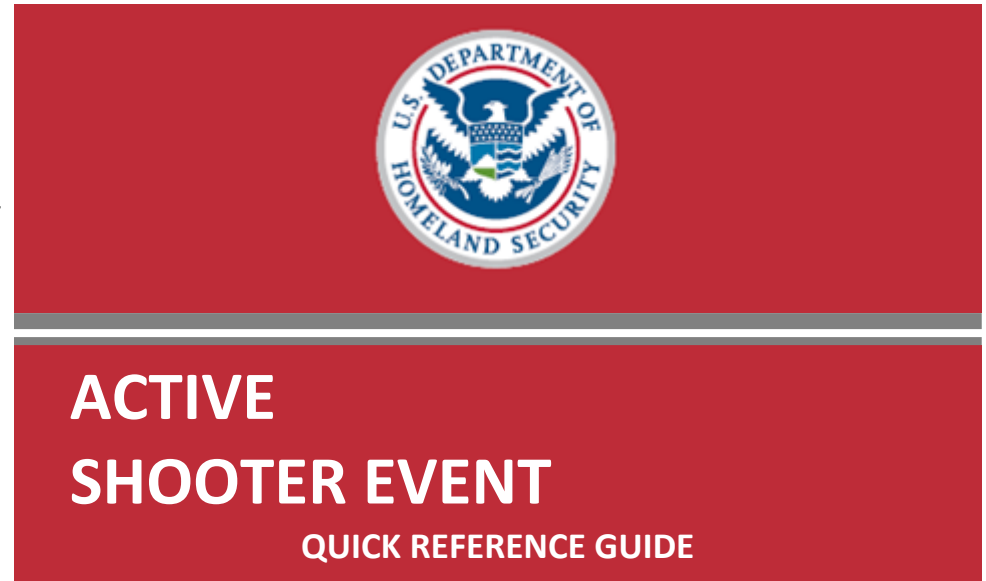
- Location of the active shooter
- Number of shooters
- Physical description of shooters
- Number and type of weapons shooter has
- Number of potential victims at location

For questions or additional assistance contact:

Your local law enforcement authorities or FBI Field office:



Department of Homeland Security
3801 Nebraska Ave, NW
Washington, DC 20528



An “active shooter” is an individual who is engaged in killing or attempting to kill people in a confined and populated area; in most cases, active shooters use firearms(s) and there is no pattern or method to their selection of victims.

- Victims are selected at random
- Event is unpredictable and evolves quickly
- Knowing what to do can save lives

ACTIVE SHOOTER EVENTS

When an Active Shooter is in your vicinity, you must be prepared both mentally and physically to deal with the situation.



You have three options:

- Have an escape route and plan in mind
- Leave your belongings behind
- Evacuate regardless of whether others agree to follow
- Help others escape, if possible
- Do not attempt to move the wounded
- Prevent others from entering an area where the active shooter may be
- Keep your hands visible
- Call 911 when you are safe

- Hide in an area out of the shooter's view
- Lock door or block entry to your hiding place
- Silence your cell phone (including vibrate mode) and remain quiet

- Fight as a last resort and only when your life is in imminent danger
- Attempt to incapacitate the shooter
- Act with as much physical aggression as possible
- Improvise weapons or throw items at the active shooter
- Commit to your actions . . . your life depends on it

The first officers to arrive on scene will not stop to help the injured. Expect rescue teams to follow initial officers. These rescue teams will treat and remove injured.

Once you have reached a safe location, you will likely be held in that area by law enforcement until the situation is under control, and all witnesses have been identified and questioned. Do not leave the area until law enforcement authorities have instructed you to do so.

EASY AS ABC

THREE STEPS TO PROTECT YOUR CHILD DURING EMERGENCIES IN THE SCHOOL DAY



ASK how you would be reunited with your child in an emergency or evacuation



BRING extra medications, special food, or supplies your child would need if you were separated overnight



COMPLETE a backpack card and tuck one in your child's backpack and your wallet





ASK how you would be reunited with your child in an emergency or evacuation

How would you find your child if an emergency happened during the school day?

If students had to evacuate, where should parents/guardians go for pick up?

Room E3

How would the school notify you in the event of emergency?

Text message emergency alert, email, automated phone call - at least one of these will occur depending on access to services





BRING extra medications, special food, or supplies your child would need if you were separated overnight

An emergency might require a sudden sleepover. Tell school administrators about any extra supplies your child may need to safely make it through a night away from home.

What essential supplies would your child need if separated from you overnight? (Medications? Inhaler? Milk? Diapers? Battery pack for special equipment?)

Does the school have an emergency stockpile of these items? **Yes No**

If your child has special medications, can extras be kept at the school? **Yes No**

What is the school policy for how and when medicine can be administered to your child?



COMPLETE a backpack card and tuck one in your child's backpack and your wallet

Emergencies are chaotic! Make sure your child or their school knows how to reach you, and who should be called if your phone isn't working.

Complete an emergency contact card to make sure you and your child know how to get in touch quickly.

Cut Here

Fold Here

BACKPACK EMERGENCY CARD

Child's Name:
Date of Birth:
Home Phone: Cell Phone:
School Name: Ayers Elementary School
School Phone Number:
Special needs, medical conditions, allergies, important information:

DIAL 911 FOR EMERGENCIES

Parent/Guardian/Caregiver

Name: E-mail:
Cell Phone: Alternative Phone:
Text Okay: Yes No Employer:
Name: E-mail:
Cell Phone: Alternative Phone:
Text Okay: Yes No Employer:

Out of Town Contact

Name: E-mail:
Cell Phone: Alternative Phone:

DIAL 911 FOR EMERGENCIES

For more information on steps you can take now to protect children during emergencies and disasters visit: emergency.cdc.gov/children

Appendix C: Board Policies and Administrative Rules

Policies in Numerical Order

Community Relations BP 1112 (Emergency Communications)
Campus Security AR 3515
Emergency and Disaster Preparedness BP/AR 3516
Fire Drills and Fires AR 3516.1
Bomb Threats AR 3516.2
Earthquake Emergency Procedure System AR 3516.3
Sexual Harassment Personnel BP/AR 4119.11
Employee Security BP/AR 4258 Workplace Violence Prevention and Reporting (Procedures to Notify Teachers of Dangerous Pupils)
Employee Security BP/AR 4358 Workplace Violence Prevention and Reporting
Conduct (Students) BP 5131
Bullying BP 5131.2
Dress and Grooming BP/AR 5132
Child Abuse Reporting Procedures BP/AR 5141.4
Child Abuse Prevention BP 5141.41
Discipline BP 5144
Suspension and Expulsion/Due Process BP/AR 5144.1
Suspension and Expulsion/Due Process (Students with Disabilities) AR 5144.2
Nondiscrimination / Harassment and Transgender Policy BP/AR 5145.3
Student Conduct and Discipline: Anti-Bullying BP/AR 5145.4
Sexual Harassment Students BP/AR 5145.7
Hate Motivated Behavior BP 5145.9

Policies in Alphabetical Order

Bomb Threats AR 3516.2
Bullying BP 5132.2
Campus Security AR 3515
Child Abuse Prevention BP 5141.41
Child Abuse Reporting Procedures BP/AR 5141.4
Community Relations BP 1112 (Emergency Communications)
Comprehensive Safety Plan BP/AR 0450 (Public Agency Use of School Buildings for Emergency Shelter)
Conduct (Students) BP 5131
Discipline BP 5144
Dress and Grooming BP/AR 5132
Earthquake Emergency Procedure System AR 3516.3
Emergency and Disaster Preparedness BP/AR 3516
Employee Security - Workplace Violence Prevention and Reporting BP 4358
Employee Security- Workplace Violence Prevention and Reporting (Procedures to Notify Teachers of Dangerous Pupils) BP/AR 4258
Fire Drills and Fires AR 3516.1
Hate Motivated Behavior BP 5145.9
Nondiscrimination / Harassment and Transgender Policy BP/AR 5145.3
Sexual Harassment Personnel BP/AR 4119.11
Sexual Harassment Students BP/AR 5145.7
Student Conduct and Discipline: Anti-Bullying BP/AR 5145.4
Suspension and Expulsion/Due Process (Students with Disabilities) AR 5144.2
Suspension and Expulsion/Due Process BP/AR 5144.1

BP 0450 Philosophy, Goals, Objectives and Comprehensive Plans

Comprehensive Safety Plan

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

(cf. 5131 - Conduct)

The Superintendent shall ensure that each principal develop a comprehensive site-level safety plan, in accordance with law, tailored to the specific concerns of each school. The plan shall take into account the school's staff, available resources and building design, as well as other factors unique to the site.

(cf. 0420 - School Plans/Site Councils)

(cf. 1220 - Citizen Advisory Committees)

The school safety plan shall be reviewed and updated annually by March 1 of each year. Each school shall forward the safety plan to the district for approval. (Education Code 35294.6)

(cf. 0510 - School Accountability Report Card)

The Board shall approve the comprehensive districtwide and/or school safety plan(s) in order to ensure compliance with state law, Board policy and administrative regulation.

By October 15 of each year, the Superintendent or designee shall notify the California Department of Education of any schools that have not complied with the requirements of Education Code 35294.1. (Education Code 35294.8)

The principal or designee shall ensure that an updated file of all safety-related plans and materials is readily available for inspection by the public. (Education Code 35294.2)

(cf. 1340 - Access to District Records)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of sex discrimination

32260-32262 Interagency School Safety Demonstration Act of 1985

32270 School safety cadre

32280-32289 School safety plans

32290 Safety devices

35147 School site councils and advisory committees

35183 School dress code; uniforms

35291 Rules

35291.5 School-adopted discipline rules

35294.10-35294.15 School Safety and Violence Prevention Act

41510-41514 School Safety Consolidated Competitive Grant Program

48900-48927 Suspension and expulsion

48950 Speech and other communication

49079 Notification to teacher; student who has committed acts constituting grounds for suspension or expulsion

67381 Violent crime

PENAL CODE

11164-11174.3 Child Abuse and Neglect Reporting Act

CALIFORNIA CONSTITUTION

Article 1, Section 28(c) Right to Safe Schools

CODE OF REGULATIONS, TITLE 5

11992-11993 Definition, persistently dangerous schools

11987-11987.7 School Community Violence Prevention Program requirements

UNITED STATES CODE, TITLE 20

7101-7165 Safe and Drug Free Schools and Communities, especially:

7114 Application for local educational agencies

7912 Transfers from persistently dangerous schools

UNITED STATES CODE, TITLE 42

12101-12213 Americans with Disabilities Act

Management Resources:

CSBA PUBLICATIONS

911! A Manual for Schools and the Media During a Campus Crisis, 2001

Protecting Our Schools: Governing Board Strategies to Combat School Violence, 1999

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Safe Schools: A Planning Guide for Action, 2002

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Practical Information on Crisis Planning: A Guide for Schools and Communities, January 2007

Early Warning, Timely Response: A Guide to Safe Schools, August 1998

WEB SITES

CSBA: <http://www.csba.org>

California Department of Education, Safe Schools: <http://www.cde.ca.gov/ls/ss>

California Emergency Management Agency: <http://www.calema.ca.gov>

California Seismic Safety Commission: <http://www.seismic.ca.gov>

Center for Effective Collaboration and Practice: <http://cecp.air.org>

Federal Bureau of Investigation: <http://www.fbi.gov>

National Alliance for Safe Schools: <http://www.safeschools.org>

National School Safety Center: <http://www.schoolsafety.us>

U.S. Department of Education, Office of Safe and Drug Free Schools: <http://www.ed.gov/about/offices/list/osdfs/index.html>

Policy MT. DIABLO UNIFIED SCHOOL DISTRICT

adopted: November 12, 2002 Concord, California

AR 0450 Philosophy, Goals, Objectives and Comprehensive Plans

Comprehensive Safety Plan

Development and Review of School Site Safety Plan

The school site council shall write and develop a comprehensive safety plan relevant to the needs and resources of that particular school. The site council shall consult with local law enforcement in the writing and development of the plan, as well as other school site councils and safety committees, when practical. (Education Code 35294.1, 35294.2)

(cf. 0420 - School Plans/Site Councils)

In addition, the school site council may consult with other local agencies as appropriate, including health care and emergency services.

(cf. 1400 - Relations between other Governmental Agencies and the Schools)

The school site council may delegate the responsibility for writing and developing a school safety plan to a school safety planning committee. This committee shall be composed of the following members: (Education Code 35294.1)

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

Before adopting its comprehensive school safety plan, the school site council or school safety planning committee shall hold a public meeting at the school in order to allow members of the public the opportunity to express an opinion about the school safety plan. (Education Code 35294.8)

(cf. 1220 - Citizen Advisory Committees)

The school site council or safety planning committee shall evaluate, and amend as necessary, the safety plan at least once a year to ensure that the plan is properly implemented. (Education Code 35294.2)

Elements of the Safety Plan

The districtwide and/or school site safety plan shall include, but not be limited to: (Education Code 35294.2)

1. An assessment of the current status of school crime committed on campuses and at school-related functions
2. Appropriate strategies and programs that will provide or maintain a high level of school safety and address the school's procedures for complying with existing laws related to school safety, which shall include the development of all of the following:
 - a. Child abuse reporting procedures consistent with Penal Code 11164
(cf. 5141.4 - Child Abuse Reporting Procedures)
 - b. Routine and emergency disaster procedures
(cf. 3516 - Emergencies and Disaster Preparedness Plan)
(cf. 3516.1 - Fire Drills and Fires)
(cf. 3516.2 - Bomb Threats)
(cf. 3516.3 - Earthquake Emergency Procedure System)
(cf. 3516.5 - Emergency Schedules)
(cf. 3543 - Transportation Safety and Emergencies)
 - c. Policies pursuant to Education Code 48915(c) and other school-designated serious acts which would lead to suspension, expulsion or mandatory expulsion recommendations
(cf. 5131.7 - Weapons and Dangerous Instruments)
(cf. 5144.1 - Suspension and Expulsion/Due Process)
(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))
 - d. Procedures to notify teachers of dangerous students pursuant to Education Code 49079
(cf. 4158/4258/4358 - Employee Security)
 - e. A discrimination and harassment policy consistent with the prohibition against discrimination pursuant to Education Code 200-262.4
(cf. 1312.3 - Uniform Complaint Procedures)
(cf. 5145.3 - Nondiscrimination/Harassment)
(cf. 5145.7 - Sexual Harassment)
 - f. If the school has adopted a dress code prohibiting students from wearing "gang-related apparel," the provisions of that dress code and the definition of "gang-related apparel"
(cf. 5132 - Dress and Grooming)
 - g. Procedures for safe ingress and egress of students, parents/guardians and employees to and from school
(cf. 5142 - Safety)
 - h. A safe and orderly environment conducive to learning at the school
(cf. 5131 - Conduct)
(cf. 5137 - Positive School Climate)
 - i. The rules and procedures on school discipline adopted pursuant to Education Code 35291 and 35291.5

(cf. 5144 - Discipline)

j. Procedures for reporting school crimes, including hate crimes, on the California Safe Schools Assessment

(cf. 3515.1 - Crime Data Reporting)

(cf. 5145.9 - Hate-Motivated Behavior)

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

1. Development of a positive school climate that promotes respect for diversity, personal and social responsibility, effective interpersonal and communication skills, self-esteem, anger management and conflict resolution.

(cf. 5138 - Conflict Resolution/Peer Mediation)

(cf. 6141.2 - Recognition of Religious Beliefs and Customs)

2. Disciplinary policies and procedures that contain prevention strategies as well as behavioral expectations and consequences for violations.

(cf. 4118 - Suspension/Disciplinary Action)

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

(cf. 5113 - Absences and Excuses)

(cf. 5113.1 - Truancy)

(cf. 5136 - Gangs)

(cf. 5145.12 - Search and Seizure)

3. Curriculum that emphasizes prevention and alternatives to violence. This curriculum may include multicultural education, character/values education, media analysis skills, conflict resolution and community service learning.

(cf. 6141.6 - Multicultural Education)

(cf. 6142.4 - Learning through Community Service)

4. Parent involvement strategies, including strategies to help ensure parental support and reinforcement of the school's rules and increase the number of adults on campus.

(cf. 1240 - Volunteer Assistance)

(cf. 5020 - Parent Rights and Responsibilities)

(cf. 6020 - Parent Involvement)

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

(cf. 5131.6 - Alcohol and Other Drugs)

(cf. 5131.61 - Drug Testing)

(cf. 5131.62 - Tobacco)

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

(cf. 1020 - Youth Services)

7. Assessment of the school's physical environment, including a risk management analysis and development of ground security measures such as procedures for the closing of campuses to outsiders, securing the campus perimeter, and protecting buildings against vandalism. In addition, methods for effective enforcement and prevention may be considered, including the presence of law enforcement on campus.

(cf. 1250 - Visitors/Outsiders)

(cf. 3515 - Campus Security)

(cf. 3515.3 - District Police/Security Department)

(cf. 3530 - Risk Management/Insurance)

(cf. 5112.5 - Open/Closed Campus)

(cf. 5131.5 - Vandalism, Theft and Graffiti)

8. Crisis intervention strategies, which may include the following:

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

(cf. 3515.2 - Disruptions)

(cf. 3515.5 - Sex Offender Notification)

(cf. 5131.4 - Campus Disturbances)

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

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

d. Coordination of communication to schools, Governing Board members, parents/guardians and the media

(cf. 1112 - Media Relations)

(cf. 9010 - Public Statements)

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

f. Development of follow-up procedures that may be required after the crisis has occurred, such as counseling
9. Staff training in violence prevention and intervention techniques, including preparation to implement the elements of the safety plan

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

Regulation MT. DIABLO UNIFIED SCHOOL DISTRICT

approved: November 12, 2002 Concord, California

BP 1112 Community Relations

Media Relations

The Governing Board respects the public's right to information and recognizes that the media significantly influence the community's understanding of school programs. In order to develop and maintain positive media relations, the Board and the Superintendent desire to reasonably accommodate media requests for information and to provide accurate, reliable and timely information.

Media representatives are welcome at all Board meetings and shall receive meeting agendas upon request in accordance with Board policy.

(cf. 9322 - Agenda/Meeting Materials)

Media representatives, like all other visitors, shall register immediately upon entering any school building or grounds when school is in session.

(cf. 1250 - Visitors/Outsiders)

(cf. 3515.2 - Disruptions)

Staff may provide the media with student information, including, but not limited to, the name of a student, school of attendance, grade level, honors, and activities, unless the student's parent/guardian has submitted a written request that such information not be disclosed. The district shall not release information that is private or confidential as required by law, Board policy or administrative regulation. No other access to student records or personally identifiable student information may be provided without written parent/guardian permission.

(cf. 1340 - Access to District Records)

(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)

(cf. 5125 - Student Records)

(cf. 5125.1 - Release of Directory Information)

(cf. 9010 - Public Statements)

(cf. 9321.1 - Closed Session Actions and Reports)

Interviewing and Photographing Students

The district shall not impose restraints on students' right to speak freely with media representatives at those times which do not disrupt a student's educational program. However, interviews of students may not create substantial disorder or impinge on the rights of others. Therefore, in order to minimize possible disruption, media representatives who wish to interview students at school are strongly encouraged to make prior arrangements with the principal. At their discretion, parents/guardians may instruct their children not to communicate with media representatives.

(cf. 5145.2 - Freedom of Speech/Expression)

In order to protect the privacy and safety of students, a media representative who wishes to photograph students on school grounds should first make arrangements with the principal or designee.

When interviewing or photographing a special education student, he/she shall not be identified as a special education student without prior, written parent/guardian permission.

Crisis Communications Plan

During a disturbance or crisis situation, the first priority of school staff is to assure the safety of students and staff. However, the Board recognizes the need to provide timely and accurate information to parents/guardians and the community during a crisis. The Board also recognizes that the media have an important role to play in relaying this information to the public. In order to help ensure that the media and district work together effectively, the Superintendent or designee shall develop a crisis communications plan to identify communication strategies to be taken in the event of a crisis.

(cf. 0450 - Comprehensive Safety Plan)

(cf. 3516 - Emergency and Disaster Preparedness Plan)

The crisis communications plan may include but not be limited to identification of a media center location, development of both internal and external notification systems, and strategies for press conference logistics.

The Superintendent or designee shall include local law enforcement and media representatives in the crisis planning process.

Legal Reference:

EDUCATION CODE

32210-32212 Willful disturbance of public school or meeting

35144 Special meetings

35145 Public meetings

35160 Authority of governing boards

35172 Promotional activities

EVIDENCE CODE

1070 Refusal to disclose news source

PENAL CODE

627-627.10 Access to school premises

COURT DECISIONS

Lopez v. Tulare Joint Union High School District, (1995) 34 Cal.App.4th 1302

ATTORNEY GENERAL OPINIONS

95 Ops.Cal.Atty.Gen. 509 (1996)

Management Resources:

CSBA PUBLICATIONS

911: A Manual for Schools and the Media During a Campus Crisis, 2001

WEB SITES

CSBA: <http://www.csba.org>

Policy MT. DIABLO UNIFIED SCHOOL DISTRICT

adopted: January 28, 2003 Concord, California

AR 3515 Business and Noninstructional Operations

Campus Security

The Superintendent or designee shall ensure that campus security procedures are developed which are consistent with the goals and objectives of the district's comprehensive safety plan and site-level safety plans.

(cf. 0450 - Comprehensive Safety Plan)

These procedures shall include strategies and methods to:

1. Secure the campus perimeter and school facilities in order to prevent criminal activity. These strategies shall include an analysis of the building security system, lighting system, and campus fencing. Procedures to ensure unobstructed views and eliminate blind spots caused by doorways and landscaping shall also be considered. In addition, parking lot design may be studied, including methods to discourage through traffic.

2. Secure buildings from outsiders and discourage trespassing. These procedures may include requiring visitor registration, requiring staff and student identification tags, and patrolling places used for congregating and loitering.

(cf. 1250 - Visitors/Outsiders)

(cf. 3515.2 - Disruptions)

(cf. 5112.5 - Open/Closed Campus)

3. Discourage vandalism and graffiti. These methods may include plans to immediately cover graffiti as well as campus beautification projects and shall also include students and the community in these projects.

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

(cf. 5131.5 - Vandalism, Theft and Graffiti)

4. Control access to keys and other school inventory.

(cf. 3440 - Inventories)

5. Detect and intervene with school crime. These procedures may include the creation of a school watch program, an anonymous crime reporting system, analysis of school crime incidents, and collaboration and communication with local law enforcement agencies.

All staff shall receive training in building and grounds security procedures.

(cf. 3515.3 - District Police/Security Department)

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

These procedures shall be regularly reviewed and updated in order to reflect changed circumstances and to assess progress in achieving safe school objectives.

Keys

All keys shall be the responsibility of the respective administrator who shall take all reasonable steps to see that lost or stolen keys are kept to the absolute minimum. Requests for permanent issuance of keys shall be made only in those instances where an employee regularly needs a key in order to carry out normal activities necessitated by the position which the employee holds. When need for a particular key is of a temporary nature, a key shall be issued on that basis and shall be returned immediately following termination of the need for its use.

All keys shall be issued through the office of each site administrator. A receipt showing the number of the key and room(s) or building(s) which it opens shall be signed by the person to whom the key is issued. This receipt shall be filed in lieu of the key and shall be returned to the employee upon return of the key.

Each site administrator shall set up a key control system with a record of the number of each key filed.

The person issued a key shall be responsible for its safekeeping and shall pay for a duplicate key if lost. Duplicate keys are obtained only through the district Maintenance and Operations Department. The Board otherwise prohibits the duplication of school keys.

Keys shall be used only by authorized employees and shall never be loaned to students.

The greatest care shall be given to master and sub-master keys. Master keys shall never be loaned.

Legal Reference:

EDUCATION CODE

32020 Access gates

32211 Threatened disruption or interference with classes

35294-35294.9 School safety plans

38000-38005 Security patrols

PENAL CODE

469 Unauthorized making, duplicating or possession of key to public building

626-626.10 Disruption of schools

Management Resources:

CDE PUBLICATIONS

Safe Schools: A Planning Guide for Action, 1995

CSBA PUBLICATIONS

Protecting Our Schools: Governing Board Strategies to Combat School Violence, 1995

Regulation MT. DIABLO UNIFIED SCHOOL DISTRICT

approved: April 8, 2003 Concord, California

Business and Noninstructional Operations

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

The Superintendent or designee shall develop and maintain a disaster preparedness plan which contains routine and emergency disaster procedures, including, but not limited to, earthquake emergency procedures and adaptations for individuals with disabilities in accordance with the Americans with Disabilities Act. Such procedures or suitably modified versions shall be incorporated into the comprehensive school safety plans annually reviewed by the Superintendent or designee. (Education Code 32282)

- (cf. 0400 - Comprehensive Plans)
- (cf. 0450 - Comprehensive Safety Plan)
- (cf. 3516.3 - Earthquake Emergency Procedure System)

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

1. Fire on or off school grounds which endangers students
(cf. 3516.1 - Fire Drills and Fires)

2. Earthquake, flood, or other natural disasters

(cf. 3516.3 - Earthquake Emergency Procedure System)

3. Environmental hazards, such as leakages or spills of hazardous materials

(cf. 3514 - Environmental Safety)
(cf. 3514.2 - Integrated Pest Management)

4. Attack or disturbance, or threat of attack or disturbance, by an individual or group

(cf. 3515.2 - Disruptions)
(cf. 3515.7 - Firearms on School Grounds)
(cf. 5131.4 - Student Disturbances)

5. Bomb threat or actual detonation

(cf. 3516.2 - Bomb Threats)

6. Biological, radiological, chemical, and other activities, or heightened warning of such activities

7. Medical emergencies and quarantines, such as a pandemic influenza outbreak

(cf. 5141.22 - Infectious Diseases)

The Superintendent or designee shall use state-approved Standard Emergency Management System guidelines established for multiple-jurisdiction or multiple-agency operations and with the National Incident Management System.

The Superintendent or designee shall consult with city and/or county agencies so that district and site plans may provide the best possible way of handling each situation and also provide for emergency communications systems between these agencies and each district school.

The Superintendent or designee may provide a plan which allows bus seating capacity limits to be exceeded when a disaster or hazard requires students to be moved immediately to ensure their safety. (Education Code 39834)

(cf. 3543 - Transportation Safety and Emergencies)

Disaster preparedness exercises shall be held regularly at each school site and shall demonstrate how safety procedures may be applied to various types of emergencies. All students and employees shall receive instruction regarding emergency plans.

The Board encourages all employees to become proficient in first aid and cardiopulmonary resuscitation (CPR). The Superintendent or designee shall ascertain that at least one staff member at each school holds a valid certificate in these areas. The Superintendent or designee shall provide for CPR inservice training to be offered at least once a year for district staff.

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

The Board recognizes that district employees are considered disaster service workers and are subject to disaster service activities assigned to them. (Government Code 3100)

(cf. 4112.3/4212.3/4312.3 - Oath or Affirmation)

(cf. 4119.3/4219.3/4319.3 - Duties of Personnel)

Legal Reference:

EDUCATION CODE

32001 Fire alarms and drills

32040 Duty to equip school with first aid kit

32280-32289 School safety plans

32290 Safety devices

39834 Operating overloaded bus

46390-46392 Emergency average daily attendance in case of disaster

49505 Natural disaster; meals for homeless students; reimbursement

CIVIL CODE

1714.5 Release from liability for disaster service workers and shelters

GOVERNMENT CODE

3100-3109 Public employees as disaster service workers

8607 Standardized emergency management system

CODE OF REGULATIONS, TITLE 5

550 Fire drills

560 Civil defense and disaster preparedness plans

CODE OF REGULATIONS, TITLE 19

2400-2450 Standardized emergency management system

UNITED STATES CODE, TITLE 42

12101-12213 Americans with Disabilities Act

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Crisis Response Box, 2000

CALIFORNIA GOVERNOR'S OFFICE OF EMERGENCY SERVICES PUBLICATIONS

Active Shooter Awareness Guidance, February 2018

State of California Emergency Plan, 2017

CENTERS FOR DISEASE CONTROL AND PREVENTION PUBLICATIONS

Pandemic Influenza Planning Checklist, 2006

CONTRA COSTA COUNTY OFFICE OF EDUCATION

Pandemic Flu School Action Kit, June 2006

FEDERAL EMERGENCY MANAGEMENT AGENCY PUBLICATIONS

National Incident Management System, 3rd ed., October 2017

GOVERNOR'S OFFICE OF EMERGENCY SERVICES

School Emergency Response: Using SEMS at Districts and Sites, June 1998

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Guide for Developing High-Quality School Emergency Operations Plans, 2013

WEB SITES

CSBA: <http://www.csba.org>

American Red Cross: <http://www.redcross.org>

California Department of Education, Crisis Preparedness: <http://www.cde.ca.gov/ls/ss/cp>

California Emergency Management Agency: <http://www.calema.ca.gov>

California Seismic Safety Commission: <http://www.seismic.ca.gov>

Centers for Disease Control and Prevention: <http://www.cdc.gov>

Contra Costa County Office of Education, Pandemic influenza resources:

http://www.cccoe.k12.ca.us/about/flu/resources_flu_action_kit

Federal Emergency Management Agency: <http://www.fema.gov>

U.S. Department of Education, Emergency Planning: <http://www.ed.gov/admins/lead/safety/emergencyplan>

U.S. Department of Homeland Security: <http://www.dhs.gov>

Policy of Mount Diablo Unified School District

adopted: April 8, 2003 Concord, California

revised: March 9, 2020

AR 3516 Business and Noninstructional Operations

Emergencies And Disaster Preparedness Plan

The district disaster preparedness plan shall be available to staff, students and the public in the office of the Superintendent and in the office of each principal. Individual school site disaster plans shall be provided to each teacher and shall be available for public inspection at the principal's office. The principal shall make certain that students and staff are familiar with their site plan.

The Governing 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 it deems necessary to meet the community's needs. (Education Code 38132)

Release of Students

The following procedures shall be followed in releasing students in the event of an emergency or disaster:

1. The principal or designee shall receive authorization from the Superintendent or designee before releasing students.
2. Individual students shall not leave a school site without receiving permission from the principal or designee.
3. If possible, staff shall release students only to persons authorized on the student emergency card.
4. In absence of an emergency card or in an emergency in which reference to the emergency card is impossible, individual students shall be released, upon presentation of identification, to parents/guardians, persons authorized by the parents/guardians, or to authorized persons representing public agencies that may take responsibility, when necessary, for the safety of the student.
5. The principal or designee shall record the release of all students.

Role of Staff

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

(cf. 4112.3/4212.3/4312.3 - Oath or Affirmation)

During an emergency, staff shall fulfill the following roles:

(cf. 4119.3/4219.3/4319.3 - Duties of Personnel)

1. The principal or designee shall assume overall control and supervision of activities at the school site during an emergency. He/she shall have authority to use discretionary judgment in emergency situations which do not permit execution of prearranged plans. The principal or designee shall:
 - a. Direct evacuation of buildings
 - b. Arrange for transfer of students when their safety is threatened
 - c. Inform the Superintendent or designee of all emergency actions taken as soon as possible
 - d. Schedule periodical fire drills and other disaster preparedness exercises and keep appropriate records
 - e. Post directions for fire drills and civil defense drills in classrooms, multipurpose rooms, etc.
2. Teachers shall be responsible for supervision of students in their charge. Teachers shall:
 - a. Direct evacuation of students in their charge in accordance with the principal's instruction
 - b. Give the DROP command as necessary
 - c. Take attendance, stay with the students and provide supervision
 - d. Report missing students to the principal or designee
 - e. Send students in need of first aid to the school nurse or a person trained in first aid
3. Custodians are responsible for the use of emergency equipment, the handling of supplies and the use of available utilities. Custodians shall:
 - a. Survey and report damage to the principal
 - b. Direct rescue operations as required
 - c. Direct fire-fighting efforts until regular fire-fighting personnel take over
 - d. Control main shutoff valves for gas, water and electricity and ascertain that no hazard results from broken gas, water mains or fallen electrical lines
 - e. Disburse supplies and equipment as needed
4. The school secretary and secretarial staff shall:
 - a. Report a fire or disaster to the appropriate authorities
 - b. Answer telephones and monitor radio emergency broadcasts
 - c. Provide for the safety of essential school records and documents
 - d. Assist the principal as needed
5. The school nurse shall:
 - a. Administer first aid
 - b. Supervise the administration of first aid
 - c. Organize first aid and medical supplies
6. The cafeteria manager shall direct the use and preparation of the cafeteria stock and water supply whenever the feeding of students becomes necessary during a disaster.

7. The bus driver(s) shall:

- a. Supervise students if a disaster occurs while they are on the bus
- b. Issue the DROP command as necessary while students are on the bus
- c. Transfer students to a new location when directed by the principal
- d. Assist the custodian in damage control

Regulation MT. DIABLO UNIFIED SCHOOL DISTRICT

approved: April 8, 2003 Concord, California

AR 3516.1 Business and Noninstructional Operations

Fire Drills And Fires

Fire Drills

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

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

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

Fires

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

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

(cf. 0450 - School Safety Plan)

(cf. 3516 - Emergency and Disaster Preparedness Plan)

Legal Reference:

EDUCATION CODE

17074.50-17074.56 Automatic fire detection, alarm and sprinkler systems

32001 Uniform fire signals

32040 Duty to equip school with first aid kit

CODE OF REGULATIONS, TITLE 5

550 Fire drills

Regulation MT. DIABLO UNIFIED SCHOOL DISTRICT

approved: April 8, 2003 Concord, California

AR 3516.2 Business and Noninstructional Operations

Bomb Threats

Receiving Threats

Any staff member receiving a telephoned bomb threat shall try to keep the caller on the line so as to gather information about the location and timing of the bomb and the person(s) responsible. He/she should also try to determine the caller's gender and age and should take note of any distinctive features of voice or speech and any background noises such as music, traffic, machinery or other voices.

Staff members who customarily receive telephone calls or handle packages shall receive training related to bomb threats.

Procedures

1. Any employee who receives a bomb threat shall immediately call 911 and also report the threat to the principal or designee. If the threat is in writing, he/she shall place the message in an envelope and take note of where and by whom it was found.

2. Any student or employee seeing a suspicious package shall promptly notify the principal or designee.

3. The principal or designee shall immediately use fire drill signals and institute standard evacuation procedures as specified in the emergency plan.

(cf. 3516 - Emergency and Disaster Preparedness Plan)

(cf. 3516.1 - Fire Drills and Fires)

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

Law enforcement and/or fire department staff shall conduct the bomb search. School police officers may assist in this search. No other school staff shall search for or handle any explosive or incendiary device.

Except for school police officers, no staff or students shall reenter the threatened building(s) until the law enforcement and/or fire department staff advises the principal or designee that reentry is safe.

Any student who makes a bomb threat shall be subject to disciplinary procedures.

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

Legal Reference:

EDUCATION CODE

44810 Willful interference with classroom conduct

48900 Grounds for suspension or expulsion

51202 Instruction in personal and public health and safety

PENAL CODE

17 Felony, misdemeanor, classification of offenses

148.1 False report of explosive or facsimile bomb

245 Assault with deadly weapon or force likely to produce great bodily injury; punishment

594 Vandalism; penalty

Regulation MT. DIABLO UNIFIED SCHOOL DISTRICT

approved: April 8, 2003 Concord, California

AR 3516.3 Business and Noninstructional Operations

Earthquake Emergency Procedure System

The Superintendent or designee shall establish an emergency procedure system to be followed in case of earthquakes. This system shall include, but not be limited to, the following: (Education Code 35297)

1. A school building disaster plan, ready for implementation at any time, for maintaining the safety and care of students and staff
2. A DROP procedure in which students and staff members:
 - a. Take cover under a table or desk
 - b. Drop to their knees
 - c. Protect their head with their arms
 - d. Face away from the windows
3. Protective measures to be taken before, during and after an earthquake
4. A training program to ensure that all students and all certificated and classified staff are aware of, and properly skilled in, the earthquake emergency procedure system

School disaster plans shall outline roles, responsibilities and procedures for students and staff.

(cf. 3516 - Emergency and Disaster Preparedness Plan)

DROP procedures may be expanded to ensure that students get under stationary desks or tables where available, or otherwise get next to an inside wall or under an inside doorway. Students should stay in the drop position until the emergency is over or until further instructions are given.

Earthquake Education

DROP procedures shall be practiced at least once each school quarter in elementary schools and at least once each semester in secondary schools. (Education Code 35297)

Students also shall be taught to take the following safety precautions during an earthquake if adults are not present to give specific directions:

1. If you are in the open, stay there.
2. Move away from buildings, trees and exposed wires.
3. After the earthquake, if you are on your way to school, continue to school.
4. After the earthquake, if you are on your way home, continue home.

Earthquake While Indoors at School

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

1. Teachers shall have students perform the DROP procedure.
2. As soon as possible, teachers shall move the students away from windows and out from under heavy suspended light fixtures.
3. Teachers shall have students leave the building in an orderly manner when the earthquake is over.

Earthquake While on School Grounds

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

1. The teacher shall direct students to walk away from buildings, trees, poles or exposed wires.
2. The teacher shall have students perform the drop procedure, covering as much skin surface as possible, closing eyes and covering ears.
3. Teachers and students shall stay in the open until the earthquake is over or until further directions are given.

Earthquake While on the Bus

When students are on the school bus and an earthquake occurs, the following actions shall be taken:

1. The bus driver shall pull to the side of the road away from any buildings, poles, wires, overhead structures or bridges, if possible, and have students perform the DROP procedure.
2. The driver shall set the brakes, turn off the ignition, and wait until the earthquake is over before proceeding on the route.
3. As soon as possible, the driver shall contact the director of transportation for instructions.

Subsequent Emergency Procedures

1. In outside assembly areas, teachers shall provide assistance to any injured students, take roll and report missing students to the principal or designee.
2. The principal shall request assistance as needed from the county or city civil defense office or fire and police departments. He/she shall consider the possibility of aftershocks and shall determine the advisability of closing the school, with the advice of the county or city officials, as appropriate. He/she shall also contact the Superintendent or designee for further instructions.
3. The principal shall post guards at a safe distance from all building entrances to see that no one reenters until the buildings are declared safe. Monitors may be custodians, teachers or students.

4. Following the earthquake, the principal and custodian shall inspect all buildings for water and gas leaks, electrical breakages and large cracks or earth slippage affecting buildings. The principal shall notify utility companies of any break or suspected break

in lines which may present an additional hazard. If damage has occurred, the custodian shall shut off all utilities at the main valve.

5. Teachers or students shall not light any stoves or burners after the earthquake until the area is declared safe.

6. If the principal believes the school is damaged sufficiently to be a hazard, he/she shall notify the Superintendent or designee and ask that the county or city building inspector check for structural failure and equipment adequacy. Until this is done, the building shall not be occupied.

Legal Reference:

EDUCATION CODE

32280-32289 School safety plans

GOVERNMENT CODE

3100 Public employees as disaster service workers

8607 Standardized Emergency Management System (SEMS)

CODE OF REGULATIONS, TITLE 19

2400-2450 Standardized Emergency Management System

Management Resources:

FEDERAL EMERGENCY MANAGEMENT AGENCY PUBLICATIONS

Guidebook for Developing a School Earthquake Safety Program, 1990

OFFICE OF EMERGENCY SERVICES PUBLICATIONS

The ABCs of Post-Earthquake Evacuation: A Checklist for School Administrators and Faculty

Guide and Checklist for Nonstructural Earthquake Hazards in California Schools, January 2003

School Emergency Response: Using SEMS at Districts and Sites, June 1998

WEB SITES

CSBA: <http://www.csba.org>

American Red Cross: <http://www.redcross.org>

California Emergency Management Agency: <http://www.calema.ca.gov>

California Seismic Safety Commission: <http://www.seismic.ca.gov>

Federal Emergency Management Agency (FEMA): <http://www.fema.gov/hazards/earthquakes>

National Incident Management System (NIMS): <http://www.fema.gov/emergency/nims>

Regulation MT. DIABLO UNIFIED SCHOOL DISTRICT

approved: April 8, 2003 Concord, California

BP 4119.11 Personnel

Sexual Harassment

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

(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 periodic training to all staff regarding the district's sexual harassment policy, particularly the procedures for filing complaints and employees' duty to use the district's complaint procedures in order to avoid harm.

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

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 actions after completion of investigation. This may require interim separation of the complainant and the alleged harasser, and subsequent monitoring of developments.

Any district employee or job applicant who feels that he/she has been sexually harassed, or who has knowledge of any incident of sexual harassment by or against another employee, a job applicant or a student, shall immediately contact his/her supervisor, the principal, the Coordinator for Nondiscrimination in Employment ("Coordinator") as designated by the governing board in Board Policy 4030 and listed below, or Superintendent to obtain procedures for filing a complaint. Complaints of sexual harassment shall be filed on the District's Discrimination/Harassment Complaint Form, and shall follow the complaint process set forth in AR 4031(b) - (e).

Coordinator for Nondiscrimination in Employment

Gail Isserman, Assistant Superintendent, Personnel Services

1936 Carlotta Drive

Concord, Ca 94519

925-682-8000, ext. 4136

(cf. 4031 - Complaints Concerning Discrimination in Employment)

An employee may bypass his/her supervisor in filing a complaint where the supervisor is the subject of the complaint.

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

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

Any district employee who engages or participates in sexual harassment, or who aids, abets, incites, compels or coerces another to commit sexual harassment against a district employee, job applicant or student, is in violation of this policy and is subject to disciplinary action, up to and including dismissal.

(cf. 4117.4 - Dismissal)

(cf. 4118 - 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

7287.8 Retaliation

7288.0 Sexual harassment training and education

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 MT. DIABLO UNIFIED SCHOOL DISTRICT

adopted: April 25, 2006 Concord, California

AR 4119.11 Personnel

Sexual Harassment

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 gender, in the work or educational setting, when: (Education Code 212.5; 5 CCR 4916)

1. Submission to the conduct is made expressly or implicitly a term or condition of the individual's employment
 2. Submission to or rejection of such conduct by the individual is used as the basis for an employment decision affecting him/her
 3. The conduct has the purpose or effect of unreasonably interfering with the other individual's work performance; creating an intimidating, hostile or offensive work environment; or adversely affecting the other individual's evaluation, advancement, assigned duties, or any other condition of employment or career development
 4. Submission to or rejection of the conduct by the other individual is used as the basis for any decision affecting him/her regarding benefits, services, honors, programs or activities available at or through the district
- In order to constitute hostile environment sexual harassment, the conduct must be sufficiently severe, pervasive and persistent so that it creates an objectively hostile or abusive environment and must be gender based.

Other examples of actions that might constitute sexual harassment, whether committed by a supervisor or any other employee, include but are not limited to:

1. Unwelcome leering, sexual flirtations or propositions
2. Unwelcome sexual slurs, epithets, threats, innuendoes, derogatory comments or sexually degrading descriptions
3. Graphic verbal comments about an individual's body, or overly personal conversations or pressure for sexual activity
4. Sexual jokes, stories, drawings, pictures, graffiti, gestures or sexually explicit e-mails
5. Spreading sexual rumors
6. Massaging, grabbing, fondling, stroking or brushing the body
7. Touching an individual's body or clothes in a sexual way
8. Cornering, blocking, leaning over or impeding normal movements
9. Displaying or referring to sexually suggestive objects, such as profane or vulgar materials or pornography, or using sexual computer screen savers, in the educational or work environment
10. Any act of retaliation against an individual who reports a violation of the district's sexual harassment policy or who participates in the investigation of a sexual harassment complaint
11. This policy applies to all phases of the employment relationship and educational environment, including recruitment, testing, hiring, promotions, demotions, transfer, layoff, termination, rates of pay, benefits, selection for training, classroom instruction, and extra-curricular activities.

Notifications

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

1. Be displayed in a prominent location in the main administrative building or other area of the school where notices of district rules, regulations, procedures and standards of conduct are posted
2. Be provided to each faculty member, all members of the administrative staff, and all members of the support staff 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 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 the Fair Employment and Housing Department and Equal Employment Opportunity Commission
6. Directions on how to contact the Fair Employment and Housing Department and Equal Employment Opportunity Commission

Regulation MT. DIABLO UNIFIED SCHOOL DISTRICT

approved: September 9, 2003 Concord, California

Employee Security

Workplace Violence Prevention and Reporting

The Governing Board recognizes that it is responsible to furnish a place of employment which ensures a safe working environment for all employees. Disruptive and violent behavior by any person will not be tolerated. The Superintendent will assure that training is provided to employees regarding workplace violence awareness, prevention and reporting procedures.

Whenever any employee of a school district or of the office of a county superintendent of schools is attacked, assaulted, or physically threatened by an student, it shall be the duty of the employee, and the duty of any person under whose direction or supervision the employee is employed in the public school system who has knowledge of the incident, to promptly report the incident to the appropriate law enforcement authorities of the county or city in which the incident occurred. Failure to make the report shall be an infraction punishable by a fine of not more than \$1,000. (Education Code 44014)

Compliance with school district Board procedures relating to the reporting of, or facilitation of reporting of, the incidents specified above shall not exempt a person under a duty to make the report prescribed above from making the report. (Education Code 44014)

A member of the Board of a school district, a county superintendent of schools, or an employee of any school district or the office of any county superintendent of schools, shall not directly or indirectly inhibit or impede the making of the report prescribed above by a person under a duty to make the report. An act to inhibit or impede the making of a report shall be an infraction, and shall be punishable by a fine of not less than \$500 and not more than \$1,000. (Education Code 44014)

Neither the Board of a school district, a member of the Board, a county superintendent of schools, nor an employee of a school district or of the office of any county superintendent of schools shall impose any sanctions against a person under a duty to make the report prescribed above for making the report. (Education Code 44014)

Notification to Certificated Staff of Student Who Has Been Found by a Court to Have Committed any Felony and Other Misdemeanors (Welfare and Institutions Code 827)

The Welfare and Institution Code states written notice shall be provided by the court, within seven days, to the Superintendent of the school district of attendance that a minor enrolled in a public school, kindergarten to grade 12, inclusive, has been found by a court of competent jurisdiction to have committed any felony or any misdemeanor involving curfew, gambling, alcohol, drugs, tobacco products, carrying of weapons, assault or battery, larceny, vandalism, or graffiti. Written notice shall include only the offense found to have been committed by the minor and the disposition of the minor's case. Whenever the court notifies the district, the notice shall be expeditiously transmitted by the district Superintendent or designee to the

principal at the school of attendance. The information shall be given to any teacher, counselor or administrator who has supervisory or disciplinary responsibility over the student who the Superintendent or his designee believes needs this information to work with the student in an appropriate fashion to avoid being needlessly vulnerable, or to protect other persons from needless vulnerability.

The teacher, counselor or administrator shall be notified in writing on a district form. Any information received from the court shall be kept in a separate confidential file at the office of student services and shall be transferred to the minor's subsequent schools of attendance and maintained until the minor graduates from high school, is released from juvenile court jurisdiction, or reaches the age of 18, whichever occurs first. After that time the confidential record shall be destroyed.

Any information received by a teacher, counselor or administrator shall be received in confidence for the limited purpose for which it was provided and shall not be further disseminated by the teacher, counselor, or administrator, except insofar as communication with the juvenile, his or her parents/guardians, law enforcement personnel, and the juvenile's probation officer is necessary to effectuate the juvenile's rehabilitation or to protect students and staff. Any intentional violation of confidentiality is a misdemeanor punishable by a fine not to exceed \$500.

If a minor is removed from public school as a result of the court's finding for offenses described above, the Superintendent shall maintain the information in a confidential file and shall defer transmittal of the information received from the court until the minor is returned to public school. If the minor is returned to a school district other than the one from which the minor came, the parole or probation officer having jurisdiction over the minor shall so notify the Superintendent of the last district of attendance, who shall transmit the notice received from the court of the Superintendent of the new district of attendance.

Except as provided in paragraph (2) of subdivision (b) of Welfare and Institutions Code 827, no liability shall attach to any person who transmits or fails to transmit any notice or information required under Welfare and Institutions Code 827.

Legal Reference:

EDUCATION CODE

32210-32212 Willful disturbance, public schools or meetings

32225-32226 Communication devices

35204 Contract with attorney in private practice or use of administrative advisor

35205 Contract for legal services
35208 Liability insurance
35213 Reimbursement for loss, destruction or damage of school property
44014 Report of assault by pupil against school employee
44807 Duty concerning conduct of students
48201 Transfer of student records
48900-48926 Suspension or expulsion Grounds for suspension or expulsion
49079 Notification to teacher; student who has engaged in acts constituting grounds for suspension or expulsion
49330-49335 Injurious objects

CIVIL CODE

51.7 Freedom from violence or intimidation

CODE OF CIVIL PROCEDURE

527.8 Workplace violence safety act

GOVERNMENT CODE

995-996.4 Defense of public employees

3543.2 Scope of representation

PENAL CODE

71 Threatening public officers and employees and school officials

240 Definition of assault

241.2 Assault on school or park property against any person

241.3 Assault against school bus drivers

241.6 Assault on school employee includes board member

242 Definition of battery

243 Battery; definition of "injury" and "serious bodily injury"

243.2 Battery on school or park property against any person

243.3 Battery against school bus drivers

243.6 Battery against school employee includes board member

245.5 Assault with deadly weapon; school employee includes board member

290 Registration of sex offenders

601 Trespass by person making credible threat

626.9 Gun-Free School Zone Act of 1995

626.10 Exceptions to bringing weapons on school grounds

646.9 Stalking

12403.7 Weapons approved for self defense

WELFARE AND INSTITUTIONS CODE

827 Juvenile court proceedings; reports; confidentiality

828.1 District police or security department, disclosure of juvenile records

Management Resources:

CDE CORRESPONDENCE

0401.01 Protecting Student Identification in Reporting Injurious Objects

WEB SITES

CSBA: <http://www.csba.org>

California Department of Education, Safe Schools and Violence Prevention Office: <http://www.cde.ca.gov/lr/ss/>

Policy MT. DIABLO UNIFIED SCHOOL DISTRICT

adopted: September 9, 2003 Concord, California

Employee Security

Workplace Violence Prevention and Reporting

Violence in the workplace may result in injury or death to employees. In this regard, the district shall provide training to make employees aware of the potential for violence in the workplace, to increase an employee's ability to recognize the early warning signs of a potentially violent person or situation, to show employees how to record incidents indicative of a potential problem, and to encourage employees to report suspicious incidents. (See Exhibit (1) 4158/4258/4358)

1. Reporting Suspicious or Threatening Incidents

a. An employee who witnesses behavior that could potentially result in violence should immediately call the district telephone "hotline" recording device to report the behavior observed. The hotline number is 925-682-8000, extension 4451.

b. The observer should document the observed behavior in writing for the district's records. The information should be reported on the district form entitled Workplace Violence Report (Non-Student). This information will be considered confidential.

c. The Superintendent or his/her designee will investigate the situation or incident to determine further action.

d. The observer will receive confirmation of receipt of the reported behavior and will be notified by the Superintendent of his/her designee that appropriate action has been taken.

2. Communication of Reporting Procedures

a. All employees will receive notification of scheduled training sessions.

b. Reporting procedures will be disseminated to all sites via flyers or posters. The Board Policy and Administrative Rule will be posted in a conspicuous place at each site.

Notification to Certificated Staff of Student Who Has Been Found by a Court to Have Committed any Felony or Other Misdemeanors

The district shall inform any teacher, counselor or administrator with direct supervisory or disciplinary responsibility of any student enrolled in grades 1-12 who has been found by a court to have committed any felony or any misdemeanor involving curfew, gambling, alcohol, drugs, tobacco products, carrying of weapons, assault or battery, larceny, vandalism, or graffiti.

The district shall use the following procedures to report students:

1. The principal/designee shall be notified in writing on the district form (E(2) 4158/4258/4358). A copy of the original document from the court shall be retained by the Assistant Director, Student Services and shall be kept in a separate confidential file.

2. The notice shall be transferred to the minor's subsequent schools of attendance and maintained until the minor graduates from high school, is released from juvenile court jurisdiction, or reaches the age of 18 whichever occurs first. After that time, the confidential record shall be destroyed.

3. Procedures listed on the form shall be followed for distribution to teachers, counselors or administrators.

4. The principal/designee shall maintain a confidential file for all students. The file shall be updated, teachers, counselors or administrators notified and files destroyed as applicable.

At any time after the date by which a record required to be destroyed by this section should have been destroyed, the minor or his or her parent or guardian shall have the right to make a written request to the principal of the school that the minor's school records be reviewed to ensure that the record has been destroyed. Upon completion of any requested review and no later than 30 days after the request for the review was received, the principal or his or her designee shall respond in writing to the written request and either shall confirm that the record has been destroyed or, if the record has not been destroyed, shall explain why destruction has not yet occurred.

5. Any information received by a teacher, counselor or administrator pursuant to this section shall be received in confidence for the limited purpose for which it was provided and shall not be further disseminated by the teacher, counselor or administrators. Any intentional violation of confidentiality is a misdemeanor punishable by a fine not to exceed \$500.

6. If a student transfers from one teacher, counselor or administrator to another, the responsibility to notify becomes the duty of the principal/designee.

7. The name of the student shall be placed in a sealed envelope and put into the substitute folder for each applicable teacher. Instructions to see the principal/designee regarding confidential information about the student should be noted on the outside of the envelope.

Regulation MT. DIABLO UNIFIED SCHOOL DISTRICT

approved: September 9, 2003 Concord, California

Employee Security

Workplace Violence Prevention and Reporting

The Governing Board recognizes that it is responsible to furnish a place of employment which ensures a safe working environment for all employees. Disruptive and violent behavior by any person will not be tolerated. The Superintendent will assure that training is provided to employees regarding workplace violence awareness, prevention and reporting procedures.

Whenever any employee of a school district or of the office of a county superintendent of schools is attacked, assaulted, or physically threatened by an student, it shall be the duty of the employee, and the duty of any person under whose direction or supervision the employee is employed in the public school system who has knowledge of the incident, to promptly report the incident to the appropriate law enforcement authorities of the county or city in which the incident occurred. Failure to make the report shall be an infraction punishable by a fine of not more than \$1,000. (Education Code 44014)

Compliance with school district Board procedures relating to the reporting of, or facilitation of reporting of, the incidents specified above shall not exempt a person under a duty to make the report prescribed above from making the report. (Education Code 44014)

A member of the Board of a school district, a county superintendent of schools, or an employee of any school district or the office of any county superintendent of schools, shall not directly or indirectly inhibit or impede the making of the report prescribed above by a person under a duty to make the report. An act to inhibit or impede the making of a report shall be an infraction, and shall be punishable by a fine of not less than \$500 and not more than \$1,000. (Education Code 44014)

Neither the Board of a school district, a member of the Board, a county superintendent of schools, nor an employee of a school district or of the office of any county superintendent of schools shall impose any sanctions against a person under a duty to make the report prescribed above for making the report. (Education Code 44014)

Notification to Certificated Staff of Student Who Has Been Found by a Court to Have Committed any Felony and Other Misdemeanors (Welfare and Institutions Code 827)

The Welfare and Institution Code states written notice shall be provided by the court, within seven days, to the Superintendent of the school district of attendance that a minor enrolled in a public school, kindergarten to grade 12, inclusive, has been found by a court of competent jurisdiction to have committed any felony or any misdemeanor involving curfew, gambling, alcohol, drugs, tobacco products, carrying of weapons, assault or battery, larceny, vandalism, or graffiti. Written notice shall include only the offense found to have been committed by the minor and the disposition of the minor's case. Whenever the court notifies the district, the notice shall be expeditiously transmitted by the district Superintendent or designee to the

principal at the school of attendance. The information shall be given to any teacher, counselor or administrator who has supervisory or disciplinary responsibility over the student who the Superintendent or his designee believes needs this information to work with the student in an appropriate fashion to avoid being needlessly vulnerable, or to protect other persons from needless vulnerability.

The teacher, counselor or administrator shall be notified in writing on a district form. Any information received from the court shall be kept in a separate confidential file at the office of student services and shall be transferred to the minor's subsequent schools of attendance and maintained until the minor graduates from high school, is released from juvenile court jurisdiction, or reaches the age of 18, whichever occurs first. After that time the confidential record shall be destroyed.

Any information received by a teacher, counselor or administrator shall be received in confidence for the limited purpose for which it was provided and shall not be further disseminated by the teacher, counselor, or administrator, except insofar as communication with the juvenile, his or her parents/guardians, law enforcement personnel, and the juvenile's probation officer is necessary to effectuate the juvenile's rehabilitation or to protect students and staff. Any intentional violation of confidentiality is a misdemeanor punishable by a fine not to exceed \$500.

If a minor is removed from public school as a result of the court's finding for offenses described above, the Superintendent shall maintain the information in a confidential file and shall defer transmittal of the information received from the court until the minor is returned to public school. If the minor is returned to a school district other than the one from which the minor came, the parole or probation officer having jurisdiction over the minor shall so notify the Superintendent of the last district of attendance, who shall transmit the notice received from the court of the Superintendent of the new district of attendance.

Except as provided in paragraph (2) of subdivision (b) of Welfare and Institutions Code 827, no liability shall attach to any person who transmits or fails to transmit any notice or information required under Welfare and Institutions Code 827.

Legal Reference:

EDUCATION CODE

32210-32212 Willful disturbance, public schools or meetings

32225-32226 Communication devices

35204 Contract with attorney in private practice or use of administrative advisor

35205 Contract for legal services
35208 Liability insurance
35213 Reimbursement for loss, destruction or damage of school property
44014 Report of assault by pupil against school employee
44807 Duty concerning conduct of students
48201 Transfer of student records
48900-48926 Suspension or expulsion Grounds for suspension or expulsion
49079 Notification to teacher; student who has engaged in acts constituting grounds for suspension or expulsion
49330-49335 Injurious objects

CIVIL CODE

51.7 Freedom from violence or intimidation

CODE OF CIVIL PROCEDURE

527.8 Workplace violence safety act

GOVERNMENT CODE

995-996.4 Defense of public employees

3543.2 Scope of representation

PENAL CODE

71 Threatening public officers and employees and school officials

240 Definition of assault

241.2 Assault on school or park property against any person

241.3 Assault against school bus drivers

241.6 Assault on school employee includes board member

242 Definition of battery

243 Battery; definition of "injury" and "serious bodily injury"

243.2 Battery on school or park property against any person

243.3 Battery against school bus drivers

243.6 Battery against school employee includes board member

245.5 Assault with deadly weapon; school employee includes board member

290 Registration of sex offenders

601 Trespass by person making credible threat

626.9 Gun-Free School Zone Act of 1995

626.10 Exceptions to bringing weapons on school grounds

646.9 Stalking

12403.7 Weapons approved for self defense

WELFARE AND INSTITUTIONS CODE

827 Juvenile court proceedings; reports; confidentiality

828.1 District police or security department, disclosure of juvenile records

Management Resources:

CDE CORRESPONDENCE

0401.01 Protecting Student Identification in Reporting Injurious Objects

WEB SITES

CSBA: <http://www.csba.org>

California Department of Education, Safe Schools and Violence Prevention Office: <http://www.cde.ca.gov/lr/ss/>

Policy MT. DIABLO UNIFIED SCHOOL DISTRICT

adopted: September 9, 2003 Concord, California

Employee Security

Workplace Violence Prevention and Reporting

Violence in the workplace may result in injury or death to employees. In this regard, the district shall provide training to make employees aware of the potential for violence in the workplace, to increase an employee's ability to recognize the early warning signs of a potentially violent person or situation, to show employees how to record incidents indicative of a potential problem, and to encourage employees to report suspicious incidents. (See Exhibit (1) 4158/4258/4358)

1. Reporting Suspicious or Threatening Incidents

a. An employee who witnesses behavior that could potentially result in violence should immediately call the district telephone "hotline" recording device to report the behavior observed. The hotline number is 925-682-8000, extension 4451.

b. The observer should document the observed behavior in writing for the district's records. The information should be reported on the district form entitled Workplace Violence Report (Non-Student). This information will be considered confidential.

c. The Superintendent or his/her designee will investigate the situation or incident to determine further action.

d. The observer will receive confirmation of receipt of the reported behavior and will be notified by the Superintendent of his/her designee that appropriate action has been taken.

2. Communication of Reporting Procedures

a. All employees will receive notification of scheduled training sessions.

b. Reporting procedures will be disseminated to all sites via flyers or posters. The Board Policy and Administrative Rule will be posted in a conspicuous place at each site.

Notification to Certificated Staff of Student Who Has Been Found by a Court to Have Committed any Felony or Other Misdemeanors

The district shall inform any teacher, counselor or administrator with direct supervisory or disciplinary responsibility of any student enrolled in grades 1-12 who has been found by a court to have committed any felony or any misdemeanor involving curfew, gambling, alcohol, drugs, tobacco products, carrying of weapons, assault or battery, larceny, vandalism, or graffiti.

The district shall use the following procedures to report students:

1. The principal/designee shall be notified in writing on the district form (E(2) 4158/4258/4358). A copy of the original document from the court shall be retained by the Assistant Director, Student Services and shall be kept in a separate confidential file.

2. The notice shall be transferred to the minor's subsequent schools of attendance and maintained until the minor graduates from high school, is released from juvenile court jurisdiction, or reaches the age of 18 whichever occurs first. After that time, the confidential record shall be destroyed.

3. Procedures listed on the form shall be followed for distribution to teachers, counselors or administrators.

4. The principal/designee shall maintain a confidential file for all students. The file shall be updated, teachers, counselors or administrators notified and files destroyed as applicable.

At any time after the date by which a record required to be destroyed by this section should have been destroyed, the minor or his or her parent or guardian shall have the right to make a written request to the principal of the school that the minor's school records be reviewed to ensure that the record has been destroyed. Upon completion of any requested review and no later than 30 days after the request for the review was received, the principal or his or her designee shall respond in writing to the written request and either shall confirm that the record has been destroyed or, if the record has not been destroyed, shall explain why destruction has not yet occurred.

5. Any information received by a teacher, counselor or administrator pursuant to this section shall be received in confidence for the limited purpose for which it was provided and shall not be further disseminated by the teacher, counselor or administrators. Any intentional violation of confidentiality is a misdemeanor punishable by a fine not to exceed \$500.

6. If a student transfers from one teacher, counselor or administrator to another, the responsibility to notify becomes the duty of the principal/designee.

7. The name of the student shall be placed in a sealed envelope and put into the substitute folder for each applicable teacher. Instructions to see the principal/designee regarding confidential information about the student should be noted on the outside of the envelope.

Regulation MT. DIABLO UNIFIED SCHOOL DISTRICT

approved: September 9, 2003 Concord, California

BP 5131 Students

Conduct

The Governing Board 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 or designee shall ensure that each school develops standards of conduct and discipline consistent with Board policies and administrative regulations. Students and parents/guardians shall be notified of district and school rules related to conduct. Prohibited student conduct includes, but is not limited to:

1. Conduct that endangers students, staff, or others, including, but not limited to, physical violence, possession of a firearm or other weapon, and terrorist threats

(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

4. Willful defiance of staff 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 to a school activity and are lost, stolen, or damaged.

6. Obscene acts or use of profane, vulgar, or abusive language

(cf. 5145.2 - Freedom of Speech/Expression)

7. 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)

8. 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 principal or designee.

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

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

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

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

(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, 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 MT DIABLO UNIFIED SCHOOL DISTRICT

adopted: June 25, 2012 Concord, California

BP 5131.2 Students

Bullying

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

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

The school district has in place policies, procedures, and practices that are designed to reduce and eliminate discrimination, intimidation, harassment, and bullying as well as processes and procedures to address incidents of discrimination, intimidation, harassment, and bullying when they occur.

These policies and procedures must be disseminated annually to staff, students, and parents/guardians. These policies shall be publicized to students, parents, employees, agents of the governing board, and the general public.

The district will not tolerate discrimination, intimidation, harassment, bullying or any behavior that infringes on the safety or well-being of students, staff, or any other persons within the district's jurisdiction whether directed at an individual or group. This includes but is not limited to discrimination, intimidation, harassment, and bullying based on actual or perceived characteristics and disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or association with a person or group with one or more of these actual or perceived characteristics.

(Education Code 234.1)

The Board recognizes that some acts of discrimination, intimidation, harassment, and bullying may be isolated and/or unintentional incidents requiring that the school respond appropriately to the individuals committing the acts. Other acts may indicate a larger pattern of discrimination, intimidation, harassment, or bullying that require a response either at the classroom, school site, or district levels or by law enforcement officials. Consequences and appropriate remedial actions for a student who commits an act of discrimination, intimidation, harassment, or bullying may range from behavioral intervention and education up to and including suspension or expulsion. This policy applies to all acts related to school activity or attendance occurring within a school under the jurisdiction of the superintendent of the school district.

In addition to the grounds specified in Education Code sections 48900, sections 48900.2, 48900.3, and 48900.4 provide additional authority to discipline a pupil for conduct that amounts to bullying. (Education Code 48900, 48900.2, 48900.3 and 48900.4)

(cf. 5131 - Conduct)

(cf. 5136 - Gangs)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

(cf. 5145.9 - Hate-Motivated Behavior)

Penal Code 653.2 makes it a crime for a person to distribute personal identity information electronically with the intent to cause harassment by a third party and to threaten a person's safety or that of his/her family (e.g., placing a person's picture or address online so that he/she receives harassing messages). Penal Code 288.2 makes it a crime to send a message to a minor if the message contains matter that is sexual in nature with the intent of seducing the minor (i.e., sexting).

Cyberbullying shall not be tolerated and includes the transmission of harassing communications, direct threats, or other harmful texts, sounds, or images on the Internet, social media, or other technologies using a telephone, computer, or any wireless communication device. Cyberbullying also includes breaking into another person's electronic account and assuming that person's identity in order to damage that person's reputation.

(cf. 5145.2 - Freedom of Speech/Expression)

Strategies for bullying prevention and intervention shall be developed with involvement of key stakeholders in accordance with law, Board policy, and administrative regulation governing the development of comprehensive safety plans and shall be incorporated into such plans.

(cf. 0420 - School Plans/Site Councils)

(cf. 0450 - Comprehensive Safety Plan)

(cf. 1220 - Citizen Advisory Committees)

(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)

(cf. 6020 - Parent Involvement)

Bullying Prevention

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

(cf. 5137 - Positive School Climate)

(cf. 6164.2 - Guidance/Counseling Services)

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

(cf. 6163.4 - Student Use of Technology)

(cf. 6142.8 - Comprehensive Health Education)

(cf. 6142.94 - History-Social Science Instruction)

School staff may receive related professional development, including information about early warning signs of harassing/intimidating behaviors and effective prevention and intervention strategies.

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

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

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

School staff who witness bullying shall immediately intervene to stop the incident when it is safe to do so. (Education Code 234.1)

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

Complaints and Investigation

The principal or principal's designee at each school shall be responsible for receiving complaints alleging violations of this policy. All staff is expected to provide appropriate supervision to enforce standards of conduct. The Board requires that staff follow district and school procedures for reporting alleged acts of bullying.

All other members of the school community, including students, parents/guardians, volunteers, and visitors, are encouraged to report any act that may be a violation of this policy. While submission of the report form is not required, the reporting party is encouraged to use the report form available from the principal of each school or at the district office. Oral reports shall also be considered official reports. Reports may be made anonymously, but formal disciplinary action may not be based solely on an anonymous report. Prompt and reasonable investigation of alleged acts of discrimination, intimidation, harassment, or bullying is expected.

Students are expected to report all incidents of discrimination, intimidation, harassment, bullying, teasing, or other verbal or physical abuse. Any student who feels she/he is a victim of such behavior should immediately contact a teacher, counselor, administrator, or staff person. If the student who was bullied believes the situation has not been remedied, she/he may file a complaint in accordance with district procedures.

Students may submit to a teacher or administrator a verbal or written complaint of conduct they consider to be bullying. 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 reported to be engaging in bullying off campus, the Superintendent or designee shall investigate and document the activity and shall identify specific facts or circumstances that explain the impact or potential impact on school activity, school attendance, or the targeted student's educational performance.

When the circumstances involve cyberbullying, individuals with information about the activity shall be encouraged to save and print any electronic or digital messages sent to them that they feel constitute cyberbullying and to notify a teacher, the principal, or other employee so that the matter may be investigated.

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.

Discipline

Any student who engages in bullying 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, which may include suspension or expulsion, in accordance with district policies and regulations.

Retaliation against a student because the student has filed a complaint or assisted or participated in a discrimination, intimidation, harassment, or bullying investigation or proceeding is also prohibited. Students who knowingly file false discrimination, intimidation, harassment, or bullying complaints or give false statements in an investigation shall be subject to discipline by measures up to and including suspension and expulsion, as shall any student who is found to have retaliated against another in violation of this policy.

(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. 6159.4 - Behavioral Interventions for Special Education Students)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

32282 Comprehensive safety plan

35181 Governing board policy on responsibilities of students

35291-35291.5 Rules

48900-48925 Suspension or expulsion

48985 Translation of notices

PENAL CODE

647 Use of camera or other instrument to invade person's privacy; misdemeanor

647.7 Use of camera or other instrument to invade person's privacy; punishment

653.2 Electronic communication devices, threats to safety

UNITED STATES CODE, TITLE 47

254 Universal service discounts (e-rate)

COURT DECISIONS

J.C. v. Beverly Hills Unified School District, (2010) 711 F.Supp.2d 1094

Lavine v. Blaine School District, (2002) 279 F.3d 719

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

Health Education Content Standards for California Public Schools: Kindergarten Through Grade Twelve, 2008

Bullying at School, 2003

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS

Dear Colleague Letter: Harassment and Bullying, October 2010

WEB SITES

CSBA: <http://www.csba.org>

California Cybersafety for Children: <http://www.cybersafety.ca.gov>

California Department of Education, Safe Schools Office: <http://www.cde.ca.gov/lr/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, Office for Civil Rights: <http://www.ed.gov/about/offices/list/ocr>

Policy MT. DIABLO UNIFIED SCHOOL DISTRICT

adopted: June 25, 2012 Concord, California

BP 5132 Students

Dress And Grooming

The Governing Board believes that appropriate dress and grooming contribute to a productive learning environment. The Board expects students to give proper attention to personal cleanliness and to wear clothes that are suitable for the school activities in which they participate. Therefore, students are to dress appropriately on all school campuses and at all school activities in the district. Students have the right to make individual choices from a wide range of clothing and grooming styles, but they must not present a health or safety hazard or a distraction which would interfere with the educational process. Students and parents/guardians shall be informed about dress and grooming standards at the beginning of the school year and whenever these standards are revised. Students should project an appearance that is conducive to a safe learning environment. Dress which is disruptive and contrary to school rules regarding drugs/alcohol/violence, and gangs is not permitted. Student clothing, emblem, badge, jewelry, symbol, or other insignia which creates a clear and present danger on school premises or the disruption of the orderly operation of the school is prohibited. Students and parents/guardians shall be informed about the school dress code at the beginning of the year and when revised. A student who violates the dress code shall be subject to appropriate disciplinary action.

(cf. 4119.22 - Dress and Grooming)

(cf. 5136 - Gangs)

(cf. 5144 - Discipline)

(cf. 5145.2 - Freedom of Speech/Expression)

School Dress Code

The principal may establish a dress code that prohibits students from wearing apparel that it presents a distraction or threatens to disrupt the school's activities. Inappropriate dress is attire that causes a distraction or a safety concern on a school campus. The outdoor use of sun-protective clothing, including but not limited to hats, is permitted. However, specific clothing and hats determined to be gang-related or otherwise inappropriate under the policy are prohibited. Principals may determine that hats are prohibited in certain locations or areas where sun-protection is not necessary. A dress code may be included as part of the school safety plan and must be presented to the Board for approval. The Board shall approve the plan upon determining that it is necessary to protect the health and safety of the staff, students, parents/guardians and educational community.

(cf. 0450 - Comprehensive Safety Plan)

(cf. 4119.22 - Dress and Grooming)

(cf. 5136 - Gangs)

(cf. 5145.2 - Freedom of Speech/Expression)

Uniforms

The Board believes that appropriate dress and grooming contribute to a productive learning environment. The Board recognizes that in order to promote student safety and discourage theft, peer rivalry and/or gang activity, the principal may wish to establish a dress code requiring students to wear uniforms. The principal may recommend to the Board that a voluntary school uniform dress code would be beneficial. Such a dress code shall be included as part of the school safety plan. The Board shall approve the plan upon determining that it is necessary to protect the health and safety of the school's students and maintain a positive school climate.

If a school's plan to require uniforms is adopted, the Superintendent or designee shall establish procedures whereby parents/guardians may choose to have their children exempted from the school uniform policies. Students shall not be penalized academically, otherwise discriminated against or denied attendance to school if their parents/guardians so decide. (Education Code 35183) The school shall establish guidelines identified in the school dress code and school safety plans provisions whereby parents/guardians may choose not to have their children comply with an adopted school uniform policy which is contrary to their beliefs or exceptions deemed appropriate by the principal. The Superintendent or designee shall ensure that resources are identified to assist economically disadvantaged students in obtaining uniforms.

Legal Reference:

EDUCATION CODE

32281 School safety plans

35183 School dress codes; uniforms

35183.5 Sun-protective clothing

48907 Student exercise of free expression

49066 Grades; effect of physical education class apparel

CODE OF REGULATIONS, TITLE 5

302 Pupils to be neat and clean on entering school

COURT DECISIONS

Marvin H. Jeglin et al v. San Jacinto Unified School District et al, (C.D. Cal. 1993)

827 F.Supp. 1459

Arcadia Unified School District v. California Department of Education, (1992) 2 Cal. 4th 251

Hartzell v. Connell, (1984) 35 Cal. 3d 899

Policy MT. DIABLO UNIFIED SCHOOL DISTRICT
Adopted: June 7, 2005 Concord, California

AR 5132 Students

Dress And Grooming

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

(cf. 0420 - School Plans/Site Councils)

Each school shall allow students to wear sun-protective clothing, including but not limited to hats, for outdoor use during the school day. (Education Code 35183.5) The principal may determine that hats are prohibited in certain locations or areas where sun-protection is not necessary.

Shoes must be worn at all times. Clothing, jewelry and personal items (backpacks, fanny packs, gym bags, water bottles etc.) shall be free of writing, pictures or any other insignia which are crude, obscene, vulgar, profane or sexually suggestive, which bear drug, alcohol or tobacco company advertising, promotions and likenesses, or which advocate racial, ethnic or religious prejudice. Dress which is disruptive and contrary to school rules regarding drugs/alcohol/violence, and gang affiliated or related clothing is not permitted. Clothes shall be sufficient to conceal undergarments for males and females at all times. Student clothing such as but not limited to see-through or fish-net fabrics, halter tops, off-the-shoulder or low-cut tops, exposed mid-drifts and skirts or shorts shorter than mid-thigh may be prohibited. Dress that presents a health or safety hazard or a distraction which would interfere with the education process is prohibited.

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

The principal may establish dress, grooming, and hygiene guidelines for times when students are engaged in extracurricular, physical education or other special school activities.

(cf. 5121 - Grades/Evaluation of Student Achievement)

At individual schools that have a dress code prohibiting apparel that interferes with the educational process or threatens to disrupt the school's activities, the principal may develop a dress code identified in the school safety plan that reasonably could be determined to threaten the health and safety of the school environment if it were worn or displayed on a school campus (Education Code 35294.1)

Because student dress is constantly changing, clothing and grooming styles that present a health or safety hazard or a distraction which would interfere with the educational process/school activities shall be reviewed at least annually and updated whenever related information is received.

Uniforms

Prior to the Board approving a voluntary uniform dress code, the school shall actively solicit parental involvement.

Seventy-five percent of the responding parents/guardians must be in favor of adopting a voluntary dress code before Board approval.

At least six months before a school uniform policy is implemented, the principal or designee shall notify parents/guardians of this policy. In schools where a schoolwide uniform is required and Board approved, the principal, staff and parents/guardians of the individual school shall jointly select the specific uniform to be worn. (Education Code 35183) Parents/guardians shall also be informed of their right to have their child exempted. The school shall establish guidelines identified in the school dress code and school safety plan provisions whereby parents/guardians may choose not to have their children comply with an adopted school uniform policy which is contrary to their beliefs or exceptions deemed appropriate by the principal.

The principal or designee shall also repeat this notification at the end of the school year so that parents/guardians are reminded before school clothes are likely to be purchased.

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

The principal or designee shall establish a method for recycling or exchanging uniforms as students grow out of them.

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

Regulation MT. DIABLO UNIFIED SCHOOL DISTRICT

approved: June 7, 2005 Concord, California

BP 5141.4 Students

Child Abuse Reporting Procedures

The Governing Board recognizes that the district has a responsibility to protect students by facilitating the prompt reporting of known and suspected incidents of child abuse and neglect. The Superintendent or designee shall establish regulations for use by district employees in identifying and reporting such incidents.

(cf. 5141.41 - Child Abuse Prevention)

(cf. 5142 - Safety)

District employees are obligated to report all known or suspected incidents of child abuse and neglect in accordance with law, Board policy, and administrative regulation. Employees shall not investigate any suspected incidents but rather shall fully cooperate with agencies responsible for reporting, investigating and prosecuting cases of child abuse and neglect. Parents/guardians may file a complaint against a district employee or other person whom they suspect has engaged in abuse of a child at a school site. The Superintendent or designee shall provide parents/guardians information about reporting procedures in accordance with law.

The Superintendent or designee shall provide training regarding the reporting duties of district employees mandated by law to report suspected child abuse and neglect.

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

In the event that training is not provided to the employees mandated to report child abuse and neglect, the Superintendent or designee shall report to the California Department of Education the reasons that such training is not provided. (Penal Code 11165.7)

Legal Reference:

EDUCATION CODE

33308.1 Guidelines on procedure for filing child abuse complaints

44690-44691 Staff development in the detection of child abuse and neglect

48906 Notification when student released to peace officer

48987 Dissemination of reporting guidelines to parents

PENAL CODE

152.3 Duty to report murder, rape or lewd or lascivious act

273a Willful cruelty or unjustifiable punishment of child; endangering life or health

288 Definition of lewd or lascivious act requiring reporting

11164-11174.3 Child Abuse and Neglect Reporting Act

WELFARE AND INSTITUTIONS CODE

15630-15637 Dependent adult abuse reporting

CODE OF REGULATIONS, TITLE 5

4650 Filing complaints with CDE, special education students

Management Resources:

CDE LEGAL ADVISORIES

0514.93 Guidelines for parents to report suspected child abuse by school district employees or other persons against a pupil at school site

WEB SITES

CDE: <http://www.cde.ca.gov>

School/Law Enforcement

Partnership: <http://www.cde.ca.gov/spbranch/safety/>><http://www.cde.ca.gov>><http://www.cde.ca.gov/spbranch/safety/partnership.html>

California Attorney General: <http://caag.state.ca.us/childabuse>

California Department of Social Services: <http://www.dss.cahwnet.gov>

Governor's Office of Criminal Justice Planning: <http://www.ocjp.ca.gov>

Policy MT. DIABLO UNIFIED SCHOOL DISTRICT

adopted: August 24, 2004 Concord, California

AR 5141.4 Students

Child Abuse Reporting Procedures

Definitions

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

1. A physical injury inflicted by other than accidental means on a child by another person
2. Sexual abuse of a child as defined in Penal Code 11165.1
3. Neglect as defined in Penal Code 11165.2
4. Willful cruelty or unjustifiable punishment of a child as defined in Penal Code 11165.3
5. Unlawful corporal punishment or injury resulting in a traumatic condition 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)
(cf. 3515.3 - District Police/Security Department)
3. 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 amount of force that is reasonable and necessary for a school employee 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; and administrators, presenters or counselors of a child abuse prevention program. (Penal Code 11165.7)

(cf. 5141.41 - Child Abuse Prevention)

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 mental suffering has been inflicted upon a child, or that the child's emotional well-being is endangered in any other way, may report the known or suspected instance of child abuse or neglect to the appropriate agency designated below. (Penal Code 11166.05)

Instances that indicate that the emotional well-being of a child might be endangered include, but are not limited to, evidence that the child is suffering from emotional damage, such as severe anxiety, depression, withdrawal, or untoward aggressive behavior towards self or others.

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 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, and when there is agreement among them, 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 a 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 the county welfare department. (Penal Code 11166)

Child Protective Services

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

2. Written Report

Within 36 hours of receiving the information concerning the incident, the mandated reporter shall prepare and send to the appropriate agency a written report which includes a completed Department of Justice form. (Penal Code 11166, 11168)

A copy of the form should be submitted to the Student Services Office and a copy kept at the school.

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

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(s) 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

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

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

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

He/she may provide or mail a copy of the written report to the principal, Superintendent or designee without his/her signature or name.

Reporting the information to an employer, supervisor, school 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 child abuse identification and reporting. All employees receiving such training shall receive written notice of state reporting requirements and employees' confidentiality rights. (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.

(cf. 5144 - Discipline)

(cf. 5145.7 - Sexual Harassment)

Victim Interviews

Upon request, a representative of an agency investigating suspected child abuse or neglect may interview a suspected victim 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, before the interview takes place, 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)

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 as required in other instances of removal of a child from school, 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)

Peace officers shall be asked to sign an appropriate release or acceptance of responsibility form.

(cf. 5145.11 - Questioning and Apprehension)

Parent/Guardian Complaints

Upon request, the Superintendent or designee shall provide parents/guardians with procedures whereby they can report suspected child abuse occurring at a school site to appropriate agencies. Such procedures shall be in the primary language of the parent/guardian and, when communicating orally regarding those procedures, an interpreter shall be provided for parents/guardians whose primary language is other than English. (Education Code 48987)

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."

(cf. 4117.4 - Dismissal)

(cf. 4118 - Suspension/Disciplinary Action)

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

If a parent/guardian makes a complaint to any district employee, that employee shall notify the parent/guardian of procedures for filing a complaint with the appropriate agency and also is obligated pursuant to Penal Code 11166 to file a report himself/herself using the procedures described above for mandated reporters.

(cf. 1312.1 - Complaints Concerning District Employees)

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(a)(viii)(C).

(cf. 1312.3 - Uniform Complaint Procedures)

Notifications

The Superintendent or designee shall give persons hired by the district a statement informing them that they are mandated by law to report suspected child abuse and neglect, inform them of their reporting obligations under Penal Code 11166, and provide a copy of Penal Code 11165.7 and 11166. 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)

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

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. 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)

Regulation MT. DIABLO UNIFIED SCHOOL DISTRICT

approved: August 24, 2004 Concord, California

BP 5141.41 Students

Child Abuse Prevention

Every child has the right to live free of physical and emotional abuse, including neglect and sexual assault. The Governing Board recognizes that such abuse has severe consequences for the child, sometimes resulting in the child's own violent behavior or in drug addiction. Schools are in a position to promote the prevention of child abuse and its reoccurrence, and to reduce the general vulnerability of children.

Age-appropriate and culturally-appropriate child abuse prevention curriculum shall be a component of the district's health and safety instruction. This curriculum shall explain students' rights to live free of abuse, inform them of available support resources, and teach them how to obtain help and disclose incidents of abuse. The curriculum also shall include training in self-protection techniques.

The Superintendent or designee shall provide coordinated training for teachers who will use the child abuse prevention curriculum, including instruction in the physical and behavioral indicators of abuse, crisis counseling techniques, community resources, rights and responsibilities to report abuse or neglect, and care for a child's needs after a report is made.

(cf. 5141.4 - Child Abuse Reporting Procedures)

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

Parents/guardians shall receive prior notice of child abuse prevention instruction whenever such instruction will include family life or sex education for which notification is required by law.

(cf. 1020 - Youth Services)

(cf. 6142.1 - Family Life/Sex Education)

Legal Reference:

WELFARE AND INSTITUTIONS CODE

18975-18979 The Maxine Waters Child Abuse Prevention Training Act of 1984

Policy MT. DIABLO UNIFIED SCHOOL DISTRICT

adopted: August 24, 2004 Concord, California

BP 5144 Students

Discipline

The Governing Board desires to prepare students for responsible citizenship by fostering self-discipline and personal responsibility. The Board believes that high expectations for student behavior, effective classroom management, and parent involvement can minimize the need for discipline. Staff shall use preventative measures, positive conflict resolution techniques, and positive behavioral support strategies whenever possible.

(cf. 5020 - Parent Rights and Responsibilities)

(cf. 5137 - Positive School Climate)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.9 - Hate-Motivated Behavior)

(cf. 6020 - Parent Involvement)

Board policies and regulations shall delineate acceptable student conduct and provide the basis for sound disciplinary practices. Each school shall develop disciplinary rules to meet the school's individual needs.

(cf. 5131 - Conduct)

(cf. 5131.1 - Bus Conduct)

When misconduct occurs, staff shall implement appropriate discipline and attempt to identify and address the causes of the student's behavior. At all times, staff will follow state and federal laws regarding procedural safeguards of students with disabilities under IDEA and Section 504. Continually disruptive students may be assigned to alternative programs or removed from school. At all times, the safety of students and staff and the maintenance of an orderly school environment shall be priorities in determining appropriate discipline.

(cf. 0450 - Comprehensive Safety Plan)

(cf. 3515 - Campus Security)

(cf. 3515.3 - District Police/Security Department)

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

(cf. 4158/4258/4358 - Employee Security)

(cf. 5136 - Gangs)

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

(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))

(cf. 6164.5 - Student Success Teams)

(cf. 6159.4 - Behavioral Interventions for Special Education Students)

(cf. 6182 - Opportunity School/Class/Program)

(cf. 6184 - Continuation Education)

(cf. 6185 - Community Day School)

Staff shall enforce disciplinary rules fairly, consistently and without discrimination.

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

(cf. 5145.3 - Nondiscrimination/Harassment)

The Superintendent or designee shall provide professional development as necessary to assist staff in developing classroom management skills and implementing effective disciplinary techniques.

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

Legal Reference:

CIVIL CODE

1714.1 Parental liability for child's misconduct

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 parents or guardians

49000-49001 Prohibition of corporal punishment

49330-49335 Injurious objects

CODE OF REGULATIONS, TITLE 5

307 Participation in school activities until departure of bus

353 Detention after school

Management Resources:

CSBA PUBLICATIONS

Protecting Our Schools: Governing Board Strategies to Combat School Violence, 1999

CDE PROGRAM ADVISORIES

1010.89 Physical Exercise as Corporal Punishment, CIL 89/9-3

1223.88 Corporal Punishment, CIL: 88/9-5

WEB SITES

CDE: <http://www.cde.ca.gov>

USDOE: <http://www.ed.gov>

Policy MT. DIABLO UNIFIED SCHOOL DISTRICT

adopted: June 21, 2005 Concord, California

BP 5144.1 Students

Suspension And Expulsion/Due Process

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.

(cf. 5144 - Discipline)

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

(cf. 6145 - Extracurricular and Cocurricular Activities)

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.

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)

(cf. 5119 - Students Expelled from Other Districts)

(cf. 5144.2 - Suspension and Expulsion/Due Process (Individuals with Disabilities))

Supervised Suspension Classroom

The Board recognizes that students who are suspended from school often have no supervision or guidance during the school hours when they are off campus and may fall behind in the coursework. The Board believes that, in many cases, it would be better to manage the student's behavior by keeping the student at school and providing him/her with supervision that is separated from the regular classroom.

The Superintendent or designee shall establish a supervised classroom suspension program which meets the requirements of law for students suspended for any of the reasons enumerated in Education Code 48900 and 48900.2, who pose no imminent danger or threat at school, and for whom an expulsion action has not been initiated.

The Superintendent or designee shall examine alternatives to off-campus suspension and may establish a suspension program which involves progressive discipline during the school day on campus; use of conferences between staff, parents/guardians and students; detention; student study teams or other assessment-related teams; and/or referral to school support services staff. The use of such alternatives does not preclude off-campus suspensions.

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.

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

On a case-by-case basis, the enforcement of an expulsion order may be suspended by the Board pursuant to the requirements of law.

Legal Reference:

EDUCATION CODE

212.5 Sexual harassment

1981 Enrollment of students in community school

17292.5 Program for expelled students

32261 Interagency School Safety Demonstration Act of 1985

35146 Closed sessions (re suspensions)

35291 Rules (for government and discipline of schools)

35291.5 Rules and procedures on school discipline

48660-48667 Community day schools

48900-48927 Suspension and expulsion

48950 Speech and other communication

49073-49079 Privacy of student records

CIVIL CODE

47 Privileged communication

48.8 Defamation liability

CODE OF CIVIL PROCEDURE

1985-1997 Subpoenas; means of production

GOVERNMENT CODE

11455.20 Contempt

54950-54963 Ralph M. Brown Act

HEALTH AND SAFETY CODE

11014.5 Drug paraphernalia

11053-11058 Standards and schedules

LABOR CODE

230.7 Discharge or discrimination against employee for taking time off to appear in school on behalf of a child

PENAL CODE

31 Principal of a crime, defined

240 Assault defined

241.2 Assault fines

242 Battery defined

243.2 Battery on school property

243.4 Sexual battery

245 Assault with deadly weapon

245.6 Hazing

261 Rape defined

266c Unlawful sexual intercourse

286 Sodomy defined

288 Lewd or lascivious acts with child under age 14

288a Oral copulation

289 Penetration of genital or anal openings

626.2 Entry upon campus after written notice of suspension or dismissal without permission

626.9 Gun-Free School Zone Act of 1995

626.10 Dirks, daggers, knives, razors or stun guns

868.5 Supporting person; attendance during testimony of witness

WELFARE AND INSTITUTIONS CODE

729.6 Counseling

UNITED STATES CODE, TITLE 18

921 Definitions, firearm

UNITED STATES CODE, TITLE 20

7151 Gun free schools

COURT DECISIONS

T.H. v. San Diego Unified School District (2004) 122 Cal. App. 4th 1267

Woodbury v. Dempsey (2003) 108 Cal. App. 4th 421

Board of Education of Sacramento City Unified School District v. Sacramento County Board of Education and Kenneth H., (2001) 85 Cal.App.4th 1321

Garcia v. Los Angeles Board of Education (1991) 123 Cal.App.3d 807

Fremont Union High School District v. Santa Clara County Board (1991) 235 Cal. App. 3d 1182

John A. v. San Bernardino School District (1982) 33 Cal. 3d 301

ATTORNEY GENERAL OPINIONS

84 Ops.Cal.Atty.Gen 146 (2001)

80 Ops.Cal.Atty.Gen. 91 (1997)

80 Ops.Cal.Atty.Gen. 85 (1997)

Management Resources:

WEB SITES

CSBA: <http://www.csba.org>

California Attorney General's Office: <http://www.caag.state.ca.us>

California Department of Education: <http://www.cde.ca.gov>

U.S. Department of Education, Office of Safe and Drug-Free Schools: <http://www.ed.gov/about/offices/list/osdfs/index.html>

Policy MT. DIABLO UNIFIED SCHOOL DISTRICT

adopted: June 21, 2005 Concord, California

AR 5144.1 Students

Suspension And Expulsion/Due Process

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)

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. Transfer students and their parents/guardians shall be notified at the time of enrollment. (Education Code 35291.5, 48900.1, 48980) (cf. 5144 - Discipline)

Notification shall include information about the availability of individual school rules and all district policies and regulations pertaining to student discipline. (Education Code 35291)

(cf. 5145.6 - Parental Notification)

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(t))

2. Possessed, sold, or otherwise furnished any firearm, knife, explosive, or other dangerous object unless, in the case of possession of any object of this type, the student had obtained written permission to possess the item from a certificated school employee, with the principal or designee's concurrence. (Education Code 48900(b))

(cf. 5131 - Conduct)

(cf. 5131.7 - Weapons and Dangerous Instruments)

3. Unlawfully possessed, used, sold, or otherwise furnished, or was under the influence of, any controlled substance as defined in Health and Safety Code 11053-11058, alcoholic beverage, or intoxicant of any kind. (Education Code 48900(c))

(cf. 5131.6 - Alcohol and Other Drugs)

4. Unlawfully offered, arranged, or negotiated to sell any controlled substance as defined in Health and Safety Code 11053-11058, alcoholic beverage or intoxicant of any kind, and then sold, delivered or otherwise furnished to any person another liquid, substance or material and represented same as controlled substance, alcohol 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. This restriction shall not prohibit a student from using or possessing his/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 Health and Safety Code 11014.5. (Education Code 48900(j))

11. Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, other school officials, or other school personnel engaged in the performance of their duties. (Education Code 48900(k))
12. Knowingly received stolen school property or private property. (Education Code 48900(l))
13. Possessed an imitation firearm, i.e., 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 Penal Code 261, 266c, 286, 288, 288a or 289, or committed a sexual battery as defined in Penal Code 243.4. (Education Code 48900(n))
15. Harassed, threatened, or intimidated a student who is a complaining witness or witness in a school disciplinary proceeding for the purpose of preventing that student from being a witness and/or retaliating against that student for being a witness. (Education Code 48900(o))
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 as defined in Education Code 48900(q).
18. Engaged in an act of bullying, including, but not limited to, bullying committed by means of an electronic act, as defined in subdivisions (f) and (g) of Section 32261, directed specifically toward a pupil or school personnel. (Education Code 48900(r)).
19. A pupil who aids or abets, as defined in Section 31 of the Penal Code, the infliction or attempted infliction of physical injury to another person may be subject to suspension, but not expulsion, pursuant to this section, except that a pupil who has been adjudged by a juvenile court to have committed, as an aider and abettor, a crime of physical violence in which the victim suffered great bodily injury or serious bodily injury shall be subject to discipline pursuant to subdivision (a). Education Code 48900(t)).

As used in this section, "school property" includes, but is not limited to, electronic files and databases. (Education Code 48900(u)).

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

20. Committed sexual harassment as defined in Education Code 212.5 (Education Code 48900.2)
(cf. 5145.7 - Sexual Harassment)
21. 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)
(cf. 5145.9 - Hate-Motivated Behavior)
22. Intentionally harassed, threatened or intimidated a student or group of students to the extent of having the actual and reasonably expected effect of materially disrupting classwork, creating substantial disorder, and invading student rights by creating an intimidating or hostile educational environment (Education Code 48900.4)
(cf. 5145.3 - Nondiscrimination/Harassment)

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 (s))

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

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(v))

(cf. 5138 - Conflict Resolution/Peer Mediation)

Alternatives to suspension or expulsion will be used with students who are truant, tardy, or otherwise absent from assigned school activities. Education Code 48900(w)).

(cf. 5113 - Absences and Excuses)

(cf. 5113.1 - Truancy)

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 and send the student to the principal for appropriate action. The student shall be appropriately supervised during the class periods from which he/she has been removed.

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 should attend the conference if it is practicable, and a school administrator may attend if either the parent/guardian or teacher so requests.

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
2. Describe the legal protections afforded to the parent/guardian as an employee under Labor Code 230.7
3. 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
4. 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 or principal's designee 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 designee 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'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. Possession of an explosive as defined in 18 USC 921

Suspension also may be imposed upon a first offense if the Superintendent, principal or designee 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, 48912). Please refer to BP and AR 5144.2

The Superintendent or designee 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 principal, designee or the Superintendent 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 and the evidence against him/her; the student shall be given the opportunity to present his/her version and evidence in support of his/her defense. (Education Code 48911(b))

This conference may be omitted if the principal, designee or the Superintendent 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(c))

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.

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. (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. This does not apply to students who are eligible under IDEA. Please refer to BP and AR 5144.2. (Education Code 48911(g))

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.

(cf. 9321 - Closed Session Purposes and Agendas)

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

On-Campus Suspension Program

Students for whom an expulsion action has not been initiated and who pose no imminent danger or threat to the school may be assigned to a separate, supervised suspension classroom 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."

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, 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 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 item 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 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 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).

(cf. 5119 - Students Expelled from Other Districts)

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

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: While technical rules of evidence do not apply to expulsion hearings, 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 must be supported by substantial evidence that the student committed any of the acts listed in "Grounds for Suspension and Expulsion" above. Findings of fact shall be based solely on the evidence at the hearing. While no finding shall be based solely on hearsay, sworn declarations may be admitted as testimony from witnesses whose disclosure of their identity or testimony at the hearing may subject them to an unreasonable risk of physical or psychological harm. (Education Code 48918(f) and (h))

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)

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 nonthreatening environment.
 - (1) The district shall provide a room separate from the hearing room for the use of the complaining witness before and during breaks in testimony.
 - (2) At the discretion of the person conducting the hearing, the complaining witness shall be allowed reasonable periods of relief from examination and cross-examination during which he/she may leave the hearing room.
 - (3) The person conducting the hearing may:
 - (a) Arrange the seating within the hearing room so as to facilitate a less intimidating environment for the complaining witness
 - (b) Limit the time for taking the testimony of a complaining witness to the hours he/she is normally in school, if there is no good cause to take the testimony during other hours
 - (c) Permit one of the support persons to accompany the complaining witness to the witness stand
6. Decision 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 as apply to a hearing conducted by the Board as specified above in "Conduct of Expulsion Hearing."

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 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. (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.

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)) (cf. 9321.1 - Closed Session Actions and Reports)

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 and 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(a)-(q), Education Code 48900.2-48900.4, 48900.8, and 48915(c). (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: (Education Code 48917)

1. The Board may, as a condition of the suspension of enforcement, assign the student to a school, class or program appropriate for the student's rehabilitation. This rehabilitation program may provide for the involvement of the student's parent/guardian in the student's education. However, a parent/guardian's refusal to participate in the rehabilitation program shall not be considered in the Board's determination as to whether the student has satisfactorily completed the rehabilitation program.
2. During the period when enforcement of the expulsion order is suspended, the student shall be on probationary status.
3. The suspension of the enforcement of an expulsion order may be revoked by the Board if the student commits any of the acts listed under "Grounds for Suspension and Expulsion" above or violates any of the district's rules and regulations governing student conduct.
4. When the suspension of the enforcement of an expulsion order is revoked, a student may be expelled under the terms of the original expulsion order.
5. Upon satisfactory completion of the rehabilitation assignment, the Board shall reinstate the student in a district school. Upon reinstatement, the Board may order the expunging of any or all records of the expulsion proceedings.
6. 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 of Education.
7. 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. (Education Code 48918(j)).

Right to Appeal

The student or parent/guardian is entitled to file an appeal of the Board's decision with the County Board of Education. 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 of Education. The district shall provide the student with these documents within 10 school days following the student's written request. (Education Code 48919)

Post-Expulsion Placements

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

(cf. 6185 - Community Day School)

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.

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 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)

(cf. 5119 - Students Expelled from Other Districts)

(cf. 5125 - Student Records)

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 or possession of weapons or firearms in violation of 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)

Outcome Data

The Superintendent or designee shall maintain the following data and report such data annually to the California Department of Education, using forms supplied by the California Department of Education: (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
- Regulation MT. DIABLO UNIFIED SCHOOL DISTRICT
approved: March 24, 2009 Concord, California

AR 5144.2 Students

Suspension And Expulsion/Due Process (Students With Disabilities)

A student identified as an individual with disabilities pursuant to the Individuals with Disabilities Education Act (IDEA) is subject to the same grounds for suspension and expulsion which apply to students without disabilities.

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

(cf. 6159.1 - Procedural Safeguards and Complaints for Special Education)

Procedures for Students Not Yet Eligible for Special Education Services

A student who has not been identified as an individual with disabilities pursuant to IDEA and who has violated the district's disciplinary procedures may assert the procedural safeguards granted under this administrative regulation only if the district had knowledge that the student was disabled before the behavior occurred. (20 USC 1415(k)(8))

The district shall be deemed to have knowledge that the student had 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 in writing, or orally if the parent/guardian does not know how to write or has a disability that prevents a written statement, that the student is in need of special education or related services.
2. The behavior or performance of the student demonstrates the need for such services, in accordance with 34 CFR 300.7.
3. The parent/guardian has requested an evaluation of the student for special education pursuant to 34 CFR 300-300.311 (cf. 6164.4 - Identification and Evaluation of Individuals for Special Education).
4. The teacher of the student or other district personnel has expressed concern about the behavior or performance of the student to the district's Special Education Administrator or to other personnel in accordance with the district's established child find or special education referral system.

A district would not be deemed to "have knowledge" as specified in items #1-4 above, if, as a result of receiving such information, the district either (1) conducted an evaluation and determined that the student was not a student with a disability, or (2) determined that an evaluation was not necessary and provided notice to the parent/guardian of its determination. (34 CFR 300.527)

If it is determined that the district did not have knowledge that the student was disabled, then the student shall be disciplined in accordance with procedures established for students without disabilities. (20 USC 1415(k); 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, 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 1415K(5); 34 CFR 300.534)

Suspension

The Superintendent or designee may suspend a student with a disability for up to five consecutive school days for a single incident of misconduct, and for up to 20 school days in a school year. If the student is transferred to another school or alternative educational program, the student may be suspended for up to 30 school days in a school year, but still no more than five days for a single incident of misconduct, unless the student is suspended by the Governing Board pursuant to Education Code 48912. (Education Code 48903,48911)

The principal or designee shall monitor the number of days, including portions of days, students with a valid individualized education program (IEP) have been suspended during the school year.

(cf. 6159- Individual Education Program)

If the student poses an immediate threat to the safety of himself/herself or others, the Superintendent or designee may suspend the student for up to, but not more than, 10 consecutive school days if the student's parent/guardian agrees or a court order so provides. (Education Code 48911)

Services During Suspension

Students suspended for more than 10 school days in a school year shall continue to receive a free and appropriate public education 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 300.520, 300.530)

Interim Alternative Placement Due to Dangerous Behavior

A student with a disability may be placed in an appropriate interim alternative educational setting when he/she commits one of the following acts: (20 USC 1415(k)(1))

1. Carries a weapon, as defined in 18 USC 930, to school or to a school function
2. Knowingly possesses or uses illegal drugs while at school or a school function
3. Sells or solicits the sale of a controlled substance while at school or a school function
4. Inflicts serious bodily injury upon another person as defined in 18 USC 1365.

A hearing officer may order a change in placement of a student with a disability to an appropriate interim educational setting if the hearing officer: (20 USC 1415(k)(2))

1. Determines that the district has established by substantial evidence that maintaining the current placement of the student is substantially likely to result in injury to the student or others
 2. Considers the appropriateness of the student's current placement
 3. Considers whether the district has made reasonable efforts to minimize the risk of harm in the student's current placement, including the use of supplementary aids and services
 4. Determines that the interim alternative educational setting allows the student to participate in general curriculum, to continue to receive IEP services and to receive services designed to ensure that the behavior does not recur
- The student may be placed in the interim alternative educational setting for up to 45 days, or until the conclusion of any due process hearing proceedings requested by the parent/guardian. (20 USC 1415(k)(2))
 The student's alternative educational setting shall be determined by the student's IEP team. (20 USC 1415(k)(2))
 (cf. 6159 - Individualized Education Program)

Manifestation Determination

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

1. Notice: On the date the decision to take disciplinary action is made, the 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)
 (cf. 5145.6 - Parental Notifications)
 (cf. 6159.1 - Procedural Safeguards and Complaints for Special Education)
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 then be determined to be a manifestation of the student's disability. (20 USC 1415(k)(1)(E); 34 CFR 300.530)

3. Determination that Behavior is a Manifestation of the Student's Disability: When the 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 behavioral intervention plan has already been developed, the IEP team shall review the behavioral intervention plan and modify it as necessary to address the behavior. (20 USC 1415(k)(1)(F); 34 CFR 300.530)

The student shall be returned to the placement from which 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)

(cf. 6159.4 - Behavioral Interventions for Special Education Students)

As soon as practicable after developing the behavioral intervention plan and completing the required assessments, the IEP team shall meet to develop appropriate behavioral interventions to address the behavior and shall implement those interventions. (34 CFR 300.520)

If a student with disabilities who has a functional behavioral plan is subject to a removal for more than 10 school days in a school year that does not constitute a change in placement, the IEP team members shall review the behavioral intervention plan and its implementation to determine if modifications are necessary. (34 CFR 300.520)

The following procedural safeguards shall apply when a student is suspended for more than 10 school days, when disciplinary action is contemplated for a dangerous behavior as described above, or when a change of placement of more than 10 school days is contemplated: (20 USC 1415(k)(4); 34 CFR 300.523)

1. The parents/guardians of the student shall be immediately notified of the decision and provided all procedural safeguards on the day the decision to take action is made.
2. Immediately if possible, but in no case later than 10 school days after the date of the decision, a manifestation determination shall be made of the relationship between the student's disability and the behavior subject to the disciplinary action by the IEP team and other qualified personnel.

At this hearing, the IEP team and other qualified personnel shall consider, in terms of the behavior subject to the disciplinary action, all relevant information, including: (20 USC 1415(k)(4); 34 CFR 300.523)

- a. Evaluation and diagnostic results, including the results or other relevant information supplied by the student's parents/guardians
- b. Observations of the student
- c. The student's IEP and placement

In relationship to the behavior subject to the disciplinary action, the team shall then determine whether the IEP and placement were appropriate and whether supplementary aids, services, and behavioral interventions were provided. The team shall also determine that the student's disability did not impair the ability of the student to understand the impact and consequences of the behavior, nor did it impair his/her ability to control the behavior subject to the disciplinary action. (20 USC 1415(k)(4); 34 CFR 300.523)

If the team determines that the student's behavior was not a manifestation of his/her disability, then the student may be disciplined in accordance with the procedures for students without disabilities. (20 USC 1415(k)(4))

If the team determines that the student's behavior was a manifestation of his/her disability, then the student's placement may only be changed via the IEP team process. (20 USC 1415(k)(4))

Pre-Expulsion Assessment and Meeting

1. The parent/guardian shall receive written notice of the district's intent to conduct the pre-expulsion assessment and shall make the student available for the assessment without delay at a site designated by the district. The parent/guardian shall also have the right to an independent assessment as provided in Education Code 56329. (Education Code 48915.5)
2. The pre-expulsion assessment shall be conducted in accordance with the guidelines of 34 CFR 104.35, which shall include a review of the student's placement at the time of the alleged misconduct and a determination of the relationship, if any, between the student's behavior and his/her disability. (Education Code 48915.5)
3. The IEP team shall meet to determine if an expulsion hearing is appropriate. This meeting shall be held at a time and place mutually convenient to the parent/guardian and district within the period, if any, of the student's pre-expulsion suspension. The parent/guardian's participation may be made through actual participation, representation, or a telephone conference call. (Education Code 48915.5)
4. The parent/guardian shall be notified of his/her right to participate in the meeting at least 48 hours before the meeting. This notice shall specify: (Education Code 48915.5)
 - a. That the meeting may be held without the parent/guardian's participation unless he/she requests a postponement for up to three additional school days
 - b. That the suspension will be continued during the postponement if the student continues to pose an immediate threat to the safety of himself/herself or others

In order to make a record of its attempts to arrange the meeting at a mutually convenient time and place, the district shall keep documentation such as: (34 CFR 300.345)

- a. Detailed records of telephone calls made or attempted, and the results of those calls
 - b. Copies of correspondence sent to parents/guardians and any responses received
 - c. Detailed records of visits made to the parent/guardian's home or place of employment, and the results of those visits
5. The district shall grant a parent/guardian's request that the meeting be postponed for up to three additional school days and may extend a student's suspension for the period of postponement if he/she continues to pose an immediate threat to the safety of himself/herself or others. However, the suspension shall not be extended beyond 10 consecutive school days unless agreed to by the parent/guardian or required by court order. If the parent/guardian refuses to consent to an extension beyond 10 consecutive school days and chooses not to participate, the meeting may be conducted without the parent/guardian's participation. (Education Code 48915.5)
 6. The IEP team shall consider the pre-expulsion assessment results and shall also review and consider the student's health records and school discipline records. (Education Code 48915.5)
 7. If the IEP team determines that the alleged misconduct was caused by, or was a direct manifestation of, the student's disability or that the student was not appropriately placed, the expulsion shall not proceed. (Education Code 48915.5)
 8. If the IEP team determines that the alleged misconduct was not caused by, or a direct manifestation of, the student's disability, and if it is determined that the student was appropriately placed, the student shall be subject to expulsion in accordance with procedures that apply to all students. (Education Code 48915.5)
 9. When expulsion is ordered, the Board shall recommend a rehabilitation plan for the student. (Education Code 48916)

Notification to Law Enforcement Authorities

Prior to the suspension or expulsion of any student, the principal or designee shall notify appropriate city or county law enforcement authorities of any student acts of assault which may have violated Penal Code 245. (Education Code 48902) The principal or designee also shall notify appropriate city or county law enforcement authorities of any student acts which may involve the possession or sale of narcotics or of a controlled substance or possession of weapons or firearms in violation of Penal Code 626.9 and 626.10. (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)

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 USC1415(k)(3); 34 CFR 300.532)

The expulsion hearing shall not be conducted, and the 30-day expulsion proceedings time limit shall not commence, until after completion of the:

1. Pre-expulsion assessment and the manifestation determination (Education Code 48915.5; 20 USC1415(k))
2. IEP team meeting (Education Code 48915.5)
3. Due process hearings and appeals, if initiated (Education Code 48915.5)

The Board may expel a student with disability only if an IEP team has determined that the misconduct was not caused by, or a direct manifestation of, the student's identified disability, and the student was appropriately placed at the time the misconduct occurred. (Education Code 48915.5)

Services During Expulsion

During the term of the expulsion, a student with a disability shall continue to be offered a program of free and appropriate public education. Such services may include independent study, home instruction, or another appropriate alternative program.

(cf. 6158 - Independent Study)

(cf. 6185 - Community Day School)

The alternative program must provide services to the extent necessary to enable the student to appropriately progress in the general curriculum and appropriately advance toward achieving the goals set out in the student's IEP. (34 CFR 300.121)

Readmission

Readmission procedures for students with disabilities shall be the same as those used for all students. The Superintendent or designee may consider the input of the student's IEP team when developing recommendations to the Board regarding a request for readmission. Upon readmission, an IEP team meeting shall be convened to determine whether a new IEP needs to be established.

Suspension of Expulsion

The 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)

Legal Reference:

EDUCATION CODE

35146 Closed sessions re: suspensions

35291 Rules of governing board

48203 Reports of severance of attendance of disabled students

48900-48925 Suspension and expulsion

56000 Special education; legislative findings and declarations

56320 Educational needs; requirements

56321 Development or revision of individualized education program

56329 Independent educational assessment

56340-56347 Individualized education program teams

56505 State hearing

PENAL CODE

245 Assault with deadly weapon

626.2 Entry upon campus after written notice of suspension or dismissal without permission

626.9 Gun-Free School Zone Act

626.10 Dirks, daggers, knives, razors, or stun guns

UNITED STATES CODE, TITLE 18

930 Weapons

1365 Serious bodily injury

UNITED STATES CODE, TITLE 20

1412 State eligibility

1415 Procedural safeguards

UNITED STATES CODE, TITLE 21

812 Controlled substances

UNITED STATES CODE, TITLE 29

706 Definitions

794 Rehabilitation Act of 1973, Section 504

CODE OF FEDERAL REGULATIONS, TITLE 34

104.35 Evaluation and placement

104.36 Procedural safeguards

300.1-300.818 Assistance to states for the education of students with disabilities, especially:

300.530-300.537 Discipline procedures

COURT DECISIONS

Schaffer v. Weast, (2005) 546 U.S. 549

Parents of Student W. v. Puyallup School District, (1994 9th Cir.) 31 F.3d 1489

M.P. v. Governing Board of Grossmont Union High School District, (1994) 858 F.Supp. 1044

Honig v. Doe, (1988) 484 U.S. 305

Management Resources:

FEDERAL REGISTER

Rules and Regulations, August 14, 2006, Vol. 71, Number 156, pages 46539-46845

WEB SITES

California Department of Education, Special Education: <http://www.cde.ca.gov/sp/se>

U.S. Department of Education, Office of Special Education Programs :<http://www.ed.gov/about/offices/list/osers/osep>

Regulation MT. DIABLO UNIFIED SCHOOL DISTRICT

approved: February 8, 2011 Concord, California

BP 5145.3 Students

Nondiscrimination/Harassment And Transgender Policy

The Governing Board is committed to providing a safe school environment that protects privacy, supports attendance, and allows all students equal access and opportunities in the district's academic and other educational support programs, services and activities, as well as district services, facilities, and activities. The Board prohibits, at any district school or school activity, unlawful discrimination, harassment, intimidation, and bullying of any student based on the student's actual race, color, ancestry, nationality, national origin, ethnicity, ethnic group identification, age, religion, marital or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, gender expression, or genetic information; or the perception of one or more of such characteristics; or association with a person or group with one or more of these actual or perceived characteristics.

The policy shall apply to all acts related to school activity or to school attendance occurring within a district school. (Education Code 234.1)

(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)

Prohibited discrimination, harassment, intimidation or bullying includes physical, verbal, nonverbal, or written conduct based on one of the categories listed above that is so severe and pervasive that it affects a student's ability to participate in or benefit from an educational program facility, service, or activity; creates an intimidating, threatening, hostile, or offensive educational environment; has the effect of substantially or unreasonably interfering with a student's academic performance; or otherwise adversely affects the student's educational opportunities.

The board also prohibits any form of relation against any student who files a complaint or report regarding an incident of discrimination, harassment, intimidation, or bullying.

Staff shall be alert and immediately responsive to student conduct which may interfere with another student's ability to participate in or benefit from school services, activities or privileges.

School staff and volunteers shall carefully guard against segregation, bias, and stereotyping in the delivery of services, including, but not limited to, instruction, guidance, and supervision.

(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)

The principal or designee shall develop a plan to provide students with appropriate accommodations when necessary for their protection from threatened or potentially harassing or discriminatory behavior.

Students who engage in discrimination, harassment, intimidation, bullying, or retaliation in violation of law, Board policy, or administrative regulation shall be subject to appropriate consequences or discipline, up to and including counseling, suspension, and/or expulsion. Any employee who permits or engages in prohibited discrimination, harassment, intimidation, bullying, or retaliation 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 Disabilities))

(cf. 5145.2 - Freedom of Speech/Expression)

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
 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
 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
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 Public Schools and Sexual Orientation: A First Amendment Framework for Finding Common Ground, 2006
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 Dealing with Legal Matters Surrounding Students' Sexual Orientation and Gender Identity, 2004
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 U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/about/offices/list/ocr>
 Policy MT. DIABLO UNIFIED SCHOOL DISTRICT
 adopted: February 8, 2011 Concord, California
 revised: May 28, 2014

AR 5145.3 Students

Nondiscrimination/Harassment And Transgender Policy

California Education Code 220 and district policy require that all programs, activities, and employment practices should be conducted without discrimination based on actual or perceived sex, sexual orientation, or gender identity and expression. Education Code 220 further provides that public schools have an affirmative obligation to combat sexism and other forms of bias, and responsibility to provide equal educational opportunity to all students. Both state and federal law as well as district policies protect transgender students from discrimination.

This regulation provides approaches to specific situations and/or circumstances when the protection and/or the safety of transgender students may arise and provides actions necessary to ensure the safe and respectful treatment of all students, with the aim of minimizing social stigmatization, and maximizing opportunities for social integration so that all students have an equal opportunity to attend school, be engaged, and achieve academic success, and of setting a tone that allows students to feel safe to report harassment.

The guidelines provided in this regulation do not anticipate every situation that might occur with respect to transgender students, and the needs of each transgender student must be assessed on a case-by-case basis.

The following position is designated Coordinator for Nondiscrimination to handle complaints regarding discrimination, harassment, intimidation, or bullying and to answer inquiries regarding the district's nondiscrimination policies: (Education Code 234.1; 5 CCR 4621)

Director, Student Services
1936 Carlotta Drive, Wing D
Concord, CA 94519
(925) 682-8000 ext. 4069

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 1312.3 - Uniform Complaint Procedures)

Any student who feels subjected to discrimination, harassment, intimidation, or bullying based on the student's actual race, color, ancestry, nationality, national origin, ethnicity, ethnic group, identification, age, religion, marital or parental status, physical or mental disability, sex, sexual orientation of one or more such characteristics; or association with a person or group with one or more of these actual or perceived characteristics should immediately contact the Coordinator, the principal, or any other staff member. In addition, any student who observes any such incident should report the incident to the Coordinator or principal, whether or not the victim files a complaint.

Any school employee who observes an incident of discrimination, harassment, intimidation, or bullying or to whom such an incident is reported shall immediately report the incident to the Coordinator or principal, whether or not the victim files a complaint.

Upon receiving a complaint of discrimination, harassment, intimidation, or bullying, the Coordinator shall immediately investigate the complaint in accordance with the district's uniform complaint procedures specified in AR 1312.3 - Uniform Complaint Procedures

To prevent discrimination, harassment, intimidation, and bullying of students at district schools or in school activities and to ensure equal access of all students to the district's academic and other educational programs, as well as district services, facilities, and activities, and to protect privacy and support enrollment and attendance the Superintendent or designee shall implement the following measures:

1. Provide students a handbook that contains age-appropriate information that clearly states that discrimination, harassment, intimidation, and bullying based on sexual orientation, gender identity, and gender expression are unacceptable conduct and will not be tolerated, and that describes the district's nondiscrimination policy, procedures for filing a complaint, and resources available to students who feel that they have been the victim of any such behavior. (Education Code 234.1)
2. Ensure that students receive age-appropriate information and education related to sexual orientation, gender identity, and gender expression. In addition, the Superintendent shall designate qualified individuals to provide appropriate training and educational programs on the issues of harassment, discrimination, intimidation, or bullying based on sexual orientation, gender identity, and gender expression.
3. Annually notify all students and parents/guardians of the district's nondiscrimination policy and of the opportunity of a transgender or a cisgender student to inform the Coordinator of concerns regarding privacy issues, facility use, or participation in district programs and services.
4. Publicize the district's nondiscrimination policy and related complaint procedures to students, parents/guardians, employees, volunteers, and the general public and post them in all schools and offices, including staff lounges and student government meeting rooms, and on the district web site and other locations that are easily accessible to students. (Education Code 234.1)

(Education Code 234.1)

(cf. 1113 - District and School Web Sites)

(cf. 1114 - District-Sponsored Social Media)

5. When 15 percent or more of a school's students speak a single primary language other than English, translate the nondiscrimination policy, related complaint procedures, and all forms for use in the complaint process into that other language. (Education Code 234.1, 48985)

6. At the beginning of each school year, inform school employees that any employee who witnesses any act of discrimination, harassment, intimidation, or bullying is required to take immediate steps to intervene when it is safe to do so. (Education Code 234.1)

7. At the beginning of each school year, provide staff with information and staff development as needed to ensure they understand the right of all students to a safe environment, the law and district expectations regarding accommodations for transgender students.

Definitions

The following definitions are not meant to label a student, but are intended as functional descriptors. Students might or might not use the terms to describe themselves.

Gender identity means a person's understanding, interests, outlook, and feelings about whether one is female or male, or both, or neither, regardless of the person's physiology or assigned sex at birth. Therefore, gender identity, is established regardless of gender-related identity, appearance, or behavior even when it is different from that traditionally associated with a person's physiology or assigned sex at birth.

Gender expression means a person's characteristic and behaviors such as appearance, dress, hairstyle, mannerisms, speech patterns, activities, and social interactions that are perceived as masculine, feminine, both, neither, or androgynous. Therefore, a person's gender expression means gender-related appearance and behavior whether or not stereotypically associated with the person's assigned sex at birth. (Education Code 210.7) (Education Code 210.7)

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

Cisgender student means a student whose gender identity is the same as that traditionally associated with the assigned sex at birth.

To ensure that transgender students are afforded the same rights, benefits, and protections provided to all students by law and Board policy, the district shall address each situation on a case-by-case basis, in accordance with the following guidelines:

1. Right to privacy: Transgender status is the private information of the student and the district will only disclose the information to others with the student's prior written consent, except when the disclosure is otherwise required by law or is necessary to preserve the student's physical or mental well-being. Any district employee to whom a student discloses transgender status shall seek the student's permission to notify the Coordinator for Nondiscrimination. If the student refuses to give permission, the employee shall keep the student's information confidential, unless he/she is required to disclose or report the student's information pursuant to law or district policy, and shall inform the student that it may be possible to accommodate the student's needs related to the student's his/her status as a transgender student. If the student permits the employee to notify the Coordinator, the employee shall do so within three school days.

School personnel should not disclose a student's actual or perceived sexual orientation, gender identity, or gender expression to others, including but limited to, other students, parents/guardians, and/or other school personnel, unless the employee is required to disclose or reports the student's information pursuant to law or district policy.

School personnel must be mindful of the confidentiality and privacy rights of students when contacting parents/guardians so as to not reveal, imply, or refer to a student's actual or perceived sexual orientation, gender identity, or gender expression.

To ensure confidentiality, whenever discussing particular issue such as conduct, discipline, grades, attendance, health, or any other school related matter, school personnel should focus on the conduct or particular issue, and not on any assumptions regarding the student's actual or perceived sexual orientation, gender identity, or gender expression.

All students, including transgender students, have the right to openly discuss and express their sexual orientation, gender identity, and gender expression and to decide when, with, whom, and how much to share private information.

As appropriate, the Coordinator shall discuss with the student any need to disclose the student's transgender status to the student's parents/guardians and/or others, including other adults on campus. Any decision to disclose the student's status to others shall be based on the student's best interest.

(cf. 1340 - Access to District Records)

(cf. 3580 - District Records)

2. Determining a Student's Gender Identity: The Coordinator shall accept the student's assertion unless district personnel present a credible basis for believing that the student's assertion is for an improper purpose. In such a case, the Coordinator shall document the purported improper purpose and, within seven school days of receiving notification of the student's assertion, shall provide a written response to the student and, if appropriate, to his/her parents/guardians.

3. Addressing Student's Needs: Upon notification of a student's transgender status the Coordinator shall arrange a meeting with the student and, if appropriate, the student's parents/guardians to identify areas of concern to the student and potential issues, and to develop strategies for addressing them. The meeting shall discuss the student's rights and how those rights may affect and be affected by the rights of other students, and shall address specific subjects related to

the student's access to facilities and to academic or educational programs, services, or activities, including, but not limited to, sports and other competitive endeavors. In addition, the Coordinator shall identify specific school site employee(s) to whom the student may report any problem related to status as a transgender individual, so that prompt action can be taken to address it.

4. Accessibility to Sex-segregated Facilities, Programs, and Activities: The district may maintain sex-segregated facilities, such as restrooms and locker rooms, and sex-segregated programs and activities, such as physical education classes, intramural sports, and interscholastic athletic programs. A student shall be entitled to access facilities and participate in programs and activities consistent with the student's gender identity. In addition, a student shall be permitted to participate in accordance with the student's gender identity in other circumstances where students are separated by gender, (e.g., class discussions, field trips, etc.). However, the right to participate in a sex-segregated activity in accordance with a student's gender identity shall not render invalid or inapplicable, any other eligibility rule established for participation in the activity. Where available, a "gender-neutral" restroom or changing area may be offered to any student who desires increased privacy, regardless of the underlying issue. Students entitled to use facilities consistent with their gender identity shall not be required to use an alternative arrangement. Any alternate arrangement should be used only at the request of the student, and, if applicable, in a manner that keeps the student's gender identity confidential.

(cf. 6145 - Extracurricular and Cocurricular Activities)

(cf. 6145.2 - Athletic Competition)

(cf. 6153 - School-Sponsored Trips)

(cf. 7110 - Facilities Master Plan)

5. Student Records: A student's legal name or gender as entered on the mandatory student record required pursuant to 5 CCR 432 shall only be changed pursuant to a court order. However, at the written request of a student or, if appropriate, the student's parents/guardians, the district shall use the student's preferred name and pronouns consistent with student's gender identity on all other district-related documents.

(cf. 5125 - Student Records)

(cf. 5125.1 - Release of Directory Information)

6. Names and Pronouns: A student is to be addressed by a name and pronoun that corresponds to the gender identity that the student asserts at school.

Students may request to be addressed by their "preferred name" (and pronoun) that corresponds to their gender identity without obtaining a court order or without changing their official records.

The parent/guardian with legal custody of a child may also request that their child be addressed by the student's "preferred name" (and preferred pronoun) that corresponds to the student's gender identity without obtaining a court order or without changing the student's official records.

The requested name shall be included in the (SIS system) in addition to the student's legal name, in order to inform teachers of the name and pronoun to use when addressing the student.

It is strongly suggested that school personnel privately ask transgender student's how they want to be addressed in communications to the home or at conferences with the student's parents/guardians.

For initial communications with a student's parent/guardian, school personnel should use the student's legal name.

While inadvertent slips or honest mistake in the use of the "preferred" names or pronouns may occur, the intentional and persistent refusal to respect a student's gender identity is discriminatory and may lead to discipline.

7. Uniforms/Dress Code: Students have the right to dress in a manner consistent with their gender identity, subject to any dress code adopted on a school site.

(cf. 5132 - Dress Code)

This policy is intended to supplement, and not replace, state and federal laws prohibiting sexual harassment. Complaint under those laws shall be processed through the procedures established by appropriate state and/or federal agencies.

Regulation MT. DIABLO UNIFIED SCHOOL DISTRICT

approved: May 28, 2014 Concord, California

Student Conduct And Discipline

Anti-Bullying

The district believes that all students have a right to a safe and healthy school environment. To that end, the district, schools, and community have an obligation to promote mutual respect, tolerance and acceptance. The district will not tolerate behavior that infringes on the safety of any student. A student shall not intimidate or harass another student through words or actions, including cyber activity that impacts the learning environment and/or student safety. Such behavior includes direct physical contact, such as hitting or shoving, verbal or written assaults, such as teasing or name-calling, social isolation or manipulation, and cyber activity that includes transmission of harassing communications, direct threats, or other harmful texts, sounds, or images on the Internet, social media or other technologies. This policy applies whenever a student is on school grounds, traveling to and from school or a school sponsored activity, during the lunch period, whether on or off campus, and during a school-sponsored activity. It also includes off campus bullying that has impact or potential impact on school activity, school attendance, or the educational performance of a targeted student/s. Students who act in violation of this policy may be subject to school/district disciplinary procedures up to and including expulsion.

Legal Reference:

EDUCATION CODE

48900 Grounds for suspension or expulsion

48900.3 Hate violence

48900.4 Harassment, threats, or intimidation

48910 Suspension by teacher

48911 Suspension by principal, designee, or superintendent

48915 Expulsion

48915.5 Expulsion of pupils with exceptional needs

48918 Rules governing expulsion proceedings

48918.5 Expulsion hearings; District rules and regulations

Policy MT. DIABLO UNIFIED SCHOOL DISTRICT

adopted: August 20, 2012 Concord, California

AR 5145.4 Students

Student Conduct And Discipline

Anti-Bullying

The Governing Board prohibits bullying at any location or activity under the jurisdiction of the school system. Any student who engages in bullying may be subject to disciplinary action up to and including expulsion.

The Board expects students and/or staff to immediately report incidents of bullying to the principal or designee. Each complaint of bullying should be promptly investigated. If the complainant or the parent of the student feels that appropriate resolution of the investigation or complaint has not been reached, the student or the parent of the student should contact the Principal or the Office of Student Services. The school system prohibits retaliatory behavior against any complainant or any participant in the complaint process.

Teachers should discuss this policy with their students in age-appropriate ways and should assure them that they need not endure any form of bullying.

Definitions

1. General Definitions

Bullying occurs when one or more students threaten, harass or intimidate another student through words, or actions including:

- a. Direct physical contact such as hitting or shoving
- b. Verbal assaults such as teasing or name-calling
- c. Socially isolating or manipulating a student

These incidents will be acted upon when they occur:

- a. On the school grounds at any time
- b. En route to and from school or a school-sponsored activity
- c. During the lunch period whether on or off campus; or
- d. During, or while going to or coming from, a school-sponsored activity.

2. Specific Examples

For the purpose of further clarification, bullying includes, but is not limited to:

- a. Making unsolicited written, verbal, physical and/or visual contact. Examples include:

- (1) Written - intimidating/threatening letters, notes, or messages
- (2) Verbal - intimidating/threatening comments, slurs, innuendos, teasing, jokes or epithets.
- (3) Visual - leering or gestures
- (4) Physical - hitting, slapping and/or pinching

- b. Making reprisals, threats of reprisal, or implied threats of reprisal.

- c. Engaging in implicit or explicit coercive behavior to control, influence or affect the health and well being of a student.

Confidentiality

Reasonable efforts will be made to keep a report of bullying and the results of the investigation confidential. Witnesses should be informed of the confidential nature of the investigation and should be asked to refrain from disclosing the nature of the investigation to others.

Retaliation Prohibited

The initiation of a report of bullying should not reflect on the reporting student or witnesses in any way. It should not affect the student's future relationship with the school system, grades, class section or other matters pertaining to his/her status as a student in any program. It is a violation of this policy to engage in such retaliation.

Disciplinary Action

Students who act in violation of this policy and/or the law may be subject to discipline up to and including expulsion. Such disciplinary action shall be in accordance with school system procedures and state and federal laws.

Investigation Procedures

1. Informal Resolution

Students who feel aggrieved because of conduct that may constitute bullying are encouraged, but not required, to inform the person engaging in such conduct that the bullying is offensive and should stop.

2. Formal Reporting of Allegations of Bullying

If direct communication with the person whose conduct is offensive has been to no avail or would be inappropriate, the aggrieved student should communicate his/her concern to a teacher, counselor, principal or assistant principal. The student should also complete a formal, written report. If the student is unable to complete a written report, school staff may help him/her complete the report.

3. Responsibilities of Employees

Employees who receive reports of bullying or observe an act of bullying should immediately inform the principal or designee at the school the student attends.

4. Administrative Review and Procedure

a. Filing

While reports of bullying should be in writing, any report received, whether written or oral should be investigated.

b. Investigation

All matters regarding bullying should be promptly and thoroughly investigated in a confidential manner. The student accused of bullying should be informed of the results of the investigation and given the opportunity to present his/her version of the situation and to identify witnesses on his/her behalf. Parents of both the accused and the student filing the complaint should be contacted as appropriate.

c. Corrective Action/Discipline

Upon completion of the investigation, the principal or designee should determine the appropriate action, if any, to take. Corrective action may include, but not be limited to, counseling, warning, or initiating disciplinary procedures against the offending student. Corrective action should be designed to prevent recurrence of the bullying.

Mandated Notification

1. At the beginning of the school year, each student should receive a summary of this policy prohibiting bullying.
2. A summary of this policy should be part of new student orientation programs and included in student handbooks or information packets.
3. A summary of this policy should be included as part of the school system's annual notification to parents.
4. A copy of this policy should be provided for each staff member.

Regulation MT. DIABLO UNIFIED SCHOOL DISTRICT

approved: August 24, 2004 Concord, California

BP 5145.7 Students

Sexual Harassment

The Governing Board is committed to maintaining an educational environment that is free from harassment. The Board prohibits sexual harassment of students by other students, employees or other persons, at school or at school-sponsored or school-related activities. The Board also prohibits retaliatory behavior or action against persons who complain, testify, assist or otherwise participate in the complaint process established pursuant to this policy and the administrative regulation.

Instruction/Information

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

1. What acts and behavior constitute sexual harassment, including the fact that sexual harassment could occur between people of the same gender
2. A clear message that students do not have to endure sexual harassment
3. Encouragement to report observed instances of sexual harassment, even where the victim of the harassment has not complained
4. Information about the person(s) to whom a report of sexual harassment should be made

(cf. 5131.5 - Vandalism, Theft and Graffiti)

(cf. 5137 - Positive School Climate)

(cf. 5141.41 - Child Abuse Prevention)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 6142.1 - Family Life/Sex Education)

Complaint Process

Any student who feels that he/she is being or has been subjected to sexual harassment shall immediately contact his/her teacher or any other employee. A school employee to whom a complaint is made shall, within 24 hours of receiving the complaint, report it to the principal or designee.

Any school employee who observes any incident of sexual harassment involving a student shall report this observation to the principal or designee, whether or not the victim files a complaint.

In any case of sexual harassment involving the principal or any other district employee to whom the complaint would ordinarily be made, the employee who receives the student's report or who observes the incident shall report to the nondiscrimination coordinator or the Superintendent or designee.

(cf. 4119.1114219.11/4319.11 - Sexual Harassment)

(cf. 5141.4 - Child Abuse Reporting Procedures)

(cf. 5145.3 - Nondiscrimination/Harassment)

The principal or designee to whom a complaint of sexual harassment is reported shall immediately investigate the complaint in accordance with administrative regulation. Where the principal or designee finds that sexual harassment occurred, he/she shall take prompt, appropriate action to end the harassment and address its effects on the victim. The principal or designee shall also advise the victim of any other remedies that may be available. The principal or designee shall file a report with the Superintendent or designee and refer the matter to law enforcement authorities, where required.

(cf. 1312.1 - Complaints Concerning District Employees)

Disciplinary Measures

Any student who engages in sexual harassment of anyone at school or at a school-sponsored school-related activity is in violation of this policy and shall be subject to disciplinary action. For students in grades 4 through 12, disciplinary action may include suspension and/or expulsion, provided that in imposing such discipline the entire circumstances of the incident(s) shall be taken into account.

Record-Keeping

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

All complaints and allegations of sexual harassment shall be kept confidential except as necessary to carry out the investigation or take other subsequent necessary action. (5 CCR4964)

(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex

48900 Grounds for suspension or expulsion

48900.2 Additional grounds for suspension or expulsion; sexual harassment

48904 Liability of parent/guardian for willful student misconduct

48980 Notice at beginning of term

CIVIL CODE

51.9 Liability for sexual harassment; business, service and professional relationships

1714.1 Liability of parents/guardians for willful misconduct of minor
GOVERNMENT CODE
12950.1 Sexual harassment training
CODE OF REGULATIONS, TITLE 5
4600-4687 Uniform complaint procedures
4900-4965 Nondiscrimination in elementary and secondary education programs
UNITED STATES CODE, TITLE 20
1681-1688 Title IX, discrimination
UNITED STATES CODE, TITLE 42
1983 Civil action for deprivation of rights
2000d-2000d-7 Title VI, Civil Rights Act of 1964
2000e-2000e-17 Title VII, Civil Rights Act of 1964 as amended
CODE OF FEDERAL REGULATIONS, TITLE 34
106.1-106.71 Nondiscrimination on the basis of sex in education programs
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Gebser v. Lago Vista Independent School District, (1998) 524 U.S. 274
Oona by Kate S. v. McCaffrey, (1998, 9th Cir.) 143 F.3d 473
Doe v. Petaluma City School District, (1995, 9th Cir.) 54 F.3d 1447
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OFFICE FOR CIVIL RIGHTS PUBLICATIONS
Dear Colleague Letter: Sexual Violence, April 4, 2011
Sexual Harassment: It's Not Academic, September 2008
Revised Sexual Harassment Guidance, January 2001
WEB SITES
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California Department of Education: <http://www.cde.ca.gov>
U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/about/offices/list/ocr>
Policy MT. DIABLO UNIFIED SCHOOL DISTRICT
adopted: August 24, 2004 Concord, California
revised: August 20, 2012

AR 5145.7 Students

Sexual Harassment

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 gender, in the educational setting, when: (Education Code 212.5; 5 CCR 4916)

1. Submission to the conduct is explicitly or implicitly made a term or condition of a student's academic status or progress
 2. Submission to or rejection of the conduct by a student is used as the basis for academic decisions affecting the student
 3. The conduct has the purpose or effect of having a negative impact on the student's academic performance, or of creating an intimidating, hostile or offensive educational environment
 4. Submission to or rejection of the conduct by the student is used as the basis for any decision affecting the student regarding benefits and services, honors, programs, or activities available at or through any district program or activity
- Types of conduct which are prohibited in the district and which may constitute sexual harassment include, but are not limited to:

1. Unwelcome leering, sexual flirtations or propositions
2. Sexual slurs, epithets, threats, verbal abuse, derogatory comments or sexually degrading descriptions
3. Graphic verbal comments about an individual's body, or overly personal conversation
4. Sexual jokes, notes, stories, drawings, pictures or gestures
5. Spreading sexual rumors
6. Teasing or sexual remarks about students enrolled in a predominantly single-gender class
7. Massaging, grabbing, fondling, stroking or brushing the body
8. Touching an individual's body or clothes in a sexual way
9. Purposefully cornering or blocking normal movements
10. Displaying sexually suggestive objects

Notifications

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

1. Be included in the notifications that are sent to parents/guardians at the beginning of each school year (Education Code 48980; 5 CCR 4917)
(cf. 5145.6 - Parental Notifications)
 2. Be displayed in a prominent location in the main administrative building or other area where notices of district rules, regulations, procedures and standards of conduct are posted (Education Code 231.5)
 3. Be provided as part of any orientation program conducted for new students at the beginning of each quarter, semester or summer session (Education Code 231.5)
 4. Appear in any school or district publication that sets forth the school's or district's comprehensive rules, regulations, procedures and standards of conduct (Education Code 231.5)
 5. Be provided to employees and employee organizations
- Investigation of Complaints at School (Site-Level Grievance Procedure)

1. The principal or designee shall promptly investigate all complaints of sexual harassment. In so doing, he/she shall talk individually with:
 - a. The student who is complaining
 - b. The person accused of harassment
 - c. Anyone who witnessed the conduct complained of
 - d. Anyone mentioned as having related information
2. The student who is complaining shall have an opportunity to describe the incident, present witnesses and other evidence of the harassment, and put his/her complaint in writing.
3. The principal or designee shall discuss the complaint only with the people described above. When necessary to carry out his/her investigation or for other good reasons that apply to the particular situation, the principal or designee also may discuss the complaint with the following persons:
 - a. The Superintendent or designee
 - b. The parent/guardian of the student who complained
 - c. If the alleged harasser is a student, his/her parent/guardian
 - d. A teacher or staff member whose knowledge of the students involved may help in determining who is telling the truth
 - e. Child protective agencies responsible for investigating child abuse reports
(cf. 5141.4 - Child Abuse Reporting Procedures)
 - f. Legal counsel for the district
4. When the student who complained and the alleged harasser so agree, the principal or designee may arrange for them to resolve the complaint informally with the help of a counselor, teacher, administrator or trained mediator. The student who complained shall never be asked to work out the problem directly with the accused person unless such help is provided and both parties agree.
5. In reaching a decision about the complaint, the principal or designee may take into account:

- a. Statements made by the persons identified above
- b. The details and consistency of each person's account
- c. Evidence of how the complaining student reacted to the incident
- d. Evidence of any past instances of harassment by the alleged harasser
- e. Evidence of any past harassment complaints that were found to be untrue
- 6. To judge the severity of the harassment, the principal or designee may take into consideration:
 - a. How the misconduct affected one or more students' education
 - b. The type, frequency and duration of the misconduct
 - c. The number of persons involved
 - d. The age and gender of the person accused of harassment
 - e. The subject(s) of harassment
 - f. The place and situation where the incident occurred
 - g. Other incidents at the school, including incidents of harassment that were not related to gender
- 7. The principal or designee shall write a report of his/her findings, decision, and reasons for the decision and shall present this report to the student who complained and the person accused.
- 8. The principal or designee shall give the Superintendent or designee a written report of the complaint and investigation. If the principal or designee verifies that sexual harassment occurred, this report shall describe the actions taken to end the harassment, address the effects of the harassment on the student harassed, and prevent retaliation or further harassment.
- 9. Within two weeks after receiving the complaint, the principal or designee shall determine whether or not the student who complained has been further harassed. The principal or designee shall keep a record of this information and shall continue this follow-up.

Enforcement

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

- 1. Removing vulgar or offending graffiti.
- 2. Providing staff inservice and student instruction or counseling.
- 3. Notifying parents/guardians of the actions taken.
- 4. Notifying child protective services.
- 5. Taking appropriate disciplinary action. In addition, the principal or designee may take disciplinary measures against any person who is found to have made a complaint of sexual harassment which he/she knew was not true.

Regulation MT. DIABLO UNIFIED SCHOOL DISTRICT

approved: August 24, 2004 Concord, California

BP 5145.9 Students

Hate-Motivated Behavior

The Governing Board affirms the right of every student to be protected from hate-motivated behavior. It is the intent of the Board to promote harmonious relationships that enable students to gain a true understanding of the civil rights and social responsibilities of people in our society. Behavior or statements that degrade an individual on the basis of his/her race, ethnicity, culture, heritage, gender, sexual orientation, physical/mental attributes, religious beliefs or practices shall not be tolerated.

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

(cf. 0450 - Comprehensive Safety Plan)

(cf. 3515.1 Crime Data Reporting)

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

(cf. 5131.5 - Vandalism, Theft and Graffiti)

(cf. 5136 - Gangs)

(cf. 5137 - Positive School Climate)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

(cf. 6141.6 - Multicultural Education)

Any student who feels that he/she is a victim of hate-motivated behavior shall immediately contact the principal or designee. If the student believes that the situation has not been remedied by the principal or designee, he/she may file a complaint in accordance with district complaint procedures.

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 1312.3 - Uniform Complaint Procedures)

Staff who receive notice of hate-motivated behavior or personally observe such behavior shall notify the principal, Superintendent or designee, and law enforcement, as appropriate. Students demonstrating hate-motivated behavior shall be subject to discipline in accordance with Board policy and administrative regulation.

(cf. 3515.3 - District Police/Security Department)

(cf. 4158/4258/4358 - Employee Security)

(cf. 5144 - Discipline)

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

(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))

In addition, the district shall provide counseling and appropriate sensitivity training and diversity education for students exhibiting hate-motivated behavior. The district shall also provide counseling, guidance and support, as necessary, to those students who are the victims of hate-motivated behavior.

(cf. 6164.2 - Guidance/Counseling Services)

The Superintendent or designee shall ensure that staff receive appropriate training to recognize hate-motivated behavior and methods for handling such behavior in appropriate ways.

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

The district shall provide age-appropriate instruction to help promote understanding of and respect for human rights. At the beginning of each school year, students and staff shall receive a copy of the district's policy on hate-motivated behavior.

Legal Reference:

EDUCATION CODE

200-262 Prohibition of discrimination on the basis of sex

48900.3 Suspension for hate violence

PENAL CODE

186.21 Street terrorism; legislative findings and declarations

422.6-422.95 Civil Rights

11410-11414 Terrorism

13023 Reports by law enforcement of crimes motivated by race, ethnicity, religion, sexual orientation or physical or mental disability

13519.6 Hate crimes, training courses and guidelines

UNITED STATES CODE, TITLE 18

245 Federally protected activities

Management Resources:

CSBA PUBLICATIONS

Protecting Our Schools: Governing Board Strategies to Combat School Violence, 1995

ALAMEDA OFFICE OF EDUCATION & CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Hate-Motivated Behavior in Schools: Response Strategies for School Boards, Administrators, Law Enforcement and Communities, 1997
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
WEB SITES
CDE: <http://www.cde.ca.gov>
California Association of Human Relations Organizations: <http://www.cahro.org>
United States Department of Education, Office of Civil Rights: <http://www.ed.gov/offices/OCR/index.html>
Policy MT. DIABLO UNIFIED SCHOOL DISTRICT
adopted: August 24, 2004 Concord, California

Appendix D: Notice of Public Hearing Letter

Mayor:



MT. DIABLO UNIFIED SCHOOL DISTRICT

Ayers Elementary School

5120 Myrtle Drive
Concord, California 94521-1599
(925) 682-7686

February 10, 2022

Mayor's Office
City of Concord
1950 Parkside Drive MS/01
Concord, CA 94519

Dear Mayor:

Each year California public schools are required to prepare and/or update a Comprehensive School Site Safety Plan per California Education Code Section 32286. The Comprehensive School Safety Plan shall include, but is not limited to, the following:

- Assessment of school crimes committed on school campuses and school related activities;
- Identification of appropriate strategies and programs that will ensure a high level of school safety;
- Child Abuse reporting procedures;
- Disaster procedures;
- Policies that lead to student suspension and/or expulsion;
- Procedures to notify teachers of dangerous students;
- Discrimination and Harassment policies;
- Provisions of a school-wide dress code that prohibits pupils from wearing gang related apparel;
- Procedures for safe ingress and egress of pupils;
- Assurance of a safe and orderly school environment conducive to learning;
- Rules and procedures regarding school discipline; and
- Hate crime reporting procedures.

Before the Comprehensive School Safety Plan is adopted, the School Site Council or the School Safety Planning Committee shall hold a public meeting at the school site in order to allow members of the community the opportunity to express an opinion about the school's safety plan. The School Site Council or the School Safety Planning Committee shall notify, in writing the following persons or entities, if available, of this public meeting:

- The local mayor
- A representative of the school employee organization(s);
- A representative of each parent organization at the school site, including the parent/teacher association and parent/teacher clubs;
- A representative of the student body government; and
- All persons who have indicated that they want to be invited.

The date of our school's public meeting at which the school safety plan will be adopted, is February 24, 2022 at 3:30 pm. You are encouraged to attend this meeting. The meeting will be an excellent opportunity for you to become familiar with the school's safety plan and to provide input.

Please contact me at (925)682-7686 if you are planning to attend this meeting to be provided the zoom meeting information or if you have questions regarding this matter.

Sincerely,

Martha Thomas

Martha Thomas
Principal

A handwritten signature in blue ink, appearing to read "Martha Thomas", is written over the printed name and title.

AN EQUAL OPPORTUNITY EMPLOYER
FAX (925) 827-2521

MDEA:



MT. DIABLO UNIFIED SCHOOL DISTRICT

Ayers Elementary School

5120 Myrtle Drive
Concord, California 94521-1599
(925) 682-7686

February 10, 2022

MDEA Representative
Ayers Elementary School

Dear MDEA Site Representative:

Each year California public schools are required to prepare and/or update a Comprehensive School Site Safety Plan per California Education Code Section 32286. The Comprehensive School Safety Plan shall include, but is not limited to, the following:

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Sincerely,

Martha Thomas

Martha Thomas
Principal

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AN EQUAL OPPORTUNITY EMPLOYER
FAX (925) 827-2521

CST:



MT. DIABLO UNIFIED SCHOOL DISTRICT

Ayers Elementary School

5120 Myrtle Drive
Concord, California 94521-1599
(925) 682-7686

February 10, 2022

CST Representative
Ayers Elementary School

Dear CST Site Representative:

Each year California public schools are required to prepare and/or update a Comprehensive School Site Safety Plan per California Education Code Section 32286. The Comprehensive School Safety Plan shall include, but is not limited to, the following:

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Sincerely,

Martha Thomas

Martha Thomas
Principal

A handwritten signature in blue ink that reads "mth" with a flourish.

AN EQUAL OPPORTUNITY EMPLOYER
FAX (925) 827-2521

CSEA:



MT. DIABLO UNIFIED SCHOOL DISTRICT

Ayers Elementary School

5120 Myrtle Drive
Concord, California 94521-1599
(925) 682-7686

February 10, 2022

CSEA Representative
Ayers Elementary School

Dear CSEA Site Representative:

Each year California public schools are required to prepare and/or update a Comprehensive School Site Safety Plan per California Education Code Section 32286. The Comprehensive School Safety Plan shall include, but is not limited to, the following:

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Sincerely,

Martha Thomas

Martha Thomas
Principal

A handwritten signature in blue ink that reads "mst".

AN EQUAL OPPORTUNITY EMPLOYER
FAX (925) 827-2521

Teamsters:



MT. DIABLO UNIFIED SCHOOL DISTRICT

Ayers Elementary School

5120 Myrtle Drive
Concord, California 94521-1599
(925) 682-7686

February 10, 2022

Teamsters Representative
Ayers Elementary School

Dear Teamsters Site Representative:

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Sincerely,

Martha Thomas

Martha Thomas
Principal

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AN EQUAL OPPORTUNITY EMPLOYER
FAX (925) 827-2521

Parent Club:



MT. DIABLO UNIFIED SCHOOL DISTRICT

Ayers Elementary School

5120 Myrtle Drive
Concord, California 94521-1599
(925) 682-7686

February 10, 2022

Ayers PTA President

Dear Ayers PTA,

Each year California public schools are required to prepare and/or update a Comprehensive School Site Safety Plan per California Education Code Section 32286. The Comprehensive School Safety Plan shall include, but is not limited to, the following:

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Sincerely,

Martha Thomas

Martha Thomas

Principal

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AN EQUAL OPPORTUNITY EMPLOYER
FAX (925) 827-2521

Student Government:
Other:



MT. DIABLO UNIFIED SCHOOL DISTRICT

Ayers Elementary School

5120 Myrtle Drive
Concord, California 94521-1599
(925) 682-7686

February 10, 2022

City of Concord
1950 Parkside Drive MS/01
Concord, CA 94519

Dear Officers:

Each year California public schools are required to prepare and/or update a Comprehensive School Site Safety Plan per California Education Code Section 32286. The Comprehensive School Safety Plan shall include, but is not limited to, the following:

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Sincerely,

Martha Thomas

Martha Thomas
Principal

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AN EQUAL OPPORTUNITY EMPLOYER
FAX (925) 827-2521



MT. DIABLO UNIFIED SCHOOL DISTRICT

Ayers Elementary School

5120 Myrtle Drive
Concord, California 94521-1599
(925) 682-7686

February 10, 2022

MDSPA Representative
Ayers Elementary School

Dear MDSPA Site Representative:

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Sincerely,

Martha Thomas



Martha Thomas
Principal

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AN EQUAL OPPORTUNITY EMPLOYER
FAX (925) 827-2521

Appendix E: Assurances

Directions: Use the mouse to sign your signature in the appropriate areas.

<p>Method for Communicating Plan and Notifying Public: <i>Ed Code 32288</i></p>	<p>Date of Public Hearing: Feb 24, 2021 The School site council or school safety planning committee shall notify, in writing, the following persons and entities, if available, of the public meeting:</p> <ul style="list-style-type: none"> - Local Mayor - Representative of the local school employee organization - A representative of each parent organization at the school site, including parent teacher association and parent teacher clubs - A representative of each teacher organization at the school site - A representative of the student body government - All persons who have indicate they want to be notified 		
	<p>The School site council or school safety planning committee is encouraged to notify, in writing, the following persons and entities, if available, of the public meeting:</p> <ul style="list-style-type: none"> - A representative of the local churches - Local civic leaders - Local business organizations - In order to ensure compliance with this article, each school District or County Office of Education shall annually notify the State Department of Education by October 15 of any schools that have not complied with <i>Ed Code 32281</i> 		
<p>Review of Progress for Last Year</p>	<p>Staff Meetings, Safety Team Meeting, and School Site Council Meeting, completed reviews and made recommendations.</p>		
Category	Name	Signature	Date
<p>Law Enforcement Review</p>	<p>Concord PD A. Draggoo Badge #374</p>		<p>Date: 2/10/22</p>
<p>Site Council Approval</p>	<p>Martha Thomas, SSC Chairperson</p>		<p>Date:</p>