



# Comprehensive School Safety Plan SB 187 Compliance Document

## 2021-2022 School Year

**School:** William Mendenhall Middle School  
**CDS Code:** 01-61200-6001341  
**District:** Livermore Valley Joint Unified School District  
**Address:** 1701 El Padro Drive  
 Livermore, CA 94550  
**Date of Adoption:** October 20, 2020

**Approved by:**

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## Senate Bill 187: Comprehensive School Safety Plan Purpose

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

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

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

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

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

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

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

A copy of the Comprehensive School Safety Plan is available for review at .

### Safety Plan Vision

School Vision and Mission

The mission of William Mendenhall Middle School is to create responsible, independent and collaborative learners in a changing world.

The vision of William Mendenhall Middle School is:

- to provide a rigorous, stimulating education in a safe and supportive learning environment that empowers students to become responsible citizens.
- to foster partnerships with parents, teachers and other stakeholders.
- to motivate students to strive for accuracy and excellence in order to reach their highest level of achievement through student choice.
- to promote global citizenship by valuing diversity and demonstrating mutual respect within our school and community.

Our vision reflects our core values and guides our work in living our mission, honoring our non-negotiables and attaining our goals.

1. Our Personnel:

- use data to make informed decisions
- support our shared mission and non-negotiables
- collaborate on a consistent basis
- develop supportive and encouraging relationships with students
- model and demonstrate kindness and empathy toward others

- understand and strive to meet our district goals

## 2. Our Leadership Team:

- supports and reinforces non-negotiables
- establishes clear and measurable objectives and uses data to make decisions that improve student learning
- focuses staff on the actions and strategies to achieve objectives and allocates resources to support implementation
- continues to learn and model learning for staff
- is consistently visible at sites and in the community
- effectively communicates and collaborates with staff, students, parents, and community members

## 3. Our Students:

- demonstrates social responsibility
- embrace an academic culture of critical thinking, problem solving, and creativity
- seek challenges and manifest resilience
- make healthy choices and are physically active
- display and emulate positive character traits
- strive to meet high academic standards and behavioral expectations

## 4. Our Community:

- is informed and actively involved in supporting student learning
- advocates for all students and celebrates their successes
- identifies and cultivates business and organizational partnerships that enhance opportunities for our students
- values high expectations and hold students accountable for meeting those expectations

## 5. Our District-Wide Climate and Learning Environment:

- are welcoming and stimulating for all learners and visitors
- ensure that facilities are safe, well maintained and organized for learning
- reflect and celebrate student work and achievement
- promote a culture in which all student differences are valued and students feel safe to express themselves
- nurture curiosity and innovation
- are founded on a clear, strong communication system

## 6. Our Curriculum:

- is rigorous and standards-based
- connects skills and knowledge to real world situations
- enables innovative learning methods and integrates use of supportive technologies
- is designed to encourage students to use inquiry and team-based approaches to solve problems
- fosters the development of higher order thinking skills through project-based learning
- is broad and balanced, encourages creativity and inspires a commitment to learning

## 7. Our Equity Commitment:

- is clearly evident in the beliefs, actions, and interactions of our staff
- is apparent in our decision-making and allocation of resources
- acknowledges the innate prejudices in the educational system and society and works to overcome inequities
- ensures all students, regardless of their background, demographics or school of attendance, have equal opportunities, experiences and outcomes
- provides and promotes a positive school culture which values each student's strengths and differences

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

### William Mendenhall Middle School Safety Committee

#### Assessment of School Safety

The vision and goals were developed through a process of reviewing data from a variety of sources and collecting input from the stakeholders including staff (classified and certificated), parents (including the PTA and SSC), and students.

Disaggregated data from California Healthy Kids Survey, discipline data from PowerSchool, and District generated data on suspensions and truancy, site specific data sources and Illuminate helped to identify areas to focus on and establish goals to promote a safe school environment.

Data and statistics in documents such as Single School Plan, the School Accountability report card, along with campus walk-throughs and inspections by the Police and Fire departments, provided information to determine the overall safety of the school and the well-being of students and staff.

Additionally, communication and articulation with the District Maintenance Department, a review of work orders completed and uncompleted, and communication with the Head Custodian at the school site provided information on the physical site, including our readiness for emergencies and safety procedures. Review of emergency procedures through regularly scheduled drills.

Finally, those documents and items that establish and promote a safe school environment were reviewed for accuracy and comprehensiveness including the Staff Handbook, School Site Disaster Plan, Student Folder/Handbook, School website, Employee Responsibility for Complying with State and Federal Laws and Board Policies, Notice of Parent's Rights, signage on campus, postings in classrooms, etc.

#### Areas of Strength

William Mendenhall Middle School has a welcoming, encouraging, and high achieving culture. There is a multi-tiered system of support for academic, behavioral, and social emotional success. Students begin sixth grade as a part of WEB-Where Everyone Belongs, a transition program into middle school. While at Mendenhall, there are many supportive and dedicated staff members to help students. Students can participate in an innovative Bring Your Own Device (BYOD) program. There is a vibrant and successful Math Counts program where all students are welcome. At the same time, students have the chance to participate in interactive Project Lead the Way Science, Technology, English and Math (STEM) classes. The hands-on Woodshop Classes are very popular among all students. Similarly, students are offered a wide variety of other electives including leadership, journalism, yearbook, Spanish, band, orchestra and choir. Mendenhall has become part of the District's Multi-Tiered System of Support (MTSS) team. We are implementing a successful Positive Behavior Intervention and Supports (PBIS) program. Our full-time school counselor is working with staff to implement Choose Love, a social emotional program for students. After school, there are competitive athletic teams. Additionally, we have a strong and supportive Parent, Teacher, Student Association (PTSA), School Site Council (SSC), and English Learners Advisory Committee (ELAC.)

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

##### 1.1 Promulgation

###### 1.1.1 The Basic Plan:

The Basic Plan addresses the Livermore Valley Joint Unified School District's responsibilities in emergencies associated with natural disaster, human-caused emergencies and technological incidents. It provides a framework for coordination of response and recovery efforts within the District in coordination and with local, State, and Federal agencies. The Plan establishes an emergency organization to direct and control operations at all sites during a period of emergency by assigning responsibilities to specific personnel. The Basic Plan:

- Meets the California Comprehensive School Safety Plan (SB-187) requirement for Disaster/Emergency Procedures.

- Conforms to the State mandated Standardized Emergency Management System (SEMS) and effectively restructures emergency response at all levels in compliance with the Incident Command System (ICS).
- Establishes response policies and procedures, providing Livermore Valley Joint Unified School District clear guidance for planning purposes.
- Describes and details procedural steps necessary to protect lives and property.
- Outlines coordination requirements.
- Provides a basis for unified training and response exercises to ensure compliance.

### 1.1.2 Requirements

The Plan meets the requirements of Alameda County's policies on Emergency Response and Planning, the Standardized Emergency Management System (SEMS) Operations Area Response, and defines the primary and support roles of the District and individual schools in after-incident damage assessment and reporting requirements.

### 2.1 Purpose

The Purpose of the Emergency Operations Plan is to protect the safety and welfare of the students, employees, visitors, and volunteers in the Livermore Valley Joint School District's schools, facilities and grounds, and to ensure the preservation of public property under the jurisdiction of the Livermore Valley Joint School District.

### 2.2 Scope

The Scope encompasses all District facilities, schools and alternative, adult, and special education centers. It addresses a broad range of major emergencies that may affect more than one site. Such events include earthquake, hazardous materials emergencies, flooding, landslides and wildfires. Also included are procedures for emergencies that may or may not require the full or partial activation of the Emergency Operations Center (EOC).

### 3.1 The objectives of the plan are to:

- Protect the safety and welfare of students, employees and staff.
- Provide for a safe and coordinated response to emergencies.
- Protect the District's facilities and properties.
- Enable the District to restore normal conditions with minimal confusion in the shortest time possible.
- Provide for interface and coordination between sites and the District Emergency Operations Center (EOC).
- Provide for interface and coordination between sites and the County or city EOC in which they reside.
- Provide for the orderly conversion of pre-designated District sites to American Red Cross or other designated shelters, when necessary.

Schools are required by both federal statute and state regulation to be available for shelters following a disaster. The American Red Cross (ARC) has access to schools in damaged areas to set up their mass care facilities, and local governments have a right to use schools for the same purposes. This requires close cooperation between school officials and ARC or local government representatives and should be planned and arranged for in advance.



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

## Board Policy

### Child Abuse Reporting

BP 5141.4

#### Students

The Board of Education recognizes that child abuse has severe consequences and that the district has a responsibility to protect students by facilitating the prompt reporting of known and suspected incidents of child abuse. The Superintendent or designee shall establish procedures for the identification and reporting of such incidents in accordance with law.

(cf. 0450 - Comprehensive Safety Plan)

Employees who are mandated reporters, as defined by law and administrative regulation, are obligated to report all known or suspected incidents of child abuse and neglect. Mandated reporters shall not investigate any suspected incidents but rather shall cooperate with agencies responsible for investigating and prosecuting cases of child abuse and neglect.

The Superintendent or designee shall provide training regarding the reporting duties of mandated reporters.

In the event that training is not provided to mandated reporters, 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

32280-32288 Comprehensive school safety plans

33308.1 Guidelines on procedure for filing child abuse complaints

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

44807 Duty concerning conduct of students

48906 Notification when student released to peace officer

48987 Dissemination of reporting guidelines to parents

49001 Prohibition of corporal punishment

51220.5 Parenting skills education

##### 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 11164-11174.4 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

#### WEB SITES

California Attorney General's Office, Crime and Violence Prevention Center:

<http://safestate.org>

California Department of Education, Safe Schools: <http://www.cde.ca.gov/ls/ss> California Department of Social Services, Children and Family Services Division: <http://www.childsworld.ca.gov>

U.S. Department of Health and Human Services, National Clearinghouse on Child Abuse and Neglect Information:  
<http://nccanch.acf.hhs.gov>

Policy adopted:

LIVERMORE VALLEY JOINT UNIFIED SCHOOL DISTRICT April 7, 2009 Livermore, California

Administrative Regulation

Child Abuse Reporting

AR 5141.4

Students

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 harming or injuring of a child or the endangering of the person or health of a child as defined in Penal Code 11165.3
5. Unlawful corporal punishment or injury as defined in Penal Code 11165.4

Child abuse or neglect does not include:

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

(cf. 3515.3 - District Police/Security Department)

3. An injury resulting from the exercise by a teacher, vice principal, principal, or other certificated employee of the same degree of physical control over a student that a parent/guardian would be privileged to exercise, not exceeding the amount of physical control reasonably necessary to maintain order, protect property, protect the health and safety of students, or maintain proper and appropriate conditions conducive to learning (Education Code 44807)

(cf. 5144 - Discipline)

4. An injury caused by a school employee's use of force that is reasonable and necessary to quell a disturbance threatening physical injury to persons or damage to property, to protect himself/herself, or to obtain weapons or other dangerous objects within the control of the student (Education Code 49001)

5. Physical pain or discomfort caused by athletic competition or other such recreational activity voluntarily engaged in by the student (Education Code 49001)

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

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

#### Reportable Offenses

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

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

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

#### Responsibility for Reporting

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

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

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

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

#### Victim Interviews

Whenever a representative of a government agency investigating suspected child abuse or neglect deems it necessary, a suspected victim may be interviewed during school hours, on school premises, concerning a report of suspected child abuse or neglect that occurred within the child's home or out-of-home care facility. The child shall be given the choice of being

interviewed in private or in the presence of any adult school employee or volunteer aide selected by the child. (Penal Code 11174.3) A staff member or volunteer aide selected by a child may decline to be present at the interview. If the selected person accepts, the principal or designee shall inform him/her of the following requirements: (Penal Code 11174.3)

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

If a staff member agrees to be present, the interview shall be held at a time during school hours when it does not involve an expense to the school. (Penal Code 11174.3)

## Release of Child to Peace Officer

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

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 that describe how to report suspected child abuse occurring at a school site to appropriate agencies. For parents/guardians whose primary language is other than English, such procedures shall be in their primary language and, when communicating orally regarding those procedures, an interpreter shall be provided.

To file a complaint against a district employee or other person suspected of child abuse or neglect at a school site, parents/guardians may file a report by telephone, in person, or in writing with any appropriate agency identified above under "Reporting Procedures." If a parent/guardian makes a complaint to any district employee, that employee shall notify the parent/guardian of procedures for filing a complaint with the appropriate agency. The employee also is obligated pursuant to Penal Code 11166 to file a report himself/herself using the procedures described above for mandated reporters.

(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.

(cf. 1312.3 - Uniform Complaint Procedures)

## Notifications

The Superintendent or designee shall provide all new employees who are mandated reporters a statement that informs them of their status as mandated reporters, informs them of their reporting obligations under Penal Code 11166, and of their confidentiality rights under Penal Code 11167. The district shall also provide these new employees with a copy of Penal Code 11165.7, 11166, and 11167. (Penal Code 11165.7, 11166.5)

Before beginning employment, employees shall sign the statement indicating that they have knowledge of the reporting obligations under Penal Code 11166 and that they will comply with those provisions. The signed statements shall be retained by the Superintendent or designee. (Penal Code 11166.5)

(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 and this immunity shall apply even if the mandated reporter acquired the knowledge or reasonable suspicion of child abuse or neglect outside of his/her professional capacity or outside the scope of his/her employment. Any other person making a report shall not incur civil or criminal liability unless it can be proven that he/she knowingly made a false report or made a report with reckless disregard of the truth or falsity of the report. (Penal Code 11172)

2. If a mandated reporter fails to report an incident of known or reasonably suspected child abuse or neglect, he/she may be guilty of a crime 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 LIVERMORE VALLEY JOINT UNIFIED SCHOOL DISTRICT approved: April 7, 2009 Livermore, California

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

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

Standardized Emergency Management System (SEMS) (Chapter 1 of Division 2 of Title 19 of the California Code of Regulations).

4.1 SEMS is based on a number of concepts, three of which are pertinent to schools:

4.1.1 A management tool called the Incident Command System (ICS).

ICS was developed by fire departments to give them a common language when requesting personnel and equipment from other districts, and common tactics when responding to emergencies. The system is designed to minimize the problem common to many emergency response efforts -- duplication of efforts -- by giving each person a structured role in the organization, and each organization its piece of the larger response. For the District, ICS is instituted at the Site Level (school or facility).

4.1.2 Mutual aid systems, in which similar organizations assist each other in emergencies.

4.1.3 Multiple agency coordination, under which diverse organizations work together and communicate with each other.

4.2 There are five basic SEMS functions:

These are the tasks involved in any emergency response anywhere. A few people or many, depending on the size of the emergency and the human resources at hand, may perform them. The five components should constitute the District's basic structure for any emergency response.

4.2.1 Management Section (The "leaders")

The Management Section is responsible for overall policy, direction, and coordination of the emergency response effort in the Emergency Operations Center (EOC) throughout the Livermore

Valley Joint Unified School District. The Management Section Staff is also responsible for interacting with each other and others within the EOC to ensure the effective function of the EOC organization.

4.2.2 Operations Section (The "doers")

The Operations Section is responsible for coordinating all operations in support of the emergency response and for implementing action plans. This section includes response teams that work toward reduction of the immediate hazard, mitigating damage, and establishing control and restoration of normal operations.

4.2.3 Planning/Intelligence Section (The "thinkers")

The Planning and Intelligence Section is responsible for collecting, evaluating, and disseminating information; maintaining documentation; and evaluating incoming information to determine the potential situation in the not-too-distant future. This section also develops action plans for implementation by the Operations Section.

4.2.4 Logistics Section (The "getters")

The Logistics Section is responsible for providing all types of support for the emergency response operation. This section orders all resources from off-site locations and provides facilities, services, personnel, equipment, and materials.

4.2.5 Finance and Administration Section (The "payers")

The Finance and Administration Section is responsible for accounting and financial activities such as establishing contracts with vendors, keeping pay records, and accounting for expenditures. This section is also responsible for all other administrative requirements and acts as the clearinghouse for documentation during the recovery phase.

4.3 Responsibility

School administrators have the responsibility to ensure the safety of their students and staff in an emergency, whether it is an earthquake, a flood, or an act of terrorism. Law requires developing emergency plans and training staff in emergency response



procedures.

The principles of SEMS are incorporated in this plan and school personnel must be trained in how the system works. Schools must also have drills and exercises in order to practice using the system.

## 5 Authorities and References

### 5.1 State of California

#### 5.1.1 California Emergency Services Act (Chapter 7, Division 1, title 2, California Government Code).

The Act provides the basic authorities for conducting emergency operations following a proclamation of Local Emergency, State of Emergency, or State of War Emergency by the Governor and/or appropriate local authorities, consistent with the provisions of this Act.

#### 5.1.2 California Government Code, Section 3100, Title 1, Division 4, Chapter 4.

States those 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 employees" includes all persons employed by the state or any county, city, city and county, state agency or public district, excluding aliens legally employed. The law applies to public school employees in the following cases:

- When a local emergency is proclaimed.
- When a state of emergency is proclaimed.
- When a federal disaster declaration is made.

The law has two ramifications for School District employees:

1. It is likely that public school employees are pressed into service as Disaster Service Workers by their superiors, and may be asked to do jobs other than their usual duties for periods exceeding their normal working hours.
2. When pressed into disaster service, employees' Workers' Compensation Coverage becomes the responsibility of state government (OES), but the school pays their overtime pay. These circumstances apply only when a local or state emergency is declared.

States that (the Governor's Office of Emergency Services has stated) "...inadequately trained school staff render school officials potentially liable for acts committed or omitted by school staff during or after a disaster." (Sub Sections 835-840.6).

It requires that school districts be prepared to respond to emergencies using SEMS. (Section 8607, the Petris Bill).

#### 5.1.3 California Civil Code, Chapter 9, Section 1799.102

It provides for "Good Samaritan Liability" for those providing emergency care at the scene of an emergency. ("No person, who, in good faith and not for compensation, renders emergency care at the scene of an emergency, shall be liable for any civil damages resulting from any act or omission. The scene of an emergency shall not include emergency departments and other places where medical care is usually offered.")

#### 5.1.4 California Education Code, Sections 35295-35297 (The Katz Act), Section 40041, 40042.

Requires that a school site disaster plan outline roles, responsibilities, and procedures for students and staff. It also requires that the school site emergency management organizational structure comply with SEMS, Title 19 Section 2400, and be ready for implementation at all times.

#### 5.1.5 California Emergency Plan

Promulgated by the Governor, and published in accordance with the California Emergency Services Act, it provides overall statewide authorities and responsibilities, and describes the functions and operations of government at all levels during extraordinary emergencies, including wartime. Section 8568 of the Act states, in part, that "...the State Emergency Plan shall be in effect in each political subdivision of the state, and the governing body of each political subdivision shall take such action as may be necessary to carry out the provisions thereof." Therefore, local emergency plans are considered extensions of the California Emergency Plan.

### 5.2 Federal

5.2.1 Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988 (Public Law 93-288, as amended).

5.2.2 Federal Civil Defense Act of 1950 (Public Law 920, as amended).

### 5.3 Local

5.3.1 City of Livermore Ordinances, Plan and Resolutions

5.3.2 Alameda County Ordinances, Plan and Resolutions

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

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

## Board Policy

### Suspension And Expulsion/Due Process

#### BP 5144.1

##### Students

The Board of Education desires to provide district students access to educational opportunities in an orderly school environment that protects their safety and security, ensures their welfare and well-being, and promotes their learning and development. The Board shall develop rules and regulations setting the standards of behavior expected of district students and the disciplinary processes and procedures for addressing violations of those standards, including suspension and/or expulsion.

(cf. 5131 - Conduct)

(cf. 5131.1 - Bus Conduct)

(cf. 5131.2 - Bullying)

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

Except when otherwise permitted by law, a student may be suspended or expelled only when his/her behavior is related to a school activity or school attendance occurring within any district school or other school district, regardless of when it occurs, including, but not limited to, the following: (Education Code 48900(s))

1. While on school grounds
2. While going to or coming from school
3. During the lunch period, whether on or off the school campus (cf. 5112.5 - Open/Closed Campus)
4. During, going to, or coming from a school-sponsored activity

District staff shall enforce the rules concerning suspension and expulsion of students fairly, consistently, equally, and in accordance with the district's nondiscrimination policies.

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

##### Appropriate Use of Suspension and Expulsion

Except when a student commits an act that violates Education Code 48900(a)-(e) or his/her presence causes a danger to others, suspension shall be used only when other means of correction have failed to bring about proper conduct.

Except when a student commits an act listed in Education Code 48915(c), the Superintendent or designee shall have the discretion to determine whether to recommend to the Board that the student be expelled.

(cf. 5131.7 - Weapons and Dangerous Instruments)

To correct the behavior of any student who is subject to discipline, the Superintendent or designee shall, to the extent allowed by law, first use alternative disciplinary strategies specified in AR 5144 - Discipline. (Education Code 48900.5, 48900.6)

(cf. 1020 - Youth Services)

(cf. 5138 - Conflict Resolution/Peer Mediation)

(cf. 5144 - Discipline)

(cf. 6142.4 - Service Learning/Community Service Classes)

(cf. 6164.2 - Guidance/Counseling Services)

(cf. 6164.5 - Student Success Teams)

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

(cf. 5113 - Absences and Excuses)

(cf. 5113.1 - Chronic Absence and Truancy)

District staff shall not suspend any student for disruption or willful defiance, unless the suspension is warranted by documented repetitive behavior of the student or the disruption or willful defiance occurred in conjunction with another violation for which the student may be suspended.

A student's parents/guardians shall be notified as soon as possible when there is an escalating pattern of misbehavior that could lead to classroom or school removal.

#### Due Process

The Board shall provide for the fair and equitable treatment of students facing suspension and expulsion by affording them their due process rights under the law. The Superintendent or designee shall comply with procedures for notices, hearings, and appeals as specified in law and administrative regulation. (Education Code 48911, 48915, 48915.5, 48918)

(cf. 5119 - Students Expelled from Other Districts)

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

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

When suspending a student from class for committing an obscene act, engaging in habitual profanity or vulgarity, disrupting school activities, or otherwise willfully defying valid staff authority, the teacher of the class may require any parent/guardian who lives with the student to attend a portion of the school day in the class from which the student is being suspended, to assist in resolving the classroom behavior problems. (Education Code 48900.1)

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 teacher and the student and his/her parents/guardians and to improve the student's behavior.

Any teacher requiring parental attendance pursuant to this policy shall apply the policy uniformly to all students within the classroom. (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 required pursuant to law and that, if there are reasonable factors that may prevent the parent/guardian from complying with the requirement, he/she should contact the school. (Education Code 48900.1)

(cf. 5145.6 - Parental Notifications)

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)

At the meeting with the student's parent/guardian, the principal or designee shall explain the district's and school's discipline policies, including the disciplinary strategies that may be used to achieve proper student conduct.

When a parent/guardian does not respond to the request to attend school, the principal or designee shall contact him/her by any method that maintains the confidentiality of the student's records.

(cf. 5125 - Student Records)

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)

#### Supervised Suspension Classroom

To ensure the proper supervision and ongoing learning of students who are suspended for any of the reasons enumerated in Education Code 48900 and 48900.2, but who pose no imminent danger or threat to anyone at school and for whom expulsion proceedings have not been initiated, the Superintendent or designee shall establish a supervised suspension classroom program which meets the requirements of law.

Except where a supervised suspension is permitted by law for a student's first offense, supervised suspension shall be imposed only when other means of correction have failed to bring about proper conduct. (Education Code 48900.5)

#### Decision Not to Enforce Expulsion Order

Upon voting to expel a student, the Board may suspend enforcement of the expulsion order pursuant to the requirements of law and administrative regulation. (Education Code 48917)

#### Maintenance and Monitoring of Outcome Data

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

48916.1, including the number of students recommended for expulsion, the grounds for each recommended expulsion, the actions taken by the Board, the types of referral made after each expulsion, and the disposition of the students after the expulsion period.

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

(cf. 0460 - Local Control and Accountability Plan)

#### Legal Reference:

##### EDUCATION CODE

212.5 Sexual harassment

233 Hate violence

1981-1981.5 Enrollment of students in community school

17292.5 Program for expelled students

32261 Interagency School Safety Demonstration Act of 1985

35145 Open board meetings

35146 Closed sessions (regarding suspensions)

35291 Rules (for government and discipline of schools)

35291.5 Rules and procedures on school discipline

48645.5 Readmission; contact with juvenile justice system

48660-48666 Community day schools

48853.5 Foster youth

48900-48927 Suspension and expulsion

48950 Speech and other communication

48980 Parental notifications

49073-49079 Privacy of student records

52060-52077 Local control and accountability plan

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

417.27 Laser pointers

422. 55 Hate crime defined

422.6 Interference with exercise of civil rights

422. 7 Aggravating factors for punishment

422. 75 Enhanced penalties for hate crimes

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

1415(K) Placement in alternative educational setting 7151 Gun-free schools

UNITED STATES CODE, TITLE 42

11432-11435 Education of homeless children and youths

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. 348 (1997)

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

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

Management Resources:

CSBA PUBLICATIONS

Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011

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

Dear Colleague Letter on the Nondiscriminatory Administration of School Discipline, January

2014

WEB SITES

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

California Attorney General's Office: <http://www.oag.ca.gov>

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/docs/crdc-2012-data-summary.pdf> U.S. Department of Education, Office of Safe and  
Drug-Free Schools: <http://www.ed.gov/about/offices/list/osdfs>

Policy LIVERMORE VALLEY JOINT UNIFIED SCHOOL DISTRICT approved: April 7, 2009 Livermore, California

revised: June 4, 2013



revised: February 3, 2015

## Administrative Regulation

### Suspension And Expulsion/Due Process

#### AR 5144.1

#### Students

#### 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 Board of Education 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)

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

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

#### Notice of Regulations

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

(cf. 5144 - Discipline)

(cf. 5145.6 - Parental Notifications)

#### Grounds for Suspension and Expulsion

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

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

1. Caused, attempted to cause, or threatened to cause physical injury to another person; willfully used force or violence upon

another person, except in self-defense; or committed as an aider or abettor, as adjudged by a juvenile court, a crime of physical violence in which the victim suffered great or serious bodily injury (Education Code 48900(a) and (t))

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

(cf. 5131 - Conduct)

(cf. 5131.7 - Weapons and Dangerous Instruments)

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

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

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

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

8. Possessed or used tobacco or products containing tobacco or nicotine products, including, but not limited to, cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel, except that this restriction shall not prohibit a student from using or possessing his/her own prescription products (Education Code 48900(h))

(cf. 5131.62 - Tobacco)

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

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

11. 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))

(cf. 5131.4 - Student Disturbances)

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

13. Possessed an imitation firearm (Education Code 48900(m))

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

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 (Education Code 48900(q))

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

18. Engaged in an act of bullying (Education Code 48900(r))

Bullying means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, directed toward one or more students that has or can reasonably be predicted to have the effect of placing a reasonable student in fear of harm to himself/herself or his/her property; cause the student to experience a substantially detrimental effect on his/her physical or mental health; or cause the student to experience substantial interferences with his/her academic performance or ability to participate in or benefit from the services, activities, or privileges provided by a school.

Bullying shall include any act of sexual harassment, hate violence, or harassment, threat, or intimidation, as defined in Education Code 48900.2, 48900.3, or 48900.4 (items #21-23 below), that has any of the effects described above on a reasonable student.

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

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

(cf. 1114 - District-Sponsored Social Media)

(cf. 5131.2 - Bullying)

(cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)

(cf. 6164.6 - Identification and Education under Section 504)

19. Aided or abetted the infliction or attempted infliction of physical injury on another person, as defined in Penal Code 31.

(Education Code 48900(t))

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

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

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

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

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

(cf. 5145.7 - Sexual Harassment)

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

Hate violence means any act punishable under Penal Code 422.6, 422.7, or 422.75. Such acts include injuring or intimidating a victim, interfering with the exercise of a victim's civil rights, or damaging a victim's property because of the victim's race, ethnicity, religion,

nationality, disability, gender, gender identity, gender expression, or sexual orientation; a

perception of the presence of any of those characteristics in the victim; or the victim's association with a person or group with one or more of those actual or perceived characteristics. (Education Code 233; Penal Code 422.55)

(cf. 5145.9 - Hate-Motivated Behavior)

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

(cf. 5145.3 - Nondiscrimination/Harassment)

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

A teacher may remove a student from his/her class for the remainder of the day and the following day only for acts specified in Education Code 48900 and listed under "Grounds for Suspension and Expulsion" above. (Education Code 48910)

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

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

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

A student removed from class shall not be placed in another regular class during the period of removal. However, a student assigned to more than one class per day may continue to attend other regular classes except those held at the same time as the class from which he/she 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 require the parent/guardian of a student whom the teacher has removed to attend a portion of a school day in his/her child's classroom. When a teacher makes this request, the principal shall send the parent/guardian a written notice that the parent/guardian's attendance is requested pursuant to law. (Education Code 48900.1)

The notice shall:

1. Inform the parent/guardian when his/her presence is expected and by what means he/she may arrange an alternate date
2. Direct the parent/guardian to meet with the principal after the visit and before leaving school
3. Direct the parent/guardian to contact the school if there are reasonable factors that would prevent him/her from complying with the attendance requirement

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

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

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)
3. Unlawfully selling a controlled substance listed in Health and Safety Code 11053-11058
4. Committing or attempting to commit a sexual assault as defined in Penal Code 261, 266c, 286, 288, 288a, or 289, or committing a sexual battery as defined in Penal Code 243.4
5. Possessing an explosive as defined in 18 USC 921

In addition, the Superintendent, principal, or designee may impose a suspension upon a first offense if he/she determines that the student violated any of items #1-5 listed under "Grounds for Suspension and Expulsion" above or if the student's presence causes a danger to persons. (Education Code 48900.5)

For all other offenses, a student may be suspended only when the Superintendent or principal has determined that other means of correction have failed to bring about proper conduct in the student. (Education Code 48900.5)

When other means of correction are implemented prior to imposing suspension or supervised suspension upon a student, the Superintendent, principal, or designee shall document the other means of correction used and retain them in the student's record. (Education Code 48900.5)

(cf. 5125 - Student Records)

#### Length of Suspension

The Superintendent, principal, or 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)

A student may be suspended from school for not more than 20 school days in any school year. However, when a student enrolls in or is transferred to another regular school, an opportunity school, or continuation school or class for the purpose of adjustment, he/she may be suspended for not more than 30 school days in a school year. The district may count suspensions that occur while a student is enrolled in another school district toward the maximum number of days for which the student may be suspended in any school year. (Education Code 48903, 48911, 48912)

(cf. 6184 - Continuation Education)

These restrictions on the number of days of suspension shall not apply when the suspension is extended pending an expulsion. (Education Code 48911)

#### Due Process Procedures for Suspension

Suspensions shall be imposed in accordance with the following procedures:

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

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

2. **Administrative Actions:** All requests for student suspension are to be processed by the principal or designee. A school employee

shall report the suspension, including the name of the student and the cause for the suspension, to the Superintendent or designee. (Education Code 48911)

3. Notice to Parents/Guardians: At the time of the suspension, a school employee shall make a reasonable effort to contact the parent/guardian 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 cause(s) and duration of the suspension, the school policy involved, and any other pertinent matter. (Education Code 48914)

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

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

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

If the student involved is a foster youth, the Superintendent or designee shall notify the district liaison for foster youth of the need to invite the student's attorney and a representative of the appropriate county child welfare agency to attend the meeting. (Education Code 48853.5, 48911, 48918.1)

(cf. 6173.1 - Education for Foster Youth)

In addition to suspending a student, the Superintendent, principal, or designee may provide services or require the student to participate in an alternative disciplinary program designed to correct his/her behavior and keep him/her in school.

#### Suspension by the Board

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

The Board may suspend a student enrolled in a continuation school or class for a period not longer than the remainder of the semester if any of the acts listed under "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 a closed session if a public hearing would lead to disclosure of information violating a student's right to privacy under Education Code 49073-49079. (Education Code 35146, 48912)

(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 registered or certified

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

#### Supervised Suspension Classroom

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

1. The supervised suspension classroom shall be staffed in accordance with law.
2. The student shall have access to appropriate counseling services.
3. The supervised suspension classroom shall promote completion of schoolwork and tests missed by the student during the suspension.
4. The 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. (Education Code 48918(j))

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

For all other grounds listed above under "Grounds for Suspension and Expulsion," the Board shall order a student expelled, upon the recommendation of the Superintendent, principal, or designee, only if the Board makes a finding of either or both of the following: (Education Code 48915(b) and (e))

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

#### Superintendent, Principal, or Designee's Authority to Recommend Expulsion

Unless the Superintendent, principal, or designee determines that expulsion should not be recommended under the circumstances or that an alternative means of correction would address the conduct, he/she shall recommend a student's expulsion for any of the following acts: (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) 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 (a) the first offense for the possession of not more than one ounce of marijuana, other than concentrated cannabis, or (b) the student's possession of over-the-counter medication for his/her use or other medication prescribed for him/her by a physician
4. Robbery or extortion
5. Assault or battery, as defined in Penal Code 240 and 242, upon any school employee

In determining whether or not to recommend the expulsion of a student, the Superintendent, principal, or designee shall act as quickly as possible to ensure that the student does not lose instructional time. (Education Code 48915)

#### Mandatory Recommendation and Mandatory Expulsion

The Superintendent, principal, 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, selling, or otherwise furnishing a firearm, unless the student had obtained prior written permission to possess the firearm from a certificated school employee, with the principal or designee's concurrence

However, possession of an imitation firearm, as defined in Education Code 48900(m), shall not be regarded as an offense requiring a mandatory recommendation for expulsion and mandatory expulsion.

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 as defined in Penal Code 261, 266c, 286, 288, 288a, or 289, or committing a sexual battery as defined in Penal Code 243.4

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

Any student recommended for expulsion shall be entitled to a hearing to determine whether he/she should be expelled. The hearing shall be held within 30 school days after the Superintendent, principal, or designee determines that the student has committed one of the acts listed above under "Grounds for Suspension and Expulsion." (Education Code 48918(a))

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

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

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

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

#### Stipulated Expulsion

After a determination that a student has committed an offense listed above under "Grounds for Suspension and Expulsion" for which expulsion is permitted or mandatory, the Superintendent, principal, or designee shall offer the student and his/her parent/guardian the option to waive a hearing and stipulate to the expulsion. The offer shall be made only after the student or his/her parent/guardian has been given written notice of the expulsion hearing pursuant to Education Code 48918.

The stipulation agreement shall be in writing and shall be signed by the student and his/her parent/guardian. The stipulation agreement shall include notice of all the rights that the student is waiving, including the waiving of his/her right to have a full



hearing, to appeal the expulsion to the County Board of Education, and to consult legal counsel.

A stipulated expulsion shall be effective upon approval by the Board.

#### Rights of Complaining Witness

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

Whenever the Superintendent or designee recommends an expulsion hearing that addresses

allegations of sexual assault or sexual battery, 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 at the hearing at the time he/she testifies
3. Have a closed hearing during the time he/she testifies

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

At least 10 days prior to a hearing to determine if a student who is a foster youth as defined under Education Code 48853.5 should

be expelled for an offense not requiring a mandatory recommendation for expulsion, the Superintendent or designee shall notify the student's attorney and a representative of an appropriate county child welfare agency. If the hearing is pursuant to an offense requiring a mandatory expulsion recommendation, the Superintendent or designee may provide the same notification. The notice shall be provided by the most cost-effective method possible, including by email or a telephone call. (Education Code 48918.1)

#### Conduct of Expulsion Hearing

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

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

If a hearing that involves a charge of sexual assault or sexual battery is to be conducted in public, a complaining witness shall have the right to 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 Code of Civil Procedure 1985-1985.2 and enforced in accordance with Government Code 11455.20. (Education Code 48918(i))

Any objection raised by the student or the Superintendent or designee to the issuance of subpoenas may be considered by the Board in closed session, or in open session if so

requested by the student, before the meeting. The Board's decision in response to such an objection shall be final and binding. (Education Code 48918(i))

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

4. Presentation of Evidence: Technical rules of evidence shall not apply to the expulsion hearing, but relevant evidence may be admitted and used as proof only if it is the kind of evidence on which reasonable persons can rely in the conduct of serious affairs. The decision of the Board to expel shall be supported by substantial evidence that the student committed any of the acts pursuant to Education Code 48900 and listed in "Grounds for Suspension and Expulsion" above. (Education Code 48918(h))

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

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

5. Testimony by Complaining Witnesses: The following procedures shall be observed when a hearing involves allegations of sexual

assault or sexual battery by a student: (Education Code 48918, 48918.5)

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

- (1) The district shall provide a room separate from the hearing room for the use of the complaining witness before and during breaks in testimony.
- (2) At the discretion of the person conducting the hearing, the complaining witness shall be allowed reasonable periods of relief from examination and cross-examination during which he/she may leave the hearing room.

(3) The person conducting the hearing may:

- (a) Arrange the seating within the hearing room so as to facilitate a less intimidating environment for the complaining witness
- (b) Limit the time for taking the testimony of a complaining witness to the hours he/she is normally in school, if there is no good cause to take the testimony during other hours
- (c) Permit one of the support persons to accompany the complaining witness to the witness stand

6. Decision: The Board's decision as to whether to expel a student shall be made within 40 school days after the student is removed from his/her school of attendance, unless the student requests in writing that the decision be postponed. (Education Code 48918(a))

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

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

A hearing conducted by the hearing officer or administrative panel shall conform to the same procedures applicable to a hearing conducted by the Board as specified above in "Conduct of Expulsion Hearing," including the requirement to issue a decision within 40 school days of the student's removal from school, unless the student requests that the decision be postponed. (Education Code 48918(a) and (d))

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

If expulsion is recommended, findings of fact in support of the recommendation shall be prepared and submitted to the Board. All findings of fact and recommendations shall be based solely on the evidence presented at the hearing. The Board may accept the

recommendation based either upon a review of the findings of fact and recommendations submitted or upon the results of any supplementary hearing the Board may order. (Education Code 48918(f))

In accordance with Board policy, the hearing officer or administrative panel may recommend that the Board suspend the enforcement of the expulsion for a period of one year. (Education Code 48917, 48918)

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

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

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

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

#### Written Notice to Expel

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

1. The specific offense committed by the student for any of the causes for suspension or expulsion listed above under "Grounds for Suspension and Expulsion" (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 (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 order, the Board shall take into account the following criteria:

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

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

1. The Board may, as a condition of the suspension of enforcement, assign the student to a school, class, or program appropriate for the student's rehabilitation. This rehabilitation program may provide for the involvement of the student's parent/guardian in the student's education. However, a parent/guardian's refusal to participate in the rehabilitation program shall not be considered in the Board's determination as to whether the student has had when enforcement of the expulsion order is suspended, the student shall be on probationary status. (Education Code 48917)
2. The suspension of the enforcement of an expulsion order may be revoked by the Board if the student commits any of the acts listed under "Grounds for Suspension and Expulsion" above or violates any of the district's rules and regulations governing student conduct.  
(Education Code 48917)
3. When the suspension of enforcement of an expulsion order is revoked, a student may be expelled under the terms of the original expulsion order. (Education Code 48917)
4. Upon satisfactory completion of the rehabilitation assignment, the Board shall reinstate the student in a district school. Upon reinstatement, the Board may order the expunging of any or all records of the expulsion proceedings. (Education Code 48917)
5. The Superintendent or designee shall send written notice of any decision to suspend the enforcement of an expulsion order during a period of probation to the student or parent/guardian. The notice shall inform the parent/guardian of the right to appeal the expulsion to the County Board, the alternative educational placement to be provided to the student during the period of expulsion, and the student's or parent/guardian's obligation to inform any new district in which the student seeks to enroll of his/her status with the expelling district, pursuant to Education Code 48915.1(b). (Education Code 48918(j))
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. (Education Code 48917)

#### Right to Appeal

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

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

#### 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. In addition, law enforcement authorities shall be notified regarding any acts by students regarding the possession, sale, or furnishing of firearms, explosives, or other dangerous weapons in violation of Education Code 48915(c)(1) or (5) or Penal Code 626.9 and 626.10. (Education Code 48902)

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

## Post-Expulsion Placements

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. 6158 - Independent Study)

(cf. 6185 - Community Day School)

When the placement described above is not available and when the County Superintendent so certifies, students expelled for acts described in items #6-13 and #21-23 under "Grounds for Suspension and Expulsion" above may be referred to a program of study that is provided at another comprehensive middle, junior, or senior high school or at an elementary school. (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)

No student shall be denied readmission into the district based solely on the student's arrest, adjudication by a juvenile court, formal or informal supervision by a probation officer, detention in a juvenile facility, enrollment in a juvenile court school, or other such contact with the juvenile justice system. (Education Code 48645.5)

## Maintenance of Records

The district shall maintain a record of each suspension and expulsion, including its specific cause(s). (Education Code 48900.8)

Expulsion records of any student shall be maintained in the student's mandatory interim record and sent to any school in which the student subsequently enrolls upon written request by that school. (Education Code 48918(k))

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

(cf. 5119 - Students Expelled from Other Districts)

Regulation LIVERMORE VALLEY JOINT UNIFIED SCHOOL DISTRICT

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Administrative Regulation

Suspension And Expulsion/Due Process (Students With Disabilities)

AR 5144.2

Students

A student identified as an individual with disabilities pursuant to the Individuals with Disabilities Education Act (IDEA), 20 USC 1400-1482, is subject to the same grounds and procedures for suspension and expulsion which apply to students without disabilities, except as otherwise specified in this administrative regulation.

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

Procedures for Students Not Yet Eligible for Special Education Services

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

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

1. The parent/guardian has expressed concern to district supervisory or administrative personnel in writing, or to a teacher of the student, that the student is in need of special education or related services.
2. The parent/guardian has requested an evaluation of the student for special education pursuant to 34 CFR 300.300-300.311.

(cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)

3. The teacher of the student or other district personnel has expressed specific concerns directly to the district's director of special education or to other supervisory district personnel about a pattern of behavior demonstrated by the student.

The district would be deemed to not have knowledge that a student is disabled if the student's parent/guardian has not allowed him/her to be evaluated for special education services or has refused services. In addition, the district would be deemed to not have knowledge if the district conducted an evaluation pursuant to 34 CFR 300.300-300.311 and determined that the student was not an individual with a disability.

When the district is deemed to not have knowledge of the disability, the student shall be disciplined in accordance with procedures

established for students without disabilities who engage in comparable behavior. (20 USC 1415(k)(5); 34 CFR 300.534)

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

#### Suspension

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

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

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

1. The removal is for more than 10 consecutive school days.
2. The student has been subjected to a series of removals that constitute a pattern because of all of the following:
  - a. The series of removals total more than 10 school days in a school year.
  - b. The student's behavior is substantially similar to his/her behavior in previous incidents that resulted in the series of removals.
  - c. Additional factors, such as the length of each removal, the total amount of time the student has been removed, and the proximity of the removals to one another, indicate a change of placement.

If a student's removal is determined to be a change of placement as specified in items #1- 2 above, or the student is suspended for more than 10 school days in the same school year, the student's IEP team shall determine the appropriate educational services. Such services shall be designed to enable the student to continue to participate in the general education curriculum in another setting, to progress toward meeting the goals set out in his/her IEP, and to address the student's behavior violation so that it does not recur. (20 USC 1412(a)(1)(A); 34 CFR 300.530)

If the IEP of a student with a disability requires the district to provide the student with transportation, the district shall provide the student with an alternative form of transportation at no cost to him/her or to his/her parent/guardian when he/she is to be excluded from school bus transportation. (Education Code 48915.5)

(cf. 3541.2 - Transportation for Students with Disabilities)

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

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

USC 1415(k)(1)(G); 34 CFR 300.530)

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

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



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

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

#### Manifestation Determination

The following procedural safeguards shall apply when a student 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 U SC 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 student's conduct shall then be determined to be a manifestation of the student's disability. (20 USC 1415(k)(1)(E); 34 CFR 300.530)

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

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

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

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

The student shall receive services to the extent necessary to participate in the general education curriculum in another setting and to allow him/her to progress toward meeting the goals set out in his/her IEP.

As appropriate, the student shall also receive a functional behavioral assessment and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur. (20 USC 1415(k)(1)(D); 34 CFR 300.530)

(cf. 6158 - Independent Study)

(cf. 6185 - Community Day School)

#### 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 due process hearing, the requesting party shall file a complaint pursuant to 34 CFR 300.507 and

300.508(a) and (b). (20 USC 1415(k)(3); 34 CFR 300.532)

Whenever a hearing is requested as specified above, the parent/guardian or the district shall have an opportunity for an expedited due process hearing consistent with requirements specified in 34 CFR 300.507, 300.508 (a)-(c), and 300.510- 300.514. If the student's parent/guardian or the district has initiated a due process hearing under 34 CFR 300.532 as detailed above, the student shall remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the 45-day time period, whichever occurs first, unless the parent/guardian and district agree otherwise. (20 USC 1415(k)(4); 34 CFR 300.533)

#### Readmission

Readmission procedures for students with disabilities shall be the same as those used for all students. Upon readmission of a student with disabilities, an IEP team meeting shall be convened to review and, as necessary, modify the student's IEP.

#### Decision Not to Enforce Expulsion Order

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

#### Notification to Law Enforcement Authorities

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

When giving any required notification concerning a student with disabilities to any law enforcement official, the principal or designee shall require the law enforcement official to certify in writing that he/she will not disclose the student's information or records to any other person without the prior written consent of the student's parent/guardian. (Education Code 49076)

(cf. 5131.7 - Weapons and Dangerous Instruments)

#### Report to County Superintendent of Schools

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

(Education Code 48203)

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

49076 Access to student records

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

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 approved: revised:

LIVERMORE VALLEY JOINT UNIFIED SCHOOL DISTRICT April 7, 2009 Livermore, California June 4, 2013

Board Policy

Sexual Harassment

BP 5145.7

Students

The Board of Education 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. 5145.3 - Nondiscrimination/Harassment)

(cf. 6142.1 - Sexual Health and HIV/AIDS Prevention Instruction)

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. 4119.11/4219.11/4319.11 - Sexual Harassment)

(cf. 5141.4 - Child Abuse Prevention and Reporting)

(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 or 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 CCR 4964)

(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  
48900.2 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

##### CODE OF REGULATIONS, TITLE 5

4900-4965 Nondiscrimination in elementary and secondary education programs receiving state financial assistance

##### UNITED STATES CODE, TITLE 20

1681-1688 Title IX, Discrimination

##### 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  
CODE OF FEDERAL REGULATIONS, TITLE 34

106.1-106.71 Nondiscrimination on the basis of sex in education programs

## COURT DECISIONS

Reese v. Jefferson School District, (2001) 208 F.3d 736

Davis v. Monroe County Board of Education, (1999) 526 U.S. 629

Gebser v. Lago Vista Independent School District, (1998) 118 S.Ct. 1989

Nabozny v. Podlesny, (1996, 7th Cir.) 92 F.3d 446

Doe v. Petaluma City School District, (1995, 9th Cir.) 54 F.3d 1447 Oona R.-S. etc. v. Santa Rosa City Schools et al, (1995) 890 F.Supp. 1452

Rosa H. v. San Elizario Ind. School District, (W.D. Tex. 1995) 887 F. Supp. 140, 143 Clyde K. v. Puyallup School District #3, (1994) 35 F.3d 1396

Patricia H. v. Berkeley Unified School District, (1993) 830 F.Supp. 1288 Franklin v. Gwinnet County Schools, (1992) 112 S. Ct. 1028

Kelson v. City of Springfield, Oregon, (1985, 9th Cir.) 767 F.2d 651

Management Resources:

OFFICE OF CIVIL RIGHTS AND NATIONAL ASSOCIATION OF ATTORNEYS GENERAL Protecting Students from Harassment and Hate Crime: A Guide for Schools, January 1999

OFFICE OF CIVIL RIGHTS' PUBLICATIONS

Revised Sexual Harassment Guidance, January 2001 Sexual Harassment Guidance, March 1997

WEB SITES

OCR: <http://www.ed.gov/offices/OCR>

Policy adopted:

LIVERMORE VALLEY JOINT UNIFIED SCHOOL DISTRICT April 7, 2009 Livermore, California

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

EDUCATION CODE

SECTION 49079.7

49079. (a) A school district shall inform the teacher of each pupil who has engaged in, or is reasonably suspected to have engaged in, any of the acts described in any of the subdivisions, except subdivision (h) of Section 48900 or in Section 48900.2, 48900.3, 48900.4 or 48900.7 that the pupil engaged in, or is reasonably suspected to have engaged in, those acts. The district shall provide the information to the teacher based upon any records that the district maintains in its ordinary course of business, or receives from a law enforcement agency, regarding a pupil described in this section.

(b) A school district, or school district officer or employee, is not civilly or criminally liable for providing information under this section unless it is proven that the information was false and that the district or district officer or employee knew or should have known that the information was false, or the information was provided with a reckless disregard for its truth or falsity.

(c) An officer or employee of a school district who knowingly fails to provide information about a pupil who has engaged in, or who is reasonably suspected to have engaged in, the acts referred to in subdivision (a) is guilty of a misdemeanor, which is punishable by confinement in the county jail for a period not to exceed six (6) months, or by a fine not to exceed one thousand dollars (\$1,000), or both.

(d) For the 1994-1995 school year, the information provided shall be from the previous two (2) school years. For the 1996-1997 school year and each school year thereafter, the information provided shall be from the previous three (3) school years

(e) Any information received by a teacher 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.

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



## Administrative Regulation

### Sexual Harassment

AR 5145.7

#### Students

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 (hard copy or electronic transmission) 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/trimester 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 Prevention and Reporting)

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 approved:

LIVERMORE VALLEY JOINT UNIFIED SCHOOL DISTRICT April 7, 2009 Livermore, California

Board Policy

Hate-Motivated Behavior

BP 5145.9

Students

The Board of Education 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. 3515.4 - 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 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

200-262.4 Prohibition of discrimination on the basis of sex

48900.3 Suspension for hate violence

PENAL CODE

186.21 Street terrorism; legislative findings and declarations

422.55-422.86 Hate Crimes

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: Board of Education 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 adopted:

LIVERMORE VALLEY JOINT UNIFIED SCHOOL DISTRICT April 7, 2009 Livermore, California

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

STUDENT DRESS CODE AR 5332(a)

This regulation specifies standards that promote a positive and safe learning environment for students. Annual notice of this regulation shall be provided to students, parents, and staff. In addition, each school site council or other school committee shall regularly review these standards. District and school dress codes shall be enforced on the school campus and at any school-sponsored activity. Appropriate dress for school dances, graduation activities and other special events will be communicated to parents and students by the school.

Standards

1. Students shall dress appropriately for educational activities in which they will participate so as not to endanger their health, safety, or welfare, or that of others, or cause a disruption to the educational process. The following articles of clothing are not permitted:

- Back-less or strap-less tops
- Low-cut tops and dresses
- Bare-midriff tops
- Shorts, skirts, pants, and tops that fail to conceal undergarments
- Shorts, skirts, and dresses that are shorter than thumbs' length when arms are at side

2. Shoes shall be worn at all times unless not required as part of an instructional activity.

3. Clothing, accessories, and jewelry shall be free of writing, pictures, symbols or any other insignia which are crude, vulgar, profane, obscene, libelous, slanderous, or sexually suggestive. Clothing, accessories, or jewelry that degrade any cultural, religious or ethnic values, that advocate racial, ethnic, or religious prejudice or discrimination, or that promote sex, the use of tobacco, drugs, or alcohol or any unlawful acts are prohibited.

4. Sun-protective clothing, including hats, may be worn outdoors during the school day on school campuses.

Hats, caps, and other head coverings shall not be worn in classrooms at middle schools. On elementary and high school campuses, the wearing of hats indoors is left to the discretion of the administration and teaching staff.

5. Dark glasses shall not be worn indoors, except for valid medical reasons authorized by the administration and verified in writing by a physician.

6. Gang-related clothing or accessories, including but not limited to bandannas, or other symbols, emblems, or insignia are prohibited. School officials shall consider student history and information obtained from community agencies and resources when making these judgments.

#### LIVERMORE VALLEY JOINT UNIFIED SCHOOL DISTRICT

#### STUDENT DRESS CODE A.R. 5332(b)

Any clothing, jewelry or accessories, which create a safety or health concern, or cause or threaten to cause a disruption to the educational process, is prohibited.

Exceptions may be made by the administration for special days, special events, or activities. Repeated violation of the District or school dress code(s) shall be considered a violation of Education Code section 48900 (k): disruption of school activities and/or willful defiance of valid school personnel authority. Appropriate consequences shall be specified and Implemented according to the elementary and secondary discipline policies.

Final determination of what constitutes appropriate dress shall be made by the school administration. Examples of appropriate and inappropriate attire are attached (page 3 of 3).

#### Discipline Procedures

The following procedures and consequences shall be followed when there have been violations of the Student Dress Code.

##### First Referral

The student shall be brought to the school office, and a parent/guardian contact shall be made. The student shall receive a warning and shall be reminded of the dress code requirements by the principal or vice-principal. A change of clothes is required. The student shall be sent home if necessary. The violation shall be documented.

##### Second Referral

The student shall be brought to the school office, and a parent/guardian contact shall be made. . A change of clothes is required. A parent conference may be held as necessary. The student may receive detention and may lose school privileges. The violation shall be documented.

##### Third Referral

The student shall be brought to the school office, and a parent/guardian contact shall be made. A parent conference is required. The student shall receive detention and lose privileges. Suspension from school and community service may also be required by the school administration.

Legal Reference:

EDUCATION CODE 35183, 48907

TITLE 5 Section 302

PENAL CODE 186.22, 13826-13826.7

(cf. 5333)

Approved 06/05/01

Revised 06/26/01, 11/13/01

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

Board Policy

Visitors/Outsiders BP 1250

Community Relations

The Board of Education encourages parents/guardians and other interested citizens to visit our schools. Visitors may normally be expected on the campus of a public school during the school day. Since the principal and school staff are responsible for the safety of students and an orderly environment on campus, all visitors must register immediately at the office and receive permission by the principal or designee as outlined in board regulations. The exceptions to this policy are specific events as determined by the principal, such as athletics, plays, assemblies, etc. These visitors may include, among others, District office personnel, substitute teachers, temporary employees, teachers visiting from other schools, parents of students, school Board members, interested citizens, invited speakers, maintenance and repair people, salespersons, representatives of the news media, students not now enrolled in the school, and others. The visitor will be granted access to the school site for purposes consistent with the mission of the district.

School visitation procedures shall be implemented to insure minimum interruption of the instructional program.

Legal Reference:

EDUCATION CODE

32210 Willful disturbance of public school or meeting

32211 Threatened disruption or interference with classes; misdemeanor

32212 Classroom interruptions

35160 Authority of governing boards

35292 Visits to schools (board members)

51512 Prohibited use of electronic listening or recording device

EVIDENCE CODE

1070 Refusal to disclose news source

LABOR CODE

230.8 Discharge or discrimination for taking time off

## PENAL CODE

### 626-626.10 Schools

### 627-627.10 Access to school premises, especially:

#### 627.1 Definitions

#### 627.2 Necessity of registration by outsider

#### 627.7 Misdemeanors; punishment

## ATTORNEY GENERAL OPINIONS

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

Policy LIVERMORE VALLEY JOINT UNIFIED SCHOOL DISTRICT adopted: October 21, 2008 Livermore, California revised: September 19, 2017

Livermore Valley Joint Unified School District  
Administrative Regulation AR 1250(a)  
Visitors/Outsiders  
Community Relations

These regulations shall apply to all persons other than District personnel, the school staff and students enrolled in the school. Unless otherwise directed by the principal or designee, a staff member shall accompany visitors while they are on school grounds.

### Procedures to Gain Access

The principal and school staff shall be responsible for implementing the following visitor's procedures:

1. At each access point to the school grounds of each school, signs shall be posted specifying the hours during which registration is required, stating where the office of the principal or designee is located, and setting forth the applicable requirements of Penal Code 627.2 and the penalties for violation of BP 1250.
2. No visitor, including a student enrolled at another school, shall enter or remain on school grounds during school hours without having registered with the principal or designee, except to proceed to the office of the principal or designee for the purpose of registering. When registering, the visitor is to provide his/her name, address, age (if under 21), his/her purpose in entering the school grounds, and proof of identity. (Penal Code 627. 3) Visitors should receive and display identification confirming they have registered in the office. District personnel should display District identification at all times.
3. School personnel will notify the principal or designee if they observe any unregistered visitors.

### Provisions to Gain Access

1. To ensure minimum interruption of the instructional program, visits during school hours should be first arranged with the teacher and principal or designee. When an individual arrives without prior arrangements, the principal or designee will determine if a visitation is appropriate at that time or schedule a time for a future visit.
2. If a conference is desired, an appointment should be set with the teacher during non-instructional time.
3. Visitors shall not use electronic listening or recording devices without prior permission of the principal and teacher, unless sanctioned by the principal for particular school events such as parades, awards assemblies, sporting events, or other performances.



4. A principal or designee may refuse to register a visitor if it is believed that the presence of the visitor would cause a threat of physical injury to teachers, other

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Community Relations employees, students, or the purpose of the visit is not consistent with the mission of the district. (Penal Code 627.4)

5. An independent educational assessment by qualified specialists is permissible for special education assessments in accordance with Education Code 56329 and 34 CFR 300.502. If a public education agency observed the student in conducting its assessment and the parent/guardian disagrees with the assessment, an equivalent opportunity shall apply to an independent educational assessment of the student in the student's current educational placement and setting, and the proposed educational placement, if any. The student, classroom teacher and special education staff shall not be interrupted during the observation. The observation will be limited to one hour a week. If a visitation is approved for an independent educational assessment, school District personnel will accompany the private assessor during the observation(s). No electronic or recording devices may be used in the classroom or school without prior approval from the Assistant Director or Director of Special Education.

6. A registered sex offender may not enter the grounds of any school having classes K-

12. Exceptions to this regulation are the following:

a. A student registered at the school.

b. A parent/guardian of a student registered at the school and the individual, shall be accompanied by the principal or designee at all times.

7. Any person who is denied registration or whose registration is revoked may appeal to the Superintendent or designee by submitting, within five days after the person's departure from school, a written request for a hearing. This request must state why he/she believes the denial or revocation was improper and must provide an address to which the hearing notice may be sent. Upon receipt of the request for the hearing, the Superintendent or designee shall promptly mail a notice of the hearing to the person requesting it. A hearing before the Superintendent or designee shall be held within seven days after receipt of the request. (Penal Code 627.5)

8. Principals may seek the assistance of the police in dealing with or reporting any visitor in violation of BP 1250.

#### Penalties

1. Every visitor who willfully and knowingly violates the above regulations is guilty of an infraction. (Penal Code 627.2)

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2. Every visitor who willfully and knowingly violates these regulations, having been

previously convicted of the same offense, is guilty of a misdemeanor punishable by a \$500 fine and/or imprisonment. (Penal Code 627.7)

3. Any parent/guardian or other person whose conduct in a place where a school employee is required to be in the course of his or her duties materially disrupts class work or extracurricular activities or involves substantial disorder is guilty of a misdemeanor which is punishable by a fine not exceeding one hundred (\$100), by imprisonment in the county jail for a period of not more than 10 days, or both. (Education Code 44811)

4. The principal or designee may request that a visitor who has failed to register, or whose registration privileges have been denied or revoked, promptly leave school grounds. When a visitor is directed to leave, the principal or designee shall inform the visitor, in writing, that if he/she re-enters the school within seven days he/she will be guilty of a misdemeanor subject to a fine and/or imprisonment. (Penal Code 627.5)

Regulation LIVERMORE VALLEY JOINT UNIFIED SCHOOL DISTRICT approved: October 21, 2008 Livermore, California revised: September 19, 2017

Livermore Valley Joint Unified School District  
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#### Procedures for Visitors to LVJUSD School Sites

The Board of Education encourages parents/guardians and other interested citizens to visit our schools. Since the principal and school staff are responsible for the safety of students and an orderly environment on campus, all visitors must register immediately at the office, and receive permission by the principal or designee as outlined in board regulations, during school hours.

After school hours, visitors are granted access to the school site for purposes consistent with the mission of the District.

With any visitor, principal or designee must contact the Superintendent's Office if the presence of the visitor or the purpose of the visit may cause disruption to the school. At any time, if there are concerns about how to proceed, principal or designee should contact the Superintendent's Office.

The following procedures should be followed for visitors to school sites:

##### 1. ALL VISITORS:

a. Visitor must check in at office and present identification. Visitors should receive and display identification confirming they have registered in the office.

b. School personnel must notify the principal or designee if they observe any unregistered visitors.

c. Visitors during school hours should be first arranged with the teacher and principal or designee. If the visitor arrives without prior arrangements, the principal or designee will determine if a visit is appropriate at that time, or schedule a time for a future visit.

d. If a conference is desired, an appointment should be set with the teacher during non-instructional time.

e. Visitors shall not use electronic listening or recording devices, unless sanctioned by the principal for particular school events such as parades, awards assemblies, sporting events, or other performances.

f. A principal or designee must notify the Superintendent's Office if it is believed that the presence of the visitor would cause a threat of physical injury to anyone on campus, or if the purpose of the visit is not consistent with the mission of the District.

g. A principal or designee may refuse to register a visitor if it is believed that the presence of the visitor would cause a threat of physical injury to anyone on campus, or if the purpose of the visit is not consistent with the mission of the District.

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h. Principals or designees may seek the assistance of police in dealing with, or reporting any visitor in violation of these policies.

## 2. CHILD PROTECTIVE SERVICES (CPS) VISITOR:

- a. Visitor must check in at office and present identification.
- b. Principal or designee must check the credentials of the CPS visitor and determine reason for visit.
- c. If the visit is scheduled, make arrangements for the meeting to occur.
- d. If the visit was not scheduled, and there is no exigent or emergency circumstance, principal or designee should arrange for the visit to occur after school is out for the day.
- e. If it is determined to be an exigent or emergency circumstance, after conferring with the CPS visitor, then principal or designee will arrange for a private conversation, with the student and, unless given a compelling reason by the student, with the principal or designee also attending. The principal or designee should notify the Superintendent's Office if they have any questions.
- f. A principal or designee must notify parent, unless otherwise directed by CPS or law enforcement official.
- g. Staff should try to minimize any school disruption.
- h. Student records are private and must not be disclosed without a subpoena or court order.

## 3. LAW ENFORCEMENT VISITOR:

- a. Visitor must check in at office and present identification.
- b. Principal or designee must check the credentials of the law enforcement visitor and determine reason for visit.
- c. If the visit was scheduled, make arrangements for the meeting to occur.
- d. If the visit was not scheduled, and there is no exigent or emergency circumstance, principal or designee should find out whether it needs to occur during school hours and if it can be done after school is out for the day.
- e. If it is determined to be an exigent or emergency circumstance, after conferring with the law enforcement visitor, then principal or designee will arrange for a private conversation, with the student and with the principal or designee also attending.
- f. If the visit involves the need to meet with a student related to a search warrant or arrest warrant, staff should cooperate with the law enforcement visitor and arrange for a meeting with the student in a timely manner.
- g. Principal or designee must notify parent of the visit, unless otherwise directed by CPS or law enforcement official.

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- h. Staff should try to minimize any school disruption.
- i. Student records are private and must not be disclosed without a subpoena or court order.

## 4. IMMIGRATIONS AND CUSTOMS ENFORCEMENT (ICE) VISITOR:

If it is a request for student interview without a warrant, subpoena or court order; or if it is for request for records without a subpoena, court order or search warrant; and it is without exigent or emergency circumstances, direct the visitor to the Superintendent's Office or designee.

If it is a request for student interview with a warrant, subpoena or court order or if it is a request for student based on exigent circumstances; or if ICE has apprehended a student's parent, then:

\* NOTE: For these items, the ICE officer may want information and/ or the student immediately. Staff members must contact the Superintendent's Office immediately. The Superintendent's Office may contact legal counsel for assistance and guidance.

- a. Visitor must check in at office and present identification.
- b. Principal or designee must check the credentials of the officer.
- c. Principal or designee must notify the Superintendent's Office and send legal documents for legal counsel review and guidance.
- d. Principal or designee must notify parent, as soon as possible, as per policy.
- e. Staff should try to minimize any school disruption.
- f. Student records are private and must not be disclosed without a valid warrant subpoena or court order.

References:

Board Policy 1250 and A R 1250(a), (b), (c)

Board Policy 5125 and A R 5125(a)

Legal Guidance: Providing All Children Equal Access to Education Regardless of Immigration Status, CSBA, February 2017

Lozano Smith Immigration Enforcement Resource Guide, 2017

Exhibit LIVERMORE VALLEY JOINT UNIFIED SCHOOL

version: September 19, 2017 Livermore, California

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

##### **Component:**

People and Programs: Create a Caring and Connected School Climate.

##### **Element:**

Goal 1: We will provide an environment that promotes a positive school climate, that is emotionally safe and in which students treat each other respectfully.

##### **Opportunity for Improvement:**

Objectives	Action Steps	Resources	Lead Person	Evaluation
<p>Promote positive student/staff interactions</p>	<p>1. Teachers, Principal, and classified staff will communicate expectations of students in terms of respectful behavior, appropriate language, and problem solving. This communication will be done periodically during each school year through direct interaction with students individually, class-wide, and school-wide.</p> <p>2. The expansion of Coordination of Services Teams (COST) at all sites will ensure rapid response to student needs with frequent data-based monitoring, decision making and interventions.</p> <p>3. The administration of the Panorama Social Emotional Learning (SEL) survey will be administered at all sites to identify site and individual needs.</p> <p>4. Positive Behavioral Interventions and Supports (PBIS) will be developed to assist schools in their efforts to improve school climate and positive behavior supports for all students.</p>			

**Component:**

Places: Create a Physical Environment That Communicates Respect for learning and for Individuals

**Element:**

Goal 2: We will increase over-all safety of our campus by assessing and refining the School Site Disaster Plan.

**Opportunity for Improvement:**

Objectives	Action Steps	Resources	Lead Person	Evaluation
School Site Disaster Plan assessment	<ol style="list-style-type: none"> <li>1. Assessment and walkthrough will be performed tri- annually with the site administrator(s), maintenance department and/or school safety committee.</li> <li>2. Sites will review the School Site Disaster Plan to become familiar with procedures and responsibilities relative to fire, earthquake, lockdown, shelter-in-place and school site evacuation.</li> <li>3. Assess emergency bin supplies and replace as needed.</li> <li>4. Review of the Emergency/Pandemic Plan and updates made to align with current information and data.</li> </ol>			
Employee, student and parent training	<ol style="list-style-type: none"> <li>1. Drills will be practiced periodically, as scheduled, to reinforce procedures and an evaluation of each drill will be done.</li> <li>2. Emergency drill procedures will be communicated and reviewed with parents through school publications.</li> <li>3. Substitutes will have drill procedures as part of their sub packet.</li> </ol>			

Objectives	Action Steps	Resources	Lead Person	Evaluation
Administrative training	1. On-going training for all school administrators and LVJUSD managers. Topics covered, but not limited to: liability, training, being prepared, decision making, incident command, putting a plan into action and lessons learned from previous incidents.			

**(I) School Discipline Rules and Consequences (EC 35291 and EC 35291.5)**

**William Mendenhall Middle School Student Conduct Code**



## Board Policy

### Anti-Bullying

#### Students BP 5131.2

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

No student or 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.

(cf. 5131 - Conduct)

(cf. 5136 - Gangs)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

(cf. 5145.9 - Hate-Motivated Behavior)

Cyberbullying 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, or other 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 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 shall 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

Students (or parent/guardian on behalf of the student) 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.

If the student (or parent/guardian on behalf of the student) believes the situation has not been remedied, she/he may file a complaint in accordance with the District's Uniform Complaint Policy - BP 1312.3.

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.

(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/lss/>

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 LIVERMORE VALLEY JOINT UNIFIED SCHOOL DISTRICT adopted: June 26, 2012 Livermore, California revised: November 27, 2012

## Administrative Regulation

### Alcohol And Other Drugs Instruction

AR 5131.6

#### Students

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

(cf. 5131.62 - Tobacco)

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

In grades 7-12, instruction in drug education shall be conducted in health courses and in any other appropriate area of study required by Education Code 51220. (Education Code 51260)

(cf. 6142.8 - Comprehensive Health Education)

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

(cf. 6143 - Courses of Study)

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

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

#### Intervention

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

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

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

(cf. 5022 - Student and Family Privacy Rights)

(cf. 5141 - Health Care and Emergencies)

(cf. 6164.2 - Guidance/Counseling Services)

Legal Reference:

EDUCATION CODE

44049 Known or suspected alcohol or drug abuse by student

44645 In-service training anabolic steroids

48900 Suspension or expulsion (grounds)

48900.5 Suspension, limitation on imposition; exception

48901 Smoking or use of tobacco prohibited

48901.5 Prohibition of electronic signaling devices

48902 Notification of law enforcement authorities; civil or criminal immunity

48909 Narcotics or other hallucinogenic drugs

48915 Expulsion; particular circumstances

49602 Confidentiality of pupil information

51202 Instruction in personal and public health and safety

51203 Instruction on alcohol, narcotics and restricted dangerous drugs

51210 Areas of study

51220 Areas of study, grades 7 to 12

51260-51269 Drug education

60041 Instructional materials

60110-60115 Instructional materials on alcohol and drug education

BUSINESS AND PROFESSIONS CODE

25608 Alcohol on school property; use in connection with instruction

HEALTH AND SAFETY CODE

11032 Narcotics, restricted dangerous drugs and marijuana

11053-11058 Standards and schedules

11353.6 Juvenile Drug Trafficking and Schoolyard Act

11357 Unauthorized possession of marijuana; possession in school or on school grounds

11361.5 Destruction of arrest or conviction records

11372.7 Drug program fund; uses

11802 Joint school-community alcohol abuse primary education and prevention program

11998-11998.3 Drug and Alcohol Abuse Master Plans

11999-11999.3 Alcohol and drug program funding; no unlawful use

124175-124200 Adolescent family life program

PENAL CODE

13860-13864 Suppression of drug abuse in schools

VEHICLE CODE

13202.5 Drug and alcohol related offenses by person under age of 21, but aged 13 or over;

WELFARE AND INSTITUTIONS CODE

828 Disclosure of information re minors

828.1 Disclosure of criminal records; protection of vulnerable staff & students

UNITED STATES CODE, TITLE 20

5812 National education goals

7101-7184 Safe and Drug-Free Schools and Communities Act Management Resources:

#### WEB SITES

California Department of Education, Alcohol, Tobacco and Other Drug Prevention:

<http://www.cde.ca.gov/ls/he/at>

California Healthy Kids: <http://www.californiahealthykids.org> U.S. Department of Education, Office of Safe and Drug Free Schools:

<http://www.ed.gov/about/offices/list/osdfs/index.html>

Regulation LIVERMORE VALLEY JOINT UNIFIED SCHOOL DISTRICT approved: April 7, 2009 Livermore, California

#### Board Policy

##### Weapons And Dangerous Instruments

###### Students BP 5131.7

The Board of Education desires students and staff to be free from the danger presented by firearms and other weapons.

(cf. 3515.3 - District Police/Security Department)

###### Possession of Weapons

The Board prohibits any person other than authorized law enforcement or security personnel from possessing weapons, imitation firearms, or dangerous instruments of any kind in school buildings, on school grounds or buses, or at a school-related or school-sponsored activity away from school, or while going to or coming from school.

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

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

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

(cf. 0450 - Comprehensive Safety Plan)

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

The principal or designee shall notify law enforcement authorities when any student possesses a weapon or commits any act of assault with a firearm or other weapon. (20 USC 7151; Education Code 48902; Penal Code 245, 626.9, 626.10)

###### Possession of Pepper Spray

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

###### Reporting of Dangerous Objects

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

(cf. 5125 - Student Records)

The Superintendent or designee shall develop strategies designed to facilitate student reporting of the presence of weapons or injurious objects on school grounds, such as tip hotlines, electronic transmissions, or other methods that preserve the student's anonymity. Incident reports and records shall not identify the student who reported the possession. The strategy shall also provide a

method of informing staff, students and parents/guardians that

students who report the presence of injurious objects on school campuses are to be protected and their identity shielded.  
(cf. 5138 - Conflict Resolution/Peer Mediation)

Legal Reference:

EDUCATION CODE

35291 Governing board to prescribe rules for discipline of the schools

48900 Grounds for suspension/expulsion

48902 Notification of law enforcement authorities

48915 Required recommendation for expulsions

48916 Readmission

49330-49335 Injurious objects

PENAL CODE

245 Assault with deadly weapon

417.4 Imitation firearm; drawing or exhibiting

626.9 Gun-Free School Zone Act of 1995

626.10 Dirks, daggers, knives, razor or stun gun; bringing or possessing in school or on school grounds; exception

653k Soliciting a minor to commit certain felonies

12001 Control of deadly weapons

12020-12036 Unlawful carrying and possession of concealed weapons

12220 Unauthorized possession of a machinegun

12401 Tear gas

12402 Tear gas weapon

12403.7 Weapons approved for self defense

12403.8 Minors 16 or over; tear gas and tear gas weapons

12555 Imitation firearms

UNITED STATES CODE, TITLE 20 6301-7941 No Child Left Behind Act; especially:

7151 Gun-Free Schools Act

Management Resources:

CDE COMMUNICATIONS

0401.01 Protecting Student Identification in Reporting Injurious Objects

CSBA PUBLICATIONS

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

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

WEB SITES

California Attorney General's Crime and Violence Prevention Center:

<http://www.safestate.org>

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

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

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

National School Safety Center: <http://www.nssc1.org> U.S. Department of Education, Safe Schools:

<http://www.ed.gov/about/offices/list/osers/osep/gtss.html>

Administrative Regulation

Weapons And Dangerous Instruments

AR 5131.7

Students

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

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

If an employee knows that a student possesses any of the above devices, he/she shall use his/her own judgment as to the dangerousness of the situation and, based upon this analysis, shall do one of the following:

1. Confiscate the object and deliver it to the principal immediately
  2. Immediately notify the principal, who shall take appropriate action
  3. Immediately notify the local law enforcement agency and the principal (cf. 4158/4258/4358 - Employee Security)
- When informing the principal about the possession or seizure of a weapon or dangerous device, the employee shall report the name(s) of persons involved, witnesses, location, and the circumstances of any seizure.

The principal shall report any possession of a weapon or dangerous instrument, including imitation firearm, to the student's parents/guardians by telephone or in person, and shall follow this notification with a letter.

Regulation LIVERMORE VALLEY JOINT UNIFIED SCHOOL DISTRICT approved: April 7, 2009 Livermore, California



## Conduct Code Procedures

## Board Policy

### Discipline

#### BP 5144

#### Students

The Board of Education desires to provide a safe, supportive, and positive school environment conducive to student learning and 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 and positive conflict resolution techniques whenever possible.

The Superintendent or designee shall approve, for each school, a complement of effective, age-appropriate strategies for correcting student behavior. Such strategies may include, but are not limited to, conferences with students and their parents/guardians; use of study, guidance, or other intervention-related teams; enrollment in a program teaching prosocial behavior or anger management; and participation in a restorative justice program. Staff shall use preventative measures and positive conflict resolution techniques whenever possible. Disciplinary measures that may result in loss of instructional time or cause students to be disengaged from school, such as suspension and expulsion, shall be imposed only when required by law and when other means of correction have failed. (Education Code 48900.5)

(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. However, the rules shall be consistent with law, Board policy, and district regulations. The Board may review, at an open meeting, the approved school discipline rules for consistency with Board policy and State law. (Education Code 35291.5)

(cf. 5131 - Conduct)  
(cf. 5131.1 - Bus Conduct)  
(cf. 5144.1 - Suspension and Expulsion/Due Process)

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

When misconduct occurs, staff shall implement appropriate discipline and attempt to identify and address the causes of the student's behavior. Persistently disruptive students may be assigned to alternative programs or removed from school in accordance with law, Board policy and administrative regulation. When choosing between different disciplinary strategies, staff shall consider the effect of each option on the student's health and opportunity to learn. 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. 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, implementing effective disciplinary techniques, and establishing cooperative relationships with parents/guardians.

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

(cf. 0460 - Local Control and Accountability Plan)

(cf. 3100 - Budget)

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

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

Legal Reference:

#### EDUCATION CODE

32280-32288 School safety plans

35146 Closed sessions

35291 Rules

35291.5-35291.7 School-adopted discipline rules

37223 Weekend classes

44807.5 Restriction from recess

48900-48926 Suspension and expulsion

48980-48985 Notification of parent/guardian

49330-49335 Injurious objects

52060-52077 Local control and accountability plan

#### CIVIL CODE

1714.1 Parental liability for child's misconduct

#### CODE OF REGULATIONS, TITLE 5

307 Participation in school activities until departure of bus

353 Detention after school

Management Resources:  
CSBA PUBLICATIONS

Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014

Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011 Maximizing Opportunities for Physical Activity during the School Day, Fact Sheet, 2009

CALIFORNIA DEPARTMENT OF EDUCATION PROGRAM ADVISORIES

Classroom Management: A California Resource Guide for Teachers and Administrators of Elementary and Secondary Schools, 2000

STATE BOARD OF EDUCATION POLICIES

01-02 School Safety, Discipline, and Attendance, March 2001

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

Dear Colleague Letter on the Nondiscriminatory Administration of School Discipline, January 2014

WEB SITES

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

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

Public Counsel: <http://www.fixschooldiscipline.org> U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/about/offices/list/ocr>

Policy adopted: revised: revised:

LIVERMORE VALLEY JOINT UNIFIED SCHOOL DISTRICT

May 5, 2009 Livermore, California

June 4, 2013

October 7, 2014

Administrative Regulation

Discipline

AR 5144

Students

In developing site-level disciplinary rules, the school shall solicit the participation, views and advice of one representative selected by each of the following groups: (Education Code 35291.5)

1. Parents/guardians
2. Teachers
3. School administrators
4. School security personnel, if any

(cf. 3515.3 - District Police/Security Department)

5. For middle and high schools, students enrolled in the school

The final version of the rules shall be adopted by a panel comprised of the principal or designee and a representative selected by classroom teachers employed at the school. Each school shall file a copy of its rules with the Superintendent or designee.

The rules shall be consistent with law, Board policy and district regulations. The Board of Education may review, at an open meeting, the approved school discipline rules for consistency with Board policy and state law. (Education Code 35291.5)

Each school shall review its site-level discipline rules at least every four years.

It shall be the duty of each employee of the school to enforce the school rules on student discipline. (Education Code 35291)

#### Disciplinary Strategies

To the extent possible, staff shall use disciplinary strategies that keep students in school and participating in the instructional program. Disciplinary strategies provided in Board policy, regulation and law may be used in developing site-level rules. These strategies include but are not limited to:

1. Referral of the student to the school counselor or other school support service personnel for case management and counseling

(cf. 6164.2 - Guidance/Counseling Services)

2. Discussion or conference with school staff and the parents/guardians

(cf. 5020 - Parent Rights and Responsibilities)

(cf. 6020 - Parent Involvement)

3. Convening of a study, guidance, resource panel, or other intervention-related team to assess the behavior and develop and implement an individual plan to address the behavior in partnership with the student and his/her parents/guardians

4. When applicable, referral for a comprehensive psychosocial or psychoeducational assessment, including for purposes of creating an individualized education program or a Section 504 plan

5 Enrollment in a program for teaching prosocial behavior or anger management

6 Participation in a restorative justice program

7. A positive behavior support approach with tiered interventions that occur during the school day on campus

8. After-school programs that address specific behavioral issues or expose students to positive activities and behaviors, including, but not limited to, those operated in collaboration with local parent and community groups

9. Recess restriction as provided in the section below titled "Recess Restriction"

10. Detention after school hours as provided in the section below titled "Detention After School"

11. Community service as provided in the section below titled "Community Service"

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

(cf. 6158 - Independent Study)

(cf. 6181 - Alternative Schools)

(cf. 6184 - Continuation Education)

(cf. 6185 - Community Day School)

### 13. Reassignment to an alternative educational environment

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

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

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

#### Corporal Punishment

Corporal punishment shall not be used as a disciplinary measure against any student. Corporal punishment includes the willful infliction of, or willfully causing the infliction of, physical pain on a student. (Education Code 49001)

For purposes of this policy, corporal punishment does not include an employee's use of force that is reasonable and necessary to protect the employee, students, staff or other persons or

to prevent damage to property or to obtain possession of weapons or other dangerous objects within the control of the student. In addition, corporal punishment does not include any pain or discomfort suffered by a student as a result of his/her voluntary participation in an athletic or other recreational competition or activity. (Education Code 49001)

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

(cf. 5131.7 - Weapons and Dangerous Instruments)

(cf. 6145.2 - Athletic Competition)

#### Recess Restriction

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

1. The student shall be given adequate time to use the restroom and get a drink or eat lunch, as appropriate.
2. The student shall remain under an employee's supervision during the period of restriction.
3. Teachers shall inform the principal of any recess restrictions they impose. Detention After School Students may be detained for disciplinary reasons up to one hour after the close of the maximum school day. (5 CCR 353)

Students shall remain under the supervision of a certificated employee during the period of detention.

(cf. 6176 - Weekend/Saturday Classes)

#### Community Service

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

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

#### Notice to Parents/Guardians and Students

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

(cf. 5145.6 - Parental Notifications)

The Superintendent or designee shall also provide written notice of the rules related to discipline to transfer students at the time of

their enrollment in the district.

Regulation LIVERMORE VALLEY JOINT UNIFIED SCHOOL DISTRICT approved: May 5, 2009 Livermore, California

revised: June 4, 2013

revised October 7, 2014

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

Board Policy Hate-Motivated Behavior

BP 5145.9(a)

Students The Board of Education 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 based on his/her actual or perceived characteristics of race or ethnicity, color, ancestry, nationality, national origin, immigration status, ethnic group identification, age, religion, marital or parental status, pregnancy, physical or mental disability, sex, sexual orientation, gender, gender identity, gender expression, or genetic information, or any other characteristic identified in Education Code 200 or 220, Government Code 11135, or Penal Code 422.55, or based on his/her association with a person or group with one or more of these actual or perceived characteristics (5 CCR 4610), shall not be tolerated. (cf. 0410 - Nondiscrimination in District Programs and Activities) (cf. 0450 - Comprehensive Safety Plan) (cf. 3515.4 - Recovery for Property Loss or Damage) (cf. 5131.5 - Vandalism, 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. 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. 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 200-262.4 Prohibition of discrimination on the basis of sex 48900.3 Suspension for hate violence PENAL CODE 186.21 Street terrorism; legislative findings and declarations 422.55-422.86 Hate Crimes 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: Board of Education 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 LIVERMORE VALLEY JOINT UNIFIED SCHOOL DISTRICT adopted: April 7, 2009 Livermore, California revised: June 12, 2018

## Safety Plan Review, Evaluation and Amendment Procedures

### 6 Definitions

#### 6.1 Incidents, Emergencies, and Disasters

##### 6.1.1 Incident

An incident is an occurrence or event, either human-caused or caused by natural phenomena, that requires action by emergency response personnel to prevent or minimize loss of life or damage to property and/or natural resources.

Incidents may result in extreme peril to the safety of persons and property and may lead to, or create conditions of disaster. Incidents may also be rapidly mitigated without loss or damage. Although they may not meet disaster level definition, larger incidents may call for managers to proclaim a "Local Emergency".

Incidents are usually a single event that may be small or large. They occur in a defined geographical area and require local resources or, sometimes, mutual aid. There is usually one to a few agencies involved in dealing with an ordinary threat to life and property and to a limited population. Usually a local emergency is not declared and the jurisdictional EOC is not activated. Incidents are usually of short duration, measured in hours or, at most, a few days. Primary command decisions are made at the scene along with strategy, tactics, and resource management decisions

##### 6.1.2 Emergency

The term emergency is used in several ways. It is a condition of disaster or of extreme peril to the safety of persons and property. In this context, an emergency and an incident could mean the same thing, although an emergency could have more than one incident associated with it.

Emergency is also used in Standardized Emergency Management System (SEMS) terminology to describe agencies or facilities, e.g., Emergency Response Agency, Emergency Operations Center, etc.

Emergency also defines a conditional state such as a proclamation of "Local Emergency". The California Emergency Services Act, of which SEMS is a part, describes three states of emergency:

- State of War Emergency
- State of Emergency
- State of Local Emergency



### 6.1.3 Disaster

A disaster is defined as a sudden calamitous emergency event bringing great damage, loss, or destruction. Disasters may occur with little or no advance warning, e.g., an earthquake or a flash flood, or they may develop from one or more incidents, e.g., a major wildfire or hazardous materials discharge.

Disasters are either single or multiple events that have many separate incidents associated with them. The resource demand goes beyond local capabilities and extensive mutual aid and support are needed. There are many agencies and jurisdictions involved including multiple layers of government. There is usually an extraordinary threat to life and property affecting a generally widespread population and geographical area. A disaster's effects last over a substantial period of time (days to weeks) and local government will proclaim a Local Emergency. Emergency Operations Centers are activated to provide centralized overall coordination of jurisdictional assets, departments and incident support functions. Initial recovery coordination is also a responsibility of the EOCs.

### Response Levels

7.1 Response Levels are used to describe the type of event:

The area(s) affected, the extent of coordination or assistance needed, and the degree of participation expected from the School District. Response Levels are closely tied to Emergency Proclamations issued by the head of local government.

#### 7.1.1 Response Level 0 - Readiness & Routine Phase

On-going routine response by the School District to daily emergencies or incidents. Stand-by and alert procedures issued in advance of an anticipated or planned event.

#### 7.1.2 Response Level 1 - Local Emergency

A minor to moderate incident in which local resources are adequate and available. This level of emergency response occurs when an emergency incident, e.g., gas leak, sewer back-up, assaults, bomb threat, toxic spill, medical emergency, shooting, etc., occurs at a single site. A Level 1 response requires School/Site Coordinators to implement guidelines in the Emergency Standard Operating Procedures.

#### 7.1.3 Response Level 2 - Local Disaster

A moderate to severe emergency in which resources are not adequate and mutual aid may be required on a regional, even statewide basis. The Cities and the County of Alameda will proclaim a local emergency. Then, the State of California may declare a state of emergency. This response level occurs when multiple sites are impacted by related incidents and local police and fire departments are working in concert with Livermore Valley Joint Unified School District to respond.

#### 7.1.4 Response Level 3 - Major Disaster

Resources in or near the impacted areas are overwhelmed and extensive State and Federal resources are required. The cities and the County of Alameda will proclaim a local emergency. Then, the State of California will declare a State of Emergency. A Presidential Declaration of an Emergency or Major Disaster is requested by the State. Examples of major disasters are the Loma Prieta Earthquake of 1989 or the Oakland Hills Firestorm of 1991.

### Emergency Phases

#### 8.1 General Information On Emergencies

Some emergencies will be preceded by a build-up or warning period, providing sufficient time to warn the population and implement mitigation measures designated to reduce loss of life and property damage. Other emergencies occur with little or no advance warning, thus requiring immediate activation of the emergency operations plan and commitment of resources. All employees must be prepared to respond promptly and effectively to any foreseeable emergency, including the provision and use of

mutual aid.

Emergency management activities during peacetime and national security emergencies are often associated with the phases indicated below. However, not every disaster necessarily includes all indicated phases.

#### 8.1.1 Mitigation Phase

Mitigation is perhaps the most important phase of emergency management. However, it is often the least used and generally the most cost effective. Mitigation is often thought of as taking actions to strengthen facilities, abatement of nearby hazards, and reducing the potential damage either to structures or their contents.

While it is not possible to totally eliminate either the destructive force of a potential disaster or its effects, doing what can be done to minimize the effects may create a safer environment that will result in lower response costs, and fewer casualties.

#### 8.1.2 Preparedness Phase

The preparedness phase involves activities taken in advance of an emergency. These activities develop operational capabilities and responses to a disaster. Those identified in this plan as having either a primary or support mission relative to response and recovery review Standard Operating Procedures (SOPs) and checklists detailing personnel assignments, policies, notification procedures, and resource lists. Personnel are acquainted with these SOPs and checklists and periodically are trained in activation and execution.

#### 8.1.3 Response Phase

**Pre-Impact:** Recognition of the approach of a potential disaster where actions are taken to save lives and protect property. Warning systems may be activated and resources may be mobilized, EOCs may be activated and evacuation may begin.

**Immediate Impact:** Emphasis is placed on saving lives, controlling the situation, and minimizing the effects of the disaster. Incident Command Posts and EOCs may be activated, and emergency instructions may be issued.

**Sustained:** As the emergency continues, assistance is provided to victims of the disaster and efforts are made to reduce secondary damage. Response support facilities may be established. The resource requirements continually change to meet the needs of the incident.

#### 8.1.4 Recovery Phase

Recovery is taking all actions necessary to restore the area to pre-event conditions or better, if possible. Therefore, mitigation for future hazards plays an important part in the recovery phase for many emergencies. There is no clear time separation between response and recovery. In fact, planning for recovery should be a part of the response phase.

### Emergency Policies

#### 9.1 Livermore Valley Joint Unified School District Policies

##### 9.1.1 Certain policies governing emergency preparedness and response within the District are established.

The safety of students is paramount. All actions taken shall bear this in mind as well as the safety and well-being of employees.

If a disaster occurs during school hours, school will not be dismissed without the express approval of the Superintendent or his/her designee. Students will remain under the supervision of school authorities until released to parents or their pre-authorized representative. The following notifications shall be made as soon as a closure decision is made:

- Board of Education
- District personnel
- Parents through the local area media

- Police, fire, and other agencies
- State & Federal legislators and other officials
- City(s) and County Office of Emergency Services
- County and State Departments of Education
- Local hospitals and County Emergency Medical Services

If parents or guardians come to the school and properly identify themselves, students will be released per each school plan.

Since District personnel are expected to assist in post-disaster care of students, arrangements for the care of their own family should be prearranged in order to permit discharge of this emergency responsibility.

Each school and alternate, adult, and special education center site will have a designated Site Coordinator (the principal or site manager) who shall supervise the planning and implementation of the Site Emergency Operations Plan (EOP). An alternate Coordinator shall be named to serve if the designated Site Coordinator is absent.

The Site Coordinator shall prepare a list of staff to be assigned specific emergency response roles as outlined in this plan. This list shall be prepared at the beginning of each school year.

Each site coordinator shall conduct a survey of certificated and classified personnel to determine each employee's status in terms of first aid training, disaster preparedness training, and other emergency experience and training. Records will be kept current as changes of personnel occur. Copies of records will be kept on file in the site coordinator's office, and a copy will be forwarded to District Facilities Management.

Students may be included in planning and implementation of the Site EOP. Sports teams, clubs, and other student organizations should be encouraged to become sources of leadership among their peers in first aid and disaster preparedness & response.

Solicit cooperation of the PTA and other parent groups in organizing disaster response activities and assignments.

In preparation for the possibility of a long stay at schools and alternate/adult education centers, the Site Coordinator shall prepare a list of students and staff who have special conditions requiring medications and/or special attention.

9.1.2 Assumptions inherent in the District's response to any disaster include:

All District emergencies are reported to the Superintendent's Office and to the Facilities Management Office.

District sites (schools and alternative adult and education centers) may implement their respective EOP independent of the District EOP.

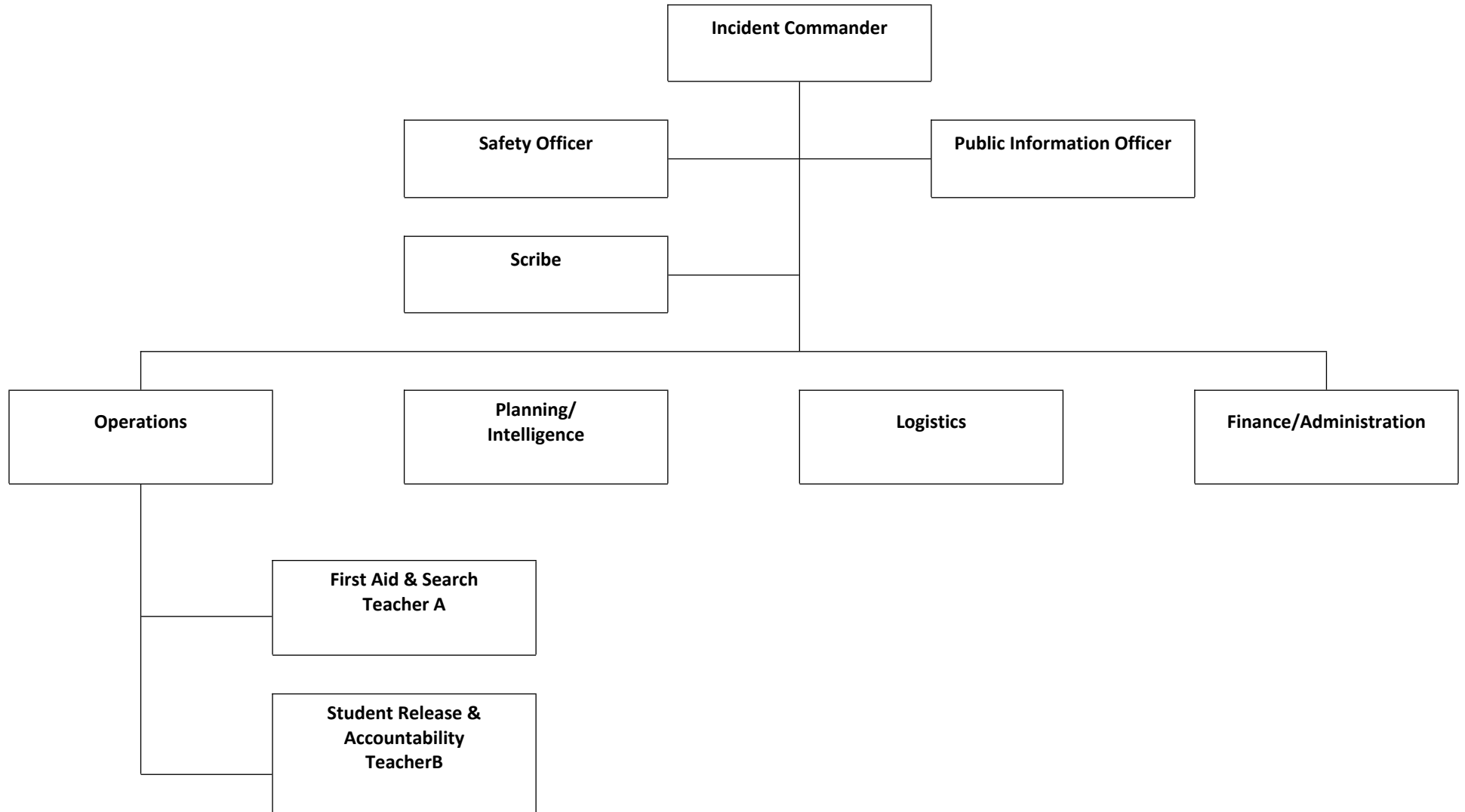
Depending on the severity and scope of the emergency, and its effect on individual sites, the Site EOP and its Emergency Management Organization may or may not be activated.

The Site Emergency Management Organization will be partially or fully staffed, as deemed necessary, by the Site Coordinator.

When a local emergency is proclaimed by the Superintendent (and later ratified by the school board), the District's policies and procedures outlined in this plan become effective.

**Safety Plan Appendices**

**William Mendenhall Middle School Incident Command System**



## **Incident Command Team Responsibilities**

### **Standardized Emergency Response Management System Overview**

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

#### **Management**

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

#### **Planning & Intelligence**

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

#### **Operations**

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

#### **Logistics**

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

#### **Finance & Administration**

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

## Emergency Response Guidelines

### Step One: Identify the Type of Emergency

#### Emergency Organization

##### 10.1 Overall Emergency Structure

SEMS requires that all public agencies use the five designated functions to serve as the basis for organizing emergency planning and response. Livermore Valley Joint Unified School District emergency response organization is based on these functions.

##### 10.2 District Management Section Structure, Office of the Superintendent

###### 10.2.1 District Management Section Structure Chart

An emergency requires constant management. The Emergency Operations Center shall have management represented AT ALL TIMES. In the District, this responsibility falls upon the Assistant Superintendent of Business, the Emergency Manager.

###### 10.2.2 District Management Section Structure Definitions

###### Superintendent

Overall management of the School District at all times. Delegates responsibility for uniform planning and execution of details of the disaster preparedness program for the district. Establishes a chain of command for emergencies. Establishes communication between the schools and the District EOC using the district telephone tree. Directs each principal to prepare and publish plans for their school on procedures for emergency or disaster situations. Requires that prescribed training and disaster plans are implemented. Requires that schools maintain first aid equipment and other emergency supplies. Plans for safe storage of district records. Requires a list of emergency contacts (law enforcement, fire, medical, etc.), with telephone numbers and addresses to be maintained at the district office, each school site, the M&O, and other facilities. Informs the public, particularly the parents of enrolled pupils, about the school district's emergency program, and their responsibilities and participation in the plan.

###### Safety Officer

Oversees all operations to make sure that emergency responders are working in a safe environment. Takes steps, with the approval of the Superintendent, to set policies and change procedures to ensure maximum safety. Directs the use of school facilities for community's care, if required. Designs and implements in-service training of permanent and substitute employees in emergency techniques. Coordinates safety inspections of all buildings and District Office.

###### Liaison to the City of Livermore

Interfaces with the City of Livermore Emergency Operations Center and oversees interests of the School District. Provides information to the City of Livermore EOC to support their operations.

###### Public Information / Liaison Officer (PIO)

Direct representative of the Board to the Superintendent. Conduit for information flow between the Board and Superintendent. During an emergency, the School Board Liaison must be available to the Superintendent at all times. Also serves as the point of contact for assisting and cooperating with agency representatives (fire, law enforcement, Red Cross).

Authorized to speak for the District. Schools and other District sites refer media inquiries to the PIO. If an immediate response from a school is required and the PIO is not accessible, the site manager or principal prepares a statement.

###### Emergency Manager

From the EOC, constantly assesses the situation. Knows what resources are available. Determines strategy for implementing the plan to handle the incident. Monitors how well (or poorly) the plan is working. Adjusts the plan to meet the realities of the situation. Makes sure that the response is being fully documented - for legal financial reasons. Coordinates all response activities through the section chiefs. Keeps the Superintendent informed of the progress and strategies implemented during the response.

If appropriate to the situation, and no other person is available, acts as Safety Officer to make sure that the safety of students and staff and others on the site is the highest priority. The Emergency Manager can also perform the positions of information officer and liaison when designated persons are not available.

Maintains and coordinates the operation of the Emergency Communications System. Establishes radio contact with all district facilities. Manages site and hazard surveys, recommending changes where resources cannot accomplish needed changes.

Continuity and efficiency require that the Emergency Manager be in the EOC throughout the response and use a "hands-off" approach to managing response activities.

#### EOC Structure Definitions

Operations Section Chief –Oversees all emergency response jobs. Reports to the Emergency Manager. Evaluates and acts on operational information.

District Communications Team - . Provides information and status reports to the Operations Section Chief such as student care needs, school site evacuation, school site damage, etc.

District First Aid / Victim Team - Responsible for organizing and maintaining emergency first aid supplies for all district level sites. Ensures that team members are trained in Basic First Aid and CPR. Plans and prepares to staff and operate the Education Center First Aid area if the building(s) need to be evacuated. Nurses shall report to the EOC and participate on the team. Psychologists and Counselors shall serve as needed. The Crisis Intervention Team is activated as required. Provides first aid to District Office staff on site.

District Facilities Team - Responds where required to assist in Search & Rescue and Rapid Assessment. Provides and interprets architectural drawings and schematics of District facilities. Provides technical assistance in locating vital utility service connections (electrical, gas, water, and sewer).

School Site Liaisons – Assigned by the Emergency Manager to represent the interests of selected schools. One liaison may represent several schools.

Logistics Section Chief –In charge of ensuring the provision of resources for the response effort, including procurement, delivery, and deployment of resources. Ensures that all emergency expenses are tracked, by site, and that complete and accurate records are kept using the accounting system specified by the Finance & Administration Section.

Physical Resources Team –Responsible for providing all types of support for the emergency response operation. Manages emergency use of District facilities. Orders all resources from off-site locations and provides facilities, services, personnel and materials where needed. Maintains accurate records and complete documentation.

Food Team – Responsible for providing food & water to school sites and district employees during emergency response operations.

Planning & Intelligence Section Chief –Responsible for planning ongoing operations and supervision of the situation status indicator (status board). Assists in finding facilities for use as school classrooms or administrative space and for setting up and maintaining EOC facilities. . Assists in locating and providing operations instructions for all utility shut-offs throughout the District. Prepares the After Action Report. Manages message flow and runners.

Student Support Team –Plans, manages and tracks District emergency efforts to support student populations affected by the event.

Technology Team- Maintains and updates situation status indicator (status board). Accesses and maintains personnel and student databases. Manages message flow.



Administration & Finance Section Chief- Responsible for the supervision of Accounting and OES/FEMA documentation and all financial aspects of the response as well as all documentation and oversight of the process for the disaster assistance application during recovery.

Human Resources Team –Maintains and provides information regarding status and availability of on- and off-duty personnel. Coordinates staff recall needs. Arranges recruitment and orientation of temporary employees. Registers and assigns volunteer workers and technical experts & specialists. Initiates and maintains records. Tracks injured and displaced personnel.

Documentation Team –Maintains all documentation pertinent to the response. Keeps logs.

Protects and maintains school records.

Incident Commander & Public Information Officer - Principal or Site Manager - Reports to District Operations Section Chief. Implements emergency plan, coordinates operations, activates response teams (as needed). Keeps log of communications, decisions, and actions. Established communications with the District EOC. Accounts for all students and staff. Assesses the situation and requests resources. Controls all internal communications. Posts and maintains status information. Refers media inquiries to the District PIO, if unavailable, prepares statement. Determines when emergency operations cease. Prepares a report to the Superintendent..

Safety Officer - Vice Principal - Responsible for making safety inspection of buildings and facilities that may have been damaged, initially and subsequently. Ensures that all responders are working in a safe environment. Make changes to the plan as needed, with approval of the Incident Commander.

Operations Section - Custodial/Instructional Staff, Nurses - Person in charge of Operations Section designated by Incident Commander. In charge of response efforts. Evaluates and acts on operational information. Keeps the IC informed of the response teams' activities.

First Aid Team - Triage victims. Administers first aid. Records information about injuries and first aid administered. Determines need for medical assistance. Assures availability of necessary first aid supplies and equipment.

Search & Rescue Team - Follows an orderly and pre-established sweep pattern. Checks each classroom, office, storage area, auditorium, bathroom, outdoor area, etc. Checks each area 3 ways, visually, vocally, and physically. Reports location of victims to First Aid Team as soon as possible. Records location of victims on checklist. Looks for obvious problems (structural damage, hazardous materials spills, fires, etc.). Records nature and location of observed problems on checklist. Reports imminent danger to Operations Section Chief. Marks areas searched to avoid duplication of effort or oversight.

Safety & Security Team - Upon evacuation, secures all buildings, locks doors & gates. Cordons off areas with apparent structural damage or other danger. Stations team members at obvious school access points to direct parents, fire, rescue, police, medical personnel. Prepares to receive neighbors who wish to volunteer.

Rapid Assessment Team - Performs initial assessment of damage to buildings and structures. Coordinates with Search & Rescue Team. Checks perimeter of school site for damage such as downed wires.

Logistics Section - Instructional, Cafeteria, and Administrative Staff - Person in charge of Logistics Section designated by Incident Commander. Ensures the provision of resources for the on site response effort. Include procurement, delivery and deployment of resources.

Support Team - Sets up sanitation facilities. Monitors sanitation & proper care for waste until it can be disposed of. Gathers food/water for distribution as needed. Sets up areas for sheltering/sleeping/eating.

Communications Team - Provides best means of communication internally and externally.

Prioritizes communications as (1) life-threatening, (2) property threatening, (3) non-emergency.

Student Supervision Team - Determines overall extent of casualties and damage. Assesses ability of all to evacuate. Evacuates areas using assigned evacuation routes. Leads groups to assembly areas. Takes roll and reports status to Logistics Section Chief. Accounts for all. Reports missing students/staff to Logistics Section Chief. Stays with group to supervise, inform, and reassure students throughout the duration of the emergency.

Planning & Intelligence Section - Instructional Staff - Person in charge of Planning & Intelligence Section designated by Incident Commander. Supervises status board for on-site response. Responsible for planning ongoing operations. Surveys facilities and structures, oversees inspections, manages shut-down and restoration of utilities. Manages message flow and runners.

Utility/Fire Team - Shuts off utilities (gas, electricity, and water) in areas where hazards may worsen. Helps suppress or isolate fires until help arrives.

Student Release Team - Establishes reunion points at each access location. As soon as parents arrive, begins to process the release of students to their parents or other authorized guardians. Checks student identification to assure adult is authorized to take the child. Asks to see identification of person(s) wishing to take student. Obtains signature of person who assumes responsibility for student.

Administration & Finance Section - Administrative, Clerical Staff - Person in charge of Administration & Finance Section designated by Incident Commander. Supervises accounting and documentation.

Records/Documentation Team - Protects school records. Collects all logs, student roll sheets, accounting data generated during the response. Compiles information necessary for reports and assessment.

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

### Emergency Operations Center (EOC)

#### 12.1 Explanation of the EOC

The Emergency Operations Center (EOC) is the location from which centralized management of an emergency response is performed. The use of EOCs is a standard practice in emergency management.

The Emergency Manager and key decision-making personnel operate from the EOC during the emergency response, establishing policy and priorities. It serves as the central point for information gathering, processing, and dissemination; coordination of all Livermore Valley Joint Unified School District emergency operations, and coordination with other agencies and the City EOC. The EOC is partially or fully activated by the Emergency Manager, according to the requirements of the situation.

The EOC is organized according to SEMS, as noted earlier in this plan. The Emergency Manager and the section chiefs serve as the EOC management team, along with the Public Information Officer, Safety Officer, and Liaison.

Unless otherwise specified, the EOC should not be providing tactical direction to the various incidents that are being conducted in the field using the Incident Command System.

The EOC is in the Board Room at the District Office. In the event of a major disaster, the location may be moved at the discretion of the Emergency Manager. The next page shows a diagram of the Board Room in EOC configuration. If activated, it should be set up as closely as possible to the diagram.

#### 12.2 EOC Activation

##### 12.2.1 When the EOC is activated

Activation of the District EOC means that at least one District official implements SEMS as appropriate to the scope of the emergency and the District's role in response to the emergency. The District EOC is activated when routine use of resources needs support and/or augmentation. The District official implementing SEMS may function from the EOC or from other locations depending on the situation.

Activated EOCs may be partially or fully staffed to meet the demands of the situation. The District maintains three EOC staffing levels that can be applied to various situations. Activation criteria are as follows:

### **Step Three: Determine the Immediate Response Action**

#### 12.2.2 EOC Activation Checklist

- EOC Activation is ordered by the Emergency Manager or the Superintendent and will call the Section Chiefs.
- Upon, activation, personnel assigned to positions on the EOC Team report to the EOC location and check in with Section Chiefs.
- Conduct EOC function and incident/situation briefing.
- Issue seat assignments and confirm shift assignments.
- Obtain identification vest and credentials.
- Begin activity logs.
- Determine staffing needs and acquire additional support as needed.
- Check communications equipment (telephones, fax machines, radios). Assistance available from the Communications Team.
- Locate and lay out necessary supplies and materials.
- Review and start working off Position Checklist.

#### 12.2.3 EOC Equipment and Supplies Checklist

Equipment and supplies should be sufficient for prolonged operation of the fully staffed EOC. The following is a recommended supply list:

#### 12.2.4 EOC Closeout Checklist

- Notify appropriate agencies and individual sites that EOC is being closed.
- Collect data, logs, situation reports, message forms, and other significant documentation. Place in a secure file box. Mark the outside with the date and any state or federal numbers associated with the response.
- Deliver the information to the Administration & Finance Section Chief.
- Fold and repack re-usable maps, charts, and materials.
- Collect and box all office supplies and unused forms.
- Make a list of all supplies that need replacement and forward to the Logistics Section Chief.
- Return vest and identification credentials.
- Log out.

- Leave work areas in good order.

#### **Step Four: Communicate the Appropriate Response Action**

##### 12.5 EOC Forms & Documentation

Four forms are used by all positions in the EOC. These forms are designed to capture all information necessary to meet emergency incident documentation requirements. These forms are:

- **Activity Log** - This form is to be used as a running record of all activity associated with the incident. Each position in the EOC and the FOC should maintain their own activity log. Copying the logs should be avoided so that efforts are not duplicated. Virtually every activity at each position should be logged on this sheet. When an incident response is closed, the logs should be compiled and turned in to the Administration & Finance Section Chief for filing.
- **EOC Message Form** - Any and all messages and communications received by the EOC are recorded on this form. Ideally, all incoming information is received by the Communications Position, whether by phone, radio, or runner. Persons filling the Communications Position record the incoming information on the EOC Message Form and deliver it to the appropriate Section Chief. The Section Chief takes action or delegates the action required, makes a record on the Message Form, records activities in the Activity Log and then places the message in a completed box for that Section. Avoid photocopying or duplicating the EOC Message Form. During high activity in an EOC, copies of Message Forms have proven to be a hindrance in that they cause severe duplication of effort. At the close of activation, all message forms are compiled by Section and turned into the Administration & Finance Section Chief for filing.
- **Emergency Resources Summary** - During EOC activation, each Section Chief may have several resources at their disposal. The Emergency Resources Summary form is designed to capture the information required for post-disaster financial recovery documentation. When resources are deployed to deal with aspects of the emergency, entries should be made on this form. At the end of each day during the response, these forms are compiled by Section and turned into the Logistics Section Chief who records the information on a master list. At the close of activation, all Emergency Resource Summary forms are forwarded to the Administration & Finance Section Chief for filing. Again, avoid duplicating these forms.
- **Planning & Strategy Worksheet** - This form is used by Section Chiefs to record strategies determined at Planning Sessions. The sheet is divided into three sections; Goal (or Objective), Plans, and Tactics. During planning sessions, Section Chiefs bring histories, observations, and predictions associated with the response to the table. These are formulated into simple goals. Each goal or objective is then broken down into plans - what needs to be done to accomplish the goal. Each plan is then broken down into tactics. Here, the actual steps for carrying out the plan and those responsible for carrying out these actions are identified. Planning sessions are facilitated by the Planning & Intelligence Section Chief. It is up to the people involved in the session how best to use these forms. There are two recommended uses of the form:

1.The Planning & Intelligence Section Chief prepares a master form during the session listing all goals/plans/tactics discussed and then duplicates it for each of the Section Chiefs. Each Section Chief acts on the items identified as their responsibility in the session, or

2.Each Section Chief prepares their own Worksheet at the session listing only the items identified as their responsibility.

Each Section Chief brings the Worksheet they received at the previous Planning Session to the next session. Each action item is discussed and then another Worksheet is prepared for future actions. The completed worksheets are turned in to the Planning & Intelligence Section Chief. At the close of activation, all Worksheets are turned in to the Administration & Finance Section Chief for filing.

### 13.1 Requirement & Recommendations for Individual Schools

#### 13.1.1 Site Emergency Plans

The Katz Act (California Education Code, Sections 35295-35297), requires that schools have a site disaster plan that outlines roles, responsibilities, and procedures for students and staff. It also requires that the school site emergency management organizational structures comply with SEMS, and be ready for implementation at all times.

To reduce the burden of developing and updating individual disaster plans, and to provide standardization, a Recommended Site Plan Template (Addendum 3) is available for each school to adopt, with a minimum of effort. This, in no way, is meant to limit what is contained in Site Plans, but serves as a guide outlining minimum requirements for compliance.

#### 13.1.2 Training

School sites are required to complete certain drills and exercises related to emergencies and disasters. These drill requirements are published in an annual schedule.

Each School Site must complete one fire drill per month with the goal of evacuating all buildings quickly and in a orderly fashion, thus accounting for all people in the facility. Completion of drills is reported to the Facilities Management Office.

Two self-study California Standardized Emergency Management System (SEMS) approved courses of instruction are recommended for completion by all principals and site managers. They are:

SEMS Introductory Course: For all personnel that may become involved in multi-agency or multi-jurisdictional response at any level. The instructional goal is to provide basic understanding of SEMS, common terms, and information required to work within and support a SEMS response. This course consists of three self-study modules with an optional test and should take 1-2 hours to complete.

SEMS Field (ICS) Course I-100 - Incident Command System (ICS) Orientation: This course is a general orientation to ICS for personnel working in support roles and for off-incident personnel who require a minimum ICS orientation. The instructional goal is to review ICS organization, basic terminology for resources and facilities and responsibilities related to an incident. This course consists of one self-study module with an optional test.

## **Types of Emergencies & Specific Procedures**

### **Aircraft Crash**

The administrator or designee will initiate appropriate actions, which may include Duck & Cover, Shelter-in-Place, Evacuate Building, or Evacuate Campus depending on the nature of the accident, the location of damage, and the existence of any chemical and/or fuel spills.

### **Animal Disturbance**

This procedure should be implemented when the presence of a coyote, mountain lion, or any other wild animal threatens the safety of students and staff. The administrator or designee will initiate appropriate actions, which may include Lock Down or Evacuate Building.

### **Armed Assault on Campus**

This involves one or more individuals who attempt to take hostages or cause physical harm to students and staff. Such an incident may involve individuals who possess a gun, a knife or other harmful item. The administrator or designee will decide the appropriate response, which may include Shelter-in-Place, Lock Down, Evacuate Building, or Evacuate Campus.

### **Biological or Chemical Release**

This is an incident involving the discharge of a biological or chemical substance in a solid, liquid, or gaseous state. Such incidents may also include the release of radioactive materials. Common chemical threats within or adjacent to schools include the discharge of acid in a school laboratory, an overturned truck of hazardous materials in proximity of the school, or an explosion at a nearby oil refinery or other chemical plant. The following indicators may suggest the release of a biological or chemical substance: Multiple victims suffering from watery eyes, twitching, choking or loss of coordination, or having trouble breathing. Other indicators may include the presence of distressed animals or dead birds. The administrator or designee will initiate appropriate actions, which may include Shelter-in-Place or Evacuate Building.

### **Bomb Threat/ Threat Of violence**

This occurs upon the discovery of a suspicious package on campus grounds or receipt of a threatening phone call that may or may not present a risk of an explosion. If the threat is received by telephone, the person receiving the call should attempt to keep the caller on the telephone as long as possible and alert someone else to call 911. The person answering the threat call should ask the questions listed on the "Bomb Threat Checklist". In coordination with law enforcement, the administrator or designee will initiate appropriate actions, which may include Duck & Cover, Lock Down, or Evacuation.

### **Bus Disaster**

Bus safety and evacuation drills are reviewed annually for students utilizing bus transportation. Students are supervised by school staff during morning arrival and afternoon dismissal each day. Parents are provided with information about pick-up/drop-off in the fall and during the year via written notice and School Messenger. Students are informed of procedures at the start of the school year and are reminded as needed via announcements in the bulletin and reminders from adults providing supervision on a daily basis. Principal consults with the Sheriff's Department.

### **Disorderly Conduct**

This involves a student or staff member exhibiting threatening or irrational behavior who does not have a weapon. The administrator or designee will initiate appropriate actions, which may include Shelter-in-Place, Lock Down, Evacuate Building, or Evacuate Campus.

### **Earthquake**

#### **14.1.1 Major Earthquake Threat Summary**

Earthquakes are sudden releases of strain energy stored in the earth's bedrock. The great majority of earthquakes are not dangerous to life or property either because they occur in sparsely populated areas or because they are small earthquakes that release relatively small amounts of energy. However, where urban areas are located in regions of high seismicity, damaging earthquakes are expectable, if not predictable, events. Seismic risk is assumed by every occupant and developer in Alameda County because the County is within an area of high seismicity; San Francisco Bay Region has been impacted by more than ten severe earthquakes during historic times.

The major effects of earthquakes are ground shaking and ground failure. Severe earthquakes are characteristically accompanied by surface faulting. Flooding may be triggered by dam or levee failure resulting from an earthquake, or by seismically-induced settlement or subsidence. All of these geologic effects are capable of causing property damage and, more importantly, risks to life and safety of persons.

Major faults are depicted in the picture above. The three major faults from bottom are the Hayward Fault, San Andreas Fault and the Mount Diablo Thrust Fault. Moderate activity along any of these faults has a high probability of causing damage in the Livermore/Pleasanton area.

A fault is a fracture in the earth's crust along which rocks on opposite sides have moved relative to each other. Active faults have high probability of future movement. Fault displacement involves forces so great that the only means of limiting damage to man-made structures is to avoid the traces of active faults. Any movement beneath a structure, even on the order of an inch or two, could have catastrophic effects on the structure and its service lines.

The overall energy release of an earthquake is its most important characteristic. Other important attributes include an earthquake's duration, its related number of significant stress cycles, and its accelerations.

Crustal Deformation Instrumentation has been systematically placed in strategic areas along seismically active areas of the Bay Area to detect even minute earth movements. Below show approximate locations of and types of instruments.

Another way to recognize the intensity of an earthquake is to refer to the Modified Mercalli Intensity Scale. This scale was devised before seismographs were invented. The Modified Mercalli Intensity Scale remains useful in plotting maps that show the general range and severity of ground effects, structural damage, personal observation and sensations during an earthquake. The scale is largely dependent upon the observations and reports of victims of an earthquake.

#### 14.1.2 Seismic Ground Response

Most of Alameda County's development and population are located in areas of moderate to moderately low damage susceptibility. The area is, however, susceptible to moderate damage resulting from ground failure and liquefaction. Liquefaction is a specialized form of ground failure caused by earthquake ground motion. It is a "quicksand" condition occurring in water-saturated, unconsolidated, and relatively clay-free sands and silts caused by hydraulic pressure (from ground motion) forcing apart soil particles and forcing those into quicksand-like liquid suspension. In the process, ground materials that are normally firm but wet, take on the characteristics of liquids.

Major landslides, settling and tilting buildings on level ground, and failure of water retaining structures have been observed as a result of liquefaction. Central Alameda County has a moderate damage susceptibility. Local ground conditions vary. Sound structures on firm, dry alluvium typically perform well, but water-saturated areas are potentially hazardous. The areas south of the I-580 corridor have a moderate (up to .2% probability) damage susceptibility. (See map on next page.) Overall performance of buildings in this zone is anticipated to be somewhat less than those located on bedrock. Ground conditions here are more variable. It should be recognized that great earthquakes anywhere in the Bay Area are capable of triggering liquefaction in central Alameda County.

Underground components of utility systems are often extensively damaged during significant earthquakes. Pipelines for domestic and fire fighting water, sewer service, gas, and for electrical services and communications can be shattered. Aboveground transmission and distribution systems are also susceptible to earthquake damage, but they are usually easier and less expensive to restore than the underground installations.

Transportation facilities are vulnerable to earthquakes. Roads and streets are easily blocked, and are often buckled and broken, but emergency routes can be readily improvised. The interchanges of freeways and similar installations (bridges and overpasses) are often damaged but not readily restored. A major earthquake impacting central Alameda County would be expected to cause widespread damage to its transportation systems.

Critical industrial facilities are of special concern because of potential hazardous materials spillage or critical industrial process disruption.

The picture to above depicts the intensity of shaking one might feel during an 6.9 earthquake where the epicenter is along the Hayward Fault – not unlike the Loma Prieta earthquake of 1989.

**Explosion or Risk Of Explosion**

This involves an explosion on school property, the risk of an explosion on school property, an explosion or risk of explosion near the school, or a nuclear explosion involving radio active materials. The administrator or designee will initiate appropriate actions, which may include Duck & Cover, Shelter-in-Place, Evacuate Building, or Evacuate Campus.

**Fire in Surrounding Area**

This procedure addresses the situation where a fire is discovered in an area adjoining the school. The initiated response actions should take into consideration the location and size of the fire, its proximity to the school and the likelihood that the fire may affect the school. After calling the local fire department in an effort to determine the seriousness of the fire, the administrator or designee will initiate appropriate actions, which may include Shelter-in-Place, Lock Down, Evacuate Building, or Evacuate Campus.

**Fire on School Grounds**

This procedure addresses situations where a fire is discovered on school grounds. A quick response to this situation is very important to prevent injuries and further property damage. Upon discovery of a fire, teachers or staff will direct all occupants out of the building, signal the fire alarm, and report the fire to the administrator or designee. The administrator or designee will immediately initiate the Evacuate Building action. If the size of the fire is beyond the control of staff on site, call 911 for immediate assistance from the fire department.

**Flooding**

This applies whenever storm water or other sources of water inundate or threaten to inundate school grounds or buildings. Flooding may occur as a result of prolonged periods of rainfall, where the school would have sufficient time to prepare. Alternatively, flooding may occur without warning, as a result of damage to water distribution systems, or a failure of a nearby man-made dam. The administrator or designee will initiate appropriate actions, which may include Shelter-in-Place, Evacuate Building, or Evacuate Campus.

**Loss or Failure Of Utilities**

This addresses situations involving a loss of water, power or other utility on school grounds. This procedure should also be used in the event of the discovery of a gas leak, an exposed electrical line, or a break in sewer lines. The administrator or designee will initiate appropriate actions, which may include Shelter-in-Place or Evacuate Building.

**Motor Vehicle Crash**

This procedure addresses situations involving a motor vehicle crash on or immediately adjacent to school property. Given the nature of the crash, there may also be a danger from a fuel spill, which should be considered when deciding which action(s) to take. The administrator or designee will initiate appropriate actions, which may include Duck & Cover, Shelter-in-Place, Evacuate Building, or Evacuate Campus.

**Psychological Trauma**

When the administrator or designee feels that there has been an event that causes a psychological impact on students and/or staff, such as an act of violence; the death of a student or staff member; an earthquake or other natural disaster; a serious environmental problem; or ethnic and racial tensions, he or she should contact the director of student services at the district office to request the services of the HUSD School Resource Chaplains. Emergencies like these usually produce one or more of the following conditions: temporary disruption of regular school functions and routines, significant interference with the ability of students and staff to focus on learning, physical and/or psychological injury to students and staff, and concentrated attention from the community and news media. As a result of such emergencies, students and staff may exhibit a variety of psychological reactions. As soon as the physical safety of those involved has been insured, attention must turn to meeting emotional and psychological needs of others.

**Suspected Contamination of Food or Water**

This procedure applies where there is evidence of tampering with food packaging, observation of suspicious individuals in proximity to food or water supplies, or if notified of possible food/water contamination by central District staff or local agencies. Indicators of contamination may include unusual odor, color, taste, or multiple employees with unexplained nausea, vomiting, or other illnesses. The administrator or designee will isolate the suspected contaminated food/water to prevent consumption, and will restrict access to the area. Second, the administrator or designee will notify the district safety coordinator of the problem and await further



instructions. Meanwhile, a list will be made of all potentially affected students and staff, which will be provided to responding authorities

**Unlawful Demonstration or Walkout**

An unlawful demonstration or walkout is any unauthorized assemblage on or off campus by staff or students for the purpose of protest or demonstration. Upon indication that an unlawful demonstration or walkout is about to begin, personnel should immediately notify the administrator or designee. The administrator or designee will initiate the Shelter-in-Place action. Students who ignore this action and leave campus shall be asked to sign his or her name and record address, telephone number and time entered or departed. If students leave the campus, the administrator or designee will designate appropriate staff members to accompany them. These staff members will attempt to guide and control the actions of students while offsite. The administrator or designee should proceed in good judgment on the basis of police or other legal advice, in taking action to control and resolve the situation.

## Emergency Evacuation Map