

# Central Union High School District

**Southwest High School**  
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## **COMPREHENSIVE SCHOOL SAFETY PLAN 2011-2012**

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# CENTRAL UNION SCHOOL DISTRICT

## **Board of Education**

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***Superintendent***

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## **Southwest High Administration**

***Danette Morrell***

***Principal***

***Fernando O'Campo***

***Assistant Principal-Curriculum***

***Tish Thompson***

***Assistant Principal-Discipline***

***Craig Lyon***

***Assistant Principal-Athletic Director***

# **MISSION STATEMENT**

**THE MISSION OF SOUTHWEST HIGH SCHOOL, IN PARTNERSHIP WITH THE HOME AND OUR RICHLY DIVERSE COMMUNITY, IS TO EDUCATE STUDENTS TO BECOME LIFE-LONG LEARNERS, TO ASSIST THEM IN UNDERSTANDING THEIR SOCIAL RESPONSIBILITY, AND TO HELP THEM DEVELOP A MASTERY OF BASIC LIFE-RELATED SKILLS WHICH FOSTER RESILIENCY AND ECONOMIC INDEPENDENCE THROUGHOUT THEIR LIVES. TO THIS END WE ARE DEDICATED TO PROVIDE AN EDUCATIONAL ENVIRONMENT WHERE STUDENTS ARE CHALLENGED, EXCELLENCE IS EXPECTED AND DIFFERENCES ARE VALUED.**

# Vision Statement

## Southwest High School's Safe School Vision

1. Southwest High School will provide a safe, orderly, and secure environment conducive to learning.
2. Southwest High School will create a school in which pupils will attend regularly and be safe from both physical and social-psychological harm.
3. Southwest High School will work collaboratively with the district office and school board to identify, establish and use strategies and programs to comply with school safety laws.
4. Southwest High School will develop a plan to work cooperatively and collaboratively with parents, pupils, teachers, administrators, counselors and community agencies, including law enforcement, to provide a safe and orderly school and neighborhood.
5. Southwest High School will develop an academic program that will focus on high expectations of pupil performance and behavior in all aspects of the school experience.
6. Southwest High School will work collaboratively with middle schools and, high schools to assist in a smooth transition from one school level to another.
7. Southwest High School will solicit the participation, views, and advice of teachers, parents, school administrators, and community members and use this information to promote the safety of our pupils, staff and community.

# Introduction - School Profile

Southwest High School is one of two comprehensive high schools with one alternative high school in the Central Union High School District, with traditions, established in 1995. Southwest High School has approximately 2,150 students and is served by a dedicated staff. Both staff and parents comment on the positive changes that are ongoing in our school.

Southwest High School faces challenges in maintaining a safe school. This section of the Comprehensive School Safety Plan will describe programs in place at our school as well as strategies and programs of our school site council for continued improvement in providing a safe, orderly, school environment conducive to learning.

## School Crime Status and Reporting

An analysis of the suspensions and expulsion data reveals: that from the years 2001 to 2010 expulsions have decreased from .36% to .0%, which is lower than county and state numbers.

Numbers of recommendations to expel with offenses: This data indicates a clear decrease in the number of students recommended to expel due to fighting over the past four years. The data dealing with alcohol and drugs indicates a decrease. However, the decrease is not as much as we would like to see. Some of the information gathered by the school resource officer is as follow:

School Year	2005-06	2006-07	2007-08	2008-09	2009-10
<b>Enrollment</b>	<b>2186</b>	<b>2217</b>	<b>2240</b>	<b>2277</b>	<b>2157</b>
<b>Ed Code Violation</b>	<b>Number of suspensions</b>				
Physical Injury to another person	43	86	59	88	40
Firearms/knives/explosives	9	4	2	0	0
Possession/use/sale of a controlled substance, alcohol, intoxicants	5	37	27	10	17
Possession/use of tobacco paraphernalia	17	24	5	4	22
Harassment/threats/intimidation	1	4	2	2	6
Expulsions (Total number of students)	0	0	2	0	0

## Personal Characteristics of Pupil

**Southwest** represents an increasing variety of ethnic groups with an enrollment of approximately 2,200 students in grades nine through twelve. The ethnic breakdown includes 87% Hispanic, 8% White, 1% African-American, 2% Asian-American and <1% Filipino-American. Over 25% of the students are identified as English Language Learners (ELL). Sixty percent of our students are eligible for free or reduced lunches. Eight percent of the students are receiving assistance through county/state CalWORKS (Formerly AFDC) program. The campus reflects the cultural and socioeconomic makeup of the community.

## Curriculum and Educational Activities

The course of study includes the core curriculum, physical education and enrichment classes such as ROP courses, art, band, dance, chorus, theater, culinary arts, dental assisting and keyboarding.

Pupils have the opportunity to participate in noon and after-school activities. These include school clubs, afterschool program, and sports.

# Physical Environment

## The Schools' Location and Physical Environment

Southwest High School is located in the El Centro area of Imperial County that has a low crime rate and high poverty level. The immediate area of the school includes single family dwellings.

## Description of School Ground

The school site encompasses 15 buildings in a "V" shaped arrangement. The buildings have numerous corridors. Our athletic facilities include a football / track & field, gym, outside basketball courts, volleyball courts, handball courts and tennis courts. Southwest High School is completely enclosed by a fence. The gates are kept locked during school hours, except the "B" building gate which is open at all times. Other ancillary structures include the library, school theater, and the cafeteria.

During the school day, staff members and administrators provide campus supervision. Identified problem areas receive increased supervision to reduce discipline, crime, or other school safety concerns.

It shall be the practice of Southwest High School to remove all graffiti from school property before pupils arrive to begin their school day. Other acts of vandalism are promptly addressed.

## Maintenance of School Buildings/Classrooms

The school's physical facility is well maintained and generally looks neat and clean. District personnel periodically examine the school's physical facility and help eliminate obstacles to school safety. Additionally, health and fire department inspectors contribute to school safety.

The classrooms are monitored for safety and appearance by the administration and individual classroom teachers. The pupils take pride in the appearance of the school.

## Internal Security Procedures

Southwest High School has established procedures in the following areas: California Safe School Assessment (CSSA) reporting procedures, suspension and expulsion procedures, and an inventory system.

Southwest High School crime statistics reflect a total of 85 crime incidences reported for the 2009-2010 school year to the school resource officer.

Keeping reportable crimes at a minimum requires constant vigilance. The following strategies will be utilized in achieving this goal: school supervision, preventative programs and activities, and identifying other strategies.

Southwest High School maintains a copy of the district's sexual harassment policy in the main office/principal's office. A copy of the notice is given to parents and students with registration packets at the beginning of the year. The District's Sexual Harassment Policy contains dissemination plans, applicable definitions, reporting requirements, investigation procedures, enforcement regulations, and information related to suspension and/or expulsion for sexual harassment of or by pupils. Additionally, a notice summarizing this sexual harassment policy appears in the registration packet. There is a copy posted in every classroom, as per state law.

To ensure the safety of pupils and staff, all visitors to the campus shall register immediately upon entering any school building or grounds when school is in session. District employees, not assigned to Southwest High School shall wear appropriate identification badges while on campus conducting business.

Discipline procedures shall focus on finding the cause of problems and working with all concerned to reach the proper, lawful solutions. The school's discipline plan begins at the classroom level. Teachers shall use a visible classroom management plan to communicate classroom rules, promote positive pupil conduct, and reduce unacceptable conduct. Appropriate consequences are administered based on the seriousness of the pupil's misbehavior. A discipline rubric that states the consequences of behaviors are given to every student at the beginning of the year.

Pupil conduct standards and consequences for Southwest High School are specifically described in this Comprehensive Schools Safety Plan including: (A) the adopted school discipline rules and procedures, (B) District Disciplinary Guidelines, and (C) the adopted school-wide dress code.

Pupils may be suspended, transferred to another school, or recommended for expulsion for certain acts. For specific student violations, a mandatory expulsion recommendation shall be submitted by the administration of Southwest High School.

Site administrators contribute to a positive school climate, promote positive pupil behavior, and help reduce inappropriate conduct. The principal/designee uses

available district and other appropriate records to inform teachers of each pupil identified under E.C. 49079.

Law enforcement is contacted and consulted to help maintain and to promote a safe and orderly school environment. Southwest High School employees comply with all legal mandates, regulations, and reporting requirements for all instances of suspected child abuse.

Additional internal security procedures affecting the integrity of the school facility include alarm systems in all buildings and operational classroom phones. The administrators and security staff use two-way radios to communicate.

Community involvement is encouraged to help increase school safety.

## **Inventory System – Engraved ID, Security Storage**

Most school-site equipment has a metal ID tag or a bar code sticker adhered to its surface. These items are inventoried annually and there is an established accountability system. Office and classroom supplies are secured in locked cabinets.

# School Climate

## The School's Social Environment

Leadership at Southwest High School is a shared process. A proactive role is assumed in all phases of the school operation. The current management team is committed to developing Southwest High School toward excellence in the areas of academic and social behavior.

The principal sets a positive tone for the school, guides the staff and works closely with them on curriculum and school safety issues. The school site's organizational structure is open and flexible contributing to sensitivity concerning school safety issues and promoting a safe, orderly school environment conducive to learning.

## Disaster Procedures, Routine and Emergency

A contingency plan for emergencies is contained in a packet available to each staff member and is to be placed in a convenient location for anyone to easily access in case of an emergency. The plan is reviewed at the beginning of each school year. This online staff handbook also contains available district and outside agency resources, emergency disaster procedures, and information on Standardized Emergency Management System (SEMS).

## Classroom Organization and Structure

Southwest High School teachers provide a varied learning environment in their classrooms. Teachers use a variety of teaching strategies including: **projects development presentations, hands-on activities, portfolios, journals, creative writing, art, displays or others.**

The teachers at Southwest High School are highly qualified with many teachers holding advanced degrees. The staff is united in their desire to provide quality education for all pupils. Teachers provide safe, orderly learning environment, enhance the experience of learning, and promote positive interactions amongst pupil and staff. Instructional time is maximized and disruptions are minimized.

## The School's Cultural Environment

There is a high level of cohesiveness among the staff members at Southwest High School. Cooperation and support between teachers and the administration is evident. Efforts are made by the administration and staff to show concern for all pupils.

All pupils are expected to behave in a manner that promotes safety and order. Pupils are encouraged to bring problems to the principal, assistant principal,

counselor, teacher or other staff members. The everyday goal is for the staff to be proactive rather than reactive in all situations of concern.

The academic and behavioral efforts of pupils are recognized and rewarded.

Cultural diversity is celebrated throughout the year by **Black History Month, Cinco de Mayo, Women History Month and Hispanic Heritage Month,**

# Action Plan

## SAFE AND SECURE CAMPUS

**GOAL: Enhance the physical environment of the school grounds by implementing a school beautification program on campus**

### I. Areas of Pride and Desired Improvements

The Safety Committee recognizes and commends the staff and administration for the following conditions at Southwest High School which have positively affected the overall safety of the school:

- Maintenance and custodial staff for maintaining school grounds
- Site administration for ongoing support in maintenance of school grounds
- Students for support in maintaining a clean campus
- Security staff for continual monitoring of hallways, restrooms and school grounds during school hours

**Objective: Students involved in acts of vandalism will be required to perform school beautification/community service within the school grounds on assigned days**

#### 1. Related activities:

- a. Students may stay after the regular school day and will assist security personnel with the removal of graffiti and other unwanted items from the school buildings – this will also happen on early release days
- b. Students will participate in beautification activities that include such things as cleaning classroom desks, removing graffiti from school property either by means of scrubbing, painting or other means of removal.
- c. Students may assist landscape department with maintaining areas of the school to improve the physical appearance of the grounds

#### 2. Resources needed:

- a. Referrals made to discipline office of students involved in vandalism
- b. Materials to remove graffiti and other unwanted items from property
- c. Security guard time to assist students with activity
- d. Plants and other items for landscaping needs

3. Persons responsible for implementation:
  - a. Assistant Principal in charge of Discipline or designee
  - b. Security guard
4. Timeline for implementation:
  - a. By August 2011 all students and their parents will be informed of the consequences if they decide to involve themselves in the act of graffiti and/or vandalism

**GOAL: Enhance the physical safety of the school grounds by implementing measures to ensure the campus is safe and secure**

### **I. Areas of Pride and Desired Improvements**

The Safety Committee recognizes and commends the staff and administration for the following conditions at Southwest High School which have positively affected the overall safety of the school:

- Maintaining the school visitor identification system
- Cooperation with El Centro Police Department and Imperial County Probation Department
- Securing of all but one gate during school hours
- Monitoring of hallways, restrooms and grounds during school hours

**Objective: CUHSD Policy of closed campus will be enforced at all times**

1. Related activities:
  - a. All students will be expected to carry a current SHS ID card while on campus.
  - b. \*\*To ensure all students receive their I.D. cards temporary cards will be handed out on first day of school along with class schedules.
  - c. Students arriving after 8:05 a.m. and/or leaving prior to 2:58 p.m. will be required to present a current SHS student ID card
  - d. Students with less than a 6 class schedule will be issued Late Arrival (LA) stickers and/or Early Release (ER) stickers that are color coded to reflect the time they come and go
5. Resources needed:
  - a. Student ID card issued by ASB
  - b. Security guard, SRO or Administrator at "B" gate at all times
  - c. Inform students and parents of requirements prior to the beginning of the school year
  - d. Colored LA and ER stickers

6. Persons responsible for implementation:
  - a. Assistant Principal in charge of Discipline or designee
  - b. Security and SRO
7. Timeline for implementation:
  - a. By August 2011 all students will be informed of the requirement at registration time and during the first week of classes

**Objective: Parents and visitors entering campus will be required to check into gate between buildings A & B and will be given a visitors badge at that time.**

1. Related activities:
  - a. Gate will be maintained by a campus security guard at all times.
  - b. Visitors will be directed to their destination
  - c. Visitors will sign in and given a visitor badge at that time.
  - d. Time of arrival and departure will be maintained in log.
2. Resources needed:
  - a. Visitor log and badges
  - b. Portable table for gate
3. Person(s) responsible for implementation:
  - a. Vice Principal in charge of Discipline and security guards
4. Timeline for implementation:
  - a. August 2011 – have materials ready

**Objective: Student Aides will need to apply for Student Aide Positions**

1. Related activities:
  - a. Inform teachers and students involved about new expectation
  - b. Have applications ready to be handed out in April for students to fill out before mid-May.
2. Resources needed:
  - a. Copies of application
3. Person(s) responsible for implementation:
  - a. Assistant Principal in charge of Discipline
  - b. Counselors
4. Timeline for implementation:
  - a. April 2011 have applications available

**Objective: Throughout the 2011-2012 school year, all trash and graffiti will be removed from the Southwest High School Campus on a daily basis.**

1. Related activities:

- a. All rubble and trash will be removed from the campus on a daily basis.
- b. In-House students will assist with beautification of the campus after lunch.
- c. All graffiti will be removed or painted over by the end of the day in which it appears

2. Resources needed:

- a. Budgetary resources to remove all excess rubble or trash.
- b. Cleaning materials / plastic gloves.
- c. Supplies to remove/paint over graffiti

3. Person(s) responsible for implementation:

- a. Assistant Principal
- b. Maintenance Supervisor

4. Timeline for implementation:

On going monitoring throughout the year.

# SAFE AND ORDERLY ENVIRONMENT

**\*\*Goal: Reduced the numbers of incidences of lost or stolen personal property of students while on school grounds.**

## I. Areas of Pride and Desired Improvements

The Safety Committee recognizes and commends the staff and administration for the following conditions and programs at Southwest High School which have positively affected the physical and/or psychological well being of all persons on campus as it relates to the general atmosphere or spirit of the school

- Staff members that do not allow personal electronic devices to be seen, nor used while in the classrooms
- The continued support of SRO to effectively handle situations that involve the theft of students personal items

**\*\*Objective: Decrease the incidents of theft of personal property while on school grounds.**

Related activities:

- a. Student and parent education of what personal items are a necessity while on campus
- b. Educate students on the proper way to carry personal items that may be necessary while on campus
- c. Conduct sweeps of areas, such as PE locker rooms, where items tend to be left unattended and ultimately eventually then taken from rightful owners
- d. After sweeps have been made and items confiscated, inform parents of the items confiscated before returning to student
- e. Advertise a notification of safety issues through the monthly parent letter

Resources Needed:

- a. None

Persons responsible for implementation:

- a. Assistant Principal of Student Services

Timeline for implementation:

- a. August 2011
- b. Ongoing sweeps

**Goal: Students and staff will become familiar with the Central Union High School District policy and the different forms of harassment and the consequences**

### **I. Areas of Pride and Desired Improvements**

The Safety Committee recognizes and commends the staff and administration for the following conditions and programs at Southwest High School which have positively affected the physical and/or psychological well being of all persons on campus as it relates to the general atmosphere or spirit of the school

- The subject of harassment as part of the Health Ed curriculum
- The establishment of Conflict Resolution Sessions
- The establishment of Behavior Intervention Plans for cases of harassment
- The immediate removal of Graffiti that is in the nature of harassment
- School and Community Resources to give presentations to “at risk” students

**Objective: Decrease the incidents of bullying, hazing and all forms of harassment especially cyber related issues.**

Related activities:

- a. Continued student, parent and staff education of Harassment.
- b. Continue with the Health Education Curriculum on Harassment.
- c. Continue providing one on one and/or group Conflict Resolution Sessions/Behavior Intervention Plans for any reported cases of harassment.
- d. Maintain signs stating District Policy as it relates to Harassment.
- e. Continue to include Harassment policy in the Informational Handbooks and Registration Packets.

Resources Needed:

- a. None

Persons responsible for implementation:

- a. Assistant Principal of Student Services
- b. All staff members

Timeline for implementation:

- a. August 2011
- b. Ongoing enforcement of harassment policy

**Goal: To identify gang associations and/or those “at risk” of becoming gang members on Southwest High School campus and provide necessary interventions**

### **I. Areas of Pride and Desired Improvements**

The Safety Committee recognizes and commends the staff and administration for the following conditions at Southwest High School which have positively affected the reduction in gang activity at the school site:

- Cooperation with El Centro Police Department and Imperial County Probation Department
- Securing of all but one gate during school hours
- Monitoring of hallways and restrooms during school hours
- Documentation and removal of graffiti as soon as it appears throughout the campus by both security and maintenance staff

**Objective: Southwest High School staff will be kept up-to-date on the types of tagging and/or graffiti that occurs on campus**

Related Activities:

- a. All graffiti and/or tagging that occurs on campus will be documented through the use of a camera and immediately removed
- b. Staff members will be emailed a picture of the tagging in an effort to aide security and administration in identifying the student(s) responsible
- c. All pictures will be kept in both a computer data base as well as a hard copy of the graffiti/tagging.

Resources Needed:

- a. Digital camera for taking pictures
- b. Access to current emails
- c. Graffiti remover materials

Persons responsible for implementation:

- a. Assistant principal in charge of discipline
- b. SHS Security personnel
- c. Discipline secretary to print and email pictures to staff members

Timeline for implementation:

- c. August 2011

**Objective: To identify students affiliated with known gangs to provide intervention to both student and families**

Related Activities:

- a. In Spring 2011 Asst. Principal in charge of discipline will meet with Principals or Asst. Principals of feeder schools to identify incoming students with a history of gang activities
- b. Assistant Principal will target these students during summer to become involved in an orientation program at site just before school begins. A.P., counselor, probation, security and other resources will be involved in this orientation.
- c. Maintain records of students and their monikers
- d. Regularly patrol the areas on campus where different gangs are known to hang out by both security and administration
- e. Identify those students that at risk of becoming affiliated with a gang through referrals from site staff and parents
- f. Provide counseling services to students identify with the various gangs

Resources needed:

- a. Place to conduct orientation
- b. Facilitators to conduct orientation (includes A.P., probation, SRO, and a counselor)
- c. Staff members to facilitate counseling sessions
- d. Training of site personnel on signs of gang affiliation

Person(s) responsible for implementation:

- a. Assistant Principal in charge of discipline
- b. SRO, probation officers and security

Timeline for implementation:

- a. Program will continue throughout the 2011-2012 year

# ACADEMIC AND BEHAVIOR EXPECTATIONS

**GOAL: Academic and behavioral expectations will become a priority for staff, parents and students at Southwest High School**

## **I. Areas of Pride and Desired Improvements**

The Safety Committee recognizes and commends the staff and administration for the following conditions at Southwest High School which have positively affected the continued academic and behavioral expectations of students attending the school:

- Increase in students actively participating in the educational process as indicated by a reduction in the number of discipline referrals
- Demonstration of positive classroom management techniques used within the classroom by staff members
- Implementation of consequences for not abiding by behavioral expectations that result in students changing their behavior
- Continued growth in the academic performance of the students at SHS

**\*\*Objective: Administrators and counselors will use the AERIES Parent/Student Portal to initiate discussions with students and parents about what steps need to be taken in order for student to stay on track for graduation**

Related activities:

- a. Administrators and counselors will have access to the online Parent/Student portal which will give them the most up-to-date information on how students are performing in all classes.
- b. Those with access to portal will use it in their discussions with students as a means of informing them about their current progress.
- c. Administrators and counselors will also facilitate the use of the portal for students and parents whenever possible.
- d. Teachers will continue to enter information in regards to grades in a timely manner.

Resources needed:

- a. Continued access to Parent/Student Portal for administrators and counselors

Person(s) responsible for implementation:

- a. Assistant Principal of Curriculum to ensure all access is granted
- b. Administrators and counselors becoming familiar with the information available to them through the portal and using it when meeting with students

Timeline for implementation:

- a. August 2011 all interested parties will have access to portal

**Objective: Staff members will continue to refine and implement their positive classroom management techniques on a daily basis**

Related activities:

- a. Administrative staff members will continue to work with staff members to implement positive classroom management techniques in their classrooms. Teachers will maintain their positive classroom management plan and inform administration, students and parents
- b. Teachers will continue to teach and re-teach expectations throughout the year

Resources needed:

- a. Large printout of teachers "Classroom Plans"

Person(s) responsible for implementation:

- a. Assistant Principal in charge of discipline to assist staff members with positive classroom management plan
- b. Teachers

Timeline for implementation:

- a. By beginning of 2011-2012 school year all new teachers will be given an in-service on how to implement a positive classroom management program
- b. Ongoing assistance to new and existing staff members on refining of plan
- c. By Open-house night all teachers will have copy of their classroom plans and syllabus for parents and administration

**Objective: Opportunities for students to showcase their efforts in courses and extra curricular activities will be increased**

Related Activities:

- a. \*\*Departments and organizations will have an opportunity to showcase their achievements in the lobby of the Counseling Area. Cases will be assigned to the various departments and organizations at SHS in which they will display items of their choosing that best represents themselves.
- b. Instructors will seek out new and innovative ways to showcase students work both inside and outside the classroom
- c. Teachers will encourage students to complete projects so they may enter them into various community activities. (Examples of previous activities include Community based poetry, speech and essay contest, showcasing art class projects in Student Services and SHS library, and California Mid-Winter Fair exhibits.)
- d. Students on Honor Roll will be recognized and rewarded for their efforts

Resources Needed:

- a. Budgetary resources to cover costs of materials for course projects
- b. Resources for ways to recognize students with outstanding academic performance

Person(s) responsible for implementation:

- a. Assistant Principal will come up with rotation schedule by August 2011 and ensure it is distributed to all those concerned.
- b. Teachers of courses such as art, welding, computer graphic classes, and creative writing classes just to name a few to seek out opportunities
- c. Administrative staff, counseling staff and to assist with seeking out opportunities to showcase students efforts

Timeline for implementation:

- a. Monthly rotations of the cases will be implemented with reminders given in timely manner.
- b. Quarterly recognition of student academic achievement
- c. Ongoing opportunities to showcase student work
- d. Monthly updates to those responsible for newsletters and website

# SAFETY STRATEGIES

## Introduction

Safe schools are orderly and purposeful places where students and staff are free to learn and teach without the threat of physical and psychological harm. Southwest High School promotes educationally and psychologically healthy environments for all children and youth. Southwest High School recognizes there are comprehensive, broad factors directly related to a safe school environment such as the school facility, school programs, staff, parents and the community. Southwest High School further recognizes that safe school practices make major contributions to academic and school improvement efforts.

Although keeping children safe requires a community-wide effort, schools are an important piece of the undertaking to keep children safe. Southwest High School's efforts are illustrated below which broaden the safety planning and incorporate an expansive range of strategies and programs in the school safety plan.

**SCHOOL SAFETY STRATEGY #1:** *Positive pupil interpersonal relations are fostered by teaching social-personal skills, encouraging pupils to feel comfortable assisting others to get help when needed and teaching pupils alternative, socially appropriate replacement responses to violence, including, but not limited to problem solving and anger control skills. When appropriate, staff members shall make referrals to recognized community agencies and/or counseling and mental health resources in the community to assist parents/student with issues prevention and intervention. The school uses a variety of methods to communicate to pupils, parents, and the greater community that all children are valued and respected.*

## Preventing and Intervening: Pupil Aggressive Behavior

Creating a safe school requires having in place many preventive measures for children's mental and emotional problems. Schools can reduce the risk of violence by teaching children appropriate strategies for dealing with feelings, expressing anger in appropriate ways and resolving conflicts.

Staff members at Southwest High School have received training in conflict resolution and confrontation skills. Southwest High School uses a comprehensive approach to school violence prevention. Pupils are identified in their school career using measures shown to be highly effective in identifying

student with antisocial and aggressive tendencies. These measures include: (a) number of disciplinary referrals to office, (b) observed aggressive behavior, and (c) teacher observation.

## **Mental Health Programs**

Assigned to **Southwest High School** is a school psychologist and six counselors. District programs contributing to mental health goals include the Family Resource Center, Drug and Alcohol and Tobacco program, anger management classes, and parenting classes. The staff of Southwest High School shall identify students in need and bring forth the student and the family to the school's student study team. The staff of **Southwest High School** shall implement the CUHSD School Crises Response, Emergency Procedures Handbook for "suicide" in cases where a student exhibits specific characteristics. In incidences of possible suicide, school/district psychologist or police crisis response units shall be contacted.

## **Professional Development**

Central Union High School District provides professional development for teachers, parents, and community members. Amongst the goals of such programs are to help others establish and nurture a healthy sense of self confidence and self control, to develop personal and social responsibility and to enhance academic success.

## **Student Recognition Programs**

**Southwest High School** offers several recognition and award programs such as students of the month, and graduation top 20.

**SCHOOL SAFETY STRATEGY #2:** *Procedures, programs and strategies used to help eliminate problems of bias or unfair treatment of pupils by staff and by peers because of ethnic group, gender, race, national origin, social class, religion, disability, sexual orientation, physical appearance, color, ancestry, parental status, or other relevant characteristics. The school provides a way for each pupil to safely report and, be protected after reporting, troubling behaviors that the pupil thinks may lead to dangerous situations, such as potential school violence.*

## **Nondiscrimination and Fair Treatment of Pupils**

A major source of conflict in many schools is the perceived or real problem of bias and unfair treatment of students because of ethnicity, gender, race, social class, religion, disability, nationality, sexual orientation, physical appearance, or some other factor. Effective schools convey the attitude that all children can

achieve academically and behave appropriately, while at the same time appreciating individual differences. Effective schools communicate to students and the greater community that all children are valued and respected.

In order to maximize the successful education of all students and help them become productive citizens and lifelong learners in a diverse society, all individuals including student, parents, staff and community members:

- Shall be treated with dignity, respect and fairness;
- Shall encourage and maintain high expectations;
- Shall model an appreciation for socio-economic, cultural, ethnic, gender and religious diversity; and
- Shall contribute to an environment of mutual respect, caring and cooperation.

Students, parents, staff and community members shall join together to share a sense of belonging and take pride in our schools, facilities and programs through participation and cooperation in support of the education of all students.

A copy of the “Student Handbook” is provided to each student annually or upon enrollment. This handbook includes information pertaining to student rights to physical safety, to the protection of personal property, to respect from adults, and to be free of discrimination on the basis of gender, race, color, religion, ancestry, national origin, ethnic group, marital or parental status, physical or mental disability, sexual orientation or the perception of one or more of such characteristics. The District’s policies on nondiscrimination and sexual harassment support these protections and serve to promote the fair treatment of all children.

## **Discipline Policy and Code**

Effective and safe schools, develop, and consistently enforce school-wide rules that are clear, broad-based, and fair. School safety can be enhanced by the development of a school-wide disciplinary policy that includes a code of conduct, specific rules and consequences that can accommodate student differences on a case-by-case basis when necessary. Discipline consequences should be commensurate with the offense, should be written, applied in a nondiscriminatory manner, and accommodate cultural diversity. Direct teaching and social problem solving and social decision-making is now a standard feature of effective drug and violence prevention programs.

**Southwest High School** uses both classroom and school-wide discipline codes that clearly communicate the behavioral expectancies and consequences for pupils. **Southwest High School** has developed plans to promote positive behaviors in the classrooms, lunchroom, hallways, and assembly areas.

**SCHOOL SAFETY STRATEGY #3: *Southwest High School's administrators, teachers, families, pupils, support staff, and community members recognize and make appropriate use of the early warning signs related to violence, substance abuse, and other at-risk concerns.***

## **Crisis Intervention and Disaster Planning**

The staff of **Southwest High School** shall increase school safety by evaluating and addressing serious behavioral and academic concerns. Weapons (on campus and in the community), bomb threats, explosives, fights, natural disasters, accidents, and suicides threats call for immediate, planned action, and long-term, post-crisis intervention. Planning for such contingencies reduces chaos and trauma.

**Southwest High School** benefits from the District's School Crises Response, Emergency Procedures Handbook (SCREPH). The SCREPH Plan includes information on how to respond to a crisis. Risk factors, response and contingency plans, quick response designs, parent contacts, debriefing, suicide/threat response, violence/aggression response and training/drills to become aware of warning signs are among the areas addressed.

## **California Safe Schools Assessment**

**Southwest High School** actively participates in the California Safe Schools Assessment. Data is collected, reported, and reviewed on all crimes committed on the school campus. **Southwest High School** recognizes that a safe school continually assesses its progress by identifying problems, collecting information regarding progress toward solutions, and by sharing this information with students, families, and the community at large.

## **Teacher Notice of Disciplinary History**

Student Services shall provide to the administration of **Southwest High School** information on each pupil who has: (1) during the previous three school years, engaged in any suspendable or expellable act (except E.C. 48900 (h)) or (b) committed a crime reported to the District by a family member, local law enforcement, Probation Department or social services. This information is used to develop awareness, assigning appropriate discipline consequences, help in allocating resources, and is a factor in determining which services are provided to the pupil or recommended to the parent/guardian.

## **Gang Affiliation**

**Gang affiliation and gang activity will not be tolerated at Southwest High School.** The staff at **Southwest High School** shall work closely with the local law enforcement/Gang Unit regarding all issues and matters that is gang related. Information from the school and the community shall be communicated to the

student's parents, if the pupil begins to make gang affiliations. Appropriate prevention and intervention strategies and programs shall be offered to the families.

## **Gangs and Graffiti**

Local city efforts have formed a graffiti removal service, a law enforcement gang task force, and a school resource officer program. **Southwest High School** uses its links with the City of El Centro to enhance its effort to curb gang influence. When appropriate, the city's graffiti removal service is used and community service hours are assigned.

## **Alternative Programs**

Research has shown that effective alternative programs can have long-term positive results by reducing expulsions and court referrals. Desert Oasis Continuation High School from Central Union High School District and Valley Community School for placement in one of the programs offered through the Imperial County Office of Education. These alternative programs, when matched to a pupil's needs, can produce positive outcomes.

## **Drug and Violence Prevention Programs**

The goals of the district's Drug Alcohol and Tobacco Education Program and other related community program include providing all K-12 pupils with a comprehensive drug and violence prevention program and providing all pupils in grades four through eight with a comprehensive tobacco use prevention education.

## **Truancy Learning Center/District Attorney Referral**

**Southwest High School** recognizes the importance of punctuality and regular attendance. The staff of **Southwest High School** shall accurately record the attendance record for all students. Parents of students with poor attendance will be contacted. Students with poor attendance due to medical issues will be referred to the school nurse. Should attendance problems continue, official action is to be taken, which could result in a referral to the School Attendance Review Board or a referral to the Imperial County District Attorney's Office with a request for prosecution of the parent and/or the student.

## **Megan's Law Notification**

The staff of **Southwest High School** shall receive Megan's Law Sex Offender Information from local law enforcement and that information shall be communicated with the public so that the information can be used to protect students and families. Megan's Law provides the public with photographs and

descriptive information on serious or high risk sex offenders residing in California who have been convicted of committing sex crimes and are required to register.

**SCHOOL SAFETY STRATEGY #4:** *Plan(s) and method(s) are available to identify isolated and troubled pupils, help foster positive relationships between school staff and pupils, and promote meaningful parental and community involvement.*

## **Parent/Guardian Involvement**

Staff members in effective and safe schools make persistent efforts to involve parents/guardian by: Informing them about discipline policies, procedures, and rules, and about their children's behavior, both desirable and undesirable; involving them in making decisions concerning school-wide disciplinary policies and procedures; and encouraging them to participate in prevention programs, intervention programs and crisis planning.

### **Southwest High School:**

- Effectively uses the School Site Council
- Notifies parents about, and encourages participation in parenting programs.
- Has established a school visitation procedure.
- Provides a newsletter to parents.
- Uses the School Accountability Report Card as a procedure to communicate to parents.
- Provides several opportunities for Teacher-Parent Conferences.
- Maintains an effective Homework Policy

Each classroom is arranged to help prevent aggressive behavior. High traffic areas are free of congestion. Pupils are in full view of the teacher so the teacher can easily monitor students' behavior. Teaching materials and student supplies are readily accessible to minimize student-waiting time. Seats are arranged so students can easily see instructional presentations and to reduce the opportunity for off-task behavior.

## **Parent Training: Promoting the Use of Community Resources**

**Southwest High School** advocates for the provision of community resources to help maximize the development of positive behavior and the suppression of antisocial behavior. Such training promises to maximize the parent's contribution to academic excellence and noteworthy social-development.

## Problem Solving Teams

School communities can enhance their effectiveness by identifying factors that result in violence and other problem behaviors. In-building, collaborative problem-solving teams are viewed as essential to successful prevention and intervention with aggressive behavior. Southwest High School utilizes a student study team to help address issues of problem behavior. These problem-solving efforts bring together school staff, parents, and when appropriate, involved community-based agencies and the pupil. The goal is to help identify, clarify, analyze and resolve issues concerning pupil, educational and familial concerns. The student study team is flexible enough to address individual problems and school-wide matters.

## Community Linkages

When working with parents and students with specific issues, the staff at Southwest High School will provide information to the families regarding available community resources. The staff of Southwest High School shall work closely with recognized local city, county and state agencies.

**SCHOOL SAFETY STRATEGY #5:** *Specific employees (e.g., the campus supervisor) use unique strategies to promote school safety.*

## Campus Supervisor and Administrative Positions

Schools can enhance physical safety by monitoring the surrounding school grounds-including landscaping, parking lots, and bus stops. Pupils can also be a good source of information. Peers often are the most likely group to know in advance about potential school violence.

Southwest High School employs a **vice-principal** and **campus security** whose job is designed to help increase school safety, prevent prohibited offenses, and promote positive student relationships. The **vice-principal** and **campus security** have developed procedures to monitor the school campus, the surrounding areas, and has designated the safe entrance and exit routes to school. Furthermore, recognizing that pupils are often the first to know of dangerous plans or actions, the principal **vice-principal** and **campus security** at Southwest High School makes himself/herself available for a pupil to safely report troubling behaviors that may lead to dangerous situations.

When it comes to school safety, pupils are taught not to keep secrets. Effective relationships between the principal **vice-principal** and **campus security** and pupils help initiate appropriate investigations, help staff learn of suspects in

school offenses, and help collect important knowledge about community conflicts that may have an impact on school safety.

## **Campus Disturbances and Crimes**

**Southwest High School** recognizes that campus disturbances and crimes may be committed by visitors and outsiders to the campus. Several steps have been taken to protect the school, staff, and pupils from safety threats by individuals visiting the campus area. In addition, disputes often occur because of parental custody disputes. The staff of **Southwest High School** will maintain in the student's record custody documentation provided by families and will request assistance from local law enforcement and the Office of Child Welfare and Attendance as needed.

## **Visitors and Disruptions to Educational Process**

**Southwest High School** is aware of the laws, policies and procedures, which govern the conduct of visitors to the school campus. **Southwest High School** uses continuing efforts to minimize the number of campus entrance and exit points used daily. Access to school grounds is limited and supervised on a regular basis by individuals, such as the campus supervisor; staff familiar with the student body. Campus traffic, both pedestrian and vehicular, flows through areas that can be easily and naturally supervised. Delivery entrances used by vendors are also checked regularly. The campus has perimeter fencing.

To ensure the safety of pupils and staff and avoid potential disruptions, all visitors to the campus, except pupils of the school and staff members, must register immediately upon entering any school building or grounds when school is in session.

**Southwest High School** has established a visible means of identification for visitors while on school premises (i.e. tag). Furthermore, the principal, designee or campus supervisor may direct an individual to leave school grounds if he/she has a reasonable basis for concluding that the person is committing an act that is likely to interfere with the peaceful conduct of school activities or that the person has entered the campus with the purpose of committing such an act.

**Southwest High School** has developed a notice for disruptive individuals and, when appropriate, exercises the authority to remove a visitor or outsider from the campus. Law enforcement is immediately contacted for individuals engaging in threatening conduct, including disturbing the peace.

**Southwest High School's** notice and removal system establishes sufficient documentation for civil law remedies as needed. For continuing disruptive behavior by a visitor or outsider, **Southwest High School** shall contact the district

office to determine whether to file for a temporary restraining order and injunction.

**SCHOOL SAFETY STRATEGY #6:** *At Southwest High School, effective procedures will followed to maintain a safe physical plant and school site.*

## Enhancing Physical Safety Practices

Schools can enhance physical safety by adjusting traffic flow patterns to limit potential for conflicts or altercations. Schools can enhance physical safety by having adults visibly present throughout the school building. This includes encouraging parents to visit the school.

Schools can enhance physical safety by conducting a building safety audit in consultation with the Office of Child Welfare and Attendance and/or law enforcement. Recent safety audits of Southwest High School, has identified the following issues:

- Southwest High School operates a closed campus, where pupils must have permission to leave the campus during school hours.
- Southwest High School has set a priority to keep buildings clean and maintained.
- Southwest High School ensures vehicle access around the building(s) for night surveillance and emergency vehicles.
- Southwest High School has established a procedure to have the school campus fully lighted at night.
- Southwest High School keeps a complete list of staff members who have keys to building(s).
- Southwest High School does not allow graffiti to remain on walls. The procedure involves following the three “R’s” after discovery of graffiti—read, record (i.e. photograph or videotape) and remove. Inflammatory bathroom graffiti is removed daily upon discovery.
- Southwest High School offers school or community-based activities for students after school and on the weekends.
- Southwest High School has instituted after-school academic and recreational programs for latchkey students.

# School Safety Compliance

## Child Abuse Reporting and Procedures

Central Union High School District : BP 5141.4

Students

Child Abuse Reporting Procedures

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

(cf. 5141.41 - Child Abuse Prevention)

(cf. 5142 - Safety)

Employees who are mandated reporters, as defined by law and district 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 reporting, investigating and prosecuting cases of child abuse and neglect.

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

(cf. 4131 - Staff Development)

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)

Parents/guardians may contact the Superintendent or designee to obtain procedures for filing a complaint against a district employee or other person whom they suspect has engaged in abuse of a child at a school site.

(cf. 1312.1 - Complaints Concerning District Employees)

*Legal Reference:*

## *EDUCATION CODE*

*33308.1 Guidelines on procedure for filing child abuse complaints*  
*44690-44691 Staff development in the detection of child abuse and neglect*  
*48906 Notification when student released to peace officer*  
*48987 Dissemination of reporting guidelines to parents*

## *PENAL CODE*

*152.3 Duty to report murder, rape or lewd or lascivious act*  
*273a Willful cruelty or unjustifiable punishment of child; endangering life or health*  
*288 Definition of lewd or lascivious act requiring reporting*  
*11164-11174.3 Child Abuse and Neglect Reporting Act*

## *WELFARE AND INSTITUTIONS CODE*

*15630-15637 Dependent adult abuse reporting*  
*CODE OF REGULATIONS, TITLE 5*  
*4650 Filing complaints with CDE, special education students*  
*Management Resources:*

## *CDE LEGAL ADVISORIES*

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

## *WEB SITES*

*CDE: <http://www.cde.ca.gov>*  
*School/Law Enforcement Partnership: <http://www.cde.ca.gov/spbranch/safety/partnership.html>*  
*California Attorney General: <http://caag.state.ca.us>*  
*California Department of Social Services: <http://www.dss.cahwnet.gov>*  
*Governor's Office of Criminal Justice Planning: <http://www.ocjp.ca.gov>*

# Suspected Child Abuse Reporting Procedures

## I. Initiating the Report

- A. The report is initiated by a telephone report to the appropriate agency.
- B. If the suspected child abuse has taken place within the family, call the Enter appropriate Agency Hotline at [Enter Phone Number]
- C. If the suspected child abuse has taken place outside the family, call the local police department at:

El Centro Police Department  
352-2111

## D. Content of call.

- 1) Name, address and age of child involved.
- 2) Clear description of suspected abuse.

## II. Written Report

- A. The telephone call is to be followed by completion of the Suspected Child Abuse Report (form 11166.P.C.). These forms are available in the Principal's office at the high school or you may call the [Enter School Contact or Local Agency] at [Enter Phone Number] for a form.
- B. The written report is to be addressed to the person to whom the telephone report was made.
- C. The written report must follow the phone call within 36 hours.
  - 1. Suspected child abuse within the family, {Child Protective Services} {2995 S. 4<sup>TH</sup>, suite 101}, El Centro, California 92243
  - 2. Suspected child abuse outside the family should be mailed to the agency to which the report was called -

The reporting party should keep the yellow copy of the Suspected Child Abuse Report form (SS8572) or verification of completion of the reporting obligation.

Caution:

1. The reporting responsibility has not been discharged until both the telephone call and written reports are complete.
2. School personnel are not to engage in any investigation of suspected cases. The investigation will be done by the child protective services office.
3. The reporting responsibility is an individual one which is NOT discharged by report to supervisors or administrators.

# Suspension and Expulsion Policies

Central Union High School District

BP: 5144.1

Students

## Suspension and Expulsion

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

(cf. 5144 - Discipline)

Suspended or expelled students shall be excluded from all school-related extracurricular activities during the period of suspension or expulsion.

(cf. 6145 - Extracurricular and Co curricular Activities)

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

Expulsion is an action taken by the Board for severe or prolonged breaches of discipline by a student. Except for single acts of a grave nature, expulsion is usually used only when there is a history of misconduct, when other forms of discipline, including suspension, have failed to bring about proper conduct, or when the student's presence causes a continuing danger to him/herself or others. (Education Code 48915)

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

Each principal shall annually inform all students and parents/guardians of the school's discipline rules and procedures and of the availability of all district policies and regulations dealing with student discipline, suspension and expulsion. (Education Code 35291, 35291.5)

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

## Zero Tolerance (Grades 4-12)

The Board supports a zero tolerance approach to serious offenses. This approach makes the removal of potentially dangerous students from the classroom a top priority. It ensures fair and equal treatment of all students and requires that all offenders be punished to the fullest extent allowed by law. Staff shall immediately report to the Superintendent or the Director of Student Services, any incidence of offenses specified in law, Board policy and administrative regulation as cause for suspension or expulsion.

The Superintendent or designee shall notify staff, students and parent/guardians about the district's zero tolerance policy and the consequences which may result from student offenses. He/she shall also ensure strict enforcement of this policy.

## Student Due Process

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

(cf. 5119 - Students Expelled from other Districts)

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

## On-Campus Suspension Program

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

The Superintendent or designee shall establish a supervised in-house suspension program which meets the requirements of law for suspended students who pose no imminent danger or threat at school and for whom an expulsion action has not been initiated.

The Superintendent or designee shall examine alternatives to off-campus suspension and may establish a suspension program which involves progressive discipline during the school day on campus; use of conferences between staff, parents/guardians and students; detention; student study teams or other

assessment-related teams; and/or referral to school support services staff. The use of such alternatives does not preclude off-campus suspensions.

### Required Parental Attendance

The Board believes that parental involvement plays an important role in the resolution of classroom behavior problems. The Board expects that teachers will communicate with parents/guardians when behavior problems arise. The Board recognizes that current law enables parents/ guardians to be absent from work without endangering their employment status in order to attend a portion of their child's school day at a teacher's request. Besides furthering improved classroom behavior, such attendance should promote positive parent-child interactions.

Whenever a student is removed from a class because he/she committed an obscene act, engaged in habitual profanity or vulgarity, disrupted school activities or otherwise willfully defied valid staff authority, the teacher of the class from which the student was removed may provide that the student's parent/guardian attend a portion of a school day in that class. After completing the classroom visit and before leaving school premises, the parent/guardian also shall meet with the principal or designee. (Education Code 48900.1)

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

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

Parental attendance may be requested on the day the student returns to class or within one week thereafter. The principal or designee shall contact any parents/guardians who do not respond to the request to attend school. The Board recognizes that parental compliance with this policy may be delayed, modified or prevented for reasons such as serious illness/injury/disability, absence from town, or inability to get release time from work.

District regulations and school site rules for student discipline shall include procedures for implementing parental attendance requirements.

### Decision not to Enforce Expulsion Order

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

Parents/guardians shall be notified of this policy before it is implemented and at the beginning of each subsequent school year. (Education Codes 48900.1, 35291, 48980)

District regulations and school-site rules for student discipline shall include procedures for implementing parental attendance requirements.

#### Legal Reference:

##### *EDUCATION CODE*

*212.5 Sexual harassment*  
*233 Hate violence reductions*  
*1981 Enrollment of students*  
*17292.5 Program for expelled students*  
*32050 Hazing*  
*35146 Closed sessions (re suspensions)*  
*35291 Rules (for government and discipline of schools)*  
*35291.5 Rules and procedures on school discipline*  
*48660-48666 Community day schools*  
*48900-48926 Suspension and expulsion*  
*48950 Speech and other communication*  
*49073-49079 Privacy of student records*

##### *CIVIL CODE*

*47 Privileged communication*

##### *CODE OF CIVIL PROCEDURE*

*1985-1997 Subpoenas; means of production*

##### *GOVERNMENT CODE*

*11455.20 Contempt*  
*54950-54963 Ralph M. Brown Act (re closed sessions)*

##### *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*

240 Assault defined  
242 Battery defined  
243.4 Sexual battery  
245 Assault with deadly weapon  
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  
417.25-417.27 Laser scope  
422.6 Interference with civil rights; damaging property  
422.7 Aggravating factors for punishment  
422.75 Protected classes  
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

#### *COURT DECISIONS*

*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, 308*  
*Woodbury v. Dempsey (2003) 108 Cal. App. 4th 421*

#### *ATTORNEY GENERAL OPINIONS*

80 Ops.Cal.Atty.Gen. 347 (1997)  
80 Ops.Cal.Atty.Gen. 91 (1997)  
80 Ops.Cal.Atty.Gen. 85 (1997)  
*UNITED STATES CODE, TITLE 20*  
7151 Gun free schools

*Management Resources:*

#### *CDE PROGRAM ADVISORIES*

0306.96 Expulsion Policies and Educational Placements, SPB 95/96-04

# Due Process

## Central Union High School District

BP: 5144.1

Administrative Regulation

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

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

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

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

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

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

## **NOTICE OF REGULATIONS**

At the beginning of each school year, the principal of each school shall ensure that all students and parents/guardians are notified in writing of all school rules related to discipline, suspension and expulsion. Transfer students and their parents/guardians shall be notified at the time of enrollment. (Education Code 35291.5, 48900.1, 48980)

(cf. 5144 - Discipline)

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

(cf. 5145.6 - Parental Notifications)

## **GROUNDINGS FOR SUSPENSION AND EXPULSION**

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

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

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

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

(cf. 5131 - Conduct)

(cf. 5131.7 - Weapons and Dangerous Instruments)

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

(cf. 5131.6 - Alcohol and Other Drugs)

4. Unlawfully offered, arranged, or negotiated to sell any controlled substance as defined in Health and Safety Code 11053-11058, alcoholic beverage or intoxicant of any kind, and then sold, delivered or otherwise furnished to any person another liquid, substance or material and represented same as controlled substance, alcohol beverage or intoxicant. (Education Code 48900(d))

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

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

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

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

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

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

11. Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, other school officials, or other school personnel engaged in the performance of their duties. (Education Code 48900(k))

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

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

14. Committed or attempted to commit a sexual assault as defined in Penal Code 261, 266c, 286, 288, 288a or 289, or committed a sexual battery as defined in Penal Code 243.4. (Education Code 48900(n))

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

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

Pursuant to Education Code 48900.7, the making of a terrorist threat includes any written or oral statement by a person who willfully threatens to commit a crime which will result in death, great bodily injury to another person or property damage in excess of \$1,000.00, 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.

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

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

Pursuant to Education Code 48900.2 the conduct constitutes harassment when considered from the perspective of a reasonable person of the same gender as the victim to be 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.

(cf. 5145.7 - Sexual Harassment)

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

(cf. 5145.9 - Hate-Motivated Behavior)

Education Code 233 defines "hate violence" as any act punishable under Penal Code 422.6, 442.7 or 422.75. Such acts include injuring or intimidating another person, interfering with the exercise of a person's civil rights, or damaging a person's property because of the person's race, color, religion, ancestry, national origin, disability, gender or sexual orientation.

19. Intentionally harassed, threatened or intimidated a student or group of students to the extent of having the actual and reasonably expected effect of materially disrupting class work, creating substantial disorder, and invading student rights by creating an intimidating or hostile educational environment. (Education Code 48900.4)

(cf. 5145.3 - Nondiscrimination/Harassment)

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

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

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

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

*(cf. 5113 - Absences and Excuses)*

*(cf. 5113.1 - Truancy)*

## **REMOVAL FROM CLASS BY A TEACHER/PARENTAL ATTENDANCE**

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

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

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

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

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

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

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

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

This notice shall also:

1. Inform the parent/guardian when his/her presence is expected and by what means he/she may arrange an alternate date.
2. Describe the legal protections afforded to the parent/guardian as an employee under Labor Code 230.7.
3. State that if the parent/guardian does not have a means of transportation to school, he/she may ride the school bus with the student.
4. Ask the parent/guardian to meet with the principal after the visit and before leaving school, as required by Education Code 48900.1.

### **SUSPENSION BY SUPERINTENDENT, PRINCIPAL OR PRINCIPAL'S DESIGNEE**

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

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

1. Possessing, as verified by a district employee, or selling or otherwise furnishing a firearm, unless the student had obtained prior written permission to

possess the item from a certificated school employee, with the principal or designee's concurrence.

2. Brandishing a knife, as defined in Education Code 48915(g), at another person.
3. Unlawfully selling a controlled substance listed in Health and Safety Code 11053-11058.
4. Committing or attempting to commit a sexual assault or committing a sexual battery as defined in item #14 under "Grounds for Suspension and Expulsion".
5. Possession of an explosive as defined in 18 USC 921.

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

A student may be suspended from school for not more than 20 school days in any school year, unless for purposes of adjustment a student enrolls in or is transferred to another regular school, an opportunity school, or continuation school or class, in which case suspension shall not exceed 30 days in any school year. However, this restriction on the number of days of suspension does not apply when the suspension is extended pending an expulsion. (Education Code 48903, 48912)

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

Suspensions shall be initiated according to the following procedures:

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

This conference may be omitted if the principal, designee or the Superintendent determines that an emergency situation exists. An "emergency situation" involves a clear and present danger to the lives, safety or health of students or school

personnel. If a student is suspended without this conference, both the parent/guardian and student shall be notified of the student's right to return to school for the purpose of a conference. The conference shall be held within two school days, unless the student waives his/her right to it or is physically unable to attend for any reason. In such case, the conference will be held as soon as the student is physically able to return to school. (Education Code 48911(c))

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

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

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

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

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

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

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

Any extension of the original period of suspension shall be preceded by notice of such extension with an offer to hold a conference concerning the extension, giving the student an opportunity to be heard. This conference may be held in

conjunction with a meeting requested by the student or parent/guardian to challenge the original suspension. Extension of the suspension may be made only if the Superintendent or designee determines, following a meeting in which the student and the student's parent/guardian were invited to participate, that the student's presence at the school or at an alternative school would endanger persons or property or threaten to disrupt the instructional process. (Education Code 48911)

## **SUSPENSION BY THE BOARD**

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

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

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

(cf. 9321 - Closed Session Purposes and Agendas)

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

## **ON-CAMPUS SUSPENSION PROGRAM**

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

1. The supervised suspension classroom shall be staffed in accordance with law.
2. The student shall have access to appropriate counseling services.

3. The supervised suspension classroom shall promote completion of schoolwork and tests missed by the student during the suspension.

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

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

### **AUTHORITY TO EXPEL**

A student may be expelled only by the Board. The Board shall expel, as required by law, any student found to have committed certain offenses listed below under "Mandatory Recommendation and Mandatory Expulsion."

The Board also may order a student expelled for any of the acts listed under "Grounds for Suspension and Expulsion" upon recommendation by the principal, Superintendent, hearing officer or administrative panel, based on finding 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.

### **MANDATORY RECOMMENDATION FOR EXPULSION**

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

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

4. Robbery or extortion.

5. Assault or battery, as defined in Penal Code 240 and 242, upon any school employee.

### **MANDATORY RECOMMENDATION AND MANDATORY EXPULSION**

Note: The Attorney General has determined, in 80 Ops.Cal. Atty. Gen. 347 (1997), that a district may not adopt a zero tolerance policy mandating expulsion of a student for a first offense of possession of a controlled substance or alcohol.

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

1. Possessing, as verified by a district employee, or selling or otherwise furnishing a firearm, unless the student had obtained prior written permission to possess the item from a certificated school employee, with the principal or designee's concurrence.

2. Brandishing a knife as defined in Education Code 48915(g) at another person.

3. Unlawfully selling a controlled substance listed in Health and Safety Code 11053-11058

4. Committing or attempting to commit a sexual assault or committing a sexual battery as defined in item #14 under "Grounds for Suspension and Expulsion" above.

5. Possessing an explosive as defined in 18 USC 921.

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

The initial recommendation for consideration of expulsion is that of the school principal or the Superintendent. Designees may not make this type of recommendation.

The recommendation for consideration of expulsion shall be submitted to the Director, Office of Student Services, who will review the material and recommend:

1. Reassignment to appropriate regular education program.

2. Refer student to Alternative Program; i.e., Community School, Independent Study, Continuation or Opportunity School, or other district programs.

3. Refer the matter to the Discipline Review Panel for further consideration.

When a case is referred to the discipline Review Panel, the panel shall question school personnel who have information on the incident and the behavior record of the student charged and weigh the evidence presented.

The panel shall, in the case of an expulsion consideration, weigh information presented to determine:

- a. Is the evidence sufficient to support consideration by the expulsion panel?
- b. Has the district, through the schools involved, considered or utilized alternatives to expulsion when possible?
- c. Have due process procedures been adhered to?

The recommendation shall be either to proceed with the expulsion or to utilize an existing practical alternative in lieu of expulsion.

If the district (school) has not adhered to due process requirements, the student shall be returned to school immediately.

If the Discipline Review Panel meets to consider a matter other than an expulsion, it shall provide its best judgment as to an effective alternative program or plan to action.

The recommendation of the Discipline Review Panel shall be forwarded to the Director, Office of Student Services, who shall then review the facts, concur, veto or modify the recommendation.

4. That an expulsion panel be convened.

At the time a recommendation for expulsion is submitted, a hearing shall be scheduled by the Superintendent or designee to determine whether the suspension shall be extended. If the decision is to extend the suspension, the period of time shall be until the Board has rendered a decision or until the expulsion process is otherwise terminated.

The extension of suspension shall be based upon determination by the Superintendent or designee that the presence of the student at the school or in an alternative school placement would cause a danger to persons or property or a threat of disrupting the instructional process. This extension shall be imposed only after the student and the parent/guardian have been given the opportunity to be present at a hearing conducted by the Superintendent or designee. At this time, the student and parent/guardian shall be given the opportunity to be heard and present any information that might bear upon the decision.

Materials which support the decision of the person recommending the expulsion shall be prepared and submitted to the Office of Student Services. The departments of Attendance, Guidance, Special Education and/or Health may be requested to assist in the preparation of this material.

### **STUDENT'S RIGHT TO EXPULSION HEARING**

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

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

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

If the Board finds it impractical to comply with the time requirements of the expulsion hearing due to 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 no 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))

### **WAIVER OF HEARING (DEFAULT PROCEEDINGS)**

If the parent/guardian agrees that their son/daughter behaved essentially in the manner stated in the principals letter recommending expulsion and that such behavior constitutes a violation of the California Education Code, Section 48900, 48900.2, 48900.3, 48900.4, 48900.7 and/or 48915 a suspendable/expellable offense, the parent/guardian may request to waive the Administrative Hearing Panel.

When the parent/guardian agrees to waive the Administrative Hearing Panel, they also waive all notification and timelines related to the expulsion hearing process, along with their rights to appeal the determination of the Board.

The signed affidavit and findings of fact will be submitted to the Board for their approval. The Board has the discretionary power to accept, reject, or modify all recommendations.

## **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 all the following: (Education Code 48918.5)

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

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

Written Notice of the Expulsion Hearing (Education Code 48918(b))

Written notice of the 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 and/or be represented by legal counsel or by a non-attorney advisor.

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

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

6. The right to inspect and obtain copies of all documents to be used at the hearing.

7. The opportunity to confront and question all witnesses who testify at the hearing.

8. The opportunity to question all evidence presented and to present oral and documentary evidence on the student's behalf, including witnesses.

## **CONDUCT OF EXPULSION HEARING**

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

Whether the expulsion hearing is held in closed or public session, the Board may meet in closed session to determine if the student should be expelled. If the Board admits any other person to the closed session, the parent/guardian, the student, and the counsel of the student, shall also be allowed to attend the closed session. (Education Code 48918(c))

If a hearing that involves a charge of sexual assault or sexual battery is to be conducted in public, a complaining witness shall have the right to have his/her testimony heard in closed session when testifying in public would threaten serious psychological harm to the witness and when there are no alternative

procedures to avoid the threatened harm, including but not limited to videotaped deposition or contemporaneous examination in another place communicated to the hearing room by closed-circuit television. (Education Code 48918(c))

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

3. Subpoenas: Before commencing a student expulsion hearing, the Board may issue subpoenas, at the request of either the student or the Superintendent or designee, for the personal appearance at the hearing of any person who actually witnessed the action that gave rise to the recommendation for expulsion. After the hearing has commenced, the Board or the hearing officer or administrative panel may issue such subpoenas at the request of the student or the County Superintendent of Schools or designee. All subpoenas shall be issued in accordance with the Code of Civil Procedure 1985-1985.2 and enforced in accordance with Government Code 11455.20, formerly 11525. (Education Code 48918(i))

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

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

4. Presentation of Evidence: While technical rules of evidence do not apply to expulsion hearings, evidence may be admitted and used as proof only if it is the kind of evidence on which reasonable persons can rely in the conduct of serious affairs. The decision of the Board to expel must be supported by substantial evidence that the student committed any of the acts listed in "Grounds for Suspension and Expulsion" above.

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

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

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

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

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

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

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

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

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

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

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

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

(3) The person conducting the hearing may:

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

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

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

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

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

#### **ALTERNATIVE EXPULSION HEARING: HEARING OFFICER OR ADMINISTRATIVE PANEL**

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

A hearing conducted by the hearing officer or administrative panel shall conform to the same procedures as apply to a hearing conducted by the Board as specified in "Conduct of Expulsion Hearing."

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

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

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

In accordance with Board policy, the hearing officer or administrative panel may recommend that the Board suspend the enforcement of the expulsion for a period of one year. (See "Decision Not to Enforce Expulsion Order" below.)

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

### **THE DISCIPLINE REVIEW PANEL**

The Discipline Review Panel will consist of elementary educators when a review is being made of an elementary student and of secondary educators when a review is being made of secondary student.

1. The Discipline Review Panel shall hear the following types of disciplinary cases:

- a. Requests for expulsion from site principals or the Superintendent.
- b. School site administrative requests for assistance (non-expulsion situations).

2. Each discipline review panel shall consist of three certificated persons plus a chairperson and shall consist of elementary educators when a review is being made of an elementary student and of secondary educators when a review is being made of a secondary student. A panelist may not serve on any panel involving a student who is currently attending the school in which he/she is assigned. A representative from Student Services shall be a nonvoting member of each panel.

A chairperson and assistant chairperson, to serve when the chairperson is unable to serve, shall be appointed by the Superintendent or designee and shall serve at his/her pleasure. Neither shall be a member of the Student Services staff.

A pool of panelists shall be established which shall be composed of personnel who have served or are currently serving as members of administrative expulsion panels. The committee chairman shall select members to serve on individual panels.

The meetings of the discipline review panel are open to school district personnel only.

The duties of the Discipline Review Panel are as follows:

1. The chairperson shall call a meeting of the panel as soon as possible, but no later than 10 school days after the receipt of notice of a pending case.
2. A recommendation must be forwarded to the Director, Office of Student Services, within three days of the review hearing.
3. In the event a member of the committee cannot be present at a meeting, the Director, Office of Student Services, will appoint an alternate from the pool to attend.

### **FINAL ACTION BY THE BOARD**

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

(cf. 9321.1 - Closed Session Actions and Reports)

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

Upon ordering an expulsion, the Board shall set a date when the student shall be reviewed for readmission to a school within the district. For a student expelled for an act listed under "Mandatory Recommendation and Mandatory Expulsion" above, this date shall be one year from the date the expulsion occurred, except that the Board may set an earlier date on a case-by-case basis. For a student expelled for other acts, this date shall be no later than the last day of the semester following the semester in which the expulsion occurred. (Education Code 48916)

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

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

With parental 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 the student or parent/guardian. This notice shall include the following:

1. The specific offense committed by the student for any of the causes for suspension or expulsion listed in Education Code 48900 (a)-(o), Education Code 48900.2-48900.4, Education Code 48915 (c) and (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 Governing Board. (Education Code 48918)
4. Notice of the alternative educational placements to be provided to the student during the time of expulsion. (Education Code 48918)
5. Notice of the student's or parent/guardian's obligation to inform any new district in which the student seeks to enroll of the student's status with the expelling district, pursuant to Education Code 48915.1 (Education Code 48918).

## **DECISION NOT TO ENFORCE EXPULSION ORDER**

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

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

The suspension of the enforcement of an expulsion shall be governed by the following: (Education Code 48917)

1. The Board may, as a condition of the suspension of enforcement, assign the student to a school, class or program appropriate for the student's rehabilitation. This rehabilitation program may provide for the involvement of the student's parent/guardian in the student's education. However, a parent/guardian's refusal to participate in the rehabilitation program shall not be considered in the Board's determination as to whether the student has satisfactorily completed the rehabilitation program.

2. During the period when enforcement of the expulsion order is suspended, the student shall be on probationary status.

3. The suspension of the enforcement of an expulsion order may be revoked by the Board if the student commits any of the acts listed under “Grounds for Suspension and Expulsion” above or violates any of the district’s rules and regulations governing student conduct.

4. When the suspension of the enforcement of an expulsion order is revoked, a student may be expelled under the terms of the original expulsion order.

5. Upon satisfactory completion of the rehabilitation assignment, the Board shall reinstate the student in a district school. Upon reinstatement, the Board may order the expunging of any or all records of the expulsion proceedings.

6. Suspension of the enforcement of an expulsion order shall not affect the time period and requirements for the filing of an appeal of the expulsion order with County Board of Education.

7. The Superintendent or designee shall send written notice of any decision to suspend the enforcement of an expulsion order during a period of probation to the student or parent/guardian. The notice shall also inform the parent/guardian of the right to appeal the expulsion to the County Board of Education. (Education Code 48918 (j))

## **RIGHT TO APPEAL**

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

## **POST-EXPULSION PLACEMENTS**

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

1. Appropriately prepared to accommodate students who exhibit discipline problems.

2. Not provided at a comprehensive middle, junior or senior high school or at any elementary school, unless the program is offered at a community day school established at such a site.

3. Not housed at the school site attended by the student at the time of suspension.

(cf. 6185 - Community Day School)

When the placement described above is not available, and when the County Superintendent of Schools so certifies, students expelled for acts described in items #6 through #13 and #17 through #19 under “Grounds for Suspension and Expulsion” may be instead referred to a program of study that is provided at another comprehensive middle, junior, or senior high school, or at an elementary school. (Education Code 48915)

The program for a student expelled from any of grades K-6 shall not be combined or merged with programs offered to students in any of grades 7-12. (Education Code 48916.1)

### **READMISSION AFTER EXPULSION**

Readmission procedures shall be as follows:

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

students, including placement in a county community school. (Education Code 48916)

7. The Board shall provide written notice to the expelled student and parent/guardian describing the reasons for denying readmittance into the regular program. This notice shall indicate the Board's determination of the educational program which the Board has chosen. The student shall enroll in that program unless the parent/guardian chooses to enroll the student in another school district. (Education Code 48916)

## **MAINTENANCE OF RECORDS**

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

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

(cf. 5119 - Students Expelled from Other Districts)

(cf. 5125 - Student Records)

## **NOTIFICATIONS TO LAW ENFORCEMENT AUTHORITIES**

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

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

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

## **OUTCOME DATA**

The Superintendent or designee shall maintain the following data and report such data annually to the California Department of Education, using forms supplied by the California Department of Education: (Education Code 48900.8, 48916.1)

1. The number of students recommended for expulsion.
2. The grounds for each recommended expulsion.
3. Whether the student was subsequently expelled.
4. Whether the expulsion order was suspended.
5. The type of referral made after the expulsion.
6. The disposition of the student after the end of the expulsion period.

# PROCEDURES FOR NOTIFYING TEACHERS ABOUT DANGEROUS PUPILS

Each September and February, all teachers are provided with a list of enrolled students who have one or more suspensions of a serious or violent nature. This list includes student suspensions for the current year plus the previous three years. The following procedure is used in notifying teachers of the suspension history:

1. Suspension lists are provided to each teacher using a routing sheet. All teachers sign the routing slip indicating their review of the data.
2. Teachers are advised about the confidential nature of the data.
3. All routing sheets and suspension reports are to be returned and filed in the school office.

To notify teachers of suspensions as they occur during the school year, the following process is used:

1. Teachers are provided with a copy of the student suspension form.
2. Teachers are advised about the confidential nature of the data.

When students are administratively transferred from one school to another for disciplinary reasons, teachers (to whom the student is assigned) at the new school are notified by the school administration and provided with written information about reasons for the student's transfer and a copy of the student's behavior contract. Copies of the written notice are maintained in the school office.

When the district receives information from the juvenile court system that a student has been convicted of the serious or violent crime requiring teacher notification, the principal and the teachers are provided with written notice from the district Student Services Department. Copies of this notice are maintained in the school office and the district Student Services' Office.

Central Union High School District

# Sexual Harassment Policy

Central Union High School District  
BP: 5145.7

Personnel

## SEXUAL HARASSMENT

The district prohibits sexual harassment in the work place and shall act promptly, visibly and vigorously in demonstrating strong disapproval of sexual harassment in the work place. The Superintendent or designee shall develop appropriate procedures to ensure that employees have a work place free of sexual harassment and to provide a mechanism for resolution of complaints of sexual harassment.

Legal Reference:

## EDUCATION CODE

200 et al. Prohibition of discrimination on the basis of sex  
212.5 Sexual harassment, defined  
230 Particular practices prohibited, including sexual harassment

TITLE VII, CIVIL RIGHTS ACT as amended by Title IX, Equal Employment Opportunity Act  
Meritor Savings Bank, FSB v. Vinson et al.  
86 Daily Journal D.A.R. 2130

In accordance with Board policy prohibiting sexual harassment in the work place, the purpose of this regulation is to provide a procedure to handle complaints of sexual harassment.

## SEXUAL HARASSMENT DEFINED

Pursuant to Education Code [212.5](#), unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

1. Submission to the conduct is made either an explicit or implicit condition of employment, status, or promotion.
2. Submission to or rejection of the conduct is used as the basis for an employment decision affecting the harassed employee.

3. The harassment substantially interferes with an employee's work performance or creates an intimidating, hostile, or offensive work environment.

4. Submission to, or rejection of, the conduct is the basis for any decision affecting benefits, services, honors, programs, or other available activities.

Unlawful sexual harassment under the Fair Employment and Housing Act (FEHA) also includes unwelcome sexual advances of an employer toward an employee of the same sex and harassment on the basis of pregnancy disability. [Gov. Code 12940 (h) (3) (c)]

## **EXAMPLES OF SEXUAL HARASSMENT**

By way of example, sexual harassment includes, but is not limited to:

1. Making unsolicited written, verbal or physical contact with sexual overtones.

2. Visual conduct: leering or suggestive eye contact, making sexual gestures, posting or circulating sexually suggestive objects or pictures, cartoons, or posters.

3. Verbal conduct: making or using derogatory comments, epithets, slurs, and jokes bragging about sexual exploits, using terms with double meanings (one of which is sexual).

4. Verbal abuse of a sexual nature, graphic verbal commentaries about an individual's body, sexually degrading words used to describe an individual, suggestive or obscene letters, notes, or invitations.

5. Physical conduct: touching, assault, impeding or blocking movements, touching oneself or another.

6. Continuing to express sexual interest after being informed that the interest is unwelcome. (Reciprocal attraction is not considered sexual harassment.)

7. Making reprisals, threats of reprisal, or implied threats of reprisal following a negative response. For example, either implying or actually withholding support for an appointment, promotion or change of assignment; suggesting a poor performance report will be prepared; or suggesting probation will be failed.

8. Engaging in implicit or explicit coercive sexual behavior which is used to control, influence or affect the career, salary and/or work environment or another employee.

9. Offering favors or employment benefits, such as promotions, favorable performance evaluations, favorable assignments, favorable duties or shifts, recommendations or re-classifications, in exchange for sexual favors.

## **COMPLAINT PROCESS**

1. Employees may report incidents of sexual harassment to any supervisor, manager, or administrator at the school site or in the department where they are working. If there is no supervisor, manager, or administrator to whom the employee is comfortable reporting the incident, the report may be made to the next higher level in the chain of command.

2. Any supervisor, manager, or administrator who has received a report, verbally or in writing, from any employee regarding sexual harassment of that employee or another employee by a student or adult in the work place must forward that report to the Cabinet level administrator within twenty-four (24) hours, or within a reasonable extension of time thereafter for good cause.

3. All complaints of sexual harassment will be investigated and promptly resolved.

4. Upon receipt of an allegation of sexual harassment, the supervisor, manager, or administrator will designate an investigator who will initiate an investigation into the complaint within 48 hours.

5. The school district will designate management employees at each work site who are trained to investigate sexual harassment complaints.

6. After completion of the investigation, the manager will render his/her findings and a recommended disposition of the complaint. In determining whether the alleged conduct constitutes sexual harassment, the manager will look at the record as a whole and the totality of the circumstances, including the nature of the alleged sexual harassment and the context in which the alleged incidents occurred.

7. If the complainant is not satisfied by the report of the manager and the recommended disposition, he/she may submit the matter to the appropriate Cabinet officer. The complainant shall make an appeal in writing stating the reasons why the complainant is dissatisfied with the report and recommended disposition. This written appeal shall be on a form prescribed by the district and shall be signed by the complainant.

8. The Cabinet officer shall review the basis for complainant's appeal and the report and recommended disposition compiled by the manager. The Cabinet officer may make a decision based on the record presented or, if he/she determines it is necessary, collect any additional information deemed necessary.

The decision of the Cabinet officer may be appealed to the Superintendent or designee and then to the Board using the same appeal process and form.

## **ENFORCEMENT**

Each work site supervisor, manager, and administrator has full responsibility for maintaining a work environment free of sexual harassment. Work site managers shall take appropriate actions to reinforce the district's sexual harassment policy. These actions will include:

1. Maintaining an available supply of the policy and the district's brochures and materials regarding this policy.
2. Prompt removal of vulgar or sexually offensive graffiti or other displays.
3. Providing annual staff in-services within the first four weeks of each work year.
4. Taking appropriate disciplinary action as needed.
5. All supervisors, managers, and administrators shall instruct employees on the procedure for reporting sexual harassment on an as needed basis.
6. Employees determined to have violated district prohibition against sexual harassment shall be subject to disciplinary action up to and including termination from employment. Disciplinary actions may include, but are not limited to:
  - a. Verbal and written warnings.
  - b. Written reprimands.
  - c. Suspension with or without pay.
  - d. Transfer to another work location.
  - e. Demotion and termination.
7. A violation of policy or regulations shall constitute just and reasonable cause for discipline and shall be deemed to be a violation of and refusal to obey the school laws of California and reasonable regulations prescribed for the government of the district by the Board under Education Code [44932](#).

## **CONFIDENTIALITY**

District employees involved in processing sexual harassment complaints shall endeavor in good faith to protect the privacy of all parties involved in a complaint

of sexual harassment. Files pertaining to sexual harassment complaints shall not be made available to the general public.

## **RECORDS**

Copies of all reports of sexual harassment shall be forwarded to the chief personnel officer who is responsible for maintaining overall district records of incidents. Such records and reports shall not be made available to the general public.

## **EDUCATIONAL OUTREACH**

As a means of preventing sexual harassment, the Superintendent shall ensure that all employees are notified of the adoption of policies and procedures to prevent sexual harassment. Each manager of a work site shall have a plan on file for providing staff in-service and procedures relative to sexual harassment education and the policies, regulations, and procedures.

## **REPORTING TO OUTSIDE AGENCIES**

Federal Equal Employment Opportunity Commission

Employees who have been sexually harassed may have the right to file complaints with Federal regulatory agencies. Time limits for filing complaints with Federal regulatory agencies vary. The employee should check directly with this agency for specific instructions for filing a complaint:

Equal Employment Opportunity Commission

State of California Department of Fair Employment and Housing

Employees or job applicants who believe that they have been sexually harassed may, within one year of the harassment, file a complaint of discrimination with the California Department of Fair Employment and Housing. The Department serves as a neutral fact-finder and attempts to help the parties voluntarily resolve disputes. If the Department finds evidence of sexual harassment and settlement efforts fail, the Department may file a formal accusation against the employer and the harasser. The accusation will lead to either a public hearing before the Fair Employment and Housing Commission or a lawsuit filed on the complainant's behalf by the Department. If the Commission finds that harassment occurred, it can order remedies, including up to \$50,000 in fines or damages for emotional distress from each employer or harasser charged. In addition, the Commission may order hiring or reinstatement, back pay, promotion, and changes in the policies or practices of the involved employer. A court may order unlimited damages. For more information, employees should contact the [Enter Appropriate Agency] office as follows:

## State of California

### Retaliation Prohibited

The district prohibits retaliatory behavior against any complainant or any participant in the complaint process. The initiation of a complaint of sexual harassment will not negatively reflect on the employee who initiates the complaint, nor will it affect the employee's job assignment, status, rights, privileges, or benefits.

# SCHOOL DRESS CODE

In accordance with board policy and the Education Code 35183. 35183.5, 48907, 49066, and Code of Regulations Title 5, 302 both students and staff of the school campus have the constitutional right to be safe and secure in their schools. Students will come to school having paid proper attention to their personal cleanliness and neatness of dress

## POLICY

A student may not attend classes in a manner which:

1. Creates a safety hazard
2. Distracts from learning
3. Disrupts any school activity.
4. The Administration reserves the right to determine:
  - a. Clothing or accessories that the Administration feels presents a threat to the student\*s well being or safety
  - b. Clothing, hairstyles, or accessories which are distracting or disruptive to the learning environment

## GUIDELINES

The following are NOT permitted on campus:

1. Dresses and shorts which are shorter than mid-thigh
2. Tank tops (white, ribbed undershirts)
3. Clothing or accessories which are sexually provocative
4. Clothing or accessories which identify a student with non-school clubs, profanity, obscenity, reference to drugs, alcohol, tobacco, gangs (excessive color) or prison culture name insignia
5. Attire with writing that degrades individuals or groups
6. No underwear or undergarment may be seen at any time
7. Tops must completely cover the midriff area at all times
8. Pants must be properly worn around the waist. Excessive on baggy pants
9. Shoelaces must be tied
10. Bandanas and caps which are gang related or drug paraphernalia.
11. Pajamas/slippers are not allowed in campus during school time.

## **OFFENSES**

Dress code guideline will be honored at school events including school dances. Modesty and good taste are expected at school and all school events.

### **Offenses & Consequences**

1st offense: The student will be given a warning; student will be given a change of clothes and referenced in discipline program

2nd offense: The student will be given a referral; student will be given a change of clothes and referenced in discipline program

3rd offense: The student will be given a referral; student will be given a change of clothes and parents will be contacted.

4<sup>th</sup> offense: Administrative action will be taken to stop the offense from occurring again.

(Note: Continued failure to comply with dress code may result in increased disciplinary actions; serious single or first time offenses may result in immediate suspension.)

## **RESPONSIBILITIES**

Parents have the responsibility for seeing that students are dressed properly for school. School personnel have the responsibility for maintaining and enforcing an appropriate dress code conducive to learning.

\*These guidelines are designed to help reduce potential problems on campus and provide a positive learning environment.

# Blood Borne Pathogen Incident Reporting Form and Exposure Control Plan

## CENTRAL UNIION HIGH SCHOOL DISTRICT BOARD POLICY

### Students

### INFECTIOUS DISEASES BP : 4119.42

The Governing Board recognizes its dual responsibility to protect the health of students from risks posed by infectious diseases and to uphold the right of students to a free and appropriate education.

For purposes of this policy, infectious diseases shall include all those listed by the State Department of Health Services and the County Health Department.

*(cf. 4119.43 - Universal Precautions)*

*(cf. 4119.42 - Exposure Control Plan for Bloodborne Pathogens)*

*(cf. 5141.23 - Infectious Disease Prevention)*

The admission of a student with an infectious disease other than the serious illnesses addressed below shall be determined by the Superintendent or designee according to law. The Superintendent or designee shall consult with the student's parent/guardian and, as required, with the student's physician and/or the County Health Department, in accordance with law and consistent with confidentiality provisions.

*(cf. 5112.2 - Exclusions from Attendance)*

*(cf. 5141.26 - Tuberculosis Testing)*

*(cf. 5141.3 - Health Examinations)*

*(cf. 6158 - Independent Study)*

*(cf. 6159 - Individualized Education Program)*

*(cf. 6183 - Home/Hospital Instruction)*

## STUDENTS WITH BLOODBORNE PATHOGEN INFECTIONS

The Board recognizes that hepatitis B virus, hepatitis C virus , and (human immunodeficiency virus (HIV) and/or AIDS (Acquired Immune Deficiency Syndrome) infection is not casually transmitted, the sole presence of bloodborne pathogens is not sufficient reason to exclude students from attending school. Students with bloodborne pathogen infections are entitled to the rights and services accorded to other students. They may attend their regular school and classroom barring special circumstances.

The Board encourages parents/guardians to inform the Superintendent or designee if their child has an infectious disease so that any such child will have access to appropriate district programs and services, and so that school staff may work cooperatively with the student's parents/guardians to minimize the child's exposure to other diseases in the school setting. The

Superintendent or designee shall ensure that student confidentiality rights are strictly observed in accordance with law. No district employee shall release medical information, including knowledge of a bloodborne pathogen infection, without written consent from the parent/guardian or adult student. Such information shall be shared only with those persons specifically named in the written permission.

*(cf. 5125 - Student Records)*  
*(cf. 5022 - Student and Family Privacy Rights)*

The district requires all staff to routinely observe universal precautions to prevent exposure to bloodborne pathogens and prevent the spread of all infectious disease.

*(cf. 4119.42/4219.42/4319.42 - Exposure Control Plan for Bloodborne Pathogens)*  
*(cf. 4119.43, 4219.43, 4319.43 - Universal Precautions)*  
*(cf. 5141.23 - Infectious Disease Prevention)*

The Board desires to be supportive of students infected with bloodborne pathogens and to help their families cope with difficulties they may face. The Board believes that schools can play an important role in educating the school community about the nature of bloodborne pathogens and alleviating fears about their transmission.

*(cf. 5141.6 - Student Health and Social Services)*  
*(cf. 6142.1 - Sexual Health and HIV/AIDS Prevention Instruction)*  
*(cf. 6142.8 - Comprehensive Health Education)*

**Legal Reference:**

**EDUCATION CODE**

*48210-48216 Persons excluded*  
*49073-75 Privacy of pupil records*  
*49076 Access to records by persons without written consent or under judicial order*  
*49403 Cooperation in control of communicable disease and immunization of students*  
*49405 Smallpox control*  
*49406 Examination for tuberculosis*  
*49408 Information of use in emergencies*  
*49450 Rules to ensure proper care and secrecy*  
*49451 Parent's refusal to consent to medical exam*  
*49602 Confidentiality of information disclosed by a parent or pupil 12 years or older to a school counselor*

**CALIFORNIA CONSTITUTION**

*Article 1, section 1 - Right to Privacy*

**CIVIL CODE**

*56-56.37 Confidentiality of medical information*  
*1798-1798.76 Information Practices Act*

## HEALTH AND SAFETY CODE

120230 Exclusion for communicable diseases  
120325-120380 Immunization against communicable diseases  
120875-120895 AIDS information  
129075-121020 Mandated blood testing and confidentiality to protect public health  
120980 Unauthorized disclosures  
121010 Disclosure to certain persons without written consent  
121475-121520 Tuberculosis tests for pupils

## CALIFORNIA CODE OF REGULATIONS, TITLE 8

5193 Bloodborne pathogen standards

## UNITED STATES CODE, TITLE 20

1232g Family Educational and Privacy Rights Act  
1400-1427 Education for All Handicapped Children

## UNITED STATES CODE, TITLE 29

794 Section 504 of the Rehabilitation Act of 1973

## COURT DECISIONS

*Phipps v. Saddleback Valley Unified School District* (1988), 204 Cal. App. 3d 1110  
*Doe v. Belleville Public School District*, 672 F. Supp. 342  
*Thomas v. Atascadero Unified School District*, 662 F. Supp. 376

## **Management Resources:**

## WEB SITES

CDE: <http://www.cde.ca.gov>  
California Department of Health Services: <http://www.dhs.ca.gov>  
Centers for Disease Control and Prevention: <http://www.cdc.gov>  
NSBA, School Health Programs: <http://www.nsba.org/schoolhealth/>

# Blood Borne Pathogens – Safety Practices

## PROCEDURES AND REGULATIONS

### 1. General

- 1.1. While recognizing that both students and employees diagnosed with an infectious blood borne disease are entitled to a confidential relationship between themselves, the medical community and/or other agencies, the Board of School Trustees encourages these individuals to meet with the School Principal and/or Superintendent of Schools to discuss their disease and immediate and future needs.
- 1.2. Assessment

#### **Students:**

- 2.1. The Superintendent (or designate) will be informed, by the school principal as soon as is known, of any student infected with an infectious blood borne disease.
- 2.2. A Risk Assessment will be conducted using a team approach including the personal physician, public health personnel, the parent or guardian, and school district personnel as appropriate and will make recommendations about the type of educational and care setting based on the following:
  - a. Behavior, neurological development and physical condition of the child;
  - b. Type of interaction expected with others.
  - c. What the potential is for exposure
  - d. Areas for potential for exposure
  - e. How exposure may happen
  - f. Who needs to know?
  - g. What will happen if there is a risk of exposure?
- 2.3. The team will consider the risk to others in the workplace, whether or not the individual is healthy enough to continue to attend school, and what precautions should be taken to ensure the safety and health of others.
  - a. The identity of infected students will remain confidential and restricted to those who need to know or are required to be informed.
- 2.4. Decisions on attendance at school are dependent on the circumstances of each individual case. Regular evaluation of the appropriateness of attendance will be conducted.

2.5. The Board will be notified immediately when the team considers the health condition of a student to be a danger to the immediate health and welfare of a school, its students or employees of the Board.

a. Upon being notified of the team's concern, the Board will refer the matter to the Medical Health Officer in accordance with the procedures outlined in the School Act.

## **Employees**

2.6. The Superintendent will be informed, by district staff as soon as is known, of any employee infected with an infectious blood borne disease.

2.7. Employees with an infectious blood borne disease, who are able to carry out the essential duties of their jobs in a satisfactory manner without posing a health or safety risk to themselves or others, will be entitled to continue their work.

2.8. Decisions regarding potential health or safety hazards will be made on a case-by-case basis in consultation with the employee, the personal physician and district personnel as appropriate.

2.9. The identity of infected employees will remain confidential and restricted to those who need to know or are required to be informed.

2.10. The Board will be notified immediately if the Superintendent considers the health condition of an employee to be a danger to the immediate health and welfare of a school, its students or other employees of the Board.

a. Upon being notified of the Superintendent's concern, the Board will refer the matter to the Medical Health Officer in accordance with the procedures outlined in the School Act.

## **3. Hygienic Safety Practices**

3.1. All employees will follow "Universal Infection Control Precautions" by assuming that blood and other body fluids from all individuals are potentially infectious. These precautions include:

a. Routinely using gloves when anticipating contact with blood

b. Immediately washing hands and other skin surfaces after removal of gloves and/or contact with blood

3.2. Schools will be provided with appropriate protective equipment including disposable waterproof gloves (natural rubber latex, neoprene, nitrile, or vinyl), tongs or pliers and proper sharps containers.

3.3. Schools' medical room mattresses will be either vinyl-coated beds or cloth mattress with a protective vinyl (plastic) covering so that they can be cleaned as needed with a bleach solution.

3.4. Blankets can be cleaned as needed by forwarding them, in a clearly labeled plastic bag, to the Assistant Supervisor Operations at the Facilities Office.

#### **4. Universal Precautions**

4.1. Universal Precautions to prevent transmission of blood-borne disease will be followed. *Universal Precautions* is the term for infection control measures endorsed by the Canadian Centre for Occupational Health and Safety for workers who might come into contact with blood and other body fluids. In summary they include:

- a. Wash hands for 30 seconds after contact with blood and other body fluids contaminated with blood.
- b. Wear disposable latex gloves when you encounter blood, body fluids, or when cleaning cuts, scrapes or wounds. Wash your hands as soon as you remove your gloves. Dispose gloves in a plastic bag.
- c. Use disposable absorbent material like paper towels to stop bleeding.
- d. Discard bloodstained material in a sealed plastic bag and deposit in the garbage. Label as containing blood-tainted material.
- e. Cover cuts or scratches with a bandage until healed.
- f. Immediately protect staff and students from coming in contact with blood-soiled surfaces. The area must be disinfected with a fresh solution of one part bleach and nine-parts water (10% bleach solution).  
Mops or brushes used for cleaning should be soaked in a bleach solution for 20 minutes.

(Note: The custodial department will provide each school with the product for dissolving in water to provide the bleach solution.)

#### **5. Identification of Risks of Occupational Exposure**

5.1. In accordance with the Occupational Health and Safety Regulations (section 6.35), the district's Health & Safety Coordinator will develop and maintain a list of positions and/or tasks and procedures where there is a potential for occupational exposure to a blood borne pathogen.

5.2. Employees who have, or may have, occupational exposure to the hepatitis B virus, will upon request, receive a hepatitis B vaccination (section 6.39, OH&S Regs).

5.3. Employees who may have been exposed to a blood borne pathogen in an exposure incident will be advised to immediately seek medical attention

# Procedures to Ensure a Safe and Orderly Environment

## Rules and Procedures on School Discipline

### PHILOSOPHY OF DISCIPLINE

- Behavior expectations and the consequences for not meeting expectations must be clearly communicated to all students and their parents (in writing as well as verbally).
- The severity of consequences for violating behavior expectations increases with each incident of inappropriate behavior.
- The consequences for violating behavior expectations should be severe enough to discourage students from making poor behavior decisions.
- Expectations and consequences should permit students an opportunity to eliminate inappropriate behavior.

Additionally, the school staff recognizes that the high school years are a transition time from adolescence to young adulthood. As a part of this transition, the student is given greater opportunities to be responsible and demonstrate independence and good judgment. The structure of our behavior expectations (in the classroom as well as school wide) is meant to encourage students to be responsible. The first step in many instances of inappropriate behavior (those considered to be "minor") is a simple warning ("Your behavior is unacceptable. Please stop such behavior"). It is only when a student ignores such warnings and continues to choose to act irresponsibly (like a child rather than an emerging adult) that we involve parents and implement consequences.

### ELEMENTS OF A GOOD DISCIPLINE PROGRAM

1. The program is focused upon making the entire campus, especially the classroom, a safe, supportive and orderly environment for learning for students and staff.
2. Classroom authority is retained by the classroom teacher. (Administration's role is to support, not to replace.)
3. Rules and procedures are clearly understood by staff and students.
4. All staff members will acknowledge and take appropriate action on any minor or major infraction of the school rules.
5. Rules and procedures comply with State Law and District policies.

6. The program recognizes the responsibilities and the rights of students and staff.
7. Program is structured to keep students in class and engaged in the educational process.
8. Rules are enforced:
  - A. by all staff members at all times.
  - B. strictly, but not rigidly (beware of "automatics").
  - C. in substantial part by adult modeling.
  - D. using techniques that promote the growth of positive self-esteem.
  - E. as close to the source as is possible.
  - F. by keeping parents informed.
9. The discipline program is understood, endorsed, and supported by staff, parents, and students.

#### **WHAT TO DO WHEN PROBLEMS APPEAR**

Both behavioral and academic problems are present in some of our students. Teachers often ask for guidelines for dealing with these problems. The guidelines are as follows

1. Talk to any administrator.
2. Call parents at first sign of concern. Inform the parents of your observations, ask for their ideas, assistance, and support in serving the student. Keep a log of your calls.
3. If possible, talk privately to the student about your concerns.
4. Behavior concerns—look through students' CUM file. Any official suspensions will be on file, also look for teacher comments on report cards. Look for patterns of behavior. We use In-house suspension whenever possible, as it is preferable to having students at home unattended. Serious infractions (fighting, threats, etc.) will result in official suspension. Unresponsive students can be moved to other schools or expelled.
5. Referrals—please remember if you write a student referral, you are required to call the parents. You are writing the referral and can answer the parents' questions firsthand. Administrators will also call parents, but we can only give secondhand information on the incident.
6. Academic Concerns—again, look through student CUM. This will contain test scores, report cards, and a student history. You may want to ask the grade level administrator to schedule a

Student Study Team (SST). This will involve a meeting with the student, parents, administrators, students' teachers, and perhaps the psychologist.

