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# McCabe School

## Comprehensive School Safety Plan 2023-2024

**Public Version**

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# Comprehensive School Safety Plan (CSSP)

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## ABOUT THE COMPREHENSIVE SCHOOL SAFETY PLAN (CSSP)

The development of a comprehensive school safety plan is mandated by California Education Code 32281. This mandate, which was established by Senate Bill 187, states that each school's Site Council, or a Safety Planning Committee authorized by the Site Council, shall develop a "safety plan" relevant to the needs and resources of the school. "Safety", in terms of these plans includes aspects of social, emotional, AND physical safety for both youth and adults at our schools.

The Comprehensive School Safety Plan shall be used to provide details regarding each school's strategies, programs and procedures to support a safe school environment. The California Education Code sections 32280-32289 outline the requirements of all schools operating any kindergarten and any grades 1 to 12, inclusive, to write and develop a school safety plan relevant to the needs and resources of that particular school. Requirements are:

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

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

## Safety Planning Committee Members

The Safety Planning Committee is made up of a combination of staff and parents who work together to review data, identify areas of need, and help us to prioritize the programs we provide for our students and their families.

<b>Category</b>	<b>Name</b>	<b>Category</b>	<b>Name</b>
Administration	Lucio Padilla Jr.	Board Member	Alexa Horne
Administration	Gina Sanchez-Macias	Board Member	Dr. Edgar Aguilar
Administration	Veronica Hernandez	Classified Management	Nick Curry
Director	Lola Larios	Parent	John Reed
Teacher	Liz Cochran	Classified	Jennifer Castillo

We appreciate the time and effort of this group in supporting the school's efforts to engage and educate our parent community.

### Roles and Responsibilities:

- ✓ Develop the school site safety plan
- ✓ Actively review and assess the current status of the school crime committed on campus and at school-related functions
- ✓ Identify safety-related goals and strategies and /or programs that will be used to meet those goals for the upcoming school year
- ✓ Review and report progress of safety plan and goals to the School Site Council, staff, parent groups, and Board of Trustees

**School Site:** McCabe Elementary School

**Fiscal Year:** 2022/2023

We, the McCabe School Site Council (SSC) and the McCabe School Safety Planning Committee (SSPC), have read and approved this Safe School Plan pursuant to Education Code 32280-32289.5. We have consulted with a representative of a law enforcement agency in the writing and development of the comprehensive school safety plan. It addresses the safety concerns identified through a systemic planning process. It identifies strategies aimed at the prevention of, and education about, potential incidents involving crime and violence on the school campus.

Date Approved by the Committee: \_\_\_\_\_

Principal Signature (Required)

Principal Signature (Required)

\_\_\_\_\_

\_\_\_\_\_

Teacher Signature (Required)

Classified Employee Required

\_\_\_\_\_

\_\_\_\_\_

Parent/Guardian Signature (Required)

Other Signature (Optional)

\_\_\_\_\_

\_\_\_\_\_

Other Signature (Optional)

Other Signature (Optional)

\_\_\_\_\_

\_\_\_\_\_

### Verifications

This plan must be evaluated during the current fiscal year and was revised prior to March 1<sup>st</sup>.

\_\_\_\_\_ Confirmed

These following individuals were notified of the public meeting: MTA, CSEA, SSC and all persons requesting notification. This plan was communicated to the public at a public meeting at the school site on this date: February 7, 2023.

District Office Use: Date Plan Received from School Site: \_\_\_\_\_

Date Plan Approved: \_\_\_\_\_

Signature \_\_\_\_\_

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## Consultation with Law Enforcement Agency

SSC/SSPC must consult with a representative from a law enforcement agency in the writing and development of the Safety Plan. The following representative was consulted during the development of this plan.

Name of Law Enforcement Representative: \_\_\_\_\_

Date of Consultation: \_\_\_\_\_

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## Assessment Data

The School Safety Plan must include an assessment of the current status of school crime committee on the school campus at school-related functions. This may be accomplished through various types of assessment data.

Assessment data included in this plan are (check boxes):

- Local law enforcement crime data
- Suspension/Expulsion data found in California Longitudinal Pupil Achievement Data System
- Behavior Referrals
- Attendance rates/School Attendance Review Board Data
- School Improvement Plan
- Property Damage Data
- Other: \_\_\_\_\_

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## Safety Strategies

The School Safety Plan must include an identification of appropriate strategies and programs that provide/maintain a high level of school safety.

Safety Strategies are included in this plan:

- Yes
- No

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## Required Safety Procedures

The School Safety Plan must include all the following:

- ✓ Child Abuse Reporting Procedures
  - \*Included in District Policies Section
- ✓ Disaster Procedures, routine and emergency, including adaptations for pupils with disabilities
- ✓ Earthquake emergency procedures that include the five (5) following items:
  1. A school building disaster plan
  2. A drop procedure
  3. Dates and times drills held (once each quarter in elementary, once each semester in secondary schools)
  4. Protective measures taken before, during, and after an earthquake
  5. A program to ensure that pupils and both certificated and classified staff are aware of and are trained in earthquake emergency procedure system
- ✓ Procedures to allow a public agency to use school buildings, grounds, and equipment for mass care and welfare shelters during an emergency which affects public health or welfare
- ✓ Policies and procedures which lead to suspension and/or expulsion
  - \*Included in District Policies Section
- ✓ Procedures to notify teachers of dangerous pupils
- ✓ Policy prohibiting discrimination, harassment, intimidation, and bullying.
  - \*Included in District Policies Sections
- ✓ Provisions of any school site dress code, including prohibition of “gang-related” apparel.
  - \*Included in District Policies Section
- ✓ Procedures for safe ingress and egress of pupils, parents, and employees from school site, including access to school campus
- ✓ Procedures that create a safe and orderly environment conducive to learning at the school.
  - \*Included in District Policies Section
- ✓ Access to the school campus (visitors)
- ✓ The rules and procedures on school discipline
  - \*Included in District Policies Section
- ✓ Crisis Response Plan
- ✓ Hate crime reporting procedures and policies.
  - \*Included in District Policies Section



## **District Mission Statement**

Our mission of McCabe School District is to be the model of educational excellence, innovation and leadership. We are committed to work collectively with students, families, and the community. We are dedicated to provide a safe and conducive environment for learning.

## **School Demographics**

McCabe Elementary School occupies approximately 35 acres of property at the corner of McCabe and Austin Roads in Imperial County. This includes 20 acres west of the main McCabe campus that were purchased from Mr. And Mrs. Virgil Corfman in 2006. The development of this property was completed during the summer of 2008 and the Corfman portion of McCabe School is used to house students in grades 4-8 and was officially opened in the fall of 2008.

McCabe Union Elementary School District is located just southwest of El Centro. Our TK through 8th Grade district is considered a rural school that feeds into the Central Union High School District. California Longitudinal Pupil Achievement Data System (CALPADS) enrollment for Fall 2022 was 1209 students. The socioeconomics of the school community are comprised of a wide range of occupations, from professionals to unskilled laborers. One indicator of the economic status is the number of federally funded free or reduced lunches served in the District. The Fall 2022 Unduplicated Pupil Percentage (UPP) was 41%. Student enrollment continues to decline and it is the District's goal to continue with a 24:1 in TK through 3rd Grade. The school was designated a California Distinguished School during the 2005-2006, and 2011-2012 school years. The California Department of Education recognized the McCabe Union Elementary School District as an outstanding educational program and awarded the District the California Gold Ribbon Schools Award during the 2015-2016 school year.

## **Current Assessment of School**

During the 2021-22 school year, McCabe Union Elementary School District had a suspension rate of 0.8% and had an increase of by 0.8% from the previous year. It is worth noting that the increase reflects students returning to in-person instruction for the full school year compared to the previous year when they returned to in-person instruction on a staggered scheduled in February of 2021.

During the 2022 California Dashboard, the school was identified with "Very High" in the area of chronic absenteeism with a percentage of 27.2%. This high absenteeism rate can be attributed to the ongoing impact of COVID-19.

An analysis of behavior referrals reveals that most incidents of referrals to the office are for minor infractions. Most referrals are for students lacking conflict resolution skills to resolve disagreements among themselves.

## Action Plan - Annual Safety Goals

Goal 1:	Provide training for students, staff, and parents on safety procedures to include CatapultEMS.
	Strategy 1.1 – Update and inform educational partners on the annually revised safety plan.
	Strategy 1.2 – All staff will be trained in school safety procedures at the beginning of the year, focusing on, but not limited to Safe and Orderly Environment section of the School Safety Plan.
	Strategy 1.3 – All staff will review Immediate Response Actions bi-annually.
	Strategy 1.4 – All staff and students will participate in monthly drills, such as duck and cover (earthquake), evacuation (fire drill), or modified/full lockdown. To include, but not limited to the following: 9 fire/evacuation drills 2 earthquake/evacuation drills At least 2 lockdown drills: 1 modified/ 1full lockdown/evacuation drill
	Strategy 1.5 – Parents will be invited to attend various trainings related to school safety and wellness. .
Goal 2:	Increase student safety awareness and positive behavior climate as measured by the suspension and expulsion rate.
	Strategy 2.1 – Prevention and awareness training will be provided to students in the areas of Harassment/Sexual Harassment, Cyber/Bullying, Threat of Violence, and components of ED code 48900
	Strategy 2.2 – Increase student involvement of monthly PeaceBuilder character traits.
	Strategy 2.3 – Implement lunch period activities to increase positive student interactions.
	Strategy 2.4 – A monthly student digital citizenship program will be established to support students in the proper use of technology.

# **Section 1**

## **Safety Plan**

### **Physical Environment Component**

#### **Preface**

The McCabe Union Elementary School District assumes the responsibility of providing a safe environment for students, staff members, parents, and other visitors while being present at our school. The purpose of this safety plan is to provide the information necessary to enable district personnel to ensure a safe environment during an emergency situation involving students, personnel, community members, and facilities during school-sponsored classes, programs, and activities. It is important to remember all school personnel, both classified and certificated, as well as district and appropriate community resources should be utilized in any comprehensive emergency response plan. In the event of an emergency that requires parents to be notified, the district will use Parent Square to keep parents informed. The website will also be updated to keep everyone informed. In the event of such an emergency, the School Board will always be notified. The school has adopted Catapult EMS as its Emergency Mass Notification System and provides on-going training for staff and monthly practice of emergency drills. Security cameras have been installed to provide an additional layer of security.

#### **Special Note**

It is vitally important that all school personnel take seriously any comments made by students involving violence, either to themselves or others. Please take the responsibility to report any such comments to an administrator, even though at the time, the comments may seem to have been made in jest.

In the event of an active assailant situation and shots, gunfire, or other life threatening events are observed or are heard, it is the responsibility of all personnel to initiate lockdown procedures and notify administration. A lockdown must be a response to a clear and present danger to the safety of students or staff at a school site.

# School Safety Plan

## Physical Environment Component

### Responsibilities of School Personnel

#### Administration

The school site administrators are responsible for all pre-disaster and preparedness for their school.

They are subject to the directive and guidelines issued by the McCabe Union Elementary School District Superintendent or designee. In the event of an emergency, they are designated representatives who will assume overall directions of disaster procedures at the school.

**In discharging this responsibility, the principal of the school shall:**

**1. During Pre-Emergency Conditions:**

- Appoint a designee who shall assume the duties of the principal in his/her absence and identify duty assignments of other school personnel that are found in the School Site Emergency Plan under the Incident Command System (ICS) section

**2. Utilize directives and guidelines established by the school district to:**

- Develop a disaster and preparedness plan that shall be kept operative at all times
- Ensure that school personnel and students are properly instructed in the correct school management plan
- Ensure that there is an adequate warning system available and that the various alarm signals are known and understood by students and staff
- Survey (with the fire department personnel) the area of comparative safety for groups to use in any type of disaster
- Plan (with fire and police department personnel) primary and alternative traffic control plans for pedestrian and vehicular movements within the school plan
- Arrange for instruction and training of students to ensure their safety
- Coordinate with staff the maintenance of all emergency equipment and supplies in usable condition at all times by checking them at least annually
- Know the location and operation of utility shut-off
- Communicate with students and parents about the school safety plan
- Conduct regularly scheduled drills and maintain a record of these in the school office
- Provide substitutes with information regarding their responsibilities, evacuation routes, and general procedures
- Demonstrate the use of emergency equipment utilized at the school

**3. During Emergency and Post-Emergency Conditions:**

- Assume overall direction of school crisis management
- Direct evacuation of building(s), using fire evacuation procedures
- Arrange for transfer of students when their safety is threatened
- If students are to be released from the school, issue instructions to teachers

## Teachers

Teachers will be responsible for the supervision of students. They will follow the instructions and guidelines of the McCabe Union Elementary School District School Safety Plan and the specific instructions from the Superintendent, Principal or designee.

**In discharging their responsibility, teachers shall:**

**1. During Pre-Emergency Conditions:**

- Be knowledgeable of the hazardous effects of different emergencies and the survival techniques for each
- Provide instruction and practice for students in the techniques of survival and emergency procedures to be followed
- Keep personal information on each student accessible at all times – Red Binders
- Keep posted (in their classroom) the emergency plan procedure and the evacuation map
- Leave written instruction for substitutes on safety procedures

**2. During Emergency and Post-Emergency Conditions:**

- Supervise the evacuation of students to inside or outside assembly areas
- Remain with students until relieved of responsibility by the Superintendent or Principal. When class relocates, take roll (as soon as possible)
- Report missing students to the principal or designee. If there is reason to believe that students may be endangered in a school structure, attempt rescue measures with available trained personnel
- Render first aid, restore order, and assist staff and students as needed
- Release students only to authorized persons by following proper sign out procedures

## Campus Maintenance Manager

**The responsibility of the campus maintenance worker shall be:**

**1. During Pre-Emergency Conditions:**

- Maintain all fire equipment (extinguishers, hoses, etc.) in good working condition.
- Assure fire alarm and public address system are in working order
- Maintain a set of the building blueprints
- Be knowledgeable of the hazardous effects of different emergencies and the survival techniques for each

**2. During Emergency and Post-Emergency Conditions:**

- Shut off all utilities immediately when directed to do so
- Conduct damage control to limit damage to the school facility
- Survey and report damage to the school principal
- Assist as needed and where directed to do so

## Substitute Employees

**The responsibility of a substitute employee shall be:**

**1. During Emergency and Pre-Emergency Conditions:**

- Become familiar with the evacuation routes and general emergency procedures at the school site
- Follow the lead and support site staff that are assigned to their assignment during an emergency or site drill

**2. During Emergency and Post-Emergency Conditions:**

- Follow the lead and support site staff that are assigned to their classroom during an emergency or site drill

- Lead or Co-lead the accounting for all students in their attendance
- Assist where directed to do so

### **Parents – Students – Visitors**

#### **The responsibility of the parents, students, and visitors shall be:**

- Students must familiarize themselves with the preset evacuation routes
- Parents must provide the school with emergency contact numbers where they can be contacted at any time during school hours and after school hours
- Have all necessary medical information on file in the school office
- Visitors will only enter the school campus through the office
- All visitors must report to the office and will be directed where to reunite with child
- The visitor sticker must be worn at all times while visiting the campus

#### **In the event of a campus emergency:**

- Students must follow directions without hesitation
- Parents must follow the direction of the administrator in charge and assist as needed
- There will be a designated waiting area for parents to pick up their students in the front of the office

# **Section 2**

Safety Plan

School Safety Compliance

## Child Abuse Prevention and Reporting

### Child abuse can be any of the following:

1. A physical injury which is inflicted on a child by another person other than by accidental means.
2. The sexual abuse, assault, or exploitation of a child.
  - The negligent treatment or maltreatment of a child by a person responsible for the child's welfare under circumstances indicating harm or threatened harm to the child's health or welfare, whether the harm or threatened harm is from acts or omissions on the part of the responsible person.
  - The willful infliction upon a child of any cruel or inhumane corporal punishment or any injury resulting in a traumatic condition.
  - The willful harming or injuring of a child or endangering of the person or the health of a child where the person responsible for the child's welfare is a licensee, administrator, or employee of any facility licensed to care for children or an administrator or employee of a public or private school or other institution or agency.

### Child abuse does *not* include:

1. A mutual fight between minors
2. An injury that is caused by the actions of a peace officer using reasonable and necessary force within the scope of his or her employment
3. An injury caused by any force that is reasonable and necessary for a person employed by or engaged in a school:
  - To stop a disturbance threatening physical injury to people or damage to property
  - For purposes of self-defense
  - To obtain possession of weapons or other dangerous objects within control of a pupil
  - To exercise the degree of control reasonably necessary to maintain order, protect property, protect the health and safety of pupils, and maintain proper and appropriate conditions conducive to learning.

Reference Policy – Child Abuse Reporting Procedures Board Policy AR 5141.4; BP 5141.4

## A Safe and Orderly School Environment Conducive to Learning

The McCabe Union Elementary School District will provide a safe, nurturing community in which to learn so each student can become competent and self-sufficient in the areas of academic, physical, social, and emotional competencies. The McCabe Board of Education accepts the responsibility for developing policies related to conduct and discipline. Administration has the duty and responsibility to implement those policies. Teachers shall enforce the discipline and conduct rules in the instance of minor violations and in other circumstances refer major violations to administration. It is the student's responsibility to know the rules of the school and to obey them. Parents or guardians have the responsibility of knowing the rules and communicating about them with their children and with the school to help develop a positive learning environment. Our goal is to provide our students with the best possible education. The students and the adults in their lives, teachers, bus drivers, parents, other support staff, and guardians all have a major role in making that education count. Individual behavior, especially in large groups, plays a major role in how well students learn.

### 1. Student Rights and Responsibilities

- It shall be the right of students to:
  - a. Have a safe, healthy, orderly, and courteous school environment
  - b. To learn in an environment that is free from bullying and other forms of intimidation and harassment
  - c. Take part in all district activities on an equal basis
  - d. Attend and participate in school programs unless suspended following due process,
  - e. Have school rules and conditions available for review
  - f. Have, in all disciplinary matters, the opportunity to present their versions of the facts and circumstances
  - g. Participate in a program that is free of verbal, physical, sexual, and other forms of personal



- harassment, and
- h. Attend a school that is free from verbal, written, or physical threats of violence
- It shall be the responsibility of students to:
  - a. Follow all district policies, and rules
  - b. Work to the best of their ability in all academic and extracurricular-pursuits and strive toward the highest level of achievement possible
  - c. Hold themselves to the highest standard of conduct, demeanor, and sportsmanship
  - d. Accept responsibility for their actions
  - e. Seek help solving problems that might lead to disciplinary procedures
  - f. Be in regular attendance at school and in class
  - g. Contribute to the maintenance of an environment conducive to learning
  - h. Show respect due other persons and property
  - i. Dress in accordance with standards established by the Board of Education
  - j. Make constructive contributions to the school, and
  - k. Report accurately the circumstances of school-related issues

## 2. Attendance

- Bringing students and teachers together in a classroom is how the process of education takes place. Any time students are not present for instruction something is lost which may not be regained. Where this loss is severe, the student may not be able to successfully complete the requirements of the course. Good attendance usually results in fewer school dropouts and a higher learning rate. The habit of regular attendance carries over into business and family life. It also increases the district's revenues through state aid.
- Students are expected to be in school unless they have an excused reason to be absent. The school is not opened for students until 7:30 AM. Students are supervised outside until 8:10 AM for the bell before going to classrooms. Attendance will be taken in all homerooms at 8:10 AM.
- Students who are not in their assigned rooms when attendance is taken will be considered absent.
- Students who are late to school must report to the office to obtain a late pass. Teachers will not accept a student into a classroom after 8:10 AM without a late pass.
- When a student is ill or otherwise absent, parents/guardians should phone the school with this information. The school numbers are (760) 335-5200 and (760) 352-5443. Every absence must be verified. When returning from an absence, students must submit a note from a parent or guardian. The following information should be included:
  - a. Parent's name
  - b. Child's name
  - c. Child's teacher's name
  - d. Date of the absence
  - e. Exact nature of illness or reason for absence
  - f. Parent's signature on note
- Before reporting to classroom, these students must report to the Office with their signed excuse(s) and pick up their admission slip. Students not having an excuse will be expected to bring one the following day. Students with excessive tardies/absences will be referred to the Principal for possible disciplinary action.
- Truancy: Truancy is absence without knowledge and/or consent of parent/guardian. Truancy is a violation of the California Education Code and is subject to disciplinary measures imposed by the school and, in serious cases, by the Court System. The following is considered truancy:
  - a. A pupil absent from school three days in one school year without a valid excuse.

## 3. Student Behavior – Code of Conduct

- The Code of Conduct is a guide to acceptable behavior. *It is not meant to cover every possible incident.*
- All students will be held accountable for his/her actions in accordance with school rules, district

- policy, the California Education Code, and criminal and civil laws. Students may be assigned detention, in-school suspension, or out-of-school suspension depending upon the severity and circumstances of their actions. A parent conference with Administration may be required.
- When unacceptable student behavior occurs, it is the responsibility of the staff member who is in closest proximity to the incident to take whatever action is necessary to protect the student, other students, staff, and school property.
  - Alcohol, Tobacco, or Other Drugs (ATOD): Student possession, use, distribution or sale of alcohol, tobacco, or other drugs in any form on district premises, at school-sponsored activities, or otherwise while the student is under the jurisdiction of the McCabe School District, is prohibited
  - Disrespect: Use of rude and impolite behavior.
  - Harassment: The district is committed to safeguarding the right of students to learn in an environment that is free from harassment on the basis of sex, race, color, or national origin.
  - Bullying/Cyberbullying: Including but not limited to, cyberbullying, intimidation, hazing or initiation activity, extortion, or any other verbal, written, or physical conduct that causes or threatens to cause violence, bodily harm, or substantial disruption is a very serious matter. Anyone seen bullying or intimidating another student will be disciplined.
  - Any student who engages in bullying may be subject to disciplinary action up to and including expulsion.
  - Students are expected to immediately report incidents of bullying to the principal or a teacher.
  - Students can rely on staff to promptly investigate each complaint of bullying in a thorough and confidential manner.
  - If the complainant student or the parent of the student feels that appropriate resolution of the investigation or complaint has not been reached, the student or the parent of the student should contact the Principal. The school system prohibits retaliatory behavior against any complainant or any participant in the complaint process.
  - Classroom Disruption/Insubordination: Behavior that is deemed contrary to a productive classroom environment or healthy school environment is not acceptable. Insubordination and/or classroom disruptions can lead to suspension from school depending on the severity of the case
  - Language: Swearing, inappropriate language, or gestures are not acceptable
  - Gum Chewing: Gum chewing is not allowed at school or on the school bus at any time
  - Public Display of Affection: Public displays of affection while on school grounds are inappropriate
  - Stealing: Stealing is a serious matter and anyone caught stealing will be disciplined
  - Weapons: No person shall have in his/her possession on school premises (includes school buses) any knife, explosive, dangerous chemical, or other object which is not necessary for school activities and which is considered a weapon. Under the FEDERAL GUN FREE SCHOOL ACT (Public Law 103- 227), any student possessing or bringing to school a firearm shall be suspended from school for at least one year following a formal Superintendent's Hearing. This also pertains to "toy guns"
  - Fighting: Fighting is an inappropriate behavior. Unprovoked assault may be followed by legal charges. Defending oneself will be considered and evaluated
  - Students are to resolve their disputes without resorting to violence
  - Students can rely on staff trained in conflict resolution and peer mediation strategies to intervene in any dispute likely to result in violence
  - Students needing help in resolving a disagreement, or students observing conflict may contact an adult
  - Conflict resolution procedures shall not supplant the authority of staff to act to prevent violence, ensure campus safety, maintain order, and discipline students
  - A pupil is tardy without a valid excuse, in excess of 30 minutes on each or more than three days in one school year
  - Students who are truant will sit four lunch recesses and be referred to School Attendance Review Board (SARB) at the discretion of administration
  - Leaving School Grounds: Once students arrive at school, they may not leave the property without permission.
  - Cheating: Using and copying the work of others will not be accepted. This includes cheating on tests and other assignments. Students may be penalized academically and behaviorally for cheating.

- Teachers may use discretion to keep students after school for up to 15 minutes. If necessary for a student to stay more than 15 minutes after school, the parent or legal guardian will be called. California law allows school personnel to detain students up to one hour after school for assistance, to make up time due to tardiness, for behavioral reasons, etc., provided the parents or legal guardians are notified. Parents or legal guardians are responsible for arranging transportation home.
- Students are referred to SARB if they have persistent behavioral problems in school and when normal avenues of classroom, school, and district counseling do not resolve the situation.

### **Hate Crime Consequences: Suspension and Expulsion/Due Process**

It is the policy of the State of California to afford all persons in public schools, regardless of their disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in Section 422.55 of the Penal Code, equal rights and opportunities in the educational institutions of the state.

"Hate crime" means a criminal act committed, in whole or in part, because of one or more of the following actual or perceived characteristics of the victim:

Disability, gender, nationality, race or ethnicity, religion, sexual orientation, association with a person or group with one or more of these actual or perceived characteristics.

Reference Policy – Suspension and Expulsion Policies – Inclusive of Hate Crime

Reporting Procedures Board Policy AR 5144, 5144.1; BP 5144, 5144.1

### **Employer Security Teacher Notification of Dangerous Pupils**

The Superintendent or designee shall inform the teacher of every student who has caused or tried to cause another person serious bodily injury or any physical injury which requires professional medical treatment. This information shall be based upon written district records or records received from a law enforcement agency. Teachers shall receive the information in confidence and shall not disseminate it further. (Education Code [49079](#))

The above information shall be made available for teachers to read, and a copy shall be kept in the student's file.

Reference Policy – Board Policy AR 4158

### **Nondiscrimination/Harassment**

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

This policy shall apply to all acts related to school activity or to school attendance occurring within the district school, and to acts which occur off campus or outside of school-related or school-sponsored activities but which may have an impact or create a hostile environment at school.

Reference Policy – Nondiscrimination/Harassment Board Policy AR 5145.3; BP 5145.3

### **Uniform Complaint Procedures**

The California Code of Regulations (Title 5, Section 4600 et seq.) requires the districts, among other things, to adopt and publish procedures referred to as the Uniform Complaint Procedures (UCP) that provide for prompt and equitable resolution of discrimination, harassment, intimidation, and bullying complaints. The district must notify students, employees, and parents, as well as others, of its local complaint procedures and identify the

person or persons responsible for processing complaints.

Reference Policy – Nondiscriminatory and Harassment Board Policy AR 5145.7; BP 5145.7

## **Bullying/Cyberbullying**

Bullying is unwanted, aggressive behavior among school aged children that involves a real or perceived power imbalance. The behavior is repeated, or has the potential to be repeated, over time. Bullying is a form of violence. It can be physical, verbal, psychological, or sexual. Here are some examples of bullying:

1. Physical: hitting, kicking, spitting, pushing
2. Verbal: teasing, threatening, name-calling
3. Psychological: excluding someone, spreading rumors, intimidating
4. Sexual: touching, assault, exhibitionism, and many of the actions listed above

Anyone that attempts to assume the identity of a victim for the purpose of publishing material in their name that defames or ridicules them. Bullying may also occur through the Internet or other forms of technology. This is known as cyberbullying. It is sending or posting hurtful material. Bullying is common, but it should not be viewed as a normal part of growing up. It is more damaging to children than previously thought. Bullying has a negative effect on a student's ability to learn. Schools are responsible for creating safe environments for all students. They must work to prevent bullying, and they must respond to it when it happens.

Cyberbullying or online bullying is a term used to refer to bullying over electronic media. Cyberbullying is willful and involves recurring or repeated harm inflicted through electronic text. Cyberbullying can be as simple as continuing to send e-mail to someone who has said they want no further contact with the sender. Cyber-bullies may also include threats, "putdowns" or hate-motivated speech. Cyber-bullies may publish the personal contact information of their victims.

Reference Policy - Bullying/Cyberbullying BP 5131.2

## **Dress Code**

Students are expected to give proper attention to personal cleanliness and to wear clothes that are suitable for the school activities in which they participate. Students' clothing must not present a health or safety hazard or a distraction which would interfere with the educational process.

Reference Policy – Dress Code Board Policy AR 5132; BP 5132

## **Student Release During School Hours**

In an emergency or on special occasions, it may be necessary for a student to leave school grounds before general dismissal time. For early dismissal, the school requires a written note, or a phone call by the parent/ legal guardian preferably before 11:00 am. Parents may also make the request in person in the front office. The request should include the time of dismissal and whether the child will return the same day. Students will be issued a blue note from the office. Before leaving campus, the parent or anyone authorized by the parent in the emergency card must sign out the student(s) from the office using Raptor, the visitor management system by presenting their drivers license the first time the student is signed out. If the student returns the same day, he/she must sign in at the office. Parents are to meet their children in the office.

Students may not be released to relatives or other adults not listed on his/her emergency card. Any person listed on the emergency card must have a photo identification and a note of released signed by the parent or legal guardian of the child at the time of pick up. No child will be allowed to walk or ride their bike to and from school.

## **Safe Ingress and Egress**

McCabe Union Elementary School District is in a rural campus setting. All students and employees enter the campus through the designated entrances before school starts. Once the school day begins, all visitors will only enter and exit through the front entrances. Students are brought to school by parents or transported by district buses. Students being transported by car are to use the crosswalk, or exit their cars in the supervised car line. At the McCabe campus students are loaded into cars by staff-members or picked up by parents directly from the carline.

- Students are monitored to ensure a safe pick-up in the car line.
- All bus students are dropped off at the bus stop between the school sites. They exit the bus directly onto the fenced playground. At the end of the day students are to report to their designated bus loading zone and wait in line for the bus driver to open the bus. Bus loading zones are monitored at the end of the day.
- As needed, before, during and after school, the campus is supervised by the principal and other school personnel. There is sufficient supervision to allow students to enter and leave campus undisturbed and safely.

## **Weapons and Dangerous Instruments**

The Board of Trustees recognizes that students and staff have the right to a safe and secure campus free from physical and psychological harm and desires to protect them from the dangers presented by firearms and other weapons. The Board prohibits any students from possessing weapons, imitation firearms, or other dangerous instruments, as defined in law and administrative regulation, in school buildings, on school grounds, or buses, at school-related or school sponsored activities away from school, or while going to or coming from school.

Reference Policy – Weapons and Dangerous Instruments Board Policy AR 5131.7; BP 5131.7

## **Visitor on Campus Procedures**

All campus visitors are required to stop by the school office to sign into Raptor, our Visitor Management System, with his/her ID and receive a visitor's pass. Visitors must return to front office to turn in visitor's pass when leaving. No parent, guardian, or visitor should be on school grounds or in classrooms without a visitor's pass during school hours.

## **Access to Public Agencies**

McCabe School District allows access to public agencies as needed. The school is equipped with two barrier gates that are locked at all times and will be opened for emergency vehicles. McCabe School is designated as a shelter in the event of an emergency and has a shelter agreement with American Red Cross.

# **Section 3**

## Emergency Response Plans

## **Disaster Emergency Response Plan – SEMS & Immediate Response Actions**

Our district provides a wide variety of trainings related to school safety to all staff. This includes the following: Bloodborne Pathogens Awareness, Mandated Reporting, Sexual Harassment, Homicide and Suicide Prevention, Playground Supervision, Bullying Prevention, Integrated Germ Management and Cardiopulmonary Resuscitation. In addition, our district participates in one modified lockdown drill and one full lockdown drill per year. Students and staff are trained on what to do in the event of an emergency. Teachers work with their students on being situationally aware of their surroundings and listen to the adults when outside. Staff is also situationally aware of their surroundings and on how to get students' attention in the event of an emergency. There is a training for all staff at the beginning of the school year and prior to an emergency preparedness drill. Staff is also trained on using CatapultEMS, our emergency management system, to communicate during an emergency. Our single school district also has both the transportation department and maintenance and operations department on site for support. We have over 60 hand held radios to communicate and six 800mhz radios to directly communicate with law enforcement.

The Standardized Emergency Management System (SEMS) is the cornerstone of California's emergency response system and the fundamental structure for the response phase of emergency management. SEMS incorporates the Incident Command System, ICS.

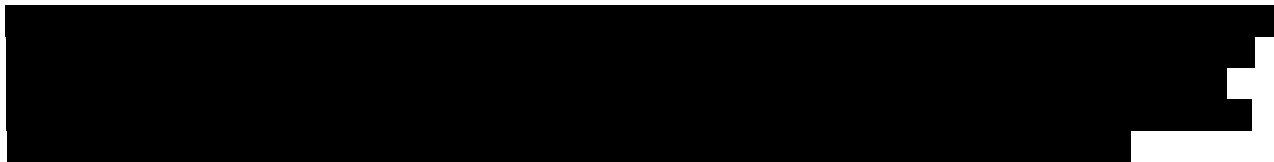
The Incident Command System:

1. Is a standardized management tool for meeting the demands of small or large emergency or non-emergency situations.
2. Represents "best practices" and has become the standard for emergency management across the country.
3. May be used for planned events, natural disasters, and acts of terrorism.
4. Is a key feature of the National Incident Management System (NIMS). The ICS is a management system designed to enable effective and efficient domestic incident management by integrating a combination of facilities, equipment, personnel, procedures, and communications operating within a common organizational structure, designed to enable effective and efficient domestic incident management. A basic premise of ICS is that it is widely applicable. It is used to organize both near-term and long-term field-level operations for a broad spectrum of emergencies, from small to complex incidents, both natural and manmade.

### **Injury and Illness Prevention Program (IIPP)**

The McCabe Union Elementary School District will follow it's COVID-19 and Injury and Illness Prevention Program (IIPP). The plans can be found on the school website at [www.muesd.net](http://www.muesd.net).

Reference Policy – Board Policy 0470



### **Emergency Procedures for A Medical Emergency**

#### **(Blood-Born Pathogen or Communicable Disease) CPR and First Aid**

All procedures or other job-related tasks that involve an inherent potential for mucus-membrane of the skin contact with blood, body fluids, tissues, or a potential for spills or splashes of them are to follow the established Universal Precautions at all times. Use of appropriate protective measures are required for all employees engaged in these tasks.

1. Universal Precautions:
  - Barrier protection. All employees must use a barrier protection to prevent exposure with blood or other bodily fluids. Some forms of barrier protection would include:
    - a. Gloves.

- b. Dust masks and protective eye wear.
- c. Disposable smock and aprons.
- d. Personal Protective Equipment (PPE) kits
- e. Wash hands if they come in contact with blood or other body fluids.
- f. Avoid accidental injuries. Precautions will be taken to prevent injuries caused by needles, broken glass, razor blades, or other sharp materials. These types of materials should be picked up with tongs and placed in a puncture-resistant container for disposal.
- g. Avoid direct mouth-to-mouth resuscitation. Use protective mask.
- h. Decontaminate all surfaces and devices after use.

Puncture-resistance containers will be carried as part of a blood or body fluid clean-up kit. These containers will be labeled "Biological Waste".

2. Pre-Emergency Procedures:
  - Awareness of Imperial County Health Department reporting criteria regarding various communicable diseases.
  - Immunization tracking following state mandated requirements.
  - Follow Imperial County Health Department directives (each case will be different). Prepare a list of non-immunized/medical fragile students, parents, and staff so they may be notified.
3. Immediate Action:
  - Notify support services, as needed.
4. Communication:
  - Notify school Superintendent.
  - Notify staff, parents, and Board if appropriate.

We have four Automated External Defibrillators and two LifeVacs. The AED's are located in the health office at the McCabe Campus and the in multipurpose room, health office and the gym at the Corfman Campus. The LifeVacs are located in the multipurpose room of each campus.

## **Emergency Procedures for Fire**

If the building is on an automatic system, sensors will detect any fires and an alarm will sound. For buildings that are not on an automatic system, once a fire is detected by any staff member, a manual alarm will need be pulled. In either system, once a student or staff member becomes aware of a fire, immediately notify the office.

1. Never attempt to fight a fire larger than a wastebasket.
2. If you are using a fire extinguisher, remember:
  - P – PULL safety pin from the handle
  - A – AIM at the base of the fire.
  - S – SQUEEZE the trigger handle
  - S – SWEEP from side to side
3. If caught in a fire, when exiting the building: (1) Stay low, (2) Do not open doors hot to the touch.
  - If your clothing catches fire: STOP, DROP, ROLL.
4. In case of a notification of a fire:
  - Evacuation Signal/Notifications:
    - a. The principal/designee will announce when it's time to evacuate and sound the signal for an evacuation due to a fire, which is an intermittently sounding bell or horn. In the event that staff sees smoke or fire, they are to evacuate immediately.
    - b. The principal/designee will call 911 for an emergency, and notify the County Fire Department (442-265-6025) for non-emergency, Superintendent/designee and Maintenance and Operations (335-5200).

### **Evacuation Procedures:**

At the evacuation signal, employees are to evacuate their classroom following the established route to a predesignated area on the field. If field is not available, students will evacuate to dirt



parking lot South of the McCabe campus or as designated by the Incident Command Center.

At the evacuation area, employees in charge of students are to:

- a. Take roll in RED binder
- b. Display Green Sign (All Students Present) or Red Sign (Student/s Not Present)
- c. Grade level leaders will check with teachers in their grade level for missing students and will report to the Incident Command Center and/or a member of the Search and Rescue Team.
- d. Teachers will remain with students until the "all clear signal" is heard to return to class or until all students are released.
  - Each employee will check on the status of his or her "buddy" staff member. "Buddy System," is used so that one teacher may remain with an injured student and request that the neighboring teacher (buddy) supervise his/her class during the evacuation.
  - If there are injured persons who must remain in the classroom, one buddy will remain with the injured party and the other will take all other students to the field.
  - If an injured party is in a structurally unsound location where collapse may be imminent, the injured party should be removed to the nearest safe location regardless of the injury. An adult is to remain with the injured party until moved to the first aid area. The designated triage areas will be determined at the time of the incident for McCabe and Corfman sites.

## **Command Center**

The Command Center and alternate locations for a Command Center are located in each Campus Evacuation Map. At the Command Center, principal/designee will:

- i. Use ICS flowchart to meet with the following teams: Search and Rescue Teams, Security/Utility Team, Assembly Area, First Aid/Medical Team, Crisis-Psychological Team, and the Reunion Gate Teams.
- ii. Verify student attendance.
- iii. If there are missing students or staff, Search and Rescue Team members will be assigned to check the classroom area for the missing persons.
- iv. When missing persons are found, they are to be returned to their assigned classrooms and the Command Center will be notified.
- v. Teachers and other employees assigned to schoolwide emergency duties other than the supervision of students are to report to the Command Center following evacuation to the field.
- vi. Remaining teachers and other employees not assigned to schoolwide emergency duties will assume responsibility for all children on the field.
- vii. All staff and students are to remain on the field until the "all clear" signal of a sustained bell or until school is closed and students are released.

## **Emergency Procedures for Earthquake**

1. During the earthquake:
  - Remain calm - do not rush outside.
  - Initiate a "Duck and Cover":
    - a. Move away from windows, shelves, and overhead hanging objects. Take cover under a desk, table, counter, etc.
    - b. Hold your cover.
    - c. If outside, duck and cover against the nearest solid object.
    - d. If outside, do not touch any fallen power lines.
  - Remain in "Duck and Cover" until all movement ceases.

### **After the earthquake - Before the evacuation signal:**

1. Be prepared for aftershocks.

2. Check for injuries. Do not move the seriously injured.
3. Administer first aid.
4. Check for damage in your designated area and report to the Incident Command Center.
5. Extinguish any small fires.
6. Check for gas. If gas is smelled, do not turn lights on or off and do not light any matches.
  - SHUT OFF VALVE
  - Contact gas company

**Evacuation Procedures:**

1. Teachers will determine when it is safe to evacuate to their designated area.
2. Office staff will take the Crisis Response Kit and radios for communication to the Command Center.
3. Designated staff members will take first aid kits assigned to them to the first aid area.
  - Employees in charge of students are to take the Red Binder containing student information and reporting forms with them.

**Evacuation Area**

At the evacuation area, employees in charge of students are to:

1. Take roll in RED binder
2. Display Green Sign (All Students Present) or Red Sign (Student/s Not Present)
3. Grade level leaders will check with teachers in their grade level for missing students and will report to designated staff member.
4. Teachers will remain with students until an "all clear" to return to class or until all students are released.

Each employee will check on the status of his or her "buddy" staff member. "Buddy System," is used so that one teacher may remain with an injured student and request that the neighboring teacher (buddy) supervise his/her class during the evacuation. If there are injured persons who must remain in the classroom, one buddy will remain with the injured party and the other will take all other students to the field. A white "All Clear" marker will be left on the outside doorknob to indicate that room is cleared and there are no injured parties inside.

If an injured party is in a structurally unsound location where collapse may be imminent, the injured party should be removed to a designated triage areas regardless of the injury. An adult should then remain with the injured party until moved to the first aid area. The designated triage areas will be determine at the time of the incident for McCabe and Corfman sites.

**Command Center**

At the Command Center, principal/designee will:

1. Use Incident Command System (ICS) flowchart to organize teams.
  - Found in Safety Binder
2. Verify student attendance.
3. If there are missing students or staff, Search and Rescue Team members will be assigned to check the classroom area for the missing persons.
4. When missing persons are found, they are to be returned to their assigned classrooms and the Command Center will be notified.
5. Teachers and other employees assigned to schoolwide emergency duties other than the supervision of students are to report to the Command Center following evacuation to the field.
6. Remaining teachers and other employees not assigned to schoolwide emergency duties will assume responsibility for all children on the field.
7. All staff and students are to remain on the field until the "all clear" signal of a sustained bell or until school is closed and students are released.

**Responsibilities: Custodians**

1. Shut off gas, electricity, and water
2. Check for fallen power lines
3. Check that evacuation routes are open
4. Lock the gates and open emergency vehicle access gates

5. Report to the Command Center to set up, give damage report, and receive emergency assignment

**Command Center:**

1. The principal/designee will initiate the evacuation signal
2. The principal/designee will take the communication radios, battery-powered radio, and bullhorn
3. The secretary/clerk will take the Crisis Response Kit and all other student and staff information as needed
4. The designated staff members will take the first aid supplies to the first aid area
5. All staff members assigned to the Command Center will report for set up and for their schoolwide emergency assignment

**Search and Rescue:**

1. Search and Rescue teams are to assemble at the Incident Command Center to be assigned their specific area to cover
2. Teams are to take with them first aid materials and transport for injured persons
3. Teams are to take lists of any missing persons
4. In searching their specific areas, teams are to scan for missing persons.
5. Teams are to assess the situation, administer first aid as needed
6. Injured persons are to be transported to the first aid area by some team members while the remainder of the team continues the search. Members transporting injured persons should return to their team as soon as possible
7. After each room/area is checked, the outside door is marked with a large "X"

**Medical - First Aid:**

1. Staff assigned to medical are to set up the triage area.
  - Treat injured parties as per priorities on injury as to be determined by staff.
  - Complete a Student Release form for all students removed to the hospital by emergency medical personnel.
  - Complete a Student Release Form, provide status reports on the number of injured, dead, and released to the hospital to the Command Center.

**Security:**

1. M&O staff will lock gates, doors, and generally secure the campus.
2. Station aide at front gates to direct parents to the staging area.
3. Route fire and police to areas of need.
4. Route emergency medical personnel to the first aid area.

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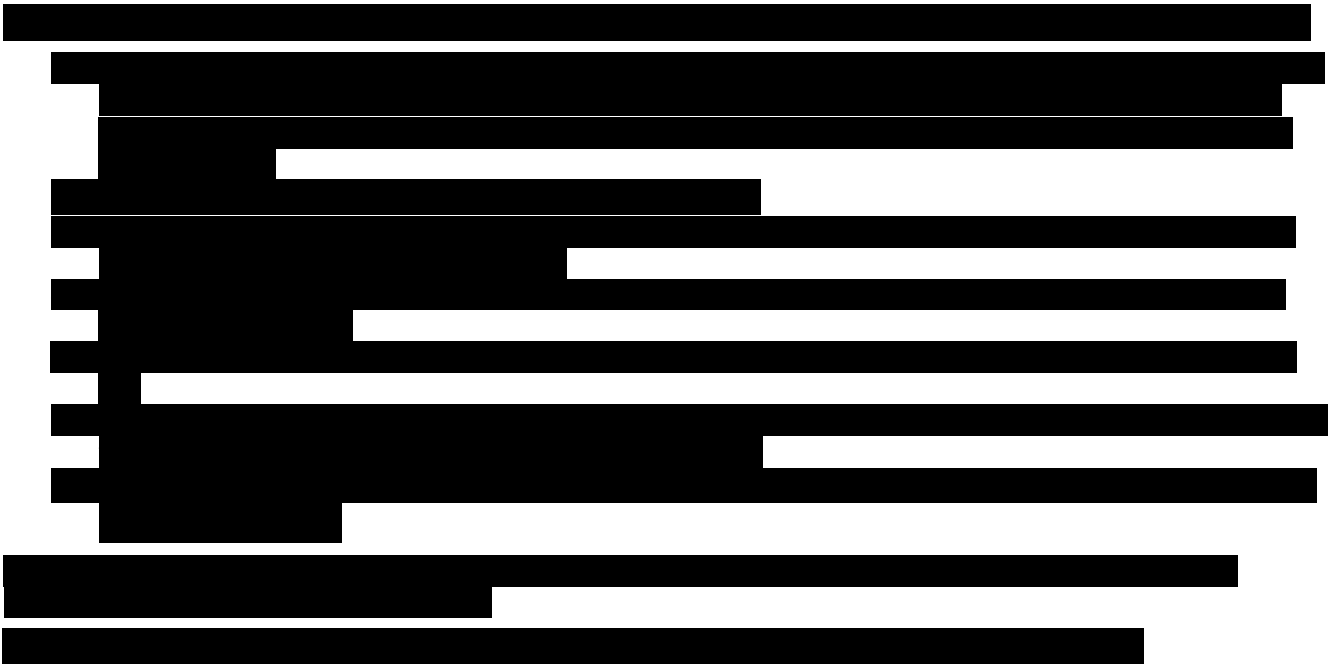
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## Emergency Procedures For Suicide Ideation

### Suicide Ideation at School - Student Identified as Suicidal

1. When school staff become aware of a student exhibiting potential suicidal behavior, they should contact a campus administrator or designee. The administrator or designee will ensure that an adult escorts the child to office and be placed under supervision. The child should not be sent on their own.
2. The school's crisis response team for a suicide risk assessment will be contacted: school psychologist, counselor, an administrator, and the special education director.
3. If the appropriate staff is not available, Sheriff's Office should be called. Typically, it is best to inform the student what you are going to do every step of the way. Solicit the student's assistance where appropriate. Under no circumstances should the student be allowed to leave school or be alone (even in the restroom). Reassure and supervise the student until a 24/7 caregiving resource (e.g., parent, mental health professional or law enforcement representative) can assume responsibility.
4. If a student resists, becomes combative or attempts to flee, call 911.
5. The crisis response team and law enforcement will determine what resources are required for the safety and wellbeing of student.
6. Collaboration between schools, law enforcement, family and community providers is critical.

## Emergency Procedures For Death at School

When traumatic events in a school, school district, or community occur, there is an immediate need for effective services to respond to the emotional pain, that accompanies loss and distress. The death of a student or faculty member is much like a death in the family. Suicide is especially significant due to the intensity and variety of the feelings, which accompany such a tragedy. The school system has many similarities to the family system and like the family has opportunities to provide a support response.

### 1. Pre-Emergency Procedures:

- Establish and train a Crisis Response Team
- Establish a system for communication for teachers, staff and the Board

### 2. Immediate Action:

- Call 911 and notify Superintendent and Board
- Keep students in classes away from the crisis area or remove students from the immediate crisis area, and determine if full/modified lockdown is necessary
- Activate the Crisis Management Team
- Secure the area until law enforcement arrives
- Make notes and observations of pertinent information

- Who observed the occurrence?
  - Who reported the occurrence?
  - What vehicle(s) were involved?
  - Note the approximate time of the incident, when emergency vehicle arrives, and what was done for the victim. Write down your observations as soon as possible
- 3. Follow-Up (Family):**
- Contact the family personally and offer support
  - Establish a family support committee (example: to collect money, food donations, etc.)
  - Obtain information regarding funeral visitation, home visits, and family wishes
  - Stop any disciplinary, scholarship, testing, or special placement notifications that may be inadvertently sent to the family
- 4. School Plan of Action - Announcing the Loss:**
- Notify school community as appropriate: staff, parents, students
  - Provide facts to reduce rumors. Extend homeroom or study hour, if necessary
  - Arrange for selected class visits to speak to the students
  - Follow-up with a short faculty meeting to review the facts of the incident and the role of the faculty in assisting with the loss. Allow the faculty an opportunity to share their experiences and suggestions
- 5. Faculty Response:**
- Identify the students who were close friends or students who would like an opportunity to attend a group or an individual meeting
  - Identify the students obviously in distress and provide counseling services.
  - Provide an opportunity for students to discuss the loss and what they have learned
  - If students are restless, get them active and focus on a project for the family, if appropriate
  - Discuss the funeral to prepare the students who will be attending to know what to expect
- 6. Counseling and Psychology Responsibilities:**
- Establish an area for counseling (individual or group)
  - Reschedule the day's activities depending upon the needs of the school
  - Request additional counselors, if needed, as determined by the superintendent and psychologist
  - Identify individuals who can work with groups or individuals. Maintain a list of the students counseled. Make follow-up calls to the parents of the students in distress and make recommendations for the parents to provide support
- 7. Administrative Responsibilities:**
- Keep the staff updated on the events and circumstances
  - Identify faculty and staff who are in need of mental health support services
  - Utilize counseling, psychology, district office, community counseling, or employee assistance programs
  - Emphasize the need to provide hard facts in reducing rumors. Remove personal items of the deceased from locker, desk, etc.
  - Rearrange the seating in the classroom, when appropriate

## **Emergency Procedures for Utility Emergency**

If a utility problem is discovered, such as a gas leak or power failure, notify the Superintendent/designee, Maintenance and Operations Manager, and the Board (335-5200).

### **1. Gas Leak:**

- Contact So Cal Gas Company 800-352-4070
- Only custodial or Maintenance and Operations personnel specifically trained in shut-off procedures should attempt to shut off the building gas
- Maintenance and Operations personnel will recommend response procedures and other agencies to be contacted once the leak is confirmed
- Do not light matches or turn lights on or off. Extinguish any open flames

- Open windows to allow ventilation
- Stay clear of the problem
- Principal/designee should wait outside for Maintenance and Operations and direct them to the problem location

**2. Power Failure:**

- Contact IID 800-303-7756 and/or the Office of Emergency Services and stay tuned for updates using mobile phones, the 800 mhz radios, and battery-powered radios.
- Use the district hand-held radio and notify the Superintendent/designee and Maintenance and Operations (335-5200)
- Give instruction to staff and students as to evacuate classrooms or not
- Shut off all electrical switches individually, not at the main switch. If power is restored after hours, items such as coffee makers, which have not been turned off individually will come back on and can overheat and burn.
- When power is restored, check the effect of the power outage on the school (i.e., refrigerated food, clocks, etc.)

**3. If students are evacuating classrooms:** Implement school-wide evacuation procedures.

**4. Closing of School:**

- If there is no other acceptable alternative, the principal/designee will secure permission from the Superintendent/ designee to close the school.
- The office of the Superintendent/ designee will communicate with all resources available to communicate with the school community the closing of the school.
  - If school needs to be closed:**
    - Notify the Sheriff's Department (442-265-2021) and the Board
    - Notify the Transportation and Maintenance/Operations Department (760-335-5200).
    - Initiate district student release procedures for those students who may be picked up by a parent or other authorized adult.
    - Instruct staff to remain with students who are not released until such time as their release at the end of the normal school day under regular release and transportation procedures.
    - The principal/designee will remain on campus until the safety of all students is assured.
  - If school is not closed:**
    - Many parents will still want to pick their children up from school even if the decision has been made to keep the school open. To ensure that this will occur smoothly, the following procedures should be implemented:
    - Initiate district student release procedures for those students who may be picked up by a parent or other authorized adult.
    - Instruct staff to remain with students who are not released until such time as their release at the end of the normal school day under regular release and transportation procedures
    - The principal/designee will remain on campus until the safety of all students is assured.

## **Emergency Procedures for Chemical/Hazardous Material Spill**

**1. Chemical/Hazardous Material Spill:**

Warning of a chemical accident is usually received from the police department, fire department, or the local Office of Emergency Services when there is a threat to the safety of the school. These accidents may include overturned tankers, broken fuel lines, and incidents related to the industrial use of chemicals. If offensive odors are present in the ventilation system, they should be reported to the principal/designee. When a reported accident occurs, the following procedures should be implemented:

- a. It will be assessed by trained personnel who will ensure that proper clean-up techniques are employed.
- b. Principal/designee will notify Superintendent/designee and Maintenance and Operations (335-5200).
- c. Principal/designee will choose one of the following options:
  - No evacuation – students remain in class.
  - Evacuate to predesignated field area.
  - Evacuate off campus to predesignated student release area.



2. If it is necessary to evacuate the area, move cross wind, never directly with or against the wind.
3. If exiting to field or evacuation area:
  - a. The principal/designee will initiate the fire drill evacuation signal of an intermittently sounding bell or horn
  - b. Employees are to take their Red Binder containing student information and reporting forms with them
  - c. Office staff will take the Crisis Response Kit to the Command Center
  - d. At the evacuation area, employees in charge of students are to:
  - e. Take roll
  - f. Display Green Sign (All Students Present) or Red Sign (Student/s Not Present)
  - g. Remain with students until an "all clear" to return to class or until all students are released
4. At the Command Center, principal/designee will:
  - a. Command Center will be determined at the time of incident: 1 of 4 possible locations
  - b. Use ICS flowchart to organize teams
  - c. Check off classes and their Attendance Signs
    - a. If there are missing students or staff, Search and Rescue team members will be assigned to check the classroom area for the missing persons. Do not re-enter any burning building
    - b. If there are missing students or staff, Search and Rescue team members will be assigned to check the classroom area for the missing persons. Do not re-enter any burning building
    - c. When missing persons are found, they are to be returned to their assigned classrooms and the Command Center will be notified
    - d. If there are missing students or staff, Search and Rescue team members will be assigned to check the classroom area for the missing persons. Do not re-enter any burning building
    - e. When missing persons are found, they are to be returned to their assigned classrooms and the Command Center will be notified
5. **Closing of School:**
  - a. If necessary, the principal/designee will secure permission from the Superintendent/designee to close the school. The office of the Superintendent/ designee will contact public communications systems, such as radio, to announce the closing of the school.
  - b. If school is closed:
    - a. Notify the Sheriff's Dept. (442-265-2021) and the Board
    - b. Notify the Transportation Department and Maintenance/Operations Department (335-5200)
    - c. Initiate district student release procedures for those students who may be picked up by a parent or other authorized adult.
    - d. Instruct staff to remain with students who are not released until such time as their release at the end of the normal school day under regular release and transportation procedures.
    - e. The principal/designee will remain on campus until the safety of all students is assured.
    - f. Do not return to the campus until school personnel and/or emergency personnel have declared the area safe.
6. **If school is not closed:**
  - a. Many parents will still want to pick their children up from school even if the decision has been made to keep the school open. To ensure that this will occur smoothly, the following procedures should be implemented:
    - a. Initiate district student release procedures for those students who may be picked up by a parent or other authorized adult.
    - b. Instruct staff to remain with students who are not released until such time as their release at the end of the normal school day under regular release and transportation procedures.
    - c. The principal/designee will remain on campus until the safety of all students is assured.

## Emergency Procedures for Bee Swarms

### 1. Pre-Emergency Procedures:

- Post-emergency numbers (911, Poison Control, County Bee Hotline, etc.)
- Have first aid supplies on hand (with supplies for closing off areas such as barricades and yellow caution tape)
- Look for bee problems around school grounds

### 2. Immediate Action – Bee Attack:

- Evacuate immediate area and initiate modified lockdown if necessary
- Seek enclosed shelter or, upon attack, run without flailing arms
- Treat injured. Remove stinger(s) with the edge of a credit card or other sharp-edged instrument. **Do not attempt to pull stinger out** with tweezers or fingers, as this may cause additional venom to be injected.

### 3. Immediate Action – Swarm or Hive Located:

- Evacuate immediate area and initiate modified lockdown if necessary
- Call Imperial County Bee Office Hotline 760-336-2252
- Keep bystanders at least 300 feet away by posting yellow caution tape
- Post someone near to keep bystanders away until emergency crew or pest control arrives

### 4. Communication:

- Call 911 if necessary.
- Notify Superintendent and Maintenance and Operations 760-335-5200
- If parent communication is needed, use school to home communication platform to provide information

### 5. Follow-Up:

- Have grounds personnel clean up and remove dead bees
- Complete written documentation and forward to the district office

## Emergency Procedures for Severe Weather Conditions Non-School Hours

### 1. Pre-Emergency Procedures:

- Keep a list of local emergency agencies' telephone numbers within easy access
- Establish contacts at local emergency agencies
- Maintain a plan for sharing school facilities as needed
- Know which community officials have the authority to access school property in emergency situations
- Staff and students should be advised to watch or listen to local media for information on school closures and severe weather

### 2. Immediate Action:

- The transportation manager or designee monitors and determines the safety of roads and bridges within the district
- The Principal will monitor and determine the safety of school buildings and grounds that may be affected by severe weather conditions

### 3. Communication:

- If the school is to be closed, notify local media of the decision to close
- Notify parents as needed using School to Home Communication Platform

### 4. Follow-Up:

- Reschedule the school calendar, if needed
- Complete a written report to the Superintendent

## **Emergency Procedures for Severe Weather Conditions School In-Session**

### **1. Pre-Emergency Procedures:**

- Keep a list of local emergency numbers within easy access
- Establish contacts at local emergency agencies
- Maintain an up-to-date school evacuation/dismissal plan
- Maintain a plan for sharing school facilities as needed
- Know which community officials have authority to access school property in emergency situations
- Be aware of evacuation routes leading away from the facility

### **2. Immediate Action:**

- Restrict outdoor activities if severe weather conditions are threatening the area
- Dismiss school only after obtaining Superintendent approval
- If necessary, activate the student reunification plan

### **3. Communication:**

- In cases where dismissal is indicated, activate communication through the Superintendent's office using School to Home Communication Platform

## **Emergency Procedures for Floods**

### **1. Pre-Emergency Procedures:**

- All school personnel should be aware of the danger of excessive rains

### **2. During Emergency:**

- Superintendent or designee will determine what facilities are likely to be flooded
- The School Administrator will initiate appropriate Immediate Response Actions, which may include SHELTER-IN-PLACE, EVACUATE BUILDING, or OFF-SITE EVACUATION
- Notify 911 and Sheriffs' Department – (442-265-2026) and describe the nature and extent of the flooding
- The School Administrator will keep a battery-powered radio tuned to a local radio station and/or use the 800mz radio for information, and use mobile phone to communicate with the Office of Emergency Services.
- If the School Administrator issues the EVACUATE BUILDING or OFF-SITE EVACUATION action, staff and students will evacuate affected buildings using prescribed routes or other safe routes to the Reunification Area

## **Emergency Procedures for Bus Accidents**

At the scene of an accident involving a school bus the responding law enforcement agency is in charge. The responsibility for the release of students rests with the District.

A District Transportation Safety Plan is maintained and provided to parents for written notification of district rules and guidelines for safety procedures.

### **1. General Accident Procedures:**

- The driver's first responsibility is to his/her passengers
- For an Emergency dial 911, and for Non-Emergency notify the California Highway Patrol 760-482-2500, Superintendent/designee, Transportation, and Maintenance and Operations 760-335-5200
- Turn the engine off and set the brakes

- Check for any injuries to passengers. If there are injuries, administer first aid as needed
- Check the fuel tank and lines
- Check for electrical fire and/or smoke
- Keep all passengers in the vehicle, with the only exceptions being fire or other hazards that would warrant their removal
- Protect the scene from further accidents, traffic, and other persons in the area
- Do not move the vehicle until advised to do so by law enforcement personnel
- Do not release any passengers unless directed to by district administration
- If the present vehicle is not deemed safe for transport, arrange for another vehicle or other means as determined by district administration

## 2. **Vehicle Evacuation Regulations and Emergency Exits:**

- The decision to evacuate the vehicle is the initial step and should be done in a manner that will result in the safest situation for the passengers
- Avoid panic and hasty decisions
- Two methods or routes of escape will be maintained
- Use an expedient and orderly movement of people to maximize safety
- Familiarity with drill patterns will provide drivers with actions to be taken in the event of an emergency requiring evacuation of a vehicle. These are to include:
  - a. Front-door evacuation
  - b. Rear floor-level door evacuation
  - c. Left and rear floor-level door evacuation
  - d. Rear, side, and front-level door evacuation
  - e. Front and side-floor level door evacuation
  - f. Left rear floor-level door evacuation

## 3. **Situations that may require evacuation include:**

- A fire or the potential for a fire to occur.
- Vehicle is situated in a dangerous position on the roadway.

## 4. **Hijacking and Kidnapping:**

- Drivers should not try to be the “hero”. Accept the situation and be prepared to wait until help arrives.
- The first 15 to 45 minutes are the most dangerous. Follow the instruction of your captors without upsetting them
- Do not speak unless you are spoken to. Be calm and courteous in responding
- Do not make suggestions to your captors
- Do not try to escape unless you are the only hostage. If you are, make sure you can make good on your escape before trying it. Observe carefully everything that occurs. Try to memorize the number of captors, their description, their conversation, the number and type of weapons carried, types of vehicles, and license numbers, if possible
- Try to memorize the number and identity of other hostages, such as students. If you are released, your information will help the police
- If permitted to speak on the telephone or radio for any reason, follow the instruction of your captors very carefully. Be prepared to answer only “yes” or “no” to questions asked by the person to whom you are speaking.
- Do not turn your back on your captors unless ordered to do so, but do not stare at them either. Make normal eye contact.
- Do not be argumentative. Exhibit a cooperative attitude and instruct others to do likewise.
- Avoid physical resistance
- Your main concern is the safety of your passengers. If permitted, ask your captors to allow

you to give instructions to the students.

- Be patient and remember that time is in your favor

## 5. Hazardous Materials

- For an Emergency dial 911, and for Non-Emergency notify the California Highway Patrol 760-482-2500.
- Hazardous material is anything that can explode, burn easily, corrode, poison, or affect life through biological or radiation activity. The basic steps to be taken are:
- Hazardous material is anything that can explode, burn easily, corrode, poison, or affect life through biological or radiation activity. The basic steps to be taken are:
  - a. Protect the scene
  - b. Notify authorities
  - c. Render assistance
  - d. Collect information
- If hazardous materials are encountered, the following precautions should be taken:
  - a. Avoid smoke, fumes, or residue.
  - b. Do not walk or drive through spilled materials.
  - c. Do not stand downwind from spilled materials.
  - d. Do not use flares or other ignition sources.
- Some or all of the following activities may be necessary, depending upon the situation:
  - e. Turn off the ignition switch and set the brakes.
  - f. Remain calm and reassure passengers.
  - g. Be alert regarding fire or the possibility.
  - h. Place warning devices.
  - i. Check for injury to passengers and follow first-aid procedures.
  - j. Keep all passengers on the bus, again noting exceptions for fire and other hazards that would require removal from the bus.
  - k. Evacuate only when necessary.
  - l. To determine if evacuation is necessary, check wind speed and direction, roadway slope, and direction of flowing liquids, and identity of the spilled hazardous material.
  - m. Account for all passengers.
  - n. Notify the Superintendent/designee, Transportation, and Maintenance and Operations 760-335-5200.

## 6. Bus Operations During Earthquakes:

- **Minor Earthquakes:**
  - a. If a minor earthquake occurs while a bus is on a scheduled pickup or school-to-home run, the bus will temporarily stop, pull out of traffic and park the bus. At the time the driver can determine that all is clear, he/she will continue the regularly assigned route.
- **Major Earthquakes:**
  - a. **Picking Up Students:** If a major earthquake occurs while a bus is on a run picking up children to take them to school, the bus will temporarily stop, pull out of traffic and park the bus. The driver will then give direction to students to “drop” and take “cover” under the seats. At the time the driver can determine that all is clear, he/she will then stop picking up students and will go to the nearest district school site to wait for further instructions.
  - b. **Taking Students Home:** If a major earthquake occurs while a bus is taking students home from school, the bus will temporarily stop, pull out of traffic and park the bus. The driver will then give direction to students to “drop” and take “cover” under the seats. At the time the driver can determine that all is clear, he/she will then stop taking children home and will go to the nearest district school site to wait for further instructions.

- c. **Bus Riders:** All children who ride district buses should be instructed in advance by parents as to where they should go and what they should do if a major earthquake occurs prior to their scheduled bus pickup and after they have departed the bus for home.

## **Emergency Procedures for Missing Persons**

### **1. Pre-Emergency Procedures:**

- Review plan with faculty and staff.

### **2. Immediate Action – Missing Child: If a child is reported missing**

- Check with staff and assign a team to check buildings, athletic fields, after school programs, and buses for the missing student.
- Contact the child's parents.
  - If unable to locate a parent, use numbers on the student emergency card.
- Attempt to find out who last saw the child and where he/she was seen.
- Contact close friends of the missing student to possibly obtain information as to their whereabouts.
  - Interview the missing student's friends for information as to their whereabouts, possibility of running away, or returning home for fear of punishment.
- Notify the police or notify appropriate law enforcement.
  - Get an accurate description of the child. Include what the child was last seen wearing.
  - Provide photograph to law enforcement
  - Designate a school contact person to continue working with the parents and law enforcement if the child is not located.
  - Designate a school official to work as a liaison with law enforcement.

### **3. Immediate Action – Missing Adult:**

- Attempt phone contact.
- Contact law enforcement to do a welfare check at the person's home.
- Contact personnel office for a listing of relatives or friends to contact.
- Designate a school official to be a liaison with law enforcement, in case the person is not located.

### **4. Follow-Up:**

- Arrange selected class visits to speak, as necessary, to provide facts and to reduce rumors.
- Forward a written report to the Superintendent.

### **5. Confidential Information:**

- According to federal statutes, an educational agency or institution may disclose personally identifiable information from an education record to appropriate parties in connection with an emergency, if knowledge of the information is necessary to protect the health and safety of the student or other individuals.
- If law enforcement or medical personnel need information to protect the health and safety of a student, provide whatever information is needed.
- Generally, the only information that should be provided to the media is confirmation of the student's attendance in our district. Comments to the media should be referred to the superintendent/designee.
- However, in the case of a missing child, providing information to the media that may aid in the discovery and/or protection of the child is permissible.

## Emergency Procedures for Abandoned Child

### 1. Immediate Action:

- Contact administration
- Contact the family by telephone, if possible.
  - Contact emergency telephone references.
  - If contact cannot be made with the parents, call the Sheriff's Department (442-265-2021) for an officer to respond.
- Contact Child Protective Services (CPS) to notify them in case they have an on-going investigation with the family.
- Place written documentation in student file regarding the circumstances surrounding the incident.

### 2. Confidential Information:

- According to federal statutes, an educational agency or institution may disclose personal identifiable information from an educational record to appropriate parties in connection with an emergency if knowledge of the information is necessary to protect health and safety of the student or other individuals.
- If law enforcement officer or medical personnel needs information to protect the health and safety of a student, the school will provide whatever information is needed.
- Media. Generally, the only information that should be provided to the media is confirmation of the student's attendance in the McCabe Union Elementary School District. The media should generally be referred to the superintendent or designee. However, in the case of an abandoned child, providing information to the media that may aid in the protection of the child is permissible.

Appendix - Sample of CPS report

## Emergency Procedures for Criminal Allegations Against a Student

### 1. Pre-Emergency Procedures:

- Administrators and staff are provided written guidelines regarding the release of information pertaining to students and staff
- Law enforcement must present proper identification

### 2. Immediate Action:

- Notify parents
- Determine legal authority of the individual requesting to question anyone on the school premises
- Work with legal authorities to ensure the questioning occurs with the least possible disruption to the school environment
- If the parent is not present during the questioning of a student on campus, an administrator may be present during the questioning

### 3. Communication: Information will only be provided to law enforcement as per ED code.

- Do not release the name, address, or phone number of any student unless such information is needed to protect the health and/or safety of the student or other individuals
- If criminal allegations involve crimes against other students, refer any questions to the investigating officer

### 4. Follow-Up:

- Communicate to staff members and to the parents of the students involved

- Law enforcement will conclude investigation and do any necessary follow-up

## **Emergency Procedures for Campus Disorder – Civil Disobedience**

Civil disturbances may occur within districts or individual schools, or may be precipitated by outside school forces. Campus disorders may be avoided by maintaining effective movement and control of students and unauthorized persons.

### **1. Pre-Emergency Procedures:**

- The principal and appropriate school personnel must be aware of the following events and insure that adequate security (law enforcement patrols, if necessary) is available.
  - a. Athletic events.
  - b. Major school social activities.
  - c. Racial tension.
  - d. Influx of outside agitators.
  - e. Circulation of inflammatory literature among students.

### **2. Immediate Action:**

- The administrator will assess the situation, number of students, nature of disturbances, and assistance, if needed. If outside assistance is needed:
  - a. Notification to staff and students to stay in class
    - Instruct teachers to follow modified lockdown procedures.
  - b. Notify Superintendent
  - c. Notify law enforcement (Sheriffs' Department – 442-265-2021 or CHP – 760-482-2500).
  - d. If necessary, turn off passing system (bells) so students will not change classes.

### **3. Administrators:**

- Brief law enforcement officers on:
  - a. Number of participants involved.
  - b. Location of participants.
  - c. Weapons involved.
  - d. Outsiders involved.
  - e. Assist law enforcement, as necessary. Instruct classroom teachers to account for all students.

### **4. Follow-Up:**

- Follow-up procedures
  - a. Contact maintenance and operations, once authorities have established control, to assist with securing the building(s).
  - b. Notify parents about the incident that occurred and how safety was established.
  - c. Debrief faculty, as appropriate.
  - d. Complete written report and forward it to the superintendent.

## **Emergency Procedures for Campus Disorder – Walk Outs or Sit Ins**

A “walk out” is a type of demonstration that needs to be dealt with through dialogue. If a student walk out occurs, and the students remain on the school grounds, the principal or his representative should try to talk the students into returning to their classes or another designated location. If the students do not return to class:

### **1. Immediate Action:**

- Notify superintendent
- Inform the offices immediately



- Initiate Modified Lockdown
- Take the necessary measures to ensure the safety and well being of students while they demonstrate. Things to consider: access to water, shade, an area to speak and guidance on how to demonstrate in a peaceful and safe manner.
- Take roll to determine the names of the students who did not return to class, left campus or never entered the school campus.
- If the demonstration becomes disorderly or violent, call 911

**2. Communication:**

- Inform school community

**3. Follow-Up:**

- Contact the parents of students who never entered the campus or did not return to class

### **Emergency Procedures for Off-Campus Disorder**

Follow the same Immediate Actions, Communication and Follow Up indicated for On Campus Disorder for incidents occurring while students are going to or coming from school and during or while going to or coming from a school sponsored activity.

# Appendix

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Child Abuse Prevention And Reporting

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The Board of Trustees is committed to supporting the safety and well-being of district students and desires to facilitate the prevention of and response to child abuse and neglect. The Superintendent or designee shall develop and implement strategies for preventing, recognizing, and promptly reporting known or suspected child abuse and neglect.

The Superintendent or designee may provide a student who is a victim of abuse with school-based mental health services or other support services and/or may refer the student to resources available within the community as needed.

(cf. [1020](#) - Youth Services)

(cf. 5141.6 - School Health Services)

(cf. 6164.2 - Guidance/Counseling Services) Child Abuse Reporting

The Superintendent or designee shall establish procedures for the identification and reporting of known and suspected child abuse and neglect in accordance with law.

(cf. [4119.21/4219.21/4319.21](#) - Professional Standards)

(cf. 5145.7 - Sexual Harassment)

Procedures for reporting child abuse shall be included in the district and/or school comprehensive safety plan. (Education Code [32282](#))

(cf. [0450](#) - Comprehensive Safety Plan)

District employees who are mandated reporters, as defined by law and administrative regulation, are obligated to report all known or suspected incidents of child abuse and neglect.

The Superintendent or designee shall provide training regarding the duties of mandated reporters. Legal Reference:

EDUCATION CODE

32280-32288 Comprehensive school safety plans

33195 Heritage schools, mandated reporters

33308.1 Guidelines on procedure for filing child abuse complaints

44252 Teacher credentialing

44691 Staff development in the detection of child abuse and neglect

44807 Duty concerning conduct of students

48906 Notification when student released to peace officer

48987 Dissemination of reporting guidelines to parents

49001 Prohibition of corporal punishment

51220.5 Parenting skills education

51900.6 Sexual abuse and sexual assault awareness and prevention

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 UNITED STATES CODE, TITLE 42

11434a McKinney-Vento Homeless Assistance Act; definitions COURT DECISIONS

Camreta v. Greene (2011) 131 S.Ct. 2020 Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

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

Health Framework for California Public Schools, Kindergarten Through Grade Twelve WEB SITES

California Attorney General's Office, Suspected Child Abuse Report Form:

[http://www.ag.ca.gov/childabuse/pdf/ss\\_8572.pdf](http://www.ag.ca.gov/childabuse/pdf/ss_8572.pdf)

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

California Department of Social Services, Children and Family Services Division: <http://www.childsworld.ca.gov>

U.S. Department of Health and Human Services, Child Welfare Information Gateway:

<https://www.childwelfare.gov/can>

Policy McCABE UNION ELEMENTARY SCHOOL DISTRICT

adopted: June 27, 2017 El Centro, California

[McCabe Union ESD](#) | AR 5141.4 Students

Child Abuse Prevention And Reporting



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Definitions

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

A physical injury or death inflicted by other than accidental means on a child by another person

Sexual abuse of a child, including sexual assault or sexual exploitation, as defined in Penal Code [11165.1](#)

Neglect of a child as defined in Penal Code [11165.2](#)

Willful harming or injuring of a child or the endangering of the person or health of a child as defined in Penal Code [11165.3](#)

Unlawful corporal punishment or injury as defined in Penal Code [11165.4](#)

(cf. [4119.21](#)/[4219.21](#)/[4319.21](#) - Professional Standards)

(cf. 5145.7 - Sexual Harassment)

Child abuse or neglect does not include:

A mutual affray between minors (Penal Code [11165.6](#))

An injury caused by reasonable and necessary force used by a peace officer acting within the course and scope of his/her employment (Penal Code [11165.6](#))

(cf. 3515.3 - District Police/Security Department)

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

An injury caused by a school employee's use of force that is reasonable and necessary to quell a disturbance threatening physical injury to persons or damage to property, to protect himself/herself, or to obtain weapons or other dangerous objects within the control of a student (Education Code [49001](#)) (cf. [5131.7](#) - Weapons and Dangerous Instruments)

(cf. [5144](#) - Discipline)

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

Physical pain or discomfort caused by athletic competition or other such recreational activity voluntarily engaged in by a student (Education Code [49001](#))

(cf. 6142.7 - Physical Education and Activity)

(cf. 6145.2 - Athletic Competition)

Homelessness or classification as an unaccompanied minor (Penal Code [11165.15](#))

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

Reasonable suspicion means that it is objectively reasonable for a person to entertain a suspicion, based upon facts that could cause a reasonable person in a like position, drawing when appropriate on his/her training and experience, to suspect child abuse or neglect. However, reasonable suspicion does not require certainty that child abuse or neglect has occurred nor does it require a specific medical indication of child abuse or neglect. (Penal Code [11166](#))

#### Reportable Offenses

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

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

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

#### Responsibility for Reporting

The reporting duties of mandated reporters are individual and cannot be delegated to another person.

(Penal Code [11166](#))

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

(Penal Code [11166](#))

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

Any person not identified as a mandated reporter who has knowledge of or observes a child whom he/she knows or reasonably suspects has been a victim of child abuse or neglect may report the known or suspected instance of child abuse or neglect to the appropriate agency. (Penal Code [11166](#)) (cf. [1240](#) - Volunteer Assistance)

#### Reporting Procedures

##### 1. Initial Telephone Report

Immediately or as soon as practicable after knowing or observing suspected child abuse or neglect, a mandated reporter shall make an initial report by telephone to any police department (excluding a school district police/security department), sheriff's department, county probation department if designated by the county to receive such reports, or county welfare department. (Penal Code [11165.9](#), [11166](#))

Child Protective Services 2995 S. 4th Street #10

El Centro, CA 92243

(760) 337-7750

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

##### 2. Written Report

Within 36 hours of knowing or observing the information concerning the incident, the mandated reporter shall then prepare and either send, fax, or electronically submit to the appropriate agency a written follow-up report, which includes a completed Department of Justice form (SS 8572). (Penal Code [11166](#), [11168](#))

The Department of Justice form may be obtained from the district office or other appropriate agencies, such as the county probation or welfare department or the police or sheriff's department. Reports of suspected child abuse or neglect shall include, if known: (Penal Code [11167](#))

The name, business address, and telephone number of the person making the report and the capacity that makes the person a mandated reporter

The child's name and address, present location, and, where applicable, school, grade, and class

The names, addresses, and telephone numbers of the child's parents/guardians

The name, address, telephone number, and other relevant personal information about the person who might have abused or neglected the child

The information that gave rise to the reasonable suspicion of child abuse or neglect and the source(s) of that information

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

The mandated reporter may give to an investigator from an agency investigating the case, including a licensing agency, any information relevant to an incident of child abuse or neglect or to a report made for serious emotional damage pursuant to Penal Code [11166.05](#). (Penal Code [11167](#))

##### 3. Internal Reporting

The mandated reporter shall not be required to disclose his/her identity to his/her supervisor, the principal, or the Superintendent or designee. (Penal Code [11166](#))

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

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

Reporting the information to an employer, supervisor, principal, school counselor, co-worker, or other person shall not be a substitute for making a mandated report to the appropriate agency. (Penal Code [11166](#))

## Training

Within the first six weeks of each school year, the Superintendent or designee shall provide training on mandated reporting requirements to district employees and persons working on their behalf who are mandated reporters. Any school personnel hired during the school year shall receive such training within the first six weeks of employment. (Education Code [44691](#); Penal Code [11165.7](#))

(cf. [4131](#) - Staff Development)

(cf. [4231](#) - Staff Development)

(cf. [4331](#) - Staff Development)

The Superintendent or designee shall use the online training module provided by the California Department of Social Services. (Education Code [44691](#))

The training shall include, but not necessarily be limited to, training in identification and reporting of child abuse and neglect. In addition, the training shall include information that failure to report an incident of known or reasonably suspected child abuse or neglect as required by law is a misdemeanor punishable by imprisonment and/or a fine as specified. (Education Code [44691](#); Penal Code [11165.7](#))

The Superintendent or designee shall obtain and retain proof of each mandated reporter's completion of the training. (Education Code [44691](#))

In addition, at least once every three years, school personnel may receive training in the prevention of child abuse, including sexual abuse, on school grounds, by school personnel, or in school-sponsored programs. (Education Code [44691](#))

## Victim Interviews by Social Services

Whenever the Department of Social Services or another government agency is investigating suspected child abuse or neglect that occurred within the child's home or out-of-home care facility, the student may be interviewed by an agency representative during school hours, on school premises. The Superintendent or designee shall give the student the choice of being interviewed in private or in the presence of any adult school employee or volunteer aide selected by the student. (Penal Code [11174.3](#))

A staff member or volunteer aide selected by a child may decline to be present at the interview. If the selected person accepts, the principal or designee shall inform him/her of the following requirements:

(Penal Code [11174.3](#))

The purpose of the selected person's presence at the interview is to lend support to the child and enable him/her to be as comfortable as possible.

The selected person shall not participate in the interview.

The selected person shall not discuss the facts or circumstances of the case with the child.

The selected person is subject to the confidentiality requirements of the Child Abuse and Neglect Reporting Act, a violation of which is punishable as specified in Penal Code [11167.5](#).

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

## Release of Child to Peace Officer

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

(cf. 5145.11 - Questioning and Apprehension by Law Enforcement)

## Parent/Guardian Complaints

Upon request, the Superintendent or designee shall provide parents/guardians with procedures for reporting suspected child abuse occurring at a school site to appropriate agencies. For parents/guardians whose primary language is not English, such procedures shall be in their primary language and, when communicating orally regarding those procedures, an interpreter shall be provided.

To file a complaint against a district employee or other person suspected of child abuse or neglect at a school

site, parents/guardians may file a report by telephone, in person, or in writing with any appropriate agency identified above under "Reporting Procedures." If a parent/guardian makes a complaint about an employee to any other employee, the employee receiving the information shall notify the parent/guardian of procedures for filing a complaint with the appropriate agency. The employee also is obligated pursuant to Penal Code [11166](#) to file a report himself/herself using the procedures described above for mandated reporters.

(cf. [1312.1](#) - Complaints Concerning District Employees)

In addition, if the child is enrolled in special education, a separate complaint may be filed with the California Department of Education pursuant to 5 CCR [4650](#).

(cf. [1312.3](#) - Uniform Complaint Procedures)

#### Notifications

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

(cf. [4112.9/4212.9/4312.9](#) - Employee Notifications)

Before beginning employment, any person who will be a mandated reporter by virtue of his/her position shall sign a statement indicating that he/she has knowledge of the reporting obligations under Penal

Code [11166](#) and will comply with those provisions. The signed statement shall be retained by the Superintendent or designee. (Penal Code [11166.5](#))

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

The Superintendent or designee also shall notify all employees that:

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

If a mandated reporter fails to timely report an incident of known or reasonably suspected child abuse or neglect, he/she may be guilty of a crime punishable by a fine and/or imprisonment. (Penal Code [11166](#))

No employee shall be subject to any sanction by the district for making a report unless it can be shown that he/she knowingly made a false report or made a report with reckless disregard of the truth or falsity of the report. (Penal Code [11166](#))

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approved: June 27, 2017 El Centro, California

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#### Discipline

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

(cf. [5131](#) - Conduct)

(cf. [5131.1](#) - Bus Conduct)

(cf. [5131.2](#) - Bullying)



(cf. [5137](#) - Positive School Climate)

(cf. 5138 - Conflict Resolution/Peer Mediation)

(cf. 5145.9 - Hate-Motivated Behavior)

(cf. 6020 - Parent Involvement)

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

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

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

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

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

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

(cf. [4131](#) - Staff Development)

(cf. [4231](#) - Staff Development)

(cf. [4331](#) - Staff Development)

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

(cf. [0460](#) - Local Control and Accountability Plan)

(cf. [3100](#) - Budget)

Legal Reference:

EDUCATION CODE

32280-32288 School safety plans 35146 Closed sessions

35291 Rules

35291.5-35291.7 School-adopted discipline rules

37223 Weekend classes

44807.5 Restriction from recess

48900-48926 Suspension and expulsion

48980-48985 Notification of parent/guardian 49330-49335 Injurious objects

52060-52077 Local control and accountability plan CIVIL CODE

1714.1 Parental liability for child's misconduct

CODE OF REGULATIONS, TITLE 5

307 Participation in school activities until departure of bus 353 Detention after school Management Resources:

CSBA PUBLICATIONS

Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students,

Policy Brief, February 2014

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

Maximizing Opportunities for Physical Activity during the School Day, Fact Sheet, 2009

CALIFORNIA DEPARTMENT OF EDUCATION PROGRAM ADVISORIES

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

STATE BOARD OF EDUCATION POLICIES

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

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

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

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

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

Public Counsel: <http://www.fixschooldiscipline.org>

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

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Site-Level Rules

Annually, site-level discipline rules shall be reviewed and, if necessary, updated to align with any changes in district discipline policies or goals for school safety and climate as specified in the district's local control and accountability plan. A copy of the rules shall be filed with the Superintendent or designee for inclusion in the comprehensive safety plan.

(cf. [0450](#) - Comprehensive Safety Plan)

(cf. [0460](#) - Local Control and Accountability Plan)

School rules shall be communicated to students clearly and in an age-appropriate manner.

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

Disciplinary Strategies

To the extent possible, staff shall use disciplinary strategies that keep students in school and participating in the instructional program. Except when a student's presence causes a danger to himself/herself or others or he/she commits a single act of a grave nature or an offense for which suspension or expulsion is required by law, suspension or expulsion shall be used only when other means of correction have failed to bring about proper conduct. Disciplinary strategies may include, but are not limited to:

Discussion or conference between school staff and the student and his/her parents/guardians(cf. [5020](#) - Parent Rights and Responsibilities)

(cf. [6020](#) - Parent Involvement)

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

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

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

and his/her parents/guardians  
(cf. 6164.5 - Student Success Teams)

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

(cf. 6159 - Individualized Education Program)

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

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

Recess restriction as provided in the section below entitled "Recess Restriction"

Detention after school hours as provided in the section below entitled "Detention After School"

Community service as provided in the section below entitled "Community Service"

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

(cf. 6145 - Extracurricular/Cocurricular Activities)

Reassignment to an alternative educational environment (cf. 6158 - Independent Study)

(cf. 6181 - Alternative Schools/Programs of Choice) (cf. 6184 - Continuation Education)

(cf. 6185 - Community Day School)

Suspension and expulsion in accordance with law, Board policy, and administrative regulation (cf. 5144.1 - Suspension and Expulsion/Due Process)

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

When, by law or district policy, other means of correction are required to be implemented before a student could be suspended or expelled, any other means of correction implemented shall be documented and retained in the student's records. (Education Code [48900.5](#))

(cf. [5125](#) - Student Records)

#### Recess Restriction

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

The student shall be given adequate time to use the restroom and get a drink or eat lunch, as appropriate.

The student shall remain under a certificated employee's supervision during the period of restriction.

Teachers shall inform the Superintendent of any recess restrictions they impose. (cf. [5030](#) - Student Wellness)

(cf. 6142.7 - Physical Education and Activity)

#### Detention After School

Students may be detained for disciplinary reasons up to one hour after the close of the maximum school day. (5 CCR [353](#))

If a student will miss his/her school bus on account of being detained after school, or if the student is not transported by school bus, the Superintendent or designee shall notify parents/guardians of the detention at least one day in advance so that alternative transportation arrangements may be made. The student shall not be detained unless the Superintendent or designee notifies the parent/guardian.

In cases where the school bus departs more than one hour after the end of the school day, students may be detained until the bus departs. (5 CCR [307](#), [353](#))

Students shall remain under the supervision of a certificated employee during the period of detention. Students may be offered the choice of serving their detention on Saturday rather than after school. (cf. 6176 - Weekend/Saturday Classes)

#### Community Service

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

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

#### Notice to Parents/Guardians and Students

At the beginning of the school year, the Superintendent or designee shall notify parents/guardians, in writing, about the availability of district rules related to discipline. (Education Code [35291](#), [48980](#))

(cf. 5145.6 - Parental Notifications)

The Superintendent or designee shall also provide written notice of disciplinary rules to transfer students at the time of their enrollment in the district.

#### Regulation McCABE UNION ELEMENTARY SCHOOL DISTRICT

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#### Suspension And Expulsion/Due Process

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

(cf. [5131](#) - Conduct)

(cf. [5131.1](#) - Bus Conduct)

(cf. [5131.2](#) - Bullying)

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

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

While on school grounds

While going to or coming from school

During the lunch period, whether on or off the school campus(cf. [5112.5](#) - Open/Closed Campus)

During, going to, or coming from a school-sponsored activity

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

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

## Appropriate Use of Suspension Authority

Except when a student's act violates Education Code [48900\(a\)-\(e\)](#), as listed in items #1-5 under "Grounds for Suspension and Expulsion: Grades K-12" of the accompanying administrative regulation, or when his/her presence causes a danger to others, suspension shall be used only when other means of correction have failed to bring about proper conduct. (Education Code [48900.5](#), [48900.6](#))

(cf. [1020](#) - Youth Services)

(cf. 5138 - Conflict Resolution/Peer Mediation) (cf. [5144](#) - Discipline)

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

(cf. 6164.2 - Guidance/Counseling Services)

(cf. 6164.5 - Student Success Teams)

No student in grades K-3 may be suspended for disruption or willful defiance, except by a teacher pursuant to Education Code [48910](#). (Education Code [48900](#))

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

(cf. [5113](#) - Absences and Excuses)

(cf. [5113.1](#) - Chronic Absence and Truancy)

## Authority to Expel

A student may be expelled only by the Board. (Education Code [48918\(j\)](#))

As required by law, the Superintendent shall recommend expulsion and the Board shall expel any student found to have committed any of the following "mandatory recommendation and mandatory expulsion" acts at school or at a school activity off school grounds: (Education Code [48915](#))

Possessing a firearm which is not an imitation firearm, as verified by a certificated employee, unless the student had obtained prior written permission to possess the item from a certificated school employee, with the Superintendent or designee's concurrence

(cf. [5131.7](#) - Weapons and Dangerous Instruments)

Selling or otherwise furnishing a firearm

Brandishing a knife at another person

Unlawfully selling a controlled substance listed in Health and Safety Code [11053-11058](#)

Committing or attempting to commit a sexual assault as defined in Penal

Code [261](#), [266c](#), [286](#), [288](#), [288a](#), or 289, or committing a sexual battery as defined in Penal Code [243.4](#)

Possessing an explosive as defined in 18 USC [921](#)

For all other violations listed in the accompanying administrative regulation under "Grounds for Suspension and Expulsion: Grades K-12" and "Additional Grounds for Suspension and Expulsion: Grades 4-12," the Superintendent or designee shall have the discretion to recommend expulsion of a student. If expulsion is recommended, the Board shall order the student expelled only if it makes a finding of either or both of the following: (Education Code [48915\(b\)](#) and (e))

That other means of correction are not feasible or have repeatedly failed to bring about proper conduct

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

A vote to expel a student shall be taken in a public session.

The Board may vote to suspend the enforcement of the expulsion order pursuant to the requirements of law and the accompanying administrative regulation. (Education Code [48917](#))

No student shall be expelled for disruption or willful defiance. (Education Code [48900](#))

## Due Process

The Board shall provide for the fair and equitable treatment of students facing suspension and/or expulsion by affording them their due process rights under the law. The Superintendent or designee shall comply with

procedures for notices, hearings, and appeals as specified in law and administrative regulation. (Education Code [48911](#), [48915](#), [48915.5](#), [48918](#))

(cf. 5119 - Students Expelled from Other Districts)

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

Legal Reference:

EDUCATION CODE

212.5 Sexual harassment

233 Hate violence

1981-1981.5 Enrollment of students in community school 17292.5 Program for expelled students

32261 Interagency School Safety Demonstration Act of 1985

Open board meetings

Closed sessions (regarding suspensions)

35291 Rules (for government and discipline of schools) 35291.5 Rules and procedures on school discipline

48645.5 Readmission; contact with juvenile justice system 48660-48666 Community day schools

48853.5 Foster youth

48900-48927 Suspension and expulsion 48950 Speech and other communication 48980 Parental notifications

49073-49079 Privacy of student records

52060-52077 Local control and accountability plan CIVIL CODE

47 Privileged communication

48.8 Defamation liability

CODE OF CIVIL PROCEDURE

1985-1997 Subpoenas; means of production

GOVERNMENT CODE

11455.20 Contempt

54950-54963 Ralph M. Brown Act HEALTH AND SAFETY CODE

11014.5 Drug paraphernalia

11053-11058 Standards and schedules

LABOR CODE

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

PENAL CODE

31 Principal of a crime, defined

240 Assault defined

241.2 Assault fines

242 Battery defined

243.2 Battery on school property

243.4 Sexual battery

Assault with deadly weapon

245.6 Hazing

261 Rape defined

266c Unlawful sexual intercourse 286 Sodomy defined

Lewd or lascivious acts with child under age 14 288a Oral copulation

Penetration of genital or anal openings

417.27 Laser pointers  
422.55 Hate crime defined  
Interference with exercise of civil rights  
Aggravating factors for punishment  
422.75 Enhanced penalties for hate crimes  
626.2 Entry upon campus after written notice of suspension or dismissal without permission  
Gun-Free School Zone Act of 1995  
Dirks, daggers, knives, razors, or stun guns  
868.5 Supporting person; attendance during testimony of witness  
WELFARE AND INSTITUTIONS CODE  
729.6 Counseling  
UNITED STATES CODE, TITLE 18  
921 Definitions, firearm  
UNITED STATES CODE, TITLE 20  
1415(K) Placement in alternative educational setting 7151 Gun-free schools  
UNITED STATES CODE, TITLE 42  
11432-11435 Education of homeless children and youths  
COURT DECISIONS  
T.H. v. San Diego Unified School District (2004) 122 Cal. App. 4th 1267 Woodbury v. Dempsey (2003) 108 Cal. App. 4th 421  
Board of Education of Sacramento City Unified School District v. Sacramento County Board of Education and Kenneth H. (2001) 85 Cal.App.4th 1321  
Garcia v. Los Angeles Board of Education (1991) 123 Cal. App. 3d 807  
Fremont Union High School District v. Santa Clara County Board (1991) 235 Cal. App. 3d 1182 John A. v. San Bernardino School District (1982) 33 Cal. 3d 301  
ATTORNEY GENERAL OPINIONS  
84 Ops.Cal.Atty.Gen. 146 (2001)  
80 Ops.Cal.Atty.Gen. 348 (1997)  
80 Ops.Cal.Atty.Gen. 91 (1997)  
80 Ops.Cal.Atty.Gen. 85 (1997) Management Resources:  
CSBA PUBLICATIONS  
Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011  
U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS  
Dear Colleague Letter on the Nondiscriminatory Administration of School Discipline, January 2014 WEB SITES  
CSBA: <http://www.csba.org>  
California Attorney General's Office: <http://www.oag.ca.gov>  
California Department of Education: <http://www.cde.ca.gov>  
U.S. Department of Education, Office for Civil  
Rights: <http://www.ed.gov/about/offices/list/ocr/docs/crdc-2012-data-summary.pdf>



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

Policy McCABE UNION ELEMENTARY SCHOOL DISTRICT

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Suspension And Expulsion/Due Process

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Definitions

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

Reassignment to another education program or class at the same school where the student will receive continuing instruction for the length of day prescribed by the Board of Trustees for students of the same grade level

Referral to a certificated employee designated by the principal to advise students

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](#)

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

Notice of Regulations

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

(cf. [5144](#) - Discipline)

(cf. [5145.6](#) - Parental Notifications)

Grounds for Suspension and Expulsion: Grades K-12

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

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

Caused, attempted to cause, or threatened to cause physical injury to another person; willfully used force or violence upon another person, except in self-defense; or committed as an aider or abettor, as adjudged by a juvenile court, a crime of physical violence in which the victim suffered great or serious bodily injury (Education Code [48900](#)(a) and (t))

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)

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

(cf. [5131.6](#) - Alcohol and Other Drugs)

Unlawfully offered, arranged, or negotiated to sell any controlled substance as defined in Health and Safety Code [11053-11058](#), alcoholic beverage, or intoxicant of any kind, and then sold, delivered, or otherwise



furnished to any person another liquid, substance, or material and represented same as such controlled substance, alcoholic beverage, or intoxicant (Education Code [48900\(d\)](#))

Committed or attempted to commit robbery or extortion (Education Code [48900\(e\)](#))

Caused or attempted to cause damage to school property or private property (Education Code [48900\(f\)](#))

Stole or attempted to steal school property or private property (Education Code [48900\(g\)](#))

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

(cf. [5131.62](#) - Tobacco)

Committed an obscene act or engaged in habitual profanity or vulgarity (Education Code [48900\(i\)](#))

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

Knowingly received stolen school property or private property (Education Code [48900\(l\)](#))

Possessed an imitation firearm (Education Code [48900\(m\)](#))

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

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\(n\)](#))

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\(o\)](#))

Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma (Education Code [48900\(p\)](#))

Engaged in, or attempted to engage in, hazing (Education Code [48900\(q\)](#))

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

Engaged in an act of bullying (Education Code [48900\(r\)](#))

Bullying means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, directed toward one or more students that has or can reasonably be predicted to have the effect of placing a reasonable student in fear of harm to himself/herself or his/her property; cause the student to experience a substantially detrimental effect on his/her physical or mental health; or cause the student to experience substantial interferences with his/her academic performance or ability to participate in or benefit from the services, activities, or privileges provided by the school. (Education Code [48900\(r\)](#))

Bullying shall include any act of sexual harassment, hate violence, or harassment, threat, or intimidation, as defined in Education Code [48900.2](#), [48900.3](#), or 48900.4 and below in items #1-3 of "Additional Grounds for Suspension and Expulsion: Grades 4-12," that has any of the effects described above on a reasonable student.

Electronic act means the creation or transmission of a communication originated on or off school site, including, but not limited to, a message, text, sound, image, or post on a social network Internet web site, by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager. A post on a social network Internet web site shall include, but is not limited to, the posting or creation of a burn page or the creation of a credible impersonation or false profile for the purpose of causing a reasonable student any of the effects of bullying described above. (Education Code [48900\(r\)](#))

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

(cf. 1114 - District-Sponsored Social Media) (cf. [5131.2](#) - Bullying)

(cf. 6163.4 - Student Use of Technology)

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

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

Aided or abetted the infliction or attempted infliction of physical injury on another person, as defined in Penal Code [31](#) (Education Code [48900\(t\)](#))

Made terrorist threats against school officials and/or school property (Education Code [48900.7](#))

A terrorist threat includes any written or oral statement by a person who willfully threatens to commit a crime which will result in death or great bodily injury to another person or property damage in excess of

\$1,000, with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out. (Education Code [48900.7](#))

Additional Grounds for Suspension and Expulsion: Grades 4-12

Any student in grades 4-12 may be suspended, but not expelled, for disrupting school activities or otherwise willfully defying the valid authority of supervisors, teachers, administrators, other school officials, or other school personnel engaged in the performance of their duties. (Education

Code [48900\(k\)](#))

(cf. [5131.4](#) - Student Disturbances)

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

Committed sexual harassment as defined in Education Code [212.5](#) (Education Code [48900.2](#))

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

(cf. [5145.7](#) - Sexual Harassment)

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

Hate violence means any act punishable under Penal Code [422.6](#), [422.7](#), or 422.75. Such acts include injuring or intimidating a victim, interfering with the exercise of a victim's civil rights, or damaging a victim's property because of the victim's race, ethnicity, religion, nationality, disability, gender, gender identity, gender expression, or sexual orientation; a perception of the presence of any of those characteristics in the victim; or the victim's association with a person or group with one or more of those actual or perceived characteristics. (Education Code [233](#); Penal Code [422.55](#))

(cf. [5145.9](#) - Hate-Motivated Behavior)

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

(cf. [5145.3](#) - Nondiscrimination/Harassment)

### Suspension from Class by a Teacher

A teacher may suspend a student, including a grade K-3 student, from class for the remainder of the day and the following day for disruption, willful defiance, or any of the other acts specified in Education Code [48900](#) and listed as items #1-18 under "Grounds for Suspension and Expulsion: Grades K-12" above. (Education Code [48910](#))

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

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

A student suspended from class shall not be returned to class during the period of the suspension without the approval of the teacher of the class and the principal or designee. (Education Code [48910](#))

A student suspended from class shall not be placed in another regular class during the period of suspension. However, a student assigned to more than one class per day may continue to attend other regular classes except those held at the same time as the class from which he/she was suspended. (Education Code [48910](#))

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

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

To implement disciplinary procedures at the school site, the principal may, in writing, designate as the principal's designee another administrator or, if the principal is the only administrator at the school site, a certificated employee. As necessary, the principal may, in writing, also designate another administrator or certificated employee as the secondary designee to assist with disciplinary procedures when the principal and the principal's primary designee are absent from the school site.

The Superintendent or designee shall immediately suspend any student found at school or at a school activity to have committed any of the acts listed in the Board policy under "Authority to Expel" and for which he/she is required to recommend expulsion. (Education Code [48915\(c\)](#))

The Superintendent or designee may impose a suspension for a first offense if he/she determines that the student violated any of items #1-5 listed under "Grounds for Suspension and Expulsion: Grades K-12" above or if the student's presence causes a danger to persons. (Education Code [48900.5](#))

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

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

(cf. [5125](#) - Student Records)

### Length of Suspension

The Superintendent or designee may suspend a student from school for not more than five consecutive school days. (Education Code [48911](#))

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

Code [48903](#), [48911](#), [48912](#))

(cf. 6184 - Continuation Education)

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

## Due Process Procedures for Suspension

Suspensions shall be imposed in accordance with the following procedures:

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

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

**Administrative Actions:** All requests for student suspension are to be processed by the Superintendent or designee. A school employee shall report the suspension, including the name of the student and the cause for the suspension, to the Superintendent or designee. (Education Code [48911](#))

**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 also be notified in writing of the suspension. (Education Code [48911](#)) This notice shall state the specific offense committed by the student. (Education Code [48900.8](#)) In addition, the notice may state the date and time when the student may return to school.

**Parent/Guardian Conference:** Whenever a student is suspended, school officials may request a meeting with the parent/guardian to discuss the cause(s) and duration of the suspension, the school policy involved, and any other pertinent matter. (Education Code [48914](#))

If school officials request to meet with the parent/guardian, the notice may state that the law requires the parent/guardian to respond to such requests without delay. However, no penalties may be imposed on the student for the failure of the parent/guardian to attend such a conference. The student may not be denied reinstatement solely because the parent/guardian failed to attend the conference. (Education Code [48911](#))

**Extension of Suspension:** If the Board is considering the expulsion of a suspended student from the 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, provided the following requirements are followed: (Education Code [48911](#))

The extension of the original period of suspension is 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.

The Superintendent or designee determines, following a meeting in which the student and the student's parent/guardian were invited to participate, that the student's presence at the school or at an alternative school would endanger persons or property or threaten to disrupt the instructional process. (Education Code [48911](#))

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

(cf. 6173.1 - Education for Foster Youth)

If the student involved is a homeless child or youth, the Superintendent or designee shall notify the district liaison for homeless students. (Education Code [48918.1](#))

(cf. 6173 - Education for Homeless Children) Suspension by the Board

The Board may suspend a student for any of the acts listed under "Grounds for Suspension and Expulsion: Grades K-12" and "Additional Grounds for Suspension and Expulsion: Grades 4-12" above and within the limits specified under "Suspension by Superintendent or Designee" above. (Education Code [48912](#))

The Board may suspend a student enrolled in a continuation school or class for a period not longer than the remainder of the semester. The suspension shall meet the requirements of Education Code [48915](#). (Education Code [48912.5](#))

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

(cf. 9321 - Closed Session Purposes and Agendas)

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

#### On-Campus Suspension

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

The on-campus suspension classroom shall be staffed in accordance with law.

The student shall have access to appropriate counseling services.

The on-campus suspension classroom shall promote completion of schoolwork and tests missed by the student during the suspension.

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

At the time a student is assigned to an on-campus suspension classroom, the Superintendent 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 may be made in writing. (Education Code [48911.1](#)) Superintendent's Authority to Recommend Expulsion

Unless the Superintendent or designee determines that expulsion should not be recommended under the circumstances or that an alternative means of correction would address the conduct, he/she shall recommend a student's expulsion for any of the following acts: (Education Code [48915](#))

Causing serious physical injury to another person, except in self-defense

Possession of any knife or other dangerous object of no reasonable use to the student

Unlawful possession of any controlled substance as listed in Health and Safety Code [11053-11058](#), except for (a) the first offense for the possession of not more than one ounce of marijuana, other than concentrated cannabis, or (b) the student's possession of over-the-counter medication for his/her use or other medication prescribed for him/her by a physician

Robbery or extortion

Assault or battery, as defined in Penal Code [240](#) and [242](#), upon any school employee

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

#### Student's Right to Expulsion Hearing

Any student recommended for expulsion shall be entitled to a hearing to determine whether he/she should be expelled. The hearing shall be held within 30 school days after the Superintendent or designee determines that the student has committed the act(s) that form the basis for the expulsion recommendation. (Education Code [48918](#)(a))

The student is entitled to at least one postponement of an expulsion hearing for a period of not more than 30 calendar days. The request for postponement shall be in writing. Any subsequent postponement may be

granted at the Board's discretion. (Education Code [48918\(a\)](#))

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

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

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

#### Stipulated Expulsion

After a determination that a student has committed an expellable offense, the Superintendent or designee shall offer the student and his/her parent/guardian the option to waive a hearing and stipulate to the expulsion or to a suspension of the expulsion under certain conditions. The offer shall be made only after the student or his/her parent/guardian has been given written notice of the expulsion hearing pursuant to Education Code [48918](#).

The stipulation agreement shall be in writing and shall be signed by the student and his/her parent/guardian. The stipulation agreement shall include notice of all the rights that the student is waiving, including the waiving of his/her right to have a full hearing, to appeal the expulsion to the County Board of Education, and to consult legal counsel.

A stipulated expulsion agreed to by the student and his/her parent/guardian shall be effective upon approval by the Board.

#### Rights of Complaining Witness

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

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

Receive five days' notice of his/her scheduled testimony at the hearing

Have up to two adult support persons of his/her choosing present at the hearing at the time he/she testifies

Have a closed hearing during the time he/she testifies

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

#### Written Notice of the Expulsion Hearing

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

Code [48900.8](#), [48918\(b\)](#))

The date and place of the hearing

A statement of the specific facts, charges, and offense upon which the proposed expulsion is based

A copy of district disciplinary rules which relate to the alleged violation

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)



The opportunity for the student or the student's parent/guardian to appear in person or be represented by legal counsel or by a non-attorney adviser

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 adviser 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.

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

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

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

Additional Notice of Expulsion Hearing for Foster Youth and Homeless Students

If the student facing expulsion is a foster student, the Superintendent or designee shall also send notice of the hearing to the student's attorney and a representative of an appropriate child welfare agency at least 10 days prior to the hearing. (Education Code [48918.1](#))

If the student facing expulsion is a homeless student, the Superintendent or designee shall also send notice of the hearing to the district liaison for homeless students at least 10 days prior to the hearing. (Education Code [48918.1](#))

Any notice for these purposes may be provided by the most cost-effective method possible, including by email or a telephone call. (Education Code [48918.1](#))

Conduct of Expulsion Hearing

Closed Session: Notwithstanding Education Code [35145](#), the Board shall conduct a hearing to consider the expulsion of the student in a session closed to the public unless the student requests in writing at least five days prior to the hearing that the hearing be a public meeting. If such a request is made, the meeting shall be public to the extent that privacy rights of other students are not violated. (Education Code [48918](#))

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

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

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

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

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

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

Presentation of Evidence: Technical rules of evidence shall not apply to the expulsion hearing, but relevant evidence may be admitted and used as proof only if it is the kind of evidence on which reasonable persons can rely in the conduct of serious affairs. The decision of the Board to expel shall be supported by substantial evidence that the student committed any of the acts pursuant to Education

Code [48900](#) and listed in "Grounds for Suspension and Expulsion: Grades K-12" and "Additional Grounds for Suspension and Expulsion: Grades 4-12" above. (Education Code [48918\(h\)](#))

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

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

Testimony by Complaining Witnesses: The following procedures shall be observed when a hearing involves allegations of sexual assault or sexual battery by a student: (Education Code [48918](#), [48918.5](#))

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

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.

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

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

If one or both support persons are also witnesses, the hearing shall be conducted in accordance with Penal Code [868.5](#).

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.

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.

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

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.

The person conducting the hearing may:

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

Permit one of the support persons to accompany the complaining witness to the witness stand

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

Alternative Expulsion Hearing: Hearing Officer or Administrative Panel

Instead of conducting an expulsion hearing itself, the Board may contract with the county hearing officer or



with the Office of Administrative Hearings of the State of California for a hearing officer. The Board may also 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](#))

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

The hearing officer or administrative panel shall, within three school days after the hearing, determine whether to recommend expulsion of the student to the Board. If expulsion is not recommended, the expulsion proceeding shall be terminated and the student shall be immediately reinstated and permitted to return to the classroom instructional program from which the referral was made, unless another placement is requested in writing by the student's parent/guardian. Before the student's placement decision is made by his/her parent/guardian, the Superintendent or designee shall consult with the parent/guardian and district staff, including the student's teachers, regarding other placement options for the student in addition to the option to return to the classroom instructional program from which the student's expulsion referral was made. The decision to not recommend expulsion shall be final. (Education Code [48918](#)(e))

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

In accordance with Board policy, the hearing officer or administrative panel may recommend that the Board suspend the enforcement of the expulsion. If the hearing officer or administrative panel recommends that the Board expel a student but suspend the enforcement of the expulsion, the student shall not be reinstated and permitted to return to the classroom instructional program from which the referral was made until the Board has ruled on the recommendation. (Education Code [48917](#), [48918](#)) Final Action by the Board

Whether the expulsion hearing is conducted in closed or public session by the Board, a hearing officer, or an administrative panel or is waived through the signing of a stipulated expulsion agreement, the final action to expel shall be taken by the Board in public. (Education Code [48918](#)(j))

(cf. 9321.1 - Closed Session Actions and Reports)

The Board's decision is final. If the decision is to not expel, the student shall be reinstated immediately. If the decision is to suspend the enforcement of the expulsion, the student shall be reinstated under the conditions of the suspended expulsion.

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

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

Periodic review, as well as assessment at the time of review, for readmission

Recommendations for improved academic performance, tutoring, special education assessments, job training, counseling, employment, community service, or other rehabilitative programs

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

Written Notice to Expel

The Superintendent or designee shall send written notice of the decision to expel to the student or

parent/guardian. This notice shall include the following:

The specific offense committed by the student for any of the causes for suspension or expulsion listed above under "Grounds for Suspension and Expulsion: Grades K-12" or "Additional Grounds for Suspension and Expulsion: Grades 4-12" (Education Code [48900.8](#))

The fact that a description of readmission procedures will be made available to the student and his/her parent/guardian (Education Code [48916](#))

Notice of the right to appeal the expulsion to the County Board (Education Code [48918](#))

Notice of the alternative educational placement to be provided to the student during the time of expulsion (Education Code [48918](#))

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 to Suspend Expulsion Order

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

The student's pattern of behavior

The seriousness of the misconduct

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:

The Board may, as a condition of the suspension of enforcement, assign the student to a school, class, or program appropriate for the student's rehabilitation. This rehabilitation program may provide for the involvement of the student's parent/guardian in the student's education. However, a parent/guardian's refusal to participate in the rehabilitation program shall not be considered in the Board's determination as to whether the student has satisfactorily completed the rehabilitation program. (Education Code [48917](#))

During the period when enforcement of the expulsion order is suspended, the student shall be on probationary status. (Education Code [48917](#))

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: Grades K-12" or

"Additional Grounds for Suspension and Expulsion: Grades 4-12" above or violates any of the district's rules and regulations governing student conduct. (Education Code [48917](#))

When the suspension of enforcement of an expulsion order is revoked, a student may be expelled under the terms of the original expulsion order. (Education Code [48917](#))

Upon satisfactory completion of the rehabilitation assignment, the Board shall reinstate the student in the district school. Upon reinstatement, the Board may order the expunging of any or all records of the expulsion proceedings. (Education Code [48917](#))

The Superintendent or designee shall send written notice of any decision to suspend the enforcement of an expulsion order during a period of probation to the student or parent/guardian. The notice shall inform the parent/guardian of the right to appeal the expulsion to the County Board, the alternative educational placement to be provided to the student during the period of expulsion, and the student's or parent/guardian's obligation to inform any new district in which the student seeks to enroll of his/her status with the expelling district, pursuant to Education Code [48915.1](#)(b). (Education Code [48918](#)(j))

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

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

If the student submits a written request for a copy of the written transcripts and supporting documents from the district simultaneously with the filing of the notice of appeal with the County Board, the district shall provide the student with these documents within 10 school days following the student's written request.

(Education Code [48919](#))

#### Notification to Law Enforcement Authorities

Prior to the suspension or expulsion of any student, the Superintendent 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 Superintendent or designee also shall notify appropriate city or county law enforcement authorities of any student acts which may involve the possession or sale of narcotics or of a controlled substance. In addition, law enforcement authorities shall be notified regarding any acts by students regarding the possession, sale, or furnishing of firearms, explosives, or other dangerous weapons in violation of Education Code [48915](#)(c)(1) or (5) or Penal Code [626.9](#) and [626.10](#). (Education Code [48902](#))

Within one school day after a student's suspension or expulsion, the Superintendent 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](#))

#### Placement During Expulsion

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

Appropriately prepared to accommodate students who exhibit discipline problems

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 any of these

Not housed at the school site attended by the student at the time of suspension(cf. 6158 - Independent Study)

(cf. 6185 - Community Day School)

When the placement described above is not available and when the County Superintendent so certifies, students expelled for only acts described in items #6-12 under "Grounds for Suspension and Expulsion: Grades K-12" and items #1-3 under "Additional Grounds for Suspension and Expulsion: Grades 4-12" above may be referred to a program of study that is provided at another comprehensive middle, junior, or senior high school or at an elementary school. (Education Code [48915](#))

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

#### Readmission After Expulsion

Prior to the date set by the Board for the student's readmission:

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.

The Superintendent or designee shall transmit to the Board his/her recommendation regarding readmission. The Board shall consider this recommendation in closed session. If a written request for open session is received from the parent/guardian or adult student, it shall be honored to the extent that privacy rights of other students are not violated.

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.

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](#))

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.

The Board shall provide written notice to the expelled student and parent/guardian describing the reasons for denying readmittance into the regular program. This notice shall indicate the Board's determination of the educational program which the Board has chosen. The student shall enroll in that program unless the

parent/guardian chooses to enroll the student in another school district. (Education Code [48916](#))

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

#### Maintenance of Records

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

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

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

(cf. 5119 - Students Expelled from Other Districts)

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

Code [44807](#), [49001](#))

(cf. 5131.7 - Weapons and Dangerous Instruments) (cf. 5144 - Discipline)

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

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

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

(cf. [3515.2](#) - Disruptions)

Reports of attack, assault, or threat shall be forwarded immediately to the Superintendent or designee. (cf. [3320](#) - Claims and Actions Against the District)

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

(cf. [3530](#) - Risk Management/Insurance)

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

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

(cf. 5125 - Student Records)

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

Upon receiving a transfer student's record regarding acts committed by the student that resulted in his/her suspension or expulsion, the Superintendent or designee shall inform the student's teacher(s) that the student

was suspended or expelled from his/her former district and of the act that resulted in the suspension or expulsion. (Education Code [48201](#))

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

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

When a minor student has been found by a court of competent jurisdiction to have illegally used, sold, or possessed a controlled substance or committed specified crimes involving serious acts of violence, the district police or security department may provide written notification to the Superintendent. (Welfare and Institutions Code [828.1](#))

(cf. 3515.3 - District Police/Security Department)

When informed by the court that a minor student has been found by a court to have committed any felony or any misdemeanor involving curfew, gambling, alcohol, drugs, tobacco products, carrying of weapons, a sex offense listed in Penal Code [290](#), assault or battery, larceny, vandalism, or graffiti, the

Superintendent or designee shall so inform the school principal. (Welfare and Institutions Code [827](#))

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

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

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

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

#### Procedures to Maintain Confidentiality of Student Offenses

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

The staff member shall also initial the student's file when reviewing it in the school office. Once the district has made a good faith effort to comply with the notification requirement of Education

Code [49079](#) and Welfare and Institutions Code [827](#), an employee's failure to review the file constitutes district compliance with the requirement to provide notice to the teacher.

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The Board of Trustees desires to provide a safe and orderly work environment for all employees. As part of the district's comprehensive safety plan, the Superintendent or designee shall develop strategies for protecting employees from potentially dangerous persons and situations and for providing them with necessary assistance

and support when emergency situations occur.

(cf. [0450](#) - Comprehensive Safety Plan)

(cf. [3515](#) - Campus Security)

(cf. 5131.4 - Student Disturbances)

Any employee against whom violence or any threat of violence has been directed in the workplace shall notify the Superintendent or designee immediately. The Superintendent or designee shall initiate legal and security measures to protect the employee and others in the workplace. In addition, the Superintendent or designee may initiate legal proceedings against any individual to recover damages for injury caused by the willful misconduct of that individual to the person or property of an employee or another person on district premises.

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

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

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

(cf. [4131](#) - Staff Development)

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

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

The Superintendent or designee may make available at appropriate locations, including, but not limited to, district and school offices, gyms, and classrooms, communication devices that would enable two-way communication with law enforcement and others when emergencies occur.

(cf. 5141 - Health Care and Emergencies) Reporting of Injurious Objects

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

Confiscate the object and deliver it to the principal immediately

Immediately notify the principal, who shall take appropriate action

Immediately call 911 and the principal

(cf. 5131.7 - Weapons and Dangerous Instruments) (cf. 5144 - Discipline)

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

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

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

Legal Reference:

EDUCATION CODE

32210-32212 Willful disturbance, public schools or meetings 32225-32226 Communication devices

35208 Liability insurance

35213 Reimbursement for loss, destruction or damage of school property

44014 Report of assault by pupil against school employee

44807 Duty concerning conduct of students 48201 Transfer of student records

48900-48926 Suspension or expulsion

49079 Notification to teacher; student who has engaged in acts re: grounds suspension or expulsion 49330-49335 Injurious objects

CIVIL CODE



51.7 Freedom from violence or intimidation

CODE OF CIVIL PROCEDURE

527.8 Workplace violence safety

GOVERNMENT CODE

995-996.4 Defense of public employees 3543.2 Scope of representation

PENAL CODE

71 Threatening public officers and employees and school officials 240-246.3 Assault and battery, including:

241.3 Assault against school bus drivers

241.6 Assault on school employee includes board member

243.3 Battery against school bus drivers

243.6 Battery against school employee includes board member

245.5 Assault with deadly weapon; school employee includes board member

290 Registration of sex offenders

601 Trespass by person making credible threat

626-626.11 School crimes

646.9 Stalking

12403.7 Weapons approved for self defense

WELFARE AND INSTITUTIONS CODE

827 Juvenile court proceedings; reports; confidentiality

828.1 District police or security department, disclosure of juvenile records

COURT DECISIONS

City of San Jose v. William Garbett, (2010) 190 Cal. App. 4th 526 Management Resources:

WEB SITES

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

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

Policy McCABE UNION ELEMENTARY SCHOOL DISTRICT

adopted: June 27, 2017 El Centro, California

[McCabe Union ESD](#) | BP 5145.3 Students

Nondiscrimination/Harassment

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

This policy shall apply to all acts related to school activity or to school attendance occurring within the district school, and to acts which occur off campus or outside of school-related or school-sponsored activities but which may have an impact or create a hostile environment at school.

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

(cf. [5131](#) - Conduct)

(cf. [5131.2](#) - Bullying)

(cf. [5137](#) - Positive School Climate)

(cf. [5145.9](#) - Hate-Motivated Behavior)

(cf. 5146 - Married/Pregnant/Parenting Students)

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

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

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

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

The Superintendent or designee shall facilitate students' access to the educational program by publicizing the district's nondiscrimination policy and related complaint procedures to students, parents/guardians, and employees. He/she shall provide training and information on the scope and use of the policy and complaint procedures and take other measures designed to increase the school community's understanding of the requirements of law related to discrimination. The Superintendent or designee shall regularly review the implementation of the district's nondiscrimination policies and practices and, as necessary, shall take action to remove any identified barrier to student access to or participation in the district's educational program. He/she shall report his/her findings and recommendations to the Board after each review.

(cf. [1312.3](#) - Uniform Complaint Procedures)

(cf. [1330](#) - Use of Facilities)

(cf. [4131](#) - Staff Development) (cf. [4231](#) - Staff Development)

(cf. [4331](#) - Staff Development)

(cf. 6145 - Extracurricular and Cocurricular Activities)

(cf. 6145.2 - Athletic Competition)

(cf. 6164.2 - Guidance/Counseling Services)

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

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

(cf. [4118](#) - Suspension/Disciplinary Action)

(cf. [4119.21/4219.21/4319.21](#) - Professional Standards)

(cf. [4218](#) - Dismissal/Suspension/Disciplinary Action)

(cf. [5144](#) - Discipline)

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

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



(cf. [5145.2](#) - Freedom of Speech/Expression)

#### Record-Keeping

The Superintendent or designee shall maintain a record of all reported cases of unlawful discrimination, including discriminatory harassment, intimidation, or bullying, to enable the district to monitor, address, and prevent repetitive prohibited behavior in the district school.

(cf. [3580](#) - District Records) Legal Reference:

#### EDUCATION CODE

200-262.4 Prohibition of discrimination

48900.3 Suspension or expulsion for act of hate violence

48900.4 Suspension or expulsion for threats or harassment

48904 Liability of parent/guardian for willful student misconduct

48907 Student exercise of free expression

48950 Freedom of speech

48985 Translation of notices

49020-49023 Athletic programs

Prohibited instruction or activity

Prohibited means of instruction

60044 Prohibited instructional materials

#### CIVIL CODE

1714.1 Liability of parents/guardians for willful misconduct of minor

#### PENAL CODE

422.55 Definition of hate crime

422.6 Crimes, harassment

#### CODE OF REGULATIONS, TITLE 5

432 Student record

4600-4687 Uniform complaint procedures

4900-4965 Nondiscrimination in elementary and secondary education programs

#### UNITED STATES CODE, TITLE 20

1681-1688 Title IX of the Education Amendments of 1972

12101-12213 Title II equal opportunity for individuals with disabilities

#### UNITED STATES CODE, TITLE 29

794 Section 504 of Rehabilitation Act of 1973

#### UNITED STATES CODE, TITLE 42

2000d-2000e-17 Title VI and Title VII Civil Rights Act of 1964, as amended

2000h-2-2000h-6 Title IX of the Civil Rights Act of 1964

6101-6107 Age Discrimination Act of 1975

#### CODE OF FEDERAL REGULATIONS, TITLE 28

35.107 Nondiscrimination on basis of disability; complaints

#### CODE OF FEDERAL REGULATIONS, TITLE 34

99.31 Disclosure of personally identifiable information

100.3 Prohibition of discrimination on basis of race, color or national origin

104.7 Designation of responsible employee for Section 504

106.8 Designation of responsible employee for Title IX

106.9 Notification of nondiscrimination on basis of sex

#### COURT DECISIONS

Donovan v. Poway Unified School District, (2008) 167 Cal.App.4th 567

Flores v. Morgan Hill Unified School District, (2003) 324 F.3d 1130 Management Resources:

#### CSBA PUBLICATIONS

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

Final Guidance Regarding Transgender Students, Privacy, and Facilities, March 2014

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

#### FIRST AMENDMENT CENTER PUBLICATIONS

Public Schools and Sexual Orientation: A First Amendment Framework for Finding Common Ground, 2006

#### NATIONAL SCHOOL BOARDS ASSOCIATION PUBLICATIONS

Dealing with Legal Matters Surrounding Students' Sexual Orientation and Gender Identity, 2004

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

Dear Colleague Letter: Transgender Students, May 2016

Examples of Policies and Emerging Practices for Supporting Transgender Students, May 2016

Dear Colleague Letter: Title IX Coordinators, April 2015

Dear Colleague Letter: Harassment and Bullying, October 2010

Notice of Non-Discrimination, January 1999

#### WEB SITES

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

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

California Safe Schools Coalition: <http://www.casafeschools.org>

First Amendment Center: <http://www.firstamendmentcenter.org>

National School Boards Association: <http://www.nsba.org>

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

#### Policy McCABE UNION ELEMENTARY SCHOOL DISTRICT

adopted: June 27, 2017 El Centro, California

[McCabe Union ESD](#) | AR 5145.3 Students

Nondiscrimination/Harassment

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The district designates the individual(s) identified below as the employee(s) responsible for coordinating the district's efforts to comply with applicable state and federal civil rights laws, including Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act, and the Age Discrimination Act of 1975, and to answer inquiries regarding the district's nondiscrimination policies. The individual(s) shall also serve as the compliance officer(s) specified in AR 1312.3 - Uniform Complaint Procedures as the responsible employee to handle complaints alleging unlawful discrimination targeting a student, including discriminatory harassment, intimidation, or bullying, based on the student's actual or perceived race, color, ancestry, national origin, nationality, ethnicity, ethnic group identification, age, religion, marital or parental status, pregnancy, physical or mental disability, sex, sexual orientation, gender, gender identity, gender expression, or any other legally protected status or association with a person or group with one or more of these actual or perceived characteristics. The coordinator/compliance officer(s) may be contacted at: (Education Code [234.1](#); 5 CCR [4621](#))

Superintendent or Designee  
701 W. McCabe Road  
El Centro, CA 92243  
(760) 335-5200

(cf. [1312.1](#) - Complaints Concerning District Employees)

(cf. [1312.3](#) - Uniform Complaint Procedures)

#### Measures to Prevent Discrimination

To prevent unlawful discrimination, including discriminatory harassment, intimidation, retaliation, and bullying, of students at the district school or in school activities and to ensure equal access of all students to the educational program, the Superintendent or designee shall implement the following measures:

Publicize the district's nondiscrimination policy and related complaint procedures, including the coordinator/compliance officer's contact information, to students, parents/guardians, employees, volunteers, and the general public, posting them on the district's web site and other prominent locations and providing easy access to them through district-supported social media, when available.

(cf. [1113](#) - District and School Web Sites)

(cf. 1114 - District-Sponsored Social Media)

Provide to students a handbook that contains age-appropriate information that clearly describes the district's nondiscrimination policy, procedures for filing a complaint, and resources available to students who feel that they have been the victim of any such behavior. (Education Code [234.1](#))

Annually notify all students and parents/guardians of the district's nondiscrimination policy, including its responsibility to provide a safe, nondiscriminatory school environment for all students, including transgender and gender-nonconforming students. The notice shall inform students and parents/guardians that they may request to meet with the compliance officer to determine how best to accommodate or resolve concerns that may arise from the district's implementation of its nondiscrimination policies. The notice shall also inform all students and parents/guardians that, to the extent possible, the district will address any individual student's interests and concerns in private.

(cf. [5145.6](#) - Parental Notifications)

The Superintendent or designee shall ensure that students and parents/guardians, including those with limited English proficiency, are notified of how to access the relevant information provided in the district's nondiscrimination policy and related complaint procedures, notices, and forms in a language they can understand.

If 15 percent or more of students enrolled in the district school speak a single primary language other than English, the district's policy, regulation, forms, and notices concerning nondiscrimination shall be translated into that language in accordance with Education Code [234.1](#) and [48985](#). In all other instances, the district shall ensure meaningful access to all relevant information for parents/guardians with limited English proficiency.

Provide to students, employees, volunteers, and parents/guardians age-appropriate training and information regarding the district's nondiscrimination policy; what constitutes prohibited discrimination, including discriminatory harassment, intimidation, retaliation, or bullying; how and to whom a report of an incident should be made; and how to guard against segregating or stereotyping students when providing instruction, guidance, supervision, or other services to them. Such training and information shall include details of guidelines the district may use to provide a discrimination-free environment for all district students, including transgender and gender-nonconforming students.

(cf. [1240](#) - Volunteer Assistance)

(cf. [4131](#) - Staff Development) (cf. [4231](#) - Staff Development)

(cf. [4331](#) - Staff Development)

At the beginning of each school year, inform school employees that any employee who witnesses any act of unlawful discrimination, including discriminatory harassment, intimidation, or bullying, against a student is required to intervene if it is safe to do so. (Education Code [234.1](#))

At the beginning of each school year, inform each principal or designee of the district's responsibility to provide appropriate assistance or resources to protect students' privacy rights and ensure their safety from threatened or potentially discriminatory behavior.

#### Enforcement of District Policy

The Superintendent or designee shall take appropriate actions to reinforce BP 5145.3 - Nondiscrimination/Harassment. As needed, these actions may include any of the following:

Removing vulgar or offending graffiti

(cf. [5131.5](#) - Vandalism and Graffiti)

Providing training to students, staff, and parents/guardians about how to recognize unlawful discrimination, how to report it or file a complaint, and how to respond

Disseminating and/or summarizing the district's policy and regulation regarding unlawful discrimination

Consistent with the laws regarding the confidentiality of student and personnel records, communicating the school's response to students, parents/guardians, and the community

(cf. [4112.6/4212.6/4312.6](#) - Personnel Files)

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

(cf. [5125](#) - Student Records)

Taking appropriate disciplinary action against students, employees, and anyone determined to have engaged in wrongdoing in violation of district policy, including any student who is found to have filed a complaint of discrimination that he/she knew was not true

(cf. [4118](#) - Suspension/Disciplinary Action)

(cf. [4218](#) - Dismissal/Suspension/Disciplinary Action)

(cf. [5144](#) - Discipline)

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

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

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

#### Process for Initiating and Responding to Complaints

Any student who feels that he/she has been subjected to unlawful discrimination described above or in district policy is strongly encouraged to immediately contact the compliance officer or any other staff member. In addition, any student who observes any such incident is strongly encouraged to report the incident to the compliance officer whether or not the alleged victim files a complaint.

Any school employee who observes an incident of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, or to whom such an incident is reported shall report the incident to the compliance officer within a school day, whether or not the alleged victim files a complaint.

Any school employee who witnesses an incident of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, shall immediately intervene to stop the incident when it is safe to do so. (Education Code [234.1](#))

When a verbal report of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, is made to or received by the compliance officer, he/she shall make a note of the report and encourage the student or parent/guardian to file the complaint in writing, pursuant to the provisions in AR 1312.3 - Uniform Complaint Procedures. Once notified verbally or in writing, the compliance officer shall begin the investigation and shall implement immediate measures necessary to stop the discrimination and ensure that all students have access to the educational program and a safe school environment. Any interim measures adopted to address unlawful discrimination shall, to the extent possible, not disadvantage the complainant or a student who is the victim of the alleged unlawful discrimination.

Any report or complaint alleging unlawful discrimination by the compliance officer, or any other person to whom a report would ordinarily be made or complaint filed shall instead be made to or filed with the Superintendent or designee who shall determine how the complaint will be investigated.

(cf. [5141.4](#) - Child Abuse Prevention and Reporting)

#### Transgender and Gender-Nonconforming Students

Gender identity of a student means the student's gender-related identity, appearance, or behavior as determined from the student's internal sense of his/her gender, whether or not that gender-related identity, appearance, or behavior is different from that traditionally associated with the student's physiology or assigned sex at birth.

Gender expression means a student's gender-related appearance and behavior, whether stereotypically associated with the student's assigned sex at birth. (Education Code [210.7](#))

Gender transition refers to the process in which a student changes from living and identifying as the sex assigned to the student at birth to living and identifying as the sex that corresponds to the student's gender identity.

Gender-nonconforming student means a student whose gender expression differs from stereotypical expectations.

Transgender student means a student whose gender identity is different from the gender he/she was assigned at birth.

Regardless of whether they are sexual in nature, acts of verbal, nonverbal, or physical aggression, intimidation, or hostility that are based on sex, gender identity, or gender expression, or that have the purpose or effect of producing a negative impact on the student's academic performance or of creating an intimidating, hostile, or offensive educational environment are prohibited. Examples of types of conduct which are prohibited in the district and which may constitute gender-based harassment include, but are not limited to:

Refusing to address a student by a name and the pronouns consistent with his/her gender identity

Disciplining or disparaging a student or excluding him/her from participating in activities for behavior or appearance that is consistent with his/her gender identity or that does not conform to stereotypical notions of masculinity or femininity, as applicable

Blocking a student's entry to the bathroom that corresponds to his/her gender identity

Taunting a student because he/she participates in an athletic activity more typically favored by a student of the other sex

Revealing a student's transgender status to individuals who do not have a legitimate need for the information, without the student's consent

Use of gender-specific slurs

Physical assault of a student motivated by hostility toward him/her because of his/her gender, gender identity, or gender expression.

The district's uniform complaint procedures (AR 1312.3) shall be used to report and resolve complaints alleging discrimination against transgender and gender-nonconforming students.

Examples of bases for complaints include, but are not limited to, the above list, as well as improper rejection by the district of a student's asserted gender identity, denial of access to facilities that correspond with a student's gender identity, improper disclosure of a student's transgender status, discriminatory enforcement of a dress code, and other instances of gender-based harassment.

To ensure that transgender and gender-nonconforming students are afforded the same rights, benefits, and protections provided to all students by law and Board policy, the district shall address each situation on a case by-case basis, in accordance with the following guidelines:

Right to privacy: A student's transgender or gender-nonconforming status is his/her private information and the district shall only disclose the information to others with the student's prior written consent, except when the disclosure is otherwise required by law or when the district has compelling evidence that disclosure is necessary to preserve the student's physical or mental well-being. In any case, the district shall only allow disclosure of a student's personally identifiable information to employees with a legitimate educational interest as determined by the district pursuant to 34 CFR [99.31](#). Any district employee to whom a student's transgender or gender

nonconforming status is disclosed shall keep the student's information confidential. When disclosure of a student's gender identity is made to a district employee by a student, the employee shall seek the student's permission to notify the compliance officer. If the student refuses to give permission, the employee shall keep the student's information confidential, unless he/she is required to disclose or report the student's information pursuant to this procedure, and shall inform the student that honoring the student's request may limit the district's ability to meet the student's needs related to his/her status as a transgender or gender-nonconforming student. If the student permits the employee to notify the compliance officer, the employee shall do so within three school days.

As appropriate given the student's need for support, the compliance officer may discuss with the student any need to disclose the student's transgender or gender-nonconformity status or gender identity or gender expression to his/her parents/guardians and/or others, including other students, teacher(s), or other adults on campus. The district shall offer support services, such as counseling, to students who wish to inform their parents/guardians of their status and desire assistance in doing so.

(cf. [1340](#) - Access to District Records)

(cf. [3580](#) - District Records)

**Determining a Student's Gender Identity:** The compliance officer shall accept the student's assertion of his/her gender identity and begin to treat the student consistent with his/her gender identity unless district personnel present a credible and supportable basis for believing that the student's assertion is for an improper purpose.

**Addressing a Student's Transition Needs:** The compliance officer shall arrange a meeting with the student and, if appropriate, his/her parents/guardians to identify and develop strategies for ensuring that the student's access to education programs and activities is maintained. The meeting shall discuss the transgender or gender nonconforming student's rights and how those rights may affect and be affected by the rights of other students and shall address specific subjects related to the student's access to facilities and to academic or educational support programs, services, or activities, including, but not limited to, sports and other competitive endeavors. In addition, the compliance officer shall identify specific school employee(s) to whom the student may report any problem related to his/her status as a transgender or gender-nonconforming individual, so that prompt action could be taken to address it. Alternatively, if appropriate and desired by the student, the school may form a support team for the student that will meet periodically to assess whether the arrangements for the student are meeting his/her educational needs and providing equal access to programs and activities, educate appropriate staff about the student's transition, and serve as a resource to the student to better protect the student from gender-based discrimination.

**Accessibility to Sex-Segregated Facilities, Programs, and Activities:** When the district maintains desegregated facilities, such as restrooms and locker rooms, or offers sex-segregated programs and activities, such as physical education classes, intermural sports, and interscholastic athletic programs, students shall be permitted to access facilities and participate in programs and activities consistent with their gender identity. To address any student's privacy concerns in using sex-segregated facilities, the district shall offer available options such as a gender-neutral or single-use restroom or changing area, a bathroom stall with a door, an area in the locker room separated by a curtain or screen, access to a staff member's office, or use of the locker room before or after the other students. However, the district shall not require a student to utilize these options because he/she is transgender or gender-nonconforming. In addition, a student shall be permitted to participate in accordance with his/her gender identity in other circumstances where students are separated by gender, such as for class discussions, yearbook pictures, and field trips. A student's right to participate in a sex-segregated activity in accordance with his/her gender identity shall not render invalid or inapplicable any other eligibility rule established for participation in the activity.

(cf. 6145 - Extracurricular and Cocurricular Activities)

(cf. 6145.2 - Athletic Competition)

(cf. 6153 - School-Sponsored Trips)

(cf. 7110 - Facilities Master Plan)

**Student Records:** A student's legal name or gender as entered on the mandatory student record required pursuant to 5 CCR [432](#) shall only be changed pursuant to a court order. However, at the written request of a student or, if appropriate, his/her parents/guardians, the district shall use the student's preferred name and pronouns consistent with his/her gender identity on all other district-related documents. Such preferred name may be added to the student's record and official documents as permitted by law.



(cf. [5125](#) - Student Records)

(cf. [5125.1](#) - Release of Directory Information)

**Names and Pronouns:** If a student so chooses, district personnel shall be required to address the student by a name and the pronouns consistent with his/her gender identity, without the necessity of a court order or a change to his/her official district record. However, inadvertent slips or honest mistakes by district personnel in the use of the student's name and/or consistent pronouns shall not constitute a violation of this administrative regulation or the accompanying district policy.

**Uniforms/Dress Code:** A student has the right to dress in a manner consistent with his/her gender identity, subject to any dress code adopted on the school site.

(cf. [5132](#) - Dress Code)

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approved: June 27, 2017 El Centro, California

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The Board of Trustees believes that appropriate dress and grooming contribute to a productive learning environment. The Board expects students to give proper attention to personal cleanliness and to wear clothes that are suitable for the school activities in which they participate. Students' clothing must not present a health or safety hazard or a distraction which would interfere with the educational process.

(cf. [4119.22](#) - Dress and Grooming)

(cf. 5145.2 - Freedom of Speech/Expression)

Students and parents/guardians shall be informed about dress and grooming standards at the beginning of the school year and whenever these standards are revised. A student who violates these standards shall be subject to appropriate disciplinary action.

(cf. 5144 - Discipline)

**Gang-Related Apparel**

The Superintendent, staff, and parents/guardians may establish a reasonable dress code that prohibits students from wearing gang-related apparel when there is evidence of a gang presence that disrupts or threatens to disrupt the school's activities. Such a dress code may be included as part of the school safety plan and must be presented to the Board for approval. The Board shall approve the plan upon determining that it is necessary to protect the health and safety of the school's students.

(cf. [0450](#) - Comprehensive Safety Plan)

(cf. [5136](#) - Gangs)

**Uniforms**

In order to promote student safety and discourage theft, peer rivalry and/or gang activity, the

Superintendent, staff and parents/guardians may establish a reasonable dress code requiring students to wear uniforms. Such a dress code may be included as part of the school safety plan and must be presented to the Board for approval. The Board shall approve the plan upon determining that it is necessary to protect the health and safety of the school's students.

If the school's plan to require uniforms is adopted, the Superintendent or designee shall establish procedures whereby parents/guardians may choose to have their children exempted from the school uniform policy. Students shall not be penalized academically, otherwise discriminated against or denied attendance to school if their parents/guardians so decide. (Education Code [35183](#))

The Superintendent or designee shall ensure that resources are identified to assist economically disadvantaged students in obtaining uniforms.

Legal Reference:

EDUCATION CODE

32281 School safety plans

35183 School dress codes; uniforms 35183.5 Sun-protective clothing

48907 Student exercise of free expression

49066 Grades; effect of physical education class apparel

CODE OF REGULATIONS, TITLE 5

302 Pupils to be neat and clean on entering school

COURT DECISIONS

Marvin H. Jeglin et al v. San Jacinto Unified School District et al, (C.D. Cal. 1993) 827 F.Supp. 1459

Arcadia Unified School District v. California Department of Education, (1992) 2 Cal. 4th 251 Hartzell v. Connell, (1984) 35 Cal. 3d 899

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adopted: June 27, 2017 El Centro, California

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Students are expected to attend school in clean, neat clothing. It is the mission of the school district not only to provide academic education but also to provide education in morals, manners, dress and grooming because these are elements of good citizenship. Research has shown that student dress and appearance affect student attitudes and conduct. These guidelines are intended to define "appropriate student attire" and personal grooming. Their purpose is to prevent disruption of the classroom atmosphere, enhance classroom decorum, eliminate disturbances among other students in attendance and minimize distraction of other students so as not to interfere with the educational process. It is also intended to help protect the health and welfare of the individual student.

All students shall abide by the following:

Hair shall be clean and neatly groomed. Aerosol cans of hair color are not permitted at school. Hair may not be sprayed with any coloring. Dyeing hair in a manner that may create a distraction is not acceptable.

Shoes must be worn at all times. For safety purposes sandals must have back straps. Thongs are not permitted.

Commercial lettering or printing will be allowed on shirts and sweatshirts as long as it is acceptable for school attire. Clothing and jewelry shall be free of writing, pictures or any other insignia which are crude, vulgar, profane, sexually suggestive, or which advocate negative racial, ethnic, or religious prejudice, or use of glorification of drugs or alcohol.

Hats, caps and other types of head covering shall not be worn inside buildings. Hats are not to be worn backwards.

Sunglasses are approved for campus wear, but not for the classroom.

All clothing shall be within the bounds of decency and good taste as appropriate for school. Garments shall be sufficient to conceal under-garments at all times.

a. Dress length shall be within the bounds of decency and good taste and not shorter than mid-thigh. b. Shorts may not be shorter than mid-thigh.

Shorts, pants, skirts shall have no writing across the seat area.

T-shirts and polo type shirts that are not tucked-in shall not extend below the pockets of pants or shorts. All other shirts should be worn with tails tucked-in.

No bare midriffs. As a test for appropriate length, have the student raise their arms above their head. If this reveals a bare midriff then the top is too short. No low-cut or revealing tops. No "off the shoulder" blouses. Tube tops, spaghetti strap tops, tank tops with narrow straps (all straps must be two inches or greater), halter tops and/or any strapless top or dress which reveal the midriff or breast are neither acceptable nor permitted. No under shirts shall be worn as outerwear.

No "see through" or "fish net" type of blouse or shirt may be worn. Boys must wear shirts at all times.



Ornamentation or jewelry, which pose a safety hazard, shall not be worn. This includes but not limited to, studded cuffs, hanging chains, bandanas, and sweatbands. Students shall not wear jewelry in pierced tongues, faces, or body parts other than ears.

i. Makeup should not be brought to school and should be applied at home.

#### Wearing of Shorts

Students will be allowed to wear Bermuda shorts, walking shorts or shorts of this type within the following guidelines:

Shorts must be hemmed and straight legged. The length of the shorts must be within the bounds of decency and in good taste as appropriate for school. If the shorts have slits or notches, tops of the slits or notches cannot be above mid-length. Wrap and/or thin nylon "see through" shorts are neither acceptable nor permitted. Shorts must be no shorter than mid-thigh and must be worn at the waist. Saggy shorts or shorts with length below the knee are not allowed.

Short shorts, or gym shorts, are absolutely not to be worn in school in classrooms other than P.E.

Shorts, which do not meet this criteria, are not allowed. Tops worn with shorts must adhere to the guidelines above.

#### Long Pants

Long pants are allowed for both girls and boys. The fullness must not interfere with the normal school activities and they must be clean and neat at all times. Students wearing overalls or other bib-type attire must have the straps buttoned appropriately and wear an acceptable shirt or blouse underneath. All long pants must be the proper waist size, length, and leg size:

The pants waist size must not be more than one inch bigger than the correctly measured student waist size. Pants cannot be gathered or drawn together at the waist and must not hang below the waist.

To check if the pants are oversized in the leg, take a measuring tape and pull the pants tight at the calf muscle. If the excess pants material that can be gathered up measures five (5) inches or more they are too big and are not acceptable for school.

Pant inseams must be appropriately sized for the student. Pant length should not touch or drag on the ground.

Belts must not be more than three (3) inches longer than the students measured waist size.

#### Gang Symbols and Gang Related Apparel

The Governing Board desires to keep district schools and students free from the threats or harmful influence of any groups or gangs which advocate drug use or disruptive behavior. "Gang Related Apparel" is defined in Education Code Section 35183 as apparel that, if worn or displayed on a school campus, reasonably could be determined to threaten the health and safety of the school environment. The Administration, therefore, prohibits the presence of any apparel, jewelry, accessory, notebook or manner of grooming which, by virtue of its color, arrangement, trademark or any other attribute, denotes membership in such a group. (i.e., wearing or possession of chains, rags, bandannas, stocking caps, long belts, baggy/oversized pants, cut off or saggy pants, pants worn very low below the waist, etc.)

Any student wearing or carrying overt gang paraphernalia or making gestures that symbolize gang membership shall be referred to the principal or vice principal.

Disciplinary problems shall be handled as individual problems and not labeled as gang problems. Legal Reference:

#### EDUCATION CODE

32281 School safety plans

35183 School dress codes; uniforms 35183.5 Sun-protective clothing

48907 Student exercise of free expression

49066 Grades; effect of physical education class apparel

#### CODE OF REGULATIONS, TITLE 5

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STUDENTS VIOLATING ANY PART OF THE DRESS CODE WILL BE ISSUED ONE WARNING AND SENT HOME TO CHANGE INTO APPROPRIATE CLOTHING OR BE ISSUED A SCHOOL TEE SHIRT, IF NECESSARY. THE SECOND AND SUBSEQUENT VIOLATION OF THE SAME NATURE WILL RESULT IN THE STUDENT BEING REFERRED TO THE PRINCIPAL FOR DISCIPLINE, WHICH SHALL INCLUDE SUSPENSION.

COACHES AND TEACHERS IN ACTIVITY CLASSES MAY IMPOSE MORE STRINGENT REQUIREMENTS (THAN THE ABOVE) CONSISTENT WITH THE NEEDS OF THE PARTICULAR SPORT AND/OR CLASS SAFETY.

Dear Parents;

Please discuss this policy with your children. Sign and return to your child's teacher.

I have read the above policy and understand the

(Students Name) dress code and the consequences for dress code violation/s. Parent Signature

Exhibit McCABE UNION ELEMENTARY SCHOOL DISTRICT

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Weapons And Dangerous Instruments

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

(cf. [0450](#) - Comprehensive Safety Plan)

(cf. 3515.3 - District Police/Security Department)

(cf. 5116.1 - Intradistrict Open Enrollment)

(cf. [5131](#) - Conduct)

(cf. 5138 - Conflict Resolution/Peer Mediation)

Possession of Weapons

The Board prohibits any student from possessing weapons, imitation firearms, or other dangerous instruments, as defined in law and administrative regulation, in school buildings, on school grounds or buses, at school-related or school-sponsored activities away from school, or while going to or coming from school.

Under the power granted to the Board to protect the safety of students, staff, and others on district property and to maintain order and discipline in the school, any school employee is authorized to confiscate any prohibited weapon, imitation firearm, or dangerous instrument from any student on school grounds.

(cf. [4158/4258/4358](#) - Employee Security)

Unless he/she has obtained prior written permission as specified below, a student possessing or threatening others with any weapon, dangerous instrument, or imitation firearm shall be subject to suspension and/or expulsion in accordance with law, Board policy, and administrative regulations.

(cf. 5144 - Discipline)

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

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

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

(cf. [3515.2](#) - Disruptions)

#### Reporting of Dangerous Objects

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

(cf. [5125](#) - Student Records)

The Superintendent or designee shall develop strategies designed to facilitate student reporting of the presence of injurious objects on school grounds, such as tip hotlines, electronic transmissions, or other methods that preserve the student's anonymity. Incident reports and records shall not identify the student who reported the possession. The Superintendent or designee also shall inform staff, students, and parents/guardians that students who report the presence of injurious objects on school campus are to be protected and their identity shielded.

Legal Reference:

#### EDUCATION CODE

35291 Governing board to prescribe rules for discipline of the schools

48900 Grounds for suspension/expulsion

48902 Notification of law enforcement authorities

Required recommendation for expulsions

Readmission

49330-49335 Injurious objects

#### PENAL CODE

245 Assault with deadly weapon

417.4 Imitation firearm; drawing or exhibiting

626.9 Gun-Free School Zone Act of 1995

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

653k Switchblade knife

16100-17350 Definitions

22810-23025 Tear gas weapon (pepper spray)

25200-25225 Firearms, access to children

30310 Prohibition against ammunition on school grounds

#### UNITED STATES CODE, TITLE 20

6301-7941 No Child Left Behind Act, especially:

7151 Gun-Free Schools Act Management Resources:

#### CSBA PUBLICATIONS

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

#### CALIFORNIA DEPARTMENT OF EDUCATION COMMUNICATIONS

0401.01 Protecting Student Identification in Reporting Injurious Objects

#### U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Guidance Concerning State and Local Responsibilities Under the Gun-Free Schools Act, January 2004

## WEB SITES

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

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

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

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

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

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Weapons And Dangerous Instruments

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Prohibited weapons and dangerous instruments include, but are not limited to: (Education Code [48915](#), [49330](#); Penal Code [626.10](#), 16100-17350, [30310](#))

Firearms: pistols, revolvers, shotguns, rifles, "zip guns," "stun guns," tasers, and any other device capable of propelling a projectile by the force of an explosion or other form of combustion

Ammunition or reloaded ammunition

Knives, razor blades, and box cutters: any dirks, daggers, ice picks, or other weapons with a fixed, sharpened blade fitted primarily for stabbing, weapons with a blade fitted primarily for stabbing, weapons with a blade longer than two and one-half inches, folding knives with a blade that locks into place, and razors with an unguarded blade

Explosive and/or incendiary devices: pipe bombs, time bombs, cap guns, containers of inflammable fluids, and other hazardous devices

Any instrument that expels a metallic projectile, such as a BB or a pellet, through the force of air pressure, carbon dioxide pressure, or spring action, or any spot marker gun

Any other dangerous device, instrument, or weapon, including those defined in Penal Code [12020](#), including a blackjack, slingshot, billy, nunchaku, sand club, sandbag, metal knuckles, or any metal plate with three or more radiating points with one or more sharp edges designed for use as a weapon

Any imitation firearm, defined as a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm

Any employee may take any weapon or dangerous instrument from the personal possession of a student while the student is on school premises or under the authority of the district. (Education Code [49331](#), [49332](#)) (cf. 5145.12 - Search and Seizure)

In determining whether to take possession of the weapon or dangerous instrument, the employee shall use his/her own judgment as to the dangerousness of the situation and, based upon this analysis, shall take one of the following actions:

Confiscate the object and deliver it to the principal immediately

Immediately notify the principal, who shall take appropriate action

Immediately notify the local law enforcement agency and the principal

(cf. [0450](#) - Comprehensive Safety Plan)

(cf. 3515.3 - District/Police Security Department)

(cf. [4158/4258/4358](#) - Employee Security)

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

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

The employee shall retain possession of the instrument until the risk of its use as a weapon has dissipated or, upon the request of the student's parent/guardian, until the parent/guardian appears and personally takes possession. (Education Code [49331](#), [49332](#))

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approved: June 27, 2017 El Centro, California

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Visitors/Outsiders

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The Board of Trustees believes that it is important for parents/guardians and community members to take an active interest in the issues affecting the district school and students. Therefore, the Board encourages interested parents/guardians and community members to visit the schools and participate in the educational program.

(cf. [1240](#) - Volunteer Assistance)

(cf. 5020 - Parent Rights and Responsibilities)

(cf. 6020 - Parent Involvement)

To ensure the safety of students and staff and minimize interruption of the instructional program, the Superintendent or designee shall establish procedures which facilitate visits during regular school days. Visits during school hours should be arranged with the Superintendent or designee. When a visit involves a conference with a teacher or the Superintendent, an appointment should be scheduled during noninstructional time.

(cf. 6116 - Classroom Interruptions)

Any person who is not a student or staff member shall register immediately upon entering any school building or grounds when school is in session.

(cf. [1112](#) - Media Relations)

The Superintendent or designee may provide a visible means of identification for all individuals who are not students or staff members while on school premises.

No electronic listening or recording device may be used by any person in a classroom without the teacher's and principal's permission. (Education Code [51512](#))

The Board encourages all individuals to assist in maintaining a safe and secure school environment by behaving in an orderly manner while on school grounds and by utilizing the district's complaint processes if they have concerns with any district program or employee. In accordance with Penal Code [626.7](#), the Superintendent or designee may request that any individual who is causing a disruption, including exhibiting volatile, hostile, aggressive, or offensive behavior, immediately leave school grounds.

(cf. [1312.1](#) - Complaints Concerning District Employees)

(cf. [1312.2](#) - Complaints Concerning Instructional Materials)

(cf. [1312.3](#) - Uniform Complaint Procedures)

(cf. [1312.4](#) - Williams Uniform Complaint Procedures)

(cf. 3515.2 - Disruptions)

Presence of Sex Offender on Campus

Any person who is required to register as a sex offender pursuant to Penal Code [290](#), including a parent/guardian of a district student, shall request written permission from the principal before entering the school campus or grounds. As necessary, the Superintendent shall consult with local law enforcement authorities before allowing the presence of any such person at school or other school activity.

The principal shall indicate on the written permission the date(s) and times for which permission has been granted. (Penal Code [626.81](#)) Legal Reference:

#### EDUCATION CODE

Willful disturbance of public school or meeting

Threatened disruption or interference with classes; misdemeanor

Classroom interruptions

35160 Authority of governing boards

35292 Visits to schools (board members)

49091.10 Parental right to inspect instructional materials and observe school activities

51101 Parent Rights Act of 2002

51512 Prohibited use of electronic listening or recording device

#### EVIDENCE CODE

1070 Refusal to disclose news source

#### LABOR CODE

230.8 Discharge or discrimination for taking time off to participate in child's educational activities

#### PENAL CODE

290 Sex offenders

626-626.10 Schools

626.81 Misdemeanor for registered sex offender to come onto school grounds 627-627.10 Access to school premises, especially:

627.1 Definitions

627.2 Necessity of registration by outsider

627.7 Misdemeanors; punishment

#### COURT DECISIONS

Reeves v. Rocklin Unified School District, (2003) 109 Cal.App.4th 652

#### ATTORNEY GENERAL OPINIONS

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

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The Superintendent or designee shall post at every entrance to the school and school grounds a notice describing registration requirements, school hours or hours during which registration is required, the registration location, the route to take to that location, and the penalties for violation of registration requirements. (Education Code [32211](#); Penal Code [627.6](#))

Unless otherwise directed by the Superintendent or designee, a staff member shall accompany visitors/outsideers while they are on school grounds.

#### Registration Procedure

In order to register, an outsider shall, upon request, furnish the Superintendent or designee with the following information: (Penal Code [627.3](#))

His/her name, address, and occupation

His/her age, if less than 21

His/her purpose for entering school grounds

Proof of identity

Other information consistent with the provisions of law

Superintendent's Registration Authority

The Superintendent or designee may refuse to register any outsider if he/she reasonably concludes that the individual's presence or acts would disrupt the school, students, or employees; would result in damage to property; or would result in the distribution or use of a controlled substance. The Superintendent or designee or school security officer may revoke any outsider's registration if he/she has a reasonable basis for concluding that the individual's presence on school grounds would interfere or is interfering with the peaceful conduct of school activities or would disrupt or is disrupting the school, students, or staff. (Penal Code [627.4](#)) (cf. 3515.2 - Disruptions)

(cf. 3515.3 - District Police/Security Department)

When an outsider fails to register, or when the Superintendent or designee denies or revokes an outsider's registration privileges, the Superintendent or designee may request that the individual promptly leave school grounds. When an outsider is directed to leave, the Superintendent or designee shall inform him/her that if he/she reenters the school within seven days he/she may be guilty of a misdemeanor subject to a fine and/or imprisonment. (Penal Code [627.7](#))

Appeal Procedure

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

(cf. [1312.1](#) - Complaints Concerning District Employees)

(cf. [1312.3](#) - Uniform Complaint Procedures)

Regulation McCABE UNION ELEMENTARY SCHOOL DISTRICT

approved: June 27, 2017 El Centro, California

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Sexual Harassment



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

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

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

(cf. [1312.1](#) - Complaints Concerning District Employees)

(cf. [5131](#) - Conduct)

(cf. [5131.2](#) - Bullying)

(cf. [5137](#) - Positive School Climate)

(cf. [5141.4](#) - Child Abuse Prevention and Reporting)

(cf. [5145.3](#) - Nondiscrimination/Harassment)

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

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

#### Instruction/Information

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

What acts and behavior constitute sexual harassment, including the fact that sexual harassment could occur between people of the same sex and could involve sexual violence

A clear message that students do not have to endure sexual harassment under any circumstance

Encouragement to report observed incidents of sexual harassment even where the alleged victim of the harassment has not complained

A clear message that student safety is the district's primary concern, and that any separate rule violation involving an alleged victim or any other person reporting a sexual harassment incident will be addressed separately and will not affect the manner in which the sexual harassment complaint will be received, investigated, or resolved

A clear message that, regardless of a complainant's noncompliance with the writing, timeline, or other formal filing requirements, every sexual harassment allegation that involves a student, whether as the complainant, respondent, or victim of the harassment, shall be investigated and prompt action shall be taken to stop any harassment, prevent recurrence, and address any continuing effect on students

Information about the district's procedure for investigating complaints and the person(s) to whom a report of sexual harassment should be made

Information about the rights of students and parents/guardians to file a civil or criminal complaint, as applicable, including the right to file a civil or criminal complaint while the district investigation of a sexual harassment complaint continues.

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

#### Complaint Process and Disciplinary Actions

Sexual harassment complaints by and against students shall be investigated and resolved in accordance with law and district procedures specified in AR 1312.3 - Uniform Complaint Procedures. The Superintendent is responsible for notifying students and parents/guardians that complaints of sexual harassment can be filed under AR 1312.3 and where to obtain a copy of the procedures.

(cf. [1312.3](#) - Uniform Complaint Procedures)

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

(cf. [5144](#) - Discipline)

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

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

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

(cf. [4117.7](#) - Employment Status Report)

(cf. [4118](#) - Dismissal/Suspension/Disciplinary Action)



(cf. [4218](#) - Dismissal/Suspension/Disciplinary Action)

(cf. [4119.11/4219.11/4319.11](#) - Sexual Harassment)

#### Record-Keeping

The Superintendent or designee shall maintain a record of all reported cases of sexual harassment to enable the district to monitor, address, and prevent repetitive harassing behavior in the district school. (cf. [3580](#) - District Records)

#### Legal Reference:

##### EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex 48900 Grounds for suspension or expulsion

48900.2 Additional grounds for suspension or expulsion; sexual harassment

48904 Liability of parent/guardian for willful student misconduct

48980 Notice at beginning of term

##### CIVIL CODE

51.9 Liability for sexual harassment; business, service and professional relationships

1714.1 Liability of parents/guardians for willful misconduct of minor

##### GOVERNMENT CODE

12950.1 Sexual harassment training

##### CODE OF REGULATIONS, TITLE 5

4600-4687 Uniform complaint procedures

4900-4965 Nondiscrimination in elementary and secondary education programs UNITED STATES CODE, TITLE 20

1221 Application of laws

1232g Family Educational Rights and Privacy Act

1681-1688 Title IX, discrimination

##### UNITED STATES CODE, TITLE 42

1983 Civil action for deprivation of rights

2000d-2000d-7 Title VI, Civil Rights Act of 1964

2000e-2000e-17 Title VII, Civil Rights Act of 1964 as amended

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

99.1-99.67 Family Educational Rights and Privacy

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

##### COURT DECISIONS

Donovan v. Poway Unified School District, (2008) 167 Cal.App.4th 567

Flores v. Morgan Hill Unified School District, (2003, 9th Cir.) 324 F.3d 1130 Reese v. Jefferson School District, (2001, 9th Cir.) 208 F.3d 736

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

Gebser v. Lago Vista Independent School District, (1998) 524 U.S. 274 Oona by Kate S. v. McCaffrey, (1998, 9th Cir.) 143 F.3d 473

Doe v. Petaluma City School District, (1995, 9th Cir.) 54 F.3d 1447 Management Resources:

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

Dear Colleague Letter: Transgender Students, May 2016

Examples of Policies and Emerging Practices for Supporting Transgender Students, May 2016

Dear Colleague Letter: Title IX Coordinators, April 2015

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Sexual Harassment: It's Not Academic, September 2008

Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, January 2001

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

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

Policy McCABE UNION ELEMENTARY SCHOOL DISTRICT

adopted: June 27, 2017 El Centro, California

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Sexual Harassment



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The district designates the following individual(s) as the responsible employee(s) to coordinate its efforts to comply with Title IX of the Education Amendments of 1972 and California Education Code [234.1](#), as well as to investigate and resolve sexual harassment complaints under AR 1312.3 - Uniform Complaint Procedures. The coordinator/compliance officer(s) may be contacted at:

Superintendent or Designee 701 W. McCabe Road

El Centro, CA 92243

(760) 335-5200

(cf. [1312.3](#) - Uniform Complaint Procedures)

Prohibited sexual harassment includes, but is not limited to, unwelcome sexual advances, unwanted requests for sexual favors, or other unwanted verbal, visual, or physical conduct of a sexual nature made against another person of the same or opposite sex in the educational setting, under any of the following conditions: (Education Code [212.5](#); 5 CCR [4916](#))

Submission to the conduct is explicitly or implicitly made a term or condition of a student's academic status or progress.

Submission to or rejection of the conduct by a student is used as the basis for academic decisions affecting the student.

The conduct has the purpose or effect of having a negative impact on the student's academic performance or of creating an intimidating, hostile, or offensive educational environment.

Submission to or rejection of the conduct by the student is used as the basis for any decision affecting the student regarding benefits and services, honors, programs, or activities available at or through any district program or activity. (cf. [5131](#) - Conduct)

(cf. [5131.2](#) - Bullying)

(cf. [5137](#) - Positive School Climate)

(cf. [5145.3](#) - Nondiscrimination/Harassment)

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

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

Unwelcome leering, sexual flirtations, or propositions

Unwelcome sexual slurs, epithets, threats, verbal abuse, derogatory comments, or sexually degrading descriptions

Graphic verbal comments about an individual's body or overly personal conversation

Sexual jokes, derogatory posters, notes, stories, cartoons, drawings, pictures, obscene gestures, or computer-generated images of a sexual nature

Spreading sexual rumors

Teasing or sexual remarks about students enrolled in a predominantly single-sex class

Massaging, grabbing, fondling, stroking, or brushing the body

Touching an individual's body or clothes in a sexual way

Impeding or blocking movements or any physical interference with school activities when directed at an individual on the basis of sex

Displaying sexually suggestive objects

Sexual assault, sexual battery, or sexual coercion

Electronic communications containing comments, words, or images described above

Any prohibited conduct that occurs off campus or outside of school-related or school-sponsored programs or activities will be regarded as sexual harassment in violation of district policy if it has a continuing effect on or creates a hostile school environment for the complainant or victim of the conduct.

Reporting Process and Complaint Investigation and Resolution

Any student who believes that he/she has been subjected to sexual harassment by another student, an employee, or a third party or who has witnessed sexual harassment is strongly encouraged to report the incident to his/her teacher, the principal, or any other available school employee. Within one school day of receiving such a report, the school employee shall forward the report to the principal or the district's compliance officer identified in AR 1312.3. In addition, any school employee who observes an incident of sexual harassment involving a student shall, within one school day, report his/her observation to the principal or a district compliance officer. The employee shall take these actions, whether or not the alleged victim files a complaint.

When a report or complaint of sexual harassment involves off-campus conduct, the principal shall assess whether the conduct may create or contribute to the creation of a hostile school environment. If he/she determines that a hostile environment may be created, the complaint shall be investigated and resolved in the same manner as if the prohibited conduct occurred at school.

When a verbal or informal report of sexual harassment is submitted, the principal or compliance officer shall inform the student or parent/guardian of the right to file a formal written complaint in accordance with the district's uniform complaint procedures. Regardless of whether a formal complaint is filed, the principal or compliance officer shall take steps to investigate the allegations and, if sexual harassment is found, shall take prompt action to stop it, prevent recurrence, and address any continuing effects.

If a complaint of sexual harassment is initially submitted to the principal, he/she shall, within two school days, forward the report to the compliance officer to initiate investigation of the complaint. The compliance officer shall contact the complainant and investigate and resolve the complaint in accordance with law and district procedures specified in AR 1312.3.

In investigating a sexual harassment complaint, evidence of past sexual relationships of the victim shall not be considered, except to the extent that such evidence may relate to the victim's prior relationship with the respondent.

In any case of sexual harassment involving the principal, compliance officer, or any other person to whom the incident would ordinarily be reported or filed, the report may instead be submitted to the Superintendent or designee who shall determine who will investigate the complaint.

(cf. [5141.4](#) - Child Abuse Prevention and Reporting)

Confidentiality

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

However, when a complainant or victim of sexual harassment notifies the district of the harassment but requests confidentiality, the compliance officer shall inform him/her that the request may limit the district's ability to investigate the harassment or take other necessary action. When honoring a request for confidentiality, the district will nevertheless take all reasonable steps to investigate and respond to the complaint consistent with the request.

When a complainant or victim of sexual harassment notifies the district of the harassment but requests that the district not pursue an investigation, the district will determine whether or not it can honor such a request while still providing a safe and nondiscriminatory environment for all students.

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

(cf. [5125](#) - Student Records)

#### Response Pending Investigation

When an incident of sexual harassment is reported, the principal or designee, in consultation with the compliance officer, shall determine whether interim measures are necessary pending the results of the investigation. The principal/designee or compliance officer shall take immediate measures necessary to stop the harassment and protect students and/or ensure their access to the educational program. To the extent possible, such interim measures shall not disadvantage the complainant or victim of the alleged harassment. Interim measures may include placing the individuals involved in separate classes or transferring a student to a class taught by a different teacher, in accordance with law and Board policy.

The school should notify the individual who was harassed of his/her options to avoid contact with the alleged harasser and allow the complainant to change academic and extracurricular arrangements as appropriate. The school should also ensure that the complainant is aware of the resources and assistance, such as counseling, that are available to him/her. As appropriate, such actions shall be considered even when a student chooses to not file a formal complaint or the sexual harassment occurs off school grounds or outside school-sponsored or school-related programs or activities.

#### Notifications

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

Be included in the notifications that are sent to parents/guardians at the beginning of each school year (Education Code [48980](#); 5 CCR [4917](#))

(cf. [5145.6](#) - Parental Notifications)

Be displayed in a prominent location in the main administrative building or other area where notices of district rules, regulations, procedures, and standards of conduct are posted (Education Code [231.5](#))

A copy of the district's sexual harassment policy and regulation shall be posted on district and school web sites and, when available, on district-supported social media.

(cf. [1113](#) - District and School Web Sites)

(cf. [1114](#) - District-Sponsored Social Media)

Be provided as part of any orientation program conducted for new students at the beginning of each quarter, semester, or summer session (Education Code [231.5](#))

Appear in any school or district publication that sets forth the school's or district's comprehensive rules, regulations, procedures, and standards of conduct (Education Code [231.5](#))

Regulation McCABE UNION ELEMENTARY SCHOOL DISTRICT

approved: June 27, 2017 El Centro, California

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#### Bullying

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The Board of Trustees recognizes the harmful effects of bullying on student learning and school attendance and

desires to provide safe school environments that protect students from physical and emotional harm. District employees shall establish student safety as a high priority and shall not tolerate bullying of any student.

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

(cf. [5131](#) - Conduct)

(cf. [5136](#) - Gangs)

(cf. 5145.3 - Nondiscrimination/Harassment) (cf. 5145.7 - Sexual Harassment)

(cf. 5145.9 - Hate-Motivated Behavior)

Cyberbullying includes the creation or transmission of harassing communications, direct threats, or other harmful texts, sounds, or images on the Internet, social media, or other technologies using a telephone, computer, or any wireless communication device. Cyberbullying also includes breaking into another person's electronic account and assuming that person's identity in order to damage that person's reputation.

(cf. 5145.2 - Freedom of Speech/Expression)

Strategies for addressing bullying in the district school shall be developed with involvement of key stakeholders, including students, parents/guardians, and staff, and may be incorporated into the comprehensive safety plan, the local control and accountability plan, and other applicable district and school plans.

(cf. [0420](#) - School Plans/Site Councils)

(cf. [0450](#) - Comprehensive Safety Plan)

(cf. [0460](#) - Local Control and Accountability Plan)

(cf. 1220 - Citizen Advisory Committees)

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

(cf. 6020 - Parent Involvement)

As appropriate, the Superintendent or designee may collaborate with law enforcement, courts, social services, mental health services, other agencies, and community organizations in the development and implementation of joint strategies to promote safety in the school and the community and to provide services for alleged victims and perpetrators of bullying.

(cf. [1020](#) - Youth Services)

#### Bullying Prevention

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

(cf. [5137](#) - Positive School Climate)

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

(cf. 6142.8 - Comprehensive Health Education)

(cf. 6142.94 - History-Social Science Instruction) (cf. 6163.4 - Student Use of Technology)

Staff shall receive related professional development, including information about early warning signs of harassing/intimidating behaviors and effective response.

(cf. [4131](#) - Staff Development) (cf. [4231](#) - Staff Development)

(cf. [4331](#) - Staff Development)

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

## Intervention

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

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

When appropriate based on the severity or pervasiveness of the bullying, the Superintendent or designee shall notify the parents/guardians of victims and perpetrators and may contact law enforcement.

The Superintendent, principal, or principal's designee may refer a victim, witness, perpetrator, or other student affected by an act of bullying to a school counselor, school psychologist, social worker, child welfare attendance personnel, school nurse, or other school support service personnel for case

management, counseling, and/or participation in a restorative justice program as appropriate. (Education Code [48900.9](#))

(cf. 6164.2 - Guidance/Counseling Services)

## Reporting and Filing of Complaints

Any student, parent/guardian, or other individual who believes that a student has been subjected to bullying or who has witnessed bullying may report the incident to a teacher, the principal, a compliance officer, or any other available school employee. Within one business day of receiving such a report, a staff member shall notify the principal of the report, whether or not a uniform complaint is filed. In addition, any school employee who observes an incident of bullying involving a student shall, within one business day, report his/her observation to the principal or a district compliance officer, whether or not the alleged victim files a complaint.

Within two business days of receiving a report of bullying, the principal shall notify the district compliance officer identified in AR 1312.3 - Uniform Complaint Procedures.

(cf. [1312.3](#) - Uniform Complaint Procedures)

When the circumstances involve cyberbullying, individuals with information about the activity shall be encouraged to save and print any electronic or digital messages that they feel constitute cyberbullying and to notify a teacher, the principal, or other employee so that the matter may be investigated. When a student uses a social networking site or service to bully or harass another student, the Superintendent or designee may file a request with the networking site or service to suspend the privileges of the student and to have the material removed.

When a report of bullying is submitted, the principal or a district compliance officer shall inform the student or parent/guardian of the right to file a formal written complaint in accordance with AR 1312.3. The student who is the alleged victim of the bullying shall be given an opportunity to describe the incident, identify witnesses who may have relevant information, and provide other evidence of bullying.

## Investigation and Resolution of Complaints

Any complaint of bullying shall be investigated and, if determined to be discriminatory, resolved in accordance with law and the district's uniform complaint procedures specified in AR 1312.3.

If, during the investigation, it is determined that a complaint is about nondiscriminatory bullying, the principal or designee shall inform the complainant and shall take all necessary actions to resolve the complaint.

## Discipline

Corrective actions for a student who commits an act of bullying of any type may include counseling, behavioral intervention and education, and, if the behavior is severe or pervasive as defined in Education Code [48900](#), may include suspension or expulsion in accordance with district policies and regulations.

(cf. 5138 - Conflict Resolution/Peer Mediation)

(cf. 5144 - Discipline)

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

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

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

Any employee who permits or engages in bullying or retaliation related to bullying shall be subject to disciplinary action, up to and including dismissal.

(cf. [4118](#) - Dismissal/Suspension/Disciplinary Action)

(cf. [4119.21/4219.21/4319.21](#) - Professional Standards)

(cf. [4218](#) - Dismissal/Suspension/Disciplinary Action)

Legal Reference:

#### EDUCATION CODE

200-262.4 Prohibition of discrimination

32282 Comprehensive safety plan

32283.5 Bullying; online training

35181 Governing board policy on responsibilities of students

35291-35291.5 Rules

48900-48925 Suspension or expulsion

48985 Translation of notices

52060-52077 Local control and accountability plan

#### PENAL CODE

422.55 Definition of hate crime

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

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

653.2 Electronic communication devices, threats to safety

#### CODE OF REGULATIONS, TITLE 5

4600-4687 Uniform complaint procedures UNITED STATES CODE, TITLE 47

254 Universal service discounts (e-rate)

#### CODE OF FEDERAL REGULATIONS, TITLE 28

35.107 Nondiscrimination on basis of disability; complaints

#### CODE OF FEDERAL REGULATIONS, TITLE 34

104.7 Designation of responsible employee for Section 504

106.8 Designation of responsible employee for Title IX

110.25 Notification of nondiscrimination on the basis of age

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

Common Sense Media: <http://www.common Sense Media.org>

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

ON[the]LINE, digital citizenship resources: <http://www.onthelineca.org>

U.S. Department of Education: <http://www.ed.gov>

Policy McCABE UNION ELEMENTARY SCHOOL DISTRICT

adopted: June 27, 2017 El Centro, California

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

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

(cf. [3515](#) - Campus Security)

(cf. [3515.2](#) - Disruptions)

(cf. [5030](#) - Student Wellness)

(cf. [5131.4](#) - Student Disturbances)

(cf. 5142 - Safety)

(cf. 5145.3 - Nondiscrimination/Harassment)

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

(cf. [4119.21/4219.21/4319.21](#) - Professional Standards)

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

(cf. [0450](#) - Comprehensive Safety Plan)

(cf. [3513.3](#) - Tobacco-Free Schools)

(cf. [4020](#) - Drug and Alcohol-Free Workplace)

(cf. [5131](#) - Conduct)

(cf. [5131.1](#) - Bus Conduct)

(cf. [5131.6](#) - Alcohol and Drugs)

(cf. [5131.7](#) - Weapons and Dangerous Instruments)

(cf. [5136](#) - Gangs)

(cf. 5144 - Discipline)

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



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

(cf. 5145.2 - Freedom of Speech/Expression)

(cf. 5145.7 - Sexual Harassment)

(cf. 5145.9 - Hate-Motivated Behavior)

The district's curriculum shall include age-appropriate character education which includes, but is not limited to, the principles of equality, human dignity, mutual respect, fairness, honesty, and citizenship. Teachers are encouraged to employ cooperative learning strategies that foster positive interactions in the classroom among students from diverse backgrounds.

(cf. [5131.9](#) - Academic Honesty)

(cf. 6141 - Curriculum Development and Evaluation)

(cf. 6142.94 - History/Social Science Instruction)

(cf. 6142.3 - Civic Education)

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

(cf. 6161.1 - Selection and Evaluation of Instructional Materials)

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

(cf. [1240](#) - Volunteer Assistance)

(cf. [5126](#) - Awards for Achievement)

(cf. [5131.5](#) - Vandalism and Graffiti)

(cf. 5148.2 - Before/After School Programs)

(cf. 6020 - Parent Involvement)

(cf. 6145 - Extracurricular and Cocurricular Activities)

(cf. 6145.5 - Student Organizations and Equal Access)

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

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

(cf. 5138 - Conflict Resolution/Peer Mediation)

(cf. 6164.2 - Guidance/Counseling Services)

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

(cf. [4131](#) - Staff Development)

(cf. [4231](#) - Staff Development) (cf. [4331](#) - Staff Development) Legal Reference:

EDUCATION CODE

233-233.8 Hate violence prevention

32280-32289 School safety plans

32295.5 Teen court programs

35181 Governing board policy on responsibilities of students

35291-35291.5 Rules

44807 Teachers' duty concerning conduct of students

48900-48925 Suspension and expulsion Management Resources:

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California Department of Education, Learning Support: <http://www.cde.ca.gov/lr>

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

U.S. Department of Education, Office of Safe and Drug-Free Schools: <http://www.ed.gov/offices/OESE/SDFS>

Policy McCABE UNION ELEMENTARY SCHOOL DISTRICT

adopted: June 27, 2017 El Centro, California



## Student Release / Reunification Request and Verification

Completed by Parent/Requester	<p>Student Last Name: _____ Student First Name: _____</p> <p>Grade: _____ Teacher: _____</p> <p>Name (First and Last) of Person Picking up Student: _____</p> <p>Relationship to Student: _____</p>
Completed by Staff	<p>Emergency Card / Release To Verification: YES NO</p> <p>Photo ID / Driver's License Verification: <input type="checkbox"/></p> <p>Other Information: _____</p>

## Telephone Bomb Threat Checklist

Instructions: Remain calm and be courteous with the caller. Do not interrupt the caller. Pretend you can't hear the caller and try to keep them talking. Fill out the form with as much information as possible.

Date	Time of Call	Caller's Phone Number
Sex of Caller: M/F	Approximate Age	
What was the exact wording of the threat:		

1. When will the bomb explode?
2. Where is the bomb now?
3. What does the bomb look like?
4. What kind of bomb is it?
5. What will cause the bomb to explode?
6. Did you place the bomb? If so, Why?
7. What is your name?

**Describe the caller's voice (circle any that apply):**

calm                      lisp                      deep                      soft                      angry                      crying  
slow                      loud                      excited                      normal                      raspy                      distinct  
nasal                      stutter                      cracking                      laughing                      slurred                      accented  
ragged                      deep                      breathing                      other:

**Was the voice familiar to you?      Y \ N**

Like whom?

**Describe the threat language (circle any that apply):**

well-spoken                      foul                      incoherent                      message read  
serious                      irrational                      other: \_\_\_\_\_

**Describe any background noise (circle any that apply):**

street                      long-distance                      clear                      music                      office                      local  
factory                      motor                      house                      static                      voices                      animals  
other: \_\_\_\_\_

<b>Your Name</b>	<b>Your Phone Number</b>
<b>Your Position</b>	<b>Date of Report</b>

This form should be reproduced and placed by all phone.  
McCabe Union Elementary School District

## SUSPECTED CHILD ABUSE REPORT

To Be Completed by **Mandated Child Abuse Reporters**  
Pursuant to Penal Code Section 11166

CASE NAME: \_\_\_\_\_

**PLEASE PRINT OR TYPE**

CASE NUMBER: \_\_\_\_\_

<b>A. REPORTING PARTY</b>	NAME OF MANDATED REPORTER		TITLE		MANDATED REPORTER CATEGORY			
	REPORTER'S BUSINESS/AGENCY NAME AND ADDRESS Street City Zip					DID MANDATED REPORTER WITNESS THE INCIDENT? <input type="checkbox"/> YES <input type="checkbox"/> NO		
	REPORTER'S TELEPHONE (DAYTIME) ( )		SIGNATURE		TODAY'S DATE			
<b>B. REPORT NOTIFICATION</b>	<input type="checkbox"/> LAW ENFORCEMENT <input type="checkbox"/> COUNTY PROBATION		AGENCY					
	<input type="checkbox"/> COUNTY WELFARE / CPS (Child Protective Services)		ADDRESS Street City Zip					
	OFFICIAL CONTACTED - TITLE					DATE/TIME OF PHONE CALL		
<b>C. VICTIM One Report Per Victim</b>	NAME (LAST, FIRST, MIDDLE)				BIRTHDATE OR APPROX. AGE		SEX	ETHNICITY
	ADDRESS Street City Zip					TELEPHONE ( )		
	PRESENT LOCATION OF VICTIM				SCHOOL		CLASS	GRADE
	PHYSICALLY DISABLED? <input type="checkbox"/> YES <input type="checkbox"/> NO		DEVELOPMENTALLY DISABLED? <input type="checkbox"/> YES <input type="checkbox"/> NO		OTHER DISABILITY (SPECIFY)		PRIMARY LANGUAGE SPOKEN IN HOME	
	IN FOSTER CARE? <input type="checkbox"/> YES <input type="checkbox"/> NO		IF VICTIM WAS IN OUT-OF-HOME CARE AT TIME OF INCIDENT, CHECK TYPE OF CARE: <input type="checkbox"/> DAY CARE <input type="checkbox"/> CHILD CARE CENTER <input type="checkbox"/> FOSTER FAMILY HOME <input type="checkbox"/> FAMILY FRIEND <input type="checkbox"/> GROUP HOME OR INSTITUTION <input type="checkbox"/> RELATIVE'S HOME				TYPE OF ABUSE (CHECK ONE OR MORE) <input type="checkbox"/> PHYSICAL <input type="checkbox"/> MENTAL <input type="checkbox"/> SEXUAL <input type="checkbox"/> NEGLECT <input type="checkbox"/> OTHER (SPECIFY)	
	RELATIONSHIP TO SUSPECT				PHOTO'S TAKEN? <input type="checkbox"/> YES <input type="checkbox"/> NO		DID THE INCIDENT RESULT IN THIS VICTIM'S DEATH? <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNK	
<b>D. INVOLVED PARTIES</b>	VICTIMS SIBLINGS							
	NAME		BIRTHDATE		SEX		ETHNICITY	
	1. _____		3. _____		2. _____		4. _____	
	VICTIMS PARENTS/GUARDIANS							
NAME (LAST, FIRST, MIDDLE)				BIRTHDATE OR APPROX. AGE		SEX	ETHNICITY	
ADDRESS Street City Zip			HOME PHONE ( )		BUSINESS PHONE ( )			
NAME (LAST, FIRST, MIDDLE)				BIRTHDATE OR APPROX. AGE		SEX	ETHNICITY	
ADDRESS Street City Zip			HOME PHONE ( )		BUSINESS PHONE ( )			
<b>SUSPECT</b>	SUSPECT'S NAME (LAST, FIRST, MIDDLE)				BIRTHDATE OR APPROX. AGE		SEX	ETHNICITY
	ADDRESS Street City Zip			HOME PHONE ( )		BUSINESS PHONE ( )		
	OTHER RELEVANT INFORMATION							
<b>E. INCIDENT INFORMATION</b>	IF NECESSARY, ATTACH EXTRA SHEET(S) OR OTHER FORM(S) AND CHECK THIS BOX <input type="checkbox"/> IF MULTIPLE VICTIMS, INDICATE NUMBER: _____							
	DATE / TIME OF INCIDENT				PLACE OF INCIDENT			
	NARRATIVE DESCRIPTION (What victim(s) said/what the mandated reporter observed/what person accompanying the victim(s) said/similar or past incidents involving the victim(s) or suspect)							

SS 8572 (Rev. 12/02)

**DEFINITIONS AND INSTRUCTIONS ON REVERSE**

**DO NOT** submit a copy of this form to the Department of Justice (DOJ). The investigating agency is required under Penal Code Section 11169 to submit to DOJ a Child Abuse Investigation Report Form SS 8583 if (1) an active investigation was conducted and (2) the incident was determined not to be unfounded.

WHITE COPY-Police or Sheriff's Department; BLUE COPY-County Welfare or Probation Department; GREEN COPY-District Attorney's Office; YELLOW COPY-Reporting Party

**DEFINITIONS AND GENERAL INSTRUCTIONS FOR COMPLETION OF FORM SS 8572**

All Penal Code (PC) references are located in Article 2.5 of the PC. This article is known as the Child Abuse and Neglect Reporting Act (CANRA). The provisions of CANRA may be viewed at: <http://www.leginfo.ca.gov/calaw.html> (specify "Penal Code" and search for Sections 11164-11174.3). A mandated reporter must complete and submit the form SS 8572 even if some of the requested information is not known. (PC Section 11167(a).)

**I. MANDATED CHILD ABUSE REPORTERS**

- Mandated child abuse reporters include all those individuals and entities listed in PC Section 11165.7.

**II. TO WHOM REPORTS ARE TO BE MADE ("DESIGNATED AGENCIES")**

- Reports of suspected child abuse or neglect shall be made by mandated reporters to any police department or sheriff's department (not including a school district police or security department), the county probation department (if designated by the county to receive mandated reports), or the county welfare department. (PC Section 11165.9.)

**III. REPORTING RESPONSIBILITIES**

- Any mandated reporter who has knowledge of or observes a child, in his or her professional capacity or within the scope of his or her employment, whom he or she knows or reasonably suspects has been the victim of child abuse or neglect shall report such suspected incident of abuse or neglect to a designated agency immediately or as soon as practically possible by telephone and shall prepare and send a written report thereof *within 36 hours* of receiving the information concerning the incident. (PC Section 11166(a).)
- No mandated reporter who reports a suspected incident of child abuse or neglect shall be held civilly or criminally liable for any report required or authorized by CANRA. Any other person reporting a known or suspected incident of child abuse or neglect shall not incur civil or criminal liability as a result of any report authorized by CANRA unless it can be proven the report was false and the person knew it was false or made the report with reckless disregard of its truth or falsity. (PC Section 11172(a).)

**IV. INSTRUCTIONS**

- SECTION A - REPORTING PARTY:** Enter the mandated reporter's name, title, category (from PC Section 11165.7), business/agency name and address, daytime telephone number, and today's date. Check yes-no whether the mandated reporter witnessed the incident. The signature area is for either the mandated reporter or, if the report is telephoned in by the mandated reporter, the person taking the telephoned report.

**IV. INSTRUCTIONS (Continued)**

- SECTION B - REPORT NOTIFICATION:** Complete the name and address of the designated agency notified, the date/time of the phone call, and the name, title, and telephone number of the official contacted.
- SECTION C - VICTIM (One Report per Victim):** Enter the victim's name, address, telephone number, birth date or approximate age, sex, ethnicity, present location, and, where applicable, enter the school, class (indicate the teacher's name or room number), and grade. List the primary language spoken in the victim's home. Check the appropriate yes-no box to indicate whether the victim may have a developmental disability or physical disability and specify any other apparent disability. Check the appropriate yes-no box to indicate whether the victim is in foster care, and check the appropriate box to indicate the type of care if the victim was in out-of-home care. Check the appropriate box to indicate the type of abuse. List the victim's relationship to the suspect. Check the appropriate yes-no box to indicate whether photos of the injuries were taken. Check the appropriate box to indicate whether the incident resulted in the victim's death.
- SECTION D - INVOLVED PARTIES:** Enter the requested information for: Victim's Siblings, Victim's Parents/Guardians, and Suspect. Attach extra sheet(s) if needed (provide the requested information for each individual on the attached sheet(s)).
- SECTION E - INCIDENT INFORMATION:** If multiple victims, indicate the number and submit a form for each victim. Enter date/time and place of the incident. Provide a narrative of the incident. Attach extra sheet(s) if needed.

**V. DISTRIBUTION**

- Reporting Party:** After completing Form SS 8572, retain the yellow copy for your records and submit the top three copies to the designated agency.
- Designated Agency:** *Within 36 hours* of receipt of Form SS 8572, send **white copy** to police or sheriff's department, **blue copy** to county welfare or probation department, and **green copy** to district attorney's office.

**ETHNICITY CODES**

1 Alaskan Native	6 Caribbean	11 Guamanian	16 Korean	22 Polynesian	27 White-Armenian
2 American Indian	7 Central American	12 Hawaiian	17 Laotian	23 Samoan	28 White-Central American
3 Asian Indian	8 Chinese	13 Hispanic	18 Mexican	24 South American	29 White-European
4 Black	9 Ethiopian	14 Hmong	19 Other Asian	25 Vietnamese	30 White-Middle Eastern
5 Cambodian	10 Filipino	15 Japanese	21 Other Pacific Islander	26 White	31 White-Romanian

 OSP 03 74570





## Clear Zone Verification

Verify all zones are cleared and all classes' attendance has been verified. CIRCLE if CLEAR:    McCabe      Corfman

Zone/Grade Level	ALL CLEAR	Name of Missing Student	Student Last Seen or Suspected Whereabouts
McCabe 1			
McCabe 2			
McCabe 3			
McCabe 4			
Corfman 1			
Corfman 2			
Corfman 3			
Corfman 4			
Corfman 5			
TK/Kinder			
1 <sup>st</sup>			
2 <sup>nd</sup>			
3 <sup>rd</sup>			
4 <sup>th</sup>			
5 <sup>th</sup>			
6 <sup>th</sup>			
7 <sup>th</sup>			
8 <sup>th</sup>			

Form Completed By: \_\_\_\_\_ Date: \_\_\_\_\_